

DELEGATED OFFICER REPORT:**Application Ref:** F/24/98077**Site Address:** THE OLD STABLES, 7 WINCHESTER STREET, BOTLEY,
SOUTHAMPTON, SO30 2EB**Case Officer:** Clare Martin**Description:** Change of use from offices (Class E) to 1no. 2 bed dwelling. No external changes are proposed

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> • F/24/98090 – Listed building application for the change of use from offices (Class E) to 1no. 2 bed dwelling. No external changes are proposed – to be determined. • F/24/96663 - Change of use from offices to 1no. two bedroom dwelling with associated external alterations and extension of drop kerb – Refused (10/6/24) • C/31996 – Change of use from A1 (retail) to A2 (financial and professional services) – Permitted (May 1993) <u>7 Winchester Street (adjacent)</u> • L/10/67717 – Listed building consent: Change of use from Office to Dwellinghouse Granted (Aug 2010) • C/10/67715 – Change of use from Office to Dwellinghouse – Permitted (Nov 2010)		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☒
Representations:	<u>2 letters of objection</u> (5 & 7 Winchester Street) • Inadequate amenity space, neighbour has a right of access to area at side of property. • Failure to provide two on site car parking spaces, street parking would add to congestion along Winchester Road. Disagree with highway officer view that change of use from office to residential would result in a decrease in parking demand. • Overlooking • Inadequate drainage • Noise disturbance from new residents • Nutrient loading and recreational disturbance to special protection area. • Car parking encroaches onto no.7 property. • Disruption during building work. • 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 impact on the special protection area are noted and these issues are discussed in the assessment section. • Drainage information is not required for change of use applications. • 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 an office use. • The works associated with converting the building would be relatively minor and it would be unreasonable to impose conditions in this regard.
Built Heritage Consultant:	<u>No Objection</u> This is a curtilage building to No.7, built against No.5 which is also listed, and is a significant element of the setting of both buildings. The principle of this building being changed from office use to dwelling is no problem from a building conservation viewpoint, however the large area of timber boarding, where perhaps a garage opening was crudely made, detracts from both properties and would be better returned to matching brickwork. Any form of fencing along the claimed boundary through the yard would not be acceptable; the yard and its cobbled finish are an important part of the setting of the main house and the relationship of one property to the other.
Transport Officer:	<u>No Objection</u> Whilst the vehicle access does not accord to current standards in terms of visibility, no improvements are achievable, and the access is existing. Onwards however, it would be anticipated that the conversion from commercial to residential will bring a reduced level of vehicle trips, and so in this regard a highway improvement will result.
Environmental Health:	<u>Noise</u> The premises shares a party wall with a residential premises and is situated on a minor road B3354, the windows to the first floor do not face the road, therefore any new sound insulation will be within Building Regulation requirements. However, opposite No 7 is a commercial noise source; Brewery Bar public House 10, Winchester Road, which has received recent planning approval for kitchen extractors. Their Premises License allows for live/recorded music until midnight with no conditions as to the control of entertainment noise. Whilst the last noise nuisance investigation was 06/2024 and the premises does not advertise music events, commercial noise impact on the proposed residential dwelling cannot be discounted. I would recommend that the applicant provides an Acoustic Survey by a competent Consultant over an extended period whilst the premises is trading, regarding BS 4142 to demonstrate no adverse impact and that internal noise levels daytime/night time to the living and bedrooms do not exceed those of BS 8233:2014 and a mitigation glazing/ventilation strategy if required.

	<u>Contaminated Land (No Objection)</u> No external changes are proposed. There is no mention of garden or soft landscaping areas, it is assumed that it will be no areas of soft landscaping within the proposed development. No ground disturbance is anticipated. <u>Air quality</u> The site is located at approximately 55m from the High Street Botley Air Quality Management Area. However, due to the small size and nature of the project, it is not anticipated that the proposed development has a significant impact on air quality.
Parish Council:	No response

Site Visit:	Yes ☒	No ☐
Details: September 2024		

Pre-commencement Conditions:	Yes ☐	No ☒
Details:		

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> 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: <i>"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".</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 (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; Botley Conservation Area Appraisal.

Planning History:

The proposal is a resubmission of a previously refused scheme to convert the building from an office into a two bedroomed dwelling. The scheme was refused due to the lack of amenity space, loss of front boundary wall affecting the setting of the listed building and lack of nitrates and recreation disturbance mitigation affecting the special protection area.

The proposal follows the original scheme, apart from the one on site car parking space has been reorientated to retain the front boundary wall. No additional provision has been made for amenity space.

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 bedroomed two storey dwelling. The kitchen is at the front of the property which leads into the main living area which has dual facing windows. The main living areas and bedrooms should receive a reasonable amount of daylight and outlook.

Externally, the proposal has no useable private outdoor amenity space. There is a very small west facing yard at the rear (approx. 10.5m²) which has no direct access from the dwelling. The yard would not be a pleasant outdoor area being concreted and heavily overshadowed/ enclosed by the existing boundary wall and neighbouring vegetation. As well as being of poor quality, the size of the outdoor area also falls below 72m² required for the dwelling (60% of the floor space). As such the proposal fails to provide the necessary space for normal domestic activities, such as sitting outside, drying clothes or for children's play.

A heritage statement has been provided which also refers to a 14m² amenity space at the front of the property. It is noted that there is a cobbled area wrapping around the front and side of the property, but most of this area is either taken up with the provision of car parking and bin/ cycle storage or is outside of the application site. The remaining narrow strip of land is open to the street, with no form of boundary demarcation, and is not suitable for use as a private amenity area.

It is considered that the lack of usable outdoor amenity space means that the converted dwelling would be unable to create a suitable living environment for its new residents. While it is acknowledged that some other properties within the centre of Botley have limited amenity space, these are not directly comparable to the current proposal and each application must be determined on its own merits.

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 stipulates that two usable on-site car parking spaces must be provided for a dwelling with up to three bedrooms.

The site plan only shows one of the two required on site car parking spaces. This car parking space is positioned parallel to Winchester Street, having been reoriented from the previous application to retain the front boundary wall. However, unlike the previous application the proposed parking space would now overhang the neighbouring property and so there is no longer sufficient space on the site to provide any parking for the dwelling.

While the site benefits from being within easy walking distance of Botley village centre, Botley does not offer sufficient shops, services or public transport links to facilitate a zero car parking development. Without usable on-site car parking, residential vehicles will need to park along Winchester Road, which would further restrict traffic flows along one of the busy approach roads into Botley.

No objection has been raised by the Highway's Officer who notes that the vehicular trip rate for the residential property (2 cars) is likely to be lower than the office use (3 cars). However, the reduction in parking requirement needs to be balanced with the increase in parking duration. Parking associated with a permanent residential dwelling could be present most of the time compared to standard office hours (daytime during the working week).

On balance the change in the nature of the parking associated with the residential use is considered to have a detrimental impact upon existing traffic flows along Botley Road, compared to that of the office use.

Character, Appearance and Impact on Heritage Assets

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

No external changes are proposed to convert the building from an office into a residential use, which will fit in with the character of the locality. No objection has been raised by the Built Heritage Consultant and while it would be beneficial if the boarding at the side of the property was returned to brick work, the proposed will not affect the existing appearance of the building. The proposal is considered to preserve the setting of the listed buildings and fit in with the character and appearance of Botley conservation area.

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 external alterations 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.

The proposed residential conversion is not considered to have an unacceptable impact upon the amenities of the neighbouring residents, which would already have been impacted from the office use at the site.

Other Considerations

- The work to convert the dwelling is relatively modest and will not 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 would not apply to the development as it would be considered de minimus.
- Had the application been recommended for permission an acoustic survey and glazing/ventilation strategy could have been imposed to deal with potential noise from the nearby public house.
- 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 the contribution have not been secured via a legal agreement.

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. A nutrient budget has been submitted for the development, which shows a positive output for nitrogen. However, no mitigation has been secured for the increase in nutrients caused by the housing development

Conclusion

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 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 plan policy. The need to support the economy is part of the Strategic Environmental Assessment for the 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, 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 ...