

DELEGATED OFFICER REPORT

Application Ref: PN/24/98548

Site Address: 72 NEW ROAD, NETLEY ABBEY, SOUTHAMPTON, SO31 5AB

Case Officer: Gary Osmond

Description: Application for Prior Approval for the change of use from Class E (commercial) to 1No. one bedroom and 1No. two bedroom flats (Use Class C3), under Class MA of the Town and Country Planning (General Permitted Development) Order.

Particular Site Constraints?	Yes ☒	No ☐
- Within the urban edge - Within a designated Local Centre - With a Conservation Area		

Planning History?	Yes ☒	No ☐
Various display of signage/advert applications but no planning applications are on record.		
Concurrent Planning Applications:		
72 New Road	F/24/98526 – Change of shop window and insertion of rear door – TBD	
19 Station Road	F/24/98502 – Subdivision of existing three bedroom dwelling into 2No. one bedroom flats, with ancillary bin and cycle storage – TBD	

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☐
Representations:	Seven representations have been received all objecting to the proposed change of use. The reasons given are: - Loss of local businesses - No parking provided - Will add to already bad parking situation - Additional traffic - Impact on neighbouring residents - More housing will add to local infrastructure issues - Businesses had their leases terminated by the landlord - Will not be affordable units - No right of access across neighbouring land		
Hound Parish Council:	Objects on Policy DM1 over-development, lack of parking and concern over the access rights to the bike storage.		
Heritage:	No objection from a conservation perspective.		
Environmental Health:	Surrounding units are all residential, as such standard noise separation to Building Regulation standards will be sufficient to prevent disturbance to existing neighbours and future occupiers. However, no survey as to the impact of the neighbouring electrical substation has been provided to determine if this is likely to be an issue and whether further noise mitigation measures are likely to be required. Condition relating to construction hours are recommended should the application be approved.		

Hampshire Highways:	No objection to the proposals from a highway perspective. Access in and out of the site from the highway will be unchanged by the proposals, and there is potential for a small reduction in associated trip rates with the change from a commercial barber to 2 dwellings. It is also noted that rear / side access will be provided through the removal of a lean to, and this gives access to a storage area for bins, as well as a shared cycle storage unit. It is noted that no parking is proposed as part of the development, as is the case with the current barbers. Residential parking does however have different implications to the barbers, given it will require a longer stay. There are parking restrictions immediately adjacent to the site preventing obstructive parking, with on road parking available slightly further away. However, this on street parking appears to be well utilised by existing residents who would have a loss of amenity through the introduction of (potentially) more cars needing to park. Whilst there is also a public car park near opposite the site, the Case Officer may wish to consider potential parking impacts in their decision making, in specific regard to the EBC Parking Standards.
---------------------	--

Site Visit:	Yes ☒	No ☐
Details: 09/12/2024 – See separate photographs		

Policy:
Town and Country Planning General Permitted Development Order (General Permitted Development) (England) Order 2015 (as amended) The application seeks prior approval for a change of use from Class E (retail) to Class C3 (residential), in accordance with Class MA of the General Permitted Development Order. National Planning Policy Framework, Dec 2024 Planning Practice Guidance Development Plan: The <u>Eastleigh Borough Local Plan 2016-2036</u> The most relevant policies are Strategic policies S1 and S2; and Development Management policies DM1, DM2, DM5, DM12, DM13, DM14 and DM22. Supplementary Planning Documents: Quality Places; Residential Parking Standards; Netley Abbey Conservation Area Appraisal

Assessment:
Schedule 2, Part 3, Class MA of the GPDO allows for the change of use of a building from a use falling within Class E (commercial, business and service) to a use falling within Class C3 (dwellinghouse), provided that certain criteria are met. If the criteria are met, development is not allowed to commence until an application is submitted to the Local Planning Authority for a determination as to whether prior approval is required in relation to various matters including transport impact, contamination and flood risk. The following table sets out an assessment of the proposal against the various criteria and conditions.

GPDO Schedule 2, Part 3, Class MA – Commercial, business and services uses to dwellinghouse

MA.1:

Criteria	Assessment
Development is not permitted by Class MA:	
(a) Unless the building has been vacant for a continuous period of at least 3 months prior to the date of the application for prior approval.	<i>Eligibility questions relating to the current building being vacant for 3 months were removed after these limitations were lifted by government on 5 March 2024.</i>
(b) Unless the use of the building fell within one or more of the classes specified in sub-paragraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval.	Sub-paragraph 2 confirms that the building has to have been in use for a Class E use, which includes retail. The applicant has confirmed compliance with this requirement in the submitted application form, and there is no evidence on the LPA's files to dispute the claim that the retail use was in place for a continuous period for at least two years prior to this application.
(c) If the cumulative floor space of the existing building changing use exceeds 1,500sqm.	<i>Eligibility questions relating to the current building's floorspace not exceeding 1,500 square metres were removed after these limitations were lifted by government on 5 March 2024.</i> Notwithstanding, the total area of the two units to be converted is approximately 100 square metres.
(d) If land covered by or within the curtilage of the building is or forms part of: i) A SSSI ii) Listed building iii) Scheduled ancient monument iv) Safety hazard area v) Military explosives area	Not applicable to this site.
(e) If the building is within: i) An area of outstanding natural beauty ii) An area specified under the section 41(3) of the Wildlife and Countryside Act 1981 iii) The Broads iv) A National Park v) A World Heritage site	Not applicable to this site.
(f) If the site is occupied under an agricultural tenancy, unless express consent of the landlord and tenant has been obtained.	The site is not occupied under any agricultural tenancy.
(g) Before 1 August 2022, if: i) The development is of a description falling within Class O as that Class had effect immediately before 1 st August 2021; and ii) The development would not have been permitted under Class O immediately before 1 st August 2021 by virtue of the operation of a direction under	This does not apply as the application was submitted after 1 August 2022.

The site complies with the above criteria. Therefore, the prior notification process is suitable.

Proposals:

It is proposed to convert two ground floor retail units into 1No. one-bedroom and 1No. two-bedroom flats. The one-bed flat would be positioned at the front of the building and utilise the existing shopfront entrance, whereas the two-bed flat would use a new entrance door at the rear of the building. Neither will have any outside space or dedicated parking provision.

MA.2(1)(2) – Conditions - Prior approval matters for consideration

A) Transport impacts of the development, particularly to ensure safe access:

The application site lies within Netley's 'Station Road Local Centre' and has access to public transport including buses and trains, with a bus stop a short distance away and Netley Railway Station approximately a 10 – 15 minute walk away. Whilst the site does have the advantage of being very close to some potentially required facilities, more significant facilities such as the nearest doctors, dentists and supermarket are up to an hours walk away.

In terms of trip rates, the residential uses proposed will not result in the same level of trips as the former barbers and beauty salon. In terms of vehicle movements therefore, that proposed should not add to increased traffic. However, this part of Netley can suffer from traffic congestion due to the level of on-street parking which occurs along Station Road, New Road and Victoria Road. This has been highlighted as the main concern of objectors and the parish council.

To comply with the Council's parking standards, between 3 and 4 parking spaces would need to be provided to serve the resulting development (additional spaces would also be required to serve the concurrent application for two flats at 19 Station Road next door to the site). However, the site cannot provide any form of off-street parking. Whilst the sustainable location of the site could justify a lower than required provision, as was recently agreed at 22 Station Road (PN/24/97696), to provide zero parking in this instance is not considered acceptable.

Whilst it is noted that there are parking restrictions around the New Road / Station Road crossroads, for the purposes of highway safety, there are no such restrictions in any neighbouring streets. As such, these streets regularly have a considerable level of on-street parking taking place along much of their length. Much of this is by local residents, whose Victorian properties have no option to provide off-street parking, as well as customers to the local shopping parade, and visitors to the nearby Royal Victoria Country Park.

Following the closure of the social club car park off New Road to the public, with the loss of 20+ spaces, there is only one public car park remaining to serve this part of Netley Abbey. Presently this car park can be used free of charge, and as such is very often full throughout the day and in the evenings where it is used by local residents.

Whilst no formal highway objection has been raised by the Local Highway Authority, the existing parking situation in the locality has been highlighted in their response. These concerns tally with the strong concerns raised by objectors to the application and are shared by the LPA.

In order to address these concerns, the applicant has undertaken a parking survey, which looked at available parking in a 200 metre radius of the site over two nights in December 2024 – Sunday 15th and Tuesday 17th. These surveys show

that there is very limited capacity on-street within a reasonable walking distance of the site – i.e. 50 – 100 metres. This means that any additional parking is going to be reliant on the public car park in New Road, or the short term parking outside the Co-op which is restricted to 30 minutes between 8am and 6pm. However, given the store opens late, loss of these spaces to resident parking in the evenings could impact business at the store, which is the anchor store for the Station Road Local Centre, within which the application site falls.

However, the main parking concern raised has been daytime parking which the survey did not record. Parking in and around this part of Netley has long been a problem and it has not been demonstrated that the proposed conversion of the two retail units to a residential use will not result in harm to the locality in terms of parking matters, and in turn the amenity of the locality and existing residents. This lack of information will therefore form a reason for refusal.

B) Contamination risks in relation to the building;

The proposal relates to the conversion of part of the ground floor of the building only. As there would be no groundworks, there would be no concerns with regard to land contamination.

C) Flooding risk in relation to the building;

The site does not lie within an area at risk of flooding.

D) Impacts from noise from commercial premises on the intended occupiers of the development;

No supporting information in relation to noise has been submitted with the application. However, given all neighbouring units above and to the side of the application units are in residential use, there will be no direct impact from immediately adjoining commercial uses. There is a Co-op convenience store opposite the application site, whose deliveries are undertaken from Station Road. However, this should not result in any unacceptable level of disturbance.

The concerns raised by Environmental Health with regards to the impact of noise from the neighbouring electrical substation are noted. Whilst this has the potential to cause noise and vibration disturbance, it is sufficiently far enough away from the building so as to not cause any undue issues. It is also the case that the intended layout of the nearest proposed flat has the living area against this wall, rather than a more sensitive bedroom.

E) Where –

- I. The building is in a conservation area; and**
- II. The development involves a change of use of ground floor (whole or part);**

The impact of that change of use on the character of the conservation area.

The application proposes the conversion of the ground floor of the building, which lies inside the Netley Abbey Conservation Area, as well as falling within the Station Road Local Centre. Whilst it is not proposed to make any significant physical changes to the exterior of the building by retaining and refurbishing the existing shop fronts, in reality, this does not work well for residential accommodation. The purpose of a shop front is to provide a large window so that goods and services can easily be displayed to the passing public. This is the exact opposite of what is usually expected for a residential premises where it is preferable to maintain privacy to internal spaces, in particular bedrooms.

In the case of the proposed one-bedroom flat, both its bedroom and living room, as well as its entrance hall will be on full view of the street. It is very likely therefore that the occupiers will want to cover the insides of these windows in order to provide a reasonable degree of privacy. Neither the LPA, nor the landlord will have any real control as to how this may be achieved, potentially resulting in unattractive and unsightly coverings being presented to the street. This would negatively

impact the appearance of the building and the street scene, and in turn the visual amenity of this part of the conservation area.

In addition, part 3 of Policy DM22 of the adopted Local Plan states that “Changes of use or redevelopment to residential will not be permitted within the defined shopping frontages/centres other than in upper floors.” The loss of two retail units will have an adverse impact upon the vitality and viability of this important local shopping area, which in turn will have a negative impact upon the character of this important gateway into the Netley Abbey Conservation Area.

Whilst the applicant’s argument that as only minimal alterations to the exterior of the building are proposed there will be no visual impact upon the appearance of the conservation area is noted, the LPA consider this to be too simplistic a view. As set out above, whilst the exterior of the building may on the face of it appear unaltered, it is the change in nature of the internal accommodation and resulting loss of the existing retail/commercial units which will adversely impact upon the conservation area. As such, this will form a further reason for refusal.

F) The provision of natural light to all habitable rooms;

Based on the submitted internal layout, it appears that all main habitable rooms to both proposed flats should receive reasonable levels of natural light.

Notwithstanding, there are concerns as to the level of privacy provided to bedrooms, which are served by large shopwindows and face directly onto the street, or are immediately adjacent to the proposed main front door to a neighbouring flat. However, it is acknowledged that privacy is not an issue which can be taken into consideration as part of the prior notification procedure.

G) The impact on intended occupiers of the introduction of residential use in an area of importance for general or heavy industry;

The site is not in an area of importance for general or heavy industry

H) Where the development involves the loss of services provided by:

- I. A registered nursery;
- II. A health centre;

The impact on the local provision of the type of services lost;

The proposal would not result in the loss of a nursery or health centre.

I) Where the development meets the fire condition, the fire safety impacts:

This is not applicable as it only relates to buildings of 7 storeys or 18m and higher.

Other conditions:

(3) Application for prior approval under Class MA cannot be made before 1 August 2021;

(4) The provision of Class W apply;

(5) Development must be completed within 3 years of the date of prior approval;

(6) Any building permitted to be used as a dwellinghouse is to remain in use as a dwellinghouse within the meaning of Class C3 and for no other purpose except other purpose ancillary to the use as a dwellinghouse.

Internal space standards

Under Article 3 (9A) of the GPDO, it states that Schedule 2 does not grant permission for, or authorise any development of any new dwellinghouse:

- (a) Where the gross internal floor area is less than 37 square metres in size; or
- (b) That does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015.

The floor areas of the proposed flats are as follows:

Flat 1 – 39.1 m²

Flat 2 – 61.1 m2

These floor areas exceed 37m2 and comply with the Nationally Described Space Standards.

Other Matters:

Mitigation for the impact of the development on Special Protection Areas Prior will be required prior to the commencement of any development. It is a requirement that the applicant will need to satisfy as part of their obligations under the Conservation of Habitats and Species Regulations 2017 (as amended), in strict accordance with Article 3(1) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Failure to comply with this would mean that the development would have been unlawfully implemented.

In this instance, appropriate mitigation is required to offset the development's impacts on European Protected sites in terms of recreational disturbance on the New Forest SPA and increased nutrient output.

The applicant would need to set out their proposed method of mitigation, and the LPA would then collate this information and prepare a Habitats Regulations Assessment for submission to Natural England.

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 adopted local 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 local plan policy. The need to support the economy is part of the Strategic Environmental Assessment for the adopted 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 Local Plan sets a target for 14,580 dwellings to be provided by 2036. The NPPF, Policies S1, DM2 and DM3 of the 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.

Equalities Implications:

Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 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

Conclusion:

Recommendation:

**Prior Approval Required
and GRANTED ☐**

**Prior Approval Required
and REFUSED ☒**

Whilst the two retail units are eligible to be converted under the Class MA legislation, for the reasons set out above, it is considered that their conversion to a residential use will result in an unacceptable impact upon parking in the locality, and in turn local traffic movements, as well as upon the Netley Abbey Conservation Area through the loss of important retail/commercial units within the Station Road Local Centre. As such, prior approval is refused.