

DELEGATED OFFICER REPORT:**Application Ref:** F/23/94881**Site Address:** 33-34 VICTORIA ROAD, NETLEY ABBEY, SOUTHAMPTON, SO31 5DG**Case Officer:** Clare Martin

Description: Change of use and subdivision of building to create 2no. commercial units (Class E) on ground floor and 3no. one bed flats split over ground and first floor with bin and cycle storage and external alterations. The existing building contains 1no. commercial unit (Class E) on ground floor and 1no. two bed flat on first floor.

Particular Site Constraints?	Yes ☒	No ☐
• Within Urban Edge • Within Local Centre • Within Netley Conservation Area • SW Sewer Buffer • Within New Forest SAC 13.8km Buffer • Within Solent Mitigation and Disturbance Buffer		

Planning History?	Yes ☐	No ☒
There are no applications relevant to current proposal		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☒
Representations:	<u>2 letters of objection</u> • The area does not need an additional five flats. • This will impact the already over subscribed parking in the area. More flats will put pressure on parking on Chamberlayne/ Victoria/ New Road and offers nothing to enhance the local area. • Should be turned into a community asset, a new shop, something to bring people into the area.		
Environmental Health: (summarised)	<u>Comment</u> – (based on additional environmental survey) The survey of odour indicates not an adverse impact but a smell that could be described as favourably pleasant and fleeting. Whether or not such smells are favourable in an occupant's opinion is likely to vary. The odour intensity is one to two units, occasionally three. Regarding the noise, this was found to be elevated and probability exceeding noise limits on the rear façade. We agree it is not right to seal windows shut and therefore in situations like theses we seek ventilation from a non-impacted location, and this includes away from extract odours and gases. This is usually delivered via a mechanical system. The windows to the rear side would be sound insulated glazing units. If you consider on balance in favour to grant planning permission, please include for sound insulation and mechanical ventilation. We would ask for the front façade to be considered for sound insulation		

	and ventilation as well as the rear if it is not already sufficient with windows open.
Transport Officer: (summarised)	<u>Comment (3/7/23)</u> <i>Parking</i> I've had a look through the parking survey, and in terms of parking I would say that the development proposals would be acceptable. The commercial element of the site is already in place, and the related parking is short stay, high turnover, so I can't see an issue in this regard. In terms of the residential parking, proposals are to increase dwellings from 1 to 3, all of which in accordance to the EBC Parking Standards will have an unallocated parking requirement of 1.0 spaces per dwelling. Considering one dwelling is already in place, the standards stipulate that an additional 2 parking spaces would be required, and the parking surveys show this to be available within very close proximity on Victoria Road outside of Netley Court. Additionally further parking is available within a 200m (reasonable) walk. As such, I'd have no concerns in regard to this particular development, but would suggest that any further developments of similar type (no on-site parking provided) undergo the same style of test as at some point in the future, additional development will result in parking reaching its limit. <u>No Objection (9/5/23)</u> <i>Access:</i> Access in and out of the site from the highway is unchanged by the proposals. <i>Servicing:</i> Deliveries for the commercial units will continue to be from Victoria Road, unchanged from the current situation. <i>Refuse:</i> In regard to refuse collections however, the need for this will obviously change with the potential of increased bins for both the commercial and residential increase. There is adequate space for the storage of these bins to the rear of the site, and it is outlined that they will be collected from New Road. However. it is not clear where bins will be positioned on refuse collection day, which will need to be agreed with Eastleigh's direct services. It may be that they need to be located closer to New Road in a non-obstructive location. <i>Parking:</i> Commercial parking will continue to be short stay / fast turnover parking on Victoria Road (replicating the current situation), in terms of residential parking none is proposed. Whilst there are local bus stops, and a low level of retail and employment opportunities which could assist sustainable travel options, given the general location of the site it would be anticipated that car ownership would still occur with future residents.

	Historically there have been parking issues raised in the local vicinity, and as such any additional parking need could exacerbate this situation. As such, it would be recommended that the Case Officer requests a parking stress survey of the 'Lambeth Test' style of methodology. This will outline the likelihood of any excess parking in the area that could be utilised by future residents if required.
Natural England:	<u>Objection</u> (based on habitat regulations assessment) We consider it will have an adverse effect on the integrity of The New Forest Special Protection Area (SPA), Special Areas of Conservation (SAC), and Ramsar. <u>New Forest</u> We have concerns with various elements of the Eastleigh Borough Council interim new forest mitigation strategy and do not consider it precautionary enough <u>Solent Special Protection Area</u> No objection to the bird aware mitigation strategy. <u>Nitrogen Budget and Mitigation</u> Eastleigh Borough Council should be assured and satisfied that the site areas used in the nutrient calculation are correct and that the existing land uses are accurate and appropriately precautionary. No objection is raised to the Eastleigh Brough Council's Nutrient Neutrality Offset Scheme providing these measures can be secured, together with long term management and maintenance to ensure effective mitigation for the lifetime of the development.
Parish Council:	<u>Objection</u> • Ground floor flat would have very limited natural day light, and could have therefore an impact on the wellbeing of the occupiers • Lack of parking in the area.
Built Heritage Consultant:	<u>No objection</u> This has evidently been well researched to produce an entirely suitable and befitting solution, largely restoring the shop fronts to their original format, enhancing this part of the conservation area, which would be further helped by changing the first floor windows as well. It is not really surprising that the Co-Op vacated this premises with another so close and the size is not really suitable for anything other than that use in this position. Smaller units will have some chance of success but will need to have the residential elements to achieve some return to enable the building to be maintained and the ghastly blanked-off frontage to come alive again. A return to the frontage being two units with central doorways is to be welcomed and one hopes the first floor windows can be restored to their original format too.
Direct Services	<u>No response provided</u>

Site Visit:	Yes ☒	No ☐
Details: 3 rd May & 7 th June		

Pre-commencement Conditions:	Yes ☒	No ☐
Details: Email from agent agreeing conditions (Rob Wiles dated 12/7/23)		

Proposal:

The proposal involves:

- converting the large ground floor commercial unit at the front of the site into two smaller units.
- converting the storage space behind the commercial unit into 1no. ground floor one bed flat.
- converting the two-bed apartment on first floor into 2no. one bed flats.

Legislation:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

Where the building is located in a Conservation Area, Section 72(1) of the Act states:

"In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

Policy:

National Planning Policy Framework Planning Practice Guidance

Development Plan:

The Eastleigh Borough Local Plan 2016-2036 The most relevant policies are Strategic policies S1 (delivering sustainable development), S2 (approach to new development) & S8 (historic environment); and Development Management policies DM1 (general development), DM11(nature conservation), DM12 (heritage assets), DM14(car parking) & DM30 (internal space standards).

Supplementary Planning Documents:

Quality Places; Residential Parking Standards & Character Area Appraisals.

Assessment:

Principle

The site is within the urban edge where the principle of development is acceptable, subject to the details complying with the relevant planning policies.

The site is also within a local centre, where policy aims to secure a strong core of retail uses. In this case the ground floor Class E (commercial, business and service) use is being retained. However, the space will be split into two smaller units, which better reflects business needs within local centres. As such it should be easier to rent the two smaller units, which has been empty since September 2018 when the site was vacated by the Co-op.

Conservation Area - Character and Appearance

The site is part of a larger Victorian building in the middle of the commercial heart of Netley, which would have comprised small individual shops. At some point two of the units were amalgamated to form the current large retail premise. The building has now been vacant and boarded up for a long time, and in its current state detracts from the appearance of the local centre and Netley Conservation Area.

The proposal has a good level of detailing and will restore the shop front to their original format so is supported by the Built Heritage Consultant. The development would result in a significant improvement over the current building, particularly as smaller units should be easier to rent out and so bring the blanked off frontage into life again.

The dwellings at the rear of the site would be accessed of a back service alley where the small adjustments to windows and doors will not have a material impact on the character of the conservation area.

Living Conditions

Although the two first floor flats will be small units (at 37m²), there living areas are located at the front of the building where they will be well lit with a good outlook. The ground floor one bed flat is slightly bigger at 42m² and has a reasonable outlook over the landscaping. All of the dwellings meet the nationally described space standards for one bed one person units.

The flats have access to a small outdoor area at the rear of the building, which comprises cycle and bin storage and landscaping. The two first floor flats also have shared access to an existing first floor rear terrace, which will allow some space to sit outside. The dwellings are also in easy walking distance of Victoria Road Park and Netley waterfront

The residential properties will be located in close proximity to commercial uses including a couple of takeaways, garage and dry cleaners. A preliminary noise and odour assessment has been submitted with the application which concludes that there is some low level odour from the takeaways. The first floor dwelling would also be impacted by noise from the nearby dry cleaners and fish and chip shop (during their operational hours) and so will require a mechanical ventilation system. An acoustic buffer has been added between the commercial unit and ground floor dwelling behind to reduce noise transfer and additional sound proofing maybe required as part of the building control process.

Residential Amenity

Only minor external works are required to convert the building, mainly altering the fenestration at the rear of the building and shop front/ rear doors for the commercial units. The existing first floor terrace is already in place and will serve two smaller dwelling rather than the existing two bed flat. There are also a number of existing first floor dwellings, some with terraces, in the neighbouring buildings.

The development accords with guidance set out in the 'Quality Places' SPD in that there will be no unacceptable impact on the amenity of the neighbouring properties in terms of loss of privacy, light or outlook.

Car Parking and Highways

Commercial parking should be similar to the current unit when it was operating i.e. short stay and a fast turnover of spaces at the front of the site along Victoria Road. However, no car parking spaces have been provided for the residential units, which will increase from one dwelling to three dwellings.

Whilst there are local bus stops, and a low level of retail and employment opportunities which could assist sustainable travel options, given the general location of the site it would

be anticipated that car ownership would still occur with future residents. An issue that has been raised by third parties. In response a car parking survey has been submitted which shows that there is still some capacity for an additional two cars within close proximity to the site. As such no objection has been raised by the Transport Officer.

In terms of servicing, deliveries for the commercial units will continue to be from Victoria Road. Bin storage is provided at the back of the site and collection will be from the rear service alley or New Road as per the current arrangement.

Trees and Ecology

The proposal will not have an adverse impact upon trees or other natural features worthy of retention.

Impact of SPA:

Recreational Disturbance

The site is within both the 5.6km catchment area for the Solent Special Protection Area and Ramsar Site and the 13.8km catchment area for the New Forest Special Protection Area. It is recognised that new housing developments within these catchment areas are likely to result in additional visitors to these protected sites. In order to mitigate for this impact the developer has paid a contribution towards the Solent Recreation Mitigation Strategy (which manages visitors to the coastline) and the Council's New Forest Mitigation Strategy (which provides Suitable Alternative Natural Green Spaces within the borough and funds a ranger post within the New Forest).

Nutrients

The site is within the impact zone for nitrogen, which has been shown to have a determinantal impact on the water quality of the River Itchen SPA. A nutrient budget has been submitted for the development and this has a positive output for nitrogen. The applicant intends to use the Eastleigh Borough Council scheme to mitigate for these increases and this will be secured by a pre- occupation condition.

An appropriate assessment under the habitat regulations has been completed for the development and Natural England have confirmed that the Council's nitrogen mitigation is acceptable. Natural England are comfortable with the Solent Recreation Mitigation Strategy but have objected to the Council's New Forest Mitigation Strategy. However, the Local Planning Authority, as competent authority, is content that the New Forest Migration Strategy is acceptable and delivers the appropriate levels of mitigation. The formal twenty one day notification of permission has been given to Natural England and this has now expired.

Equalities Act:

Section 149 of the Equalities Act 2010 created the public sector equality duty.

Section 149 (1) states:

A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups.

It is considered that this application does not raise any equality implications.

Climate Change:

In July 2019, the Council declared a Climate Change and Environmental Emergency. In doing so it agreed, among other things, to: (a) put in place measures to ensure the Council's own operations and functions achieve carbon neutrality by 2025; (b) work with partners to aim for all projects and services delivered in the Borough to achieve carbon neutrality by 2030; (c) ensure that the Council's procurement policy recognises carbon neutrality as one of its primary considerations; and (d) recognise the urgency of action to mitigate and adapt to climate change in every decision taken by the Council. This is underpinned by the Climate and Environment Emergency Strategy 2020–2030 and the supporting Climate and Environmental Emergency Action Plan – Update June 2020.

The declaration of the Climate Change and Environmental Emergency demonstrates a strong commitment from the Council to achieve net zero. The NPPF, development plan and emerging plan policy do not set this as a specific target, but it is a material consideration to be considered alongside all other material considerations. In any case addressing climate change is a core part of the NPPF and emerging plan policy. The need to support the economy is part of the Strategic Environmental Assessment for the Emerging Local Plan, as is an assessment of climate impacts.

The NPPF aims for the need for housing to be met, and Policy S2 of the Adopted Local Plan sets a target for 14,580 dwellings to be provided by 2036. The NPPF, Saved, Policies S1, DM2 and DM3 of the Adopted Local Plan and energy and water elements of the adopted Environmentally Sustainable Development SPD require development to be sustainable in terms of resource use, climate change and energy use. When considering the impact of climate change, the proposed development is expected to be resilient to the potential effects of climate change and is expected to reduce/limit impacts on climate emissions as a result of the development or its use.

Conclusion:

Recommendation:

PERMIT ☒**REFUSE** ☐

Comments ...