

DELEGATED OFFICER REPORT:**Application Ref:** F/23/94825**Site Address:** 24 STATION ROAD, NETLEY ABBEY, SOUTHAMPTON, SO31 5AF**Case Officer:** Clare Martin

Description: Installation of 3no. picnic benches, grey decking and 1.12m high glass balustrade to existing patio next to Station Road. Installation of 1no. door and 2no. windows on north western elevation.

Particular Site Constraints?	Yes ☒	No ☐
• Within Built-up Area Boundary • Within Netley Local Centre		

Planning History?	Yes ☐	No ☒
Details ...		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☐
Representations: (summarised)	9 representations were received comprising eight objections and one comment letter. The representations raised the following points: • Proposal would encourage customers to use the outdoor space and add to the existing noise, disturbance and anti-social behaviour from the club late into the evening. • Reinstating the front door would increase noise from the club when patrons entering and leaving the premises, especially when DJ's and other entertainment is going on. • As a compromise there should be a curfew for the outdoor area, windows should remain shut and no outdoor entertainment should be allow on the terrace. • The proposal would improve the appearance of the club and its Station Road frontage. <u>Local Planning Authority Response</u> Comments and noted and the issues raised will be considered in the assessment section.		
Applicant's response	An email from the Applicant was received indicating examples of outdoor areas on similar uses within Netley. Netley Victoria Workman's club in Victoria Rd had many outside tables and seating that was bang in the middle of a residential area and given permission by EBC for use up to 8.00 pm at night and the Prince Consort Pub and restaurant also in Victoria Rd has many outside tables and chairs used by 40 customers plus up to late at night that is in a residential area and with old age pensioners flats opposite there is also a cafe 20meters from the Netley Central Club in Station Rd with outside seating that is also in the middle of a residential area and the Cottage public House that also has outside tables and seating.		

	<u>Local Planning Authority Response</u> The examples given are within different parts of Netley and will have their own site characteristics that will be different from the application site. Furthermore, we have had no recent planning application relating to any examples given and the beer gardens for the two pubs these are likely to have been long standing features. In relation to the outdoor seating area at Netley Victoria Workman's club this may have been provided during the Covid epidemic and no evidence remains of this area.
Parish Council:	<u>No objection</u>, but Members have asked that the below application was refer to LAC with the following recommendations: • Opening time of the patio area to be stipulated as part of the application, the patio area to be closed from 8.30pm. • CCTV to be in operation to cover the patio area. • Access to the patio is only via the inside of the main building and no access to be granted directly from the street.
Environmental Health:	<u>Objection</u> The proposal is for a seating area located to the front of the building onto Station Road and facing the existing residential dwellings located opposite. Given the purpose to which it is proposed to be used, and the need for access from that area into the club for access, we are concerned at the potential for adverse noise impact from the use of the area and breakout noise form the club when in use and on the residential properties opposite the club. We have reviewed the Noise Management Plan provided however this does not demonstrate that noise will be effectively managed or controlled to avoid significant adverse effects, nor how adverse impacts will be minimised. For the reasons given above we have significant reservations about the principle of the development and also that the applicant has not demonstrated an adequate understanding of the noise impacts likely to arise, nor provided information demonstrating how any such impacts would be managed to acceptable levels. On this basis we do not support the development. The consultation response goes onto talk about planning in relation to the other enforcement regimes.
Transport Officer:	<u>No objection</u> - The decking will not affect the adjacent footways or have any impact upon highway visibility.

Site Visit:	Yes ☒	No ☐
Details: Carried out 3/5/23		

Pre-commencement Conditions:	Yes ☐	No ☒
Details:		

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."

Policy:

National Planning Policy Framework Planning Practice Guidance

Development Plan:

Strategic Policies

- S1 (Sustainable Development)
- S2 (Approach to Development)

Development Management policies:

- DM1 (General Development Criteria)
- DM8 (Pollution)
- DM36 (Community, Leisure and Cultural Facilities)

Supplementary Planning Documents:

Quality Places & Character Area Appraisals.

Assessment:

Principle

Netley Sports and Social Club has a membership of about 270 people many of whom live in the local area. The proposal is to improve the facilities at the existing club by updating the appearance of the building and enhancing the existing front patio to create a new seating area.

The development is supported by Policy DM36, which looks to permit new community facilities and extensions to existing community facilities within local centres. The site is also within the urban edge where the principle of development is acceptable, subject to the details according with the relevant planning policies as set out below.

Character and Appearance

Policy DM1(c) requires development to take full and proper account of the context of the site including the character and appearance of the locality and be well integrated in terms of mass, scale, materials, layout, density, design and siting, both in itself and in relation to adjoining buildings, spaces and views.

The existing building is in a poor state of repair. The render on the building is beginning to peel and has water marks, and the patio area at the front is discoloured and broken in places with weeds growing through. In its current state the site detracts from the otherwise pleasant appearance of Station Road and Netley Village Centre.

The proposal involves repainting the exterior of the building and replacing the windows, including creating two new ground floor windows on the front elevation to allow more light to enter the club. This will significantly improve the external appearance of the building, bringing it up to a good standard and have a positive impact upon the character of Station Road

The second part of the proposal is to reinstate the front door and renovate the existing patio to create a useable outdoor area with three picnic benches for club members to use. The area will be re-surfaced in grey decking and enclosed by a 1.12m high glass balustrade, which follows the line of front walls on the neighbouring houses. The

renovation of existing patio will bring life back into the neglected space at the front of the building, improving its setting and that of Netley village centre.

The proposal would therefore have a positive impact upon the character and appearance of the local area in accordance with Policy DM1.

Residential Amenity

The site is on the edge of Netley Village Centre with a row of semi-detached houses directly to the north and a block of flats on the opposite side of Station Road. Policies DM1 & DM8 require new development to not have an unacceptable impact upon residential amenity (in terms of overlooking, outlook, daylight or noise).

The proposed physical changes to the building and patio are not considered to have a significant impact upon the outlook, daylight or privacy of the adjoining residential properties. The most notable issue is that the proposed renovation of the patio and installation of seating will encourage club members to spend more time outside the front of the premise, particularly during good weather.

While the outdoor area will accommodate three picnic benches there is, nevertheless, lots of space for club members to stand outside chatting and adding to the noise disturbance. Noise from inside the club will also be heard every time the proposed front door opens for people to access the outside area. This has the potential to increase the existing level of noise and general disturbance, to the detriment of the amenity of nearby residents. An issue which has been raised in some of the third-party letters.

In response, the social club have agreed to put additional measures in place to minimise the noise from club members using the outdoor seating area, including installing CCTV, having the outdoor area only accessible from inside of the club and closing the area at 8.30pm. While these measures would help the CCTV system would only be as effective as the people monitoring it and couldn't be relied upon to prevent noise nuisance. Furthermore, closing the area at 8.30pm would still leave a number of hours where noise disturbance has the potential to cause significant nuisance to nearby residents, particularly from rowdier club members or those who have been drinking for a while. The noise from people using the outdoor space would be reflected off the buildings large facade amplifying noise disturbance for the flats on the opposite side of the road.

The site is very close to residential properties and while there are shops close by the immediate vicinity is not characterised by establishments with outdoor drinking areas. Given the existing noise environment, disturbance from people using the outdoor space would be particularly obtrusive within this area and an objection has been raised by the Council's Environmental Health Officer.

There are no clear solutions to mitigate for the noise disturbance and tall screening is not an option given the outdoor areas prominent location within Station Road.

It is considered that the development would conflict with Policies DM1 & DM8, as it would have an unacceptable noise impact upon nearby residential properties.

Other Considerations

- The deck area will not affect the adjacent footways or have any impact upon highway visibility. No objection has been raised by the Transport Officer.
- There will be no adverse impact upon trees or other natural features worthy of retention.
- There are no likely significant impacts on the SPA.

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 Environment 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 ☒

While it is recognised that the proposed development would improve facilities for the existing social club and provide a positive benefit to the visual appearance Station Road, it is considered that the significant detrimental impact the proposal would have on the amenity of nearby residents outweigh the other benefits of the scheme. The proposal is therefore recommended for refusal.