

DELEGATED OFFICER REPORT:**Application Ref:** F/24/96663**Site Address:** THE OLD STABLES, 7 WINCHESTER STREET, BOTLEY,
SOUTHAMPTON, SO30 2EB**Case Officer:** Clare Martin**Description:** Change of use from offices to 1no. two bedroom dwelling with associated external alterations and extension of drop kerb

Particular Site Constraints?	Yes ☒	No ☐
• Inside Urban Edge • Within Botley Conservation Area • Adjacent to Grade II Listed Buildings (3 & 5 Winchester Street to South and 7 Winchester Street to North) • Within Solent Mitigation and Disturbance Zone • With New Forest Buffer • Nutrient Neutrality Catchment Area – Nitrogen		

Planning History?	Yes ☒	No ☐
<u>Application Site</u> • C/31996 – Change of use from A1 (retail) to A2 (financial and professional services) – Permitted (May 1993) • F/19/84955 - Change of use from office (Class A2) to residential dwellinghouse (Class C3), erection of boundary fence to the rear – Withdrawn (April 2019) <u>7 Winchester Street (adjacent)</u> • C/10/67715 – Change of use from Office to Dwellinghouse – Permitted (Nov 2010)		

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	<u>2 letters of objection (5 Winchester Street)</u> • The dwelling would have no garden. • Inadequate parking provision (only provide 1 space) and Winchester Road has limited on street parking. • Overlooking into no.7 Winchester Street. • The property is on the plot of a listed building (7 Winchester Street) and therefore should be included under that listed building. The listing includes the front wall. Building also affects the setting of no's 5 & 7 Winchester Street which are both listed buildings. • Removal of the front wall may have an effect on the structural integrity of the listed building it is attached to. • The drainage would be inadequate to support another residential property. • Disruption during building works. • Increase in noise levels as would be occupied full time. We can currently hear the occupants of the office moving about during business hours. • The Old Stables was never intended to be a residential property. It's always been used as an office based commercial premises and could continue to be so. <u>Local Planning Authority Response</u>		

	• Comments regarding the garden, car parking, impact on neighbours and listed building are note and these issues are discussed in the assessment section. • The developments impact upon the structural integratory is not a material planning consideration and drainage information is not required for change of use applications. • The building works associated with the change of use application would be relatively minor and it would be unreasonable to impose conditions on the building works. • The site is within a predominantly residential area close to central Netley. In this location it is unlikely that the residential use would cause an unacceptable level of disturbance to neighbouring residents. • The existing commercial has no planning policy protections and the Local Planning Authority is not able to insist that the premise remains in a office use.
Built Hertiage Consultant:	<u>Holding Objection</u> – some revision of details are necessary CONTEXT No.7 Winchester Street is one of eight listed buildings in this lower part of the street, most of which are in zone 4 of the Botley Conservation Area. No. 7 is List Entry Number 1111963 Grade II listed on 14th. February 1983 and identified as :- <i>'Early C19. Two storeys. Formerly a symmetrical façade of 3 windows, but with slightly later extension of 2 windows on the north side (with side entrance to second dwelling). Red tile-hipped roof, with brick dentil eaveses. Brick walling in blue headers with red flush quoins, panels and high plinth. Sashes in reveals (one widened grounf floor window). Doorcase with broken pediment and thin pilasters, enclosing arched doorway.'</i> The Historic England website says opposite the official list entry 'Unless the List entry states otherwise, it includes both the structure itself and any object or structure fixed to it (whether inside or outside) as well as any object or structure within the curtilage of the building. For these purposes, to be included within the curtilage of the building, the object or structure must have formed part of the land since before 1st. July 1948.' The list entry does not state otherwise, so the Stables are a curtilage building requiring LBC. Listing includes the boundary treatment of the property, in this case the wall across the front of the stable yard which is obviously an adjunct to Winchester House itself which has been in the same ownership of Polson Solicitors for many years if not now. In any event any change to this structure affects the setting of two listed buildings, No.5 against which it is built and No.7 for which it would have been built. PROPOSAL The principle of this building being changed from office use to dwelling is no problem from a building conservation viewpoint, however some of the details are. The change of two doorways to timber windows to match existing is acceptable but the large area of timber boarding where perhaps a garage opening was crudely made detracts from both properties and would be better made back into matching brickwork while forming the new openings. This new window should be timber to match the others.

	The virtual complete removal of the front boundary wall is not acceptable and while no new opening would be the ideal, a reduced width of opening would be acceptable. Retain the left hand portion behind the telegraph pole and some on the other side too. What is at the moment is a mere gesture ruining the concept of a yard. Any form of fencing along the blue line through the yard would not be acceptable as this and the cobbled finish are an important part of the setting of the main house.
Transport Officer (HCC):	<u>No objection</u> Whilst it is noted that a new drop kerb and associated parking space are proposed, and that this may not entirely conform to current standards, the removal of the boundary wall will increase visibility for the adjacent driveway. It also brings the full width of the combined access closer to the straight section of highway which will increase visibility, when compared to the existing situation. As such, in this specific case, the proposed drop kerb and parking are acceptable. Permission will also be required from Hampshire County Council to undertake the drop kerb and crossover works.
Environmental Health:	<u>Contaminated Land – No objection</u> The buildings surrounding the property are of residential use, with the exception of a Public House (Brewery Bar) opposite to the proposed development. The site is located at approximately 55m from the High Street Botley Air Quality Management Area. I have reviewed the Design and Access Statement provided with the application and the existing and proposed plans produced by Rosenthal Architectural Services. It is noted that the proposed development requires minimal external alterations (including closing two exterior doors and replacing them with windows and creation of new door access). The main works will be undertaken internally. It is not anticipated ground disturbance apart from the removal of part of the front wall to allow access for parking. There is no mention of garden or soft landscaping areas, therefore, it is implied that there will be no areas of soft landscaping within the proposed development. In conclusion, I agree with the principle of the development in regards contaminated land, but recommend a Construction Environmental Management Plan condition is imposed to demonstrate best practicable means of control are put in place through demolition and construction.
Natural England:	HRA and nitrates budget sent to Natural England on 7.5.24. No comments have been received and the information is now outside of their 28 day consultation period.
Parish Council:	No comment

Site Visit:	Yes ☒	No ☐
Details: Carried out 17/4/24		

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."

The site also lies within a Conservation Area and Section 72(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states:

"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".)

In addition, the proposal affects a Listed Building or its setting and section 66(1) of the Planning (Listed Building & Conservation Areas) Act 1990 states:

"In considering whether to grant planning permission for development which affects a Listed Building or its setting, the Local Planning Authority ... shall have regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".

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 (sustainable development), S2 (approach to development), S3 (location of new housing); Development Management Policies: DM1 (general development), DM11 (nature conservation), DM12 (heritage assets), DM13 (access), DM14 (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 detailed matters according with the relevant planning policies.

Living Conditions

Policies DM1 & DM30 requires all new dwellings to provide a good living environment for their future residents and to meet the Nationally Described Space Standards. In terms of external amenity space, Quality Places SPD requires all new residential developments to provide an outdoor amenity space of at least 60% of the dwellings floor space.

Internally, the dwellings floor space is 120m², which meets the nationally described space standards for a two bed roomed two storey dwelling. The living room is at the front of the property with dual facing windows leading onto a kitchen. The main living areas and bedrooms should receive a reasonable amount of daylight and outlook.

However, the proposal has no useable private outdoor amenity space with only a very small West facing yard at the rear (approx. 8m²). The yard would not be a pleasant outdoor area being concreted and heavily overshadowed/ enclosed by the existing boundary wall and neighbouring vegetation. The size of the outdoor area also falls below 72m² (60% of the floor space) required for the dwelling and so fails to provide the necessary space for normal domestic activities (such as sitting outside, drying clothes or for children's play). As such the converted dwelling would not create a suitable living environment for its new residents and would be contrary to Policy DM1.

Highways and Car Parking

Policy DM13 requires that all new development has a safe and convenient access to the highway network, with Policy DM14 requiring an appropriate level of car parking be provided in accordance with the Council's adopted standards. Residential Parking Standards SPD requires two usable on-site car parking spaces to be provided for a dwelling with up to three bedrooms.

In this case there is only one existing on site car parking space at the front of the property, and no room for an additional space to be provided. This under-provision could lead to additional overflow parking along Winchester Street, creating a hazard for traffic movement along a key approach road into Botley Village Centre.

However, as the site is on the edge of Botley Village Centre (which has a good selection of shops, services and some public transport links) it could be argued that the new residents would have less need for a second vehicle than in more remote areas.

Another consideration is the current/ previous use of the site as an office. As set out within the Council's draft parking standards, an office requires 1 car parking space for every 35m² of office space, which would equate to 3 spaces for the building. As such the parking requirement for the dwelling would be less than that of the existing office use and so the proposed dwelling would result in less vehicles parking along the road, although the duration of stay would be longer for a permanent residential use.

While, on balance, it is considered that the one car parking space would be acceptable for the proposed residential property (due to its location and current use) this lack of parking nevertheless indicates an additional compromise in converting the property into a residential use.

Character, Appearance and Impact on Heritage Assets

Policy DM1 requires new development to take full and proper account of the context of the site including the character, appearance and land uses of the locality, and be compatible in terms of mass, scale, layout, density, design and siting.

The site is also part of a heritage asset, being within the Botley Conservation Area. It is also within the curtilage of 7 Winchester Street and attached to 5 Winchester Street, both of which are Grade II Listed Buildings.

Policy DM12 stipulates that development of a heritage asset, or within its setting, will be permitted provided it does not harm or detract from the significance or special interest of the asset, and sustains and enhances its special character and qualities.

The proposed change of use from office to residential will not have an impact upon the heritage asset. However, some of the details of the conversion do need to be changed including the timber boarding which should be reconstructed using matching brickwork and new timber windows used. However, the biggest concern is the complete removal of the front boundary wall, which is also treated as listed as this feature is attached to the listed building at 5 Winchester Street.

While the loss of the front boundary wall will improve visibility for car parking (so is supported by the Transport Officer) its complete removal will have a significant detrimental impact upon the setting of the listed buildings and the character and appearance of the Botley Conservation Area, particularly in its prominent position alongside Winchester Road. The proposal would therefore be contrary to policies DM1 & DM12 and an objection has been raised by the Council's Built Heritage Consultant.

Residential Amenity

Policy DM1 stipulates that all new development should not have an unacceptable impact upon residential amenities of existing residents. Additional residential amenity guidance is provided within the Council's Quality Places SPD.

The proposal does not involve any extension to the building and as such its conversion will not have an impact on the outlook or daylight currently received by the adjoining dwellings.

The proposal is directly adjacent to 7 Winchester Street, which has its main windows at the front and rear of the building. It is noted that there are two side facing windows in no.7, and while it is not clear what rooms these serve they do appear to be slightly offset with the windows in the proposed conversion. Furthermore, the neighbours ground floor side window has nets on the lower half, which would reduce the level of overlooking from the proposed side facing living room windows. No.7 first floor window is smaller, suggesting a landing or secondary room so again reducing the level of overlooking.

While the neighbouring resident is concerned about the level of overlooking, it is likely that any significant overlooking could be overcome by the use of obscure glazing on the most affected windows in the converted property or by revisiting its layout.

Ecology and Biodiversity Net Gain

Policy DM11 states that development will not be permitted if it is likely to have a direct or indirect adverse effect on priority habitats, protected or priority species.

Other Considerations

- The work to convert the dwelling is relatively modest and it is unlikely to impact upon protected/ priority species or their habitats. There will be no adverse impact upon trees or other natural features worthy of retention.
- In terms of biodiversity net gain, the application was submitted before the 10% biodiversity net gain requirement came into force and in any case would not apply to the development as it would be considered de minimus.
- A sustainable drainage strategy is not required as the proposal is for a change of use application.

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 and potential damage to these protected sites.

In order to mitigate for these impacts, new housing developments need to contribute 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 funding towards an additional

range post for the New Forest). No contribution has been received to date and no mitigation has been secured for recreational disturbance.

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 Southampton and Solent Water Special Protection Area as it causes eutrophication. A nutrient budget has been submitted for the development and while various different mitigation projects have been considered the proposal does not identify which project will be used and no mitigation has been secured for the proposed development.

As such the proposal is likely to have a detrimental impact on the Special Protection Area, both in terms of recreational disturbance and an increase in nutrients.

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 ...