

DELEGATED OFFICER REPORT:**Application Ref:** PN/23/96241**Site Address:** 33-34 VICTORIA ROAD, NETLEY ABBEY, SOUTHAMPTON, SO31 5DG**Case Officer:** Clare Martin**Description:** Prior notification application under Class MA for the partial conversion of the ground floor from 1no. commercial unit (Class E) to 2no. dwellings (Class C3). A smaller commercial unit will be retained at the front of the property.

Particular Site Constraints?	Yes ☒	No ☐
• Within the urban edge • Within Netley Abbey conservation area • Within HRA screening area • Within Solent mitigation and disturbance zone • Within New Forest mitigation and disturbance zone • Within nutrient neutrality catchment area – nitrogen		

Planning History?	Yes ☒	No ☐
• F/23/9488 - 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 – Permitted (19/7/23)		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☒
Representations:	None		
Built Heritage Consultant:	<u>No Objection</u> The retention of two shop fronts, be it one or two units within, is the best outcome for the frontage of this site and small domestic units behind in the existing structure, are a small price to pay in order to achieve it from a historical perspective, particularly as the unit has lain empty for so long. One hopes that the first floor windows can be returned to their original format too.		
Transport Officer:	<u>No Objection</u> ACCESS: Access in and out of the site from the highway is unchanged by the proposals. SERVICING: Deliveries for the commercial unit will continue to be from Victoria Road, unchanged from the current situation. 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. Whilst there is adequate space for the storage of these bins to the rear of the site as shown on plans, and it is outlined within the Design & Access Statement that they will be		

	collected from New Road, it is not clear where they will be positioned on bin collection day. This should be on site to prevent footway blockage, however it may be prudent for the Case Officer to check with the EBC Direct Services teams as to whether this is an acceptable location for them. It may be that they need to be located closer to New Road in a non-obstructive location. PARKING: In terms of the parking quantum, this will be for EBC to consider in their role as Local Parking Authority, where the EBC Parking Standards should be adhered to. It is noted however, that whilst 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, and historically there have been parking issues raised in the local vicinity. It is noted however that the Design & Access Statement refers to a Lambeth 'Style' Parking Stress survey that was undertaken for associated application F/23/94881 relatively recently - 25 and 29 June 2023. If utilised for this current application as suggested (though it has not been submitted as part of this application), it outlines how it is anticipated there is sufficient formal non-obstructive road parking within the local area that could cater for the parking needs of the proposed residential dwellings.
Environmental Health:	NOISE: I suggest that that the noise conditions from F/23/94881 are applied. CONTAMINATED LAND: In terms of the amenity space, this is so small with little open ground that any contamination risks are small.
Parish Council:	No objection

Site Visit:	Yes ☒	No ☐
Details: Carried out 7 th November 2023		

Pre-commencement Conditions:	Yes ☒	No ☐
Details:		

Legislation:
The Town & Country Planning (General Permitted Development) (England) Order 2015 (Amendment) Part 3 of Schedule 2, Class MA grants planning permission for a change of use from Class E (commercial, business or service) to residential, subject to certain exceptions, limitations and conditions. Under this act the developer must apply to the Local Planning Authority, before starting development, to determine whether the prior approval of the authority will be required, and if so whether this is granted by the LPA. The matters to be considered under the prior approval are:

- a) transport impacts of the development, particularly to ensure safe site access;
- b) contamination risks in relation to the building;
- c) flooding risks in relation to the building;
- d) impacts of noise from commercial premises on the intended occupiers of the development;
- e) the impact of the ground floor change of use on the character and sustainability of the conversation area;
- f) the provision of adequate light in all habitable rooms of the dwellinghouse;
- g) *not applicable as site is not within an industrial area*
- h) *not applicable as current use is not a nursery or health facility*
- i) *not applicable as development as a fire risk condition is not required.*

Eligibility:

The building is eligible for a Class MA prior notification application as:

- The building has been vacant for a continuous period of at least three months immediately prior to the date of the application. According to the design and access statement the building has been vacant since September 2018, and was vacant in July 2023 when the site visit was undertaken for the previous planning application.
- The building was last used as a convenience store (Class E), operating from at least August 2009 until September 2018.
- The cumulative floorspace of the building is approximately 216m², which is well under the 1,500m² limit.
- The building, and its curtilage, is not within a site of special scientific interest, listed building, scheduled monument, in a safety hazard area, military explosives storage area, in an area of outstanding natural beauty, in a national park, within an area specified by the secretary of state or under an agricultural tenancy.

Proposal:

The prior notification application is to divide up the existing ground floor commercial unit (of 144m²) into 2no. studio flats, with access onto a small courtyard comprising cycle and bin storage and landscaping. A smaller commercial unit (of 52m²) will be retained at the front of the building next to Victoria Road.

The proposal follows an earlier planning permission which allowed the ground floor of the building to be converted into two smaller commercial units at the front with 1no. one bed flat behind again with the same rear courtyard. The permission also included converting the single residential unit on the first floor into 2no. one bedroomed flats.

Policy:

National Planning Policy Framework Planning Practice Guidance

Paragraph W(10) of Schedule 2 Part 3 of the GPDO requires that in assessing this Prior Approval application, the LPA must take into account any representations made to it on the proposals by neighbours or by relevant consultees and must have regard to the NPPF where relevant to the subject matter of the Prior Approval. The NPPF re-iterates that planning law requires that applications for planning permission be determined in accordance with the development plan, and consequently those policies of the adopted Local Plans that are relevant to the subject matter of the Prior Approval are cited here and have been taken into consideration in the assessment of the application.

Development Plan:

The Eastleigh Borough Local Plan 2016-2036 The most relevant policies are Strategic policies S1 and S2; and Development Management policies DM1, DM5, DM8, DM12, DM13 and DM14.

Supplementary Planning Documents:

Quality Places; Residential Parking Standards; Netley Abbey Conservation Area Appraisal.

Assessment:**A) Transport Impacts**

The size of the commercial unit has been reduced and therefore it would be expected that customer vehicular trips would likely be lower under the proposal compared to the previous convenience store. Customer parking trips are likely to be short stay, high turnover, for which there is some capacity along Victoria Road.

The proposal will also introduce 2no. studio flats at the back of the unit, and this could be implemented alongside an additional one bed flat on the first floor (permitted under F/23/9488). While one bed flats could have two occupants, a studio flat is more likely to be occupied by a single person, so the proposal could result in up to four additional residents at the property.

The site is located within central Netley, which has local transport links and some employment opportunities. However, given the general location of the site it would be anticipated that car ownership would still occur with future residents. The proposal doesn't include any on site car parking, although cycle storage is provided.

In response a Lambeth 'Style' Parking Stress survey was undertaken earlier this year as part of the planning permission. While it is acknowledged that the area has a high level of cars parking on the roads, the survey shows there is some formal non-obstructive road parking available within the local area that could cater for the parking needs of the proposed residential dwellings. No objection has been raised by the Transport Officer on this basis.

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

B) Contamination Risks

The conversion involves above ground works only, although a small courtyard will be created at the rear. The courtyard has little open ground and therefore any contamination risks are low.

C) Flooding

The site is within Flood Zone 1 and the introduction of ground floor residential units should not create a significant flood risk.

D) Commercial Noise

There is potential for the studio flats to be impacted by noise from the commercial unit at the front of the site as well as some additional noise impacts from the takeaways, garage

and dry cleaners within the nearby properties. However, the principle of a residential property at the back of the site has already been accepted through the previous planning permission (subject to conditions), for which a noise and odour assessment was provided.

The residential properties are laid out with the combined living area/ bedroom at the rear and the less noise sensitive rooms (shower room and kitchen) next to the commercial unit. There will also be a new cavity wall with acoustic treatment installed between the residential and commercial units to lower noise transmission.

E) Impact on the Netley Abbey Conservation Area

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 prior approval development would result in an 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. It is understood that any alterations to the building's façade will come through a separate application as the prior approval process does not allow for these changes.

F) Light to Habitable Rooms

The two residential units are narrow and deep and natural daylight will not be able to penetrate the kitchen and shower rooms at the end of the studio apartments. However, the two units have been arranged with their main living area to the rear where each has a northeast facing window allowing the residents some limited daylight in their properties. For the southern unit this daylight is supplemented by a central rooflight providing extra light into the middle of the unit. On balance the proposed residential dwellings are considered acceptable in terms of daylight.

Impact of SPA:

Conservation of Habitats and Species Regulations 2017:

Under Regulation 77 of the Habitat Regulations, development which would be permitted by a Development Order, and which would be likely to have a significant effect on a European site or a European off-shore marine site, (in this case, through additional nitrates loading on the waste water system) must not commence until the Local Planning Authority has given its written approval for the development and appropriate mitigation has been secured against the developments for its harmful impacts on the European Protected Site. The applicant is required to submit a separate Regulation 77 application to the LPA to secure this mitigation.

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 ...