

DELEGATED OFFICER REPORT:**Application Ref:** F/24/96741**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 2no. one bed flats on first floor with bin and cycle storage and external alterations.

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 ☐
• F/23/94881 - 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 (July 2023) • PN/23/96241 - 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 – Granted (December 2023)		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☒
Representations:	None		
Built Heritage Consultant:	<u>No Objection</u> As with all the other applications for this site my main concern is the treatment of the front elevation and getting the building back into use to keep it healthy. The return to two small retail units is to be welcomed, particularly as they are to have traditional frontages in keeping with their original look but it would be even better if the first floor windows could be changed too to look more like Victorian sashes as originally installed.		
Parish Council:	No objection		
Environmental Health: (from previous application – F/23/94881)	No response provided for current application <u>Previous comments – No objection</u> 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 these 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.
HCC Transport Officer: (from previous application – F/23/94881)	No response provided for current application <u>Parking</u> 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. Access: Access in and out of the site from the highway is unchanged by the proposals. Servicing: Deliveries for the commercial units will continue to be from Victoria Road, unchanged from the current situation. Refuse: 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.
Natural England:	<u>Objection</u> (based on habitat regulations assessment)

(from previous application – F/23/94881)	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.
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Site Visit:	Yes ☒	No ☐
Details: Carried out as part of previous application.		

Pre-commencement Conditions:	Yes ☒	No ☐
Details: Email from agent agreeing noise pre-commencement condition		

Legislation:
Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:- <i>"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."</i> The site also lies within a Conservation Area and Section 72(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states: <i>"In the exercise, with respect to any buildings or other land in the 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".)</i>

Policy:
National Planning Policy Framework Planning Practice Guidance Development Plan: The <u>Eastleigh Borough Local Plan 2016-2036</u> 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.

Proposal and Site History:

Planning Permission F/23/94881

Planning permission has already been granted to split up the existing vacant commercial unit on the ground floor into 2no. Class E commercial units at the front and 1no. one bed flat at the rear. The permission also included dividing the existing single residential unit on the first floor into 2no. one bedroom flats.

Prior Notification Consent PN/23/96241

Consent was later given to create 2no. one bed flats on the ground floor, which would replace the single flat at the back of the building permitted under F/23/94881. The proposal involved a reduction in the size of the commercial area at the front, which would become one single Class E unit rather than two. No changes to the first floor were included within the prior notification consent.

Current Planning Application

It is the Applicant's intention to implement the prior notification consent for the 2no. one bed units at the rear of the ground floor (PN/23/96241) and so this element is outside of the current planning application. The current proposal covers the remaining commercial area at the front of the site (of 52m²), which would be further split into 2no. Class E commercial units (of 20m² & 24m²).

The residential unit on first floor would be divided into 2no. one-bedroom flats, which was previously approved under planning application F/23/94881. As such the proposal does not involve an increase in the size or number of residential units over that previously approved.

Assessment:

Principle

The site is within Netley local centre, where policy aims to secure a strong core of retail uses. The current large ground floor commercial unit has been empty since September 2018 when the site was vacated by the Co-op. The proposal retains the ground floor Class E use (commercial, business and service), but the space at the front of the property will be split into two smaller units. It is anticipated that the lower rent of the units will provide more choice within the Netley local centre.

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

Character, Appearance and Impact upon 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 original units were amalgamated to form the large retail premise. The proposed reinstatement of two commercial units at the front will bring the building closer to its original form and the design retains the traditional frontage. As such no objection has been raised by the Built Heritage Consultant.

The smaller commercial units should also be easier to let than the current large premises and so will enable the buildings blanked off frontage to come into life again, enhancing the conservation area and contributing to the vitality and viability of the local centre.

Car Parking and Highways (for Commercial Use_

The division of the single commercial unit into two smaller units should not generate significantly more vehicular trips than under the current arrangement. There is existing parking provision for short stay a fast turnover of spaces at the front of the site along Victoria Road. The shopping parade primarily serves the local community and so there will be some customers who choose to walk or cycle or combine journeys with other nearby commercial uses.

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.

Residential Accommodation

The proposal does not include any changes to the upper floor residential properties, which were approved under F/23/94881. There have also not been any material changes in the direction of planning policy or changes in the site circumstances to warrant an alternative decision. Therefore the original assessment on the residential accommodation is still applicable, as set out below.

Living Conditions

The existing first floor residence will be divided up to create two flats. While these are small units (at 37m²) their living areas are located at the front of the building where they will be well lit with a good outlook. The dwellings meet the nationally described space standards for one bed one person units. The dwellings also have access to an existing shared first floor rear terrace, which will allow some space to sit outside, and on site cycle and bin storage is provided at the rear of the building.

The residential properties will be 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 previous 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. The preliminary report has been reviewed by the Environmental Health Officer and no objection raised subject to a detailed noise assessment being agreed through a pre-commencement condition. Further mitigation would also be required between the proposed commercial uses and ground floor flats secured under the prior notification consent.

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 dwellings 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

There are no significant changes between the current proposal and previous planning permission, which accepted the conversion of the first floor into two flats without their own car parking as there was no space for this to be accommodate on the site.

During the previous application it was acknowledged that there are local bus stops, and a low level of retail and employment opportunities which could assist sustainable travel options. However, given the general location of the site it would be anticipated that car ownership would still occur with future residents.

In response, a car parking survey was submitted which showed that there is still some on road capacity for additional cars generated by the development within close proximity to the site. As such the Transport Officer did not object to the previous planning application and there is no reason to believe that this situation has changed since the permission last July.

Trees and Ecology

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

Impact of SPA:

An appropriate assessment under the habitat regulations was carried out as part of the previous planning application for the first floor residential units. The current proposal does not result in an increase in the size or number of residential units above that already allowed under the previous planning permission. There have been no significant changes in planning policy or the site circumstances since the previous planning permission was issued in July 2023 and therefore the previous HRA (and Natural England's previous response) are considered applicable to the current application.

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 was completed for the previous development and this was sent to Natural England who raised no objection to the use of the Council's nitrogen mitigation scheme.

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).

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 was given to Natural England as part of the previous application

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 ☐
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Comments ...
