

DELEGATED OFFICER REPORT FOR PRIOR APPROVAL APPLICATION**Application Ref:** PN/22/93553**Site Address:** BAMPTON HOUSE, BAMPTON COURT, HURSLEY ROAD,
CHANDLER'S FORD, EASTLEIGH, SO53 2TA**Case Officer:** David Huckfield**Description:** Prior Notification (Class MA) for change of use from offices (Use Class E) to 13no. residential units (Class C3) comprising of 11no. one-bedroom and 2no. two-bedroom apartments (Revised scheme to approval reference PN/21/90906).

Particular Site Constraints	Yes ☒	No ☐
Within the Urban Edge		
Within Flood Zones 2 and 3		
Adjacent to Commercial Premises		

Planning History	Yes ☒	No ☐
Z/11422/014/00 – Erection of offices with associated parking – OUTLINE PERMISSION GRANTED (1986)		
Z/11422/017 – Office block with car parking – RESERVED MATTERS APPROVED (1988)		
F/10/68055 – Installation of photo-voltaic panels to roof of existing building, construction of new glazed entrance, construction of smoking shelter and new fencing to replace damaged fencing at rear of building – GRANTED (28/10/2010)		
F/11/68602 – Installation of solar panels to south east facing roof plane – GRANTED (30/03/2011).		
F/12/70913 – Installation of 1No. Air conditioning unit with associated ducting and vents – PERMITTED (02/07/2012)		
PN/20/89373 - Prior Notification (Class O) for Change of Use from Offices (Class B1(a)) to 15no. residential units (Class C3) – PRIOR APPROVAL REFUSED (19/05/2021)		
PN/21/90906 - Prior Notification (Class O) for Change of Use from Offices (Class B1(a)) to 15no. residential units (Class C3) – PRIOR APPROVAL GRANTED (10/12/2021)		

Publicity and Consultations	Letters ☒	Site Notice ☒	Newspaper ☐
Representations	None received.		
Chandlers Ford Parish Council	No comments received.		
HCC Highways	No objection in principle. Access into the site for pedestrians, cyclists and vehicles is unchanged by the proposals, and the site is ideally located to benefit from sustainable transport modes (bus and train in particular). Clarity is sought on the exact layout of the parking area and on the nature of the cycle storage proposed for residents and whether this is lockable.		
EBC Environmental Health – Contaminated Land	We have reviewed the Omnia Gas Assessment Letter Report 1.1, whilst it doesn't dovetail with the Phase II report we reviewed previously, on the basis of measurements carried out on site there is no objection to its conclusion that no ground gas measures are required. Regarding the RMS, that is the same as that submitted previously, and upon which Environmental Health commented, there are remedial		

	actions required for soils on site which will need to be supported by a suitable verification report.
EBC Environmental Health – Noise	Noise from offsite premises (Grampian matter): completion report reference SA - 6682 / Completion dated February 2022 confirms the installation of noise control measures at 'Canton Road' and demonstrates these satisfy noise limits. We note the report uses at least L90 Background Sound Level for design reference. Assessment of the Rating Level from the 'Canton Road' premises is five decibels less than the Background Sound Level, which is the Local Planning Authority's limit. Therefore, we find this acceptable. Ventilation Strategy: according to acoustic report reference SA - 6682 Rev 5, the development can rely upon its existing glazing and ventilation while complying with the Local Planning Authority's noise limits (BS8233 and post Canton Road premises works). We have seen some information previously on condition of the windows and vents which must be maintained to achieve the necessary noise reduction through the façade. Whilst the report states on design for installing ventilation that according to Building Regulations the existing window trickle vents and openable windows to habitable rooms comply, concerns were raised that this had not demonstrates that sufficient ventilation can be provided to the dwellings whilst achieving an appropriate acoustic environment and reference was made to the Acoustics Ventilation and Overheating Residential Guide published in 2020 but we see approval of DC/22/92530 was issued on 24 May 2022. Construction: these are mainly fitting out works but presumably there will be a supporting works area outside the building, and these must be carried out within permitted hours (0800 to 1800 Monday to Friday, 0800 to 1300 on a Saturday and not on Sunday or public holiday).
Environment Agency	The applied for revisions to the development proposal will have no material impact upon flood risk. Therefore, our previous response on flood risk applies to this application. The proposed development will only meet the National Planning Policy Framework (NPPF) policy to ensure the development is appropriately flood resilient and flood resistant if planning conditions are imposed to require the submission of details of a flood resilience scheme and to require adherence to the measures set out in the submitted flood risk assessment.
Southern Water	The building lies over an existing public foul sewer. If the works to be carried out will alter the existing foundation line or depth or the structural load applied on the sewer, it will be necessary for the applicant to context Southern Water. Reference was made to the requisite stand-off distances for public sewers. Southern Water requires a formal application for any new connection to the public foul and surface water sewer to be made by the applicant or developer. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.
HCC Flood and Water Management	The proposals are for the change of use from office to residential occupation and the review undertaken has been in terms of flood risk on and off site. The site is within Flood Zone 2 which is under the remit of the Environment Agency, so we have not commented further in relation to fluvial matters. The surface water flood risk is shown as low (0.1%) so considered to be acceptable for development.

	Given that this is an existing building, the flood risk to the development and surrounding area will be unchanged. The vulnerability level of the development will be increased and there is currently no assessment of the level of drainage provision. It has been demonstrated via overland flow route mapping that under the current site layout, exceedance flows fall away from the building. Providing this is unchanged, the risk of flooding as a result of drainage system surcharging should be manageable and not put residents at increased risk. As such, we will accept this assessment but would request that further work is undertaken at a later stage to confirm the level and condition of surface water drainage infrastructure. As such we would recommend the following condition is applied: The existing drainage system should be investigated up to its outfall with the intention of re-using the full system. The capacity of the drainage system shall be assessed and the ability to manage the different return periods identified.
Network Rail	No objection
Natural England	Further information is required to determine impacts on designated sites. As submitted, the application could have potential significant effects on the River Itchen Special Area of Conservation (SAC) and the New Forest SAC, Special Protection Area (SPA) and Ramsar site. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. The following information is required: - Additional information outlining the effectiveness of the measures in place to mitigate any adverse impacts from recreational disturbance on the New Forest designated sites arising from the proposed development - Further information on the proposed interim strategy for phosphorus mitigation. The above information should be used to inform an updated Habitats Regulations Assessment (HRA) to support this application. Without this information, Natural England may need to object to the proposal. Please re-consult Natural England once this information has been obtained. Natural England's further advice on designated sites/landscapes and advice on other issues is set out below.

Site Visit:	Yes ☒	No ☐
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Policy: Legislative Background: Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan: The Eastleigh Borough Local Plan 2016-2036 was adopted in April 2022 and replaced the saved policies of the Eastleigh Borough Local Plan (2001-2011) as the main part of the development plan for the Borough. The following policies of the Local Plan are of relevance to this application: S1 (Delivering Sustainable Development); DM1 (General Criteria for New Development); DM5 (Managing Flood Risk); DM7 (Flood Defences, Land Reclamation and Coast Protection); DM8 (Pollution); DM11 (Nature Conservation), DM13
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(General Development Criteria – Transport), and DM14 (Parking), DM30 (Internal Space Standards for New Residential Development).

Other material considerations:

Supplementary Planning Documents (SPDs) and Associated Planning Guidance

The following SPDs and Background Papers are of relevance to the proposals:

- Quality Places
- Residential Parking Standards

National Planning Policy/Guidance:

The Revised National Planning Policy Framework (the NPPF or Framework) was published in July 2021 and as set out within paragraph 218 the policies contained within it are material considerations which should be taken into account in dealing with applications from the day of its publication. The Planning Practice Guidance provides additional guidance in support of the policies within the Framework and is also a material consideration in the determination of the application.

Assessment:

Description of the application and the development proposed.

This application has been submitted under Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ("the GPDO") and seeks a determination from the Local Planning Authority (LPA) as to whether its Prior Approval of certain matters is required before the change of use could be implemented and, if so, to obtain that approval.

The proposed development comprises the change of use of Bampton House from a business use (offices) (Class E) to residential use (Class C3) in the form of 11no. 1-bedroom flats and 2no. 2-bedroom flats which will be set across the ground and first floors of the building. The upper floor within the roof space is to be left as storage. The site is identified on the submitted location plan as comprising the main building and its curtilage land, as well as a car parking area with access from Hursley Road.

The application is a revised proposal following the grant of prior approval in December 2021 (ref: PN/21/90906) for the conversion of the building from offices to 15no. 1-bedroom flats. This approval has not been implemented and no development works have been carried out.

Procedure for the assessment of the application:

Article 3 of the GPDO grants planning permission for certain classes of development, subject to specified exceptions, limitations and conditions. Class MA of Schedule 2, Part 3 grants permission for the change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 of the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order. The exceptions to this, as set out within the Order, are: where the building has not been vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval; the building did not fall within one of the specified eligible uses for a continuous period of 2 years prior to the date of the application; the cumulative floor space of the building proposed to be changed exceeds 1,500sqm; or, where the site is: a SSSI; a safety hazard area; a military explosives storage area; a scheduled monument; where the building is listed or in the curtilage of a listed building; or within an area of outstanding natural beauty, the Broads, a National Park, a World Heritage Site, or an area specified by the Secretary of State under the Wildlife and Countryside Act 1981. Additionally, the provisions of this Class do not apply if the site is occupied under an

agricultural tenancy, unless the express consent of both the landlord and tenant has been obtained.

Bampton House was constructed in the late 1980s with planning permission having been granted for the construction of an office block with an associated parking area (see planning history above). It is stated on the application form that the building has been vacant for a continuous period of 3 months and had previously been continually used for at least 2 years for a Class E (offices) use prior to the application being made. The floorspace to be converted is less than 1,500sqm and the applicant asserts that none of the other above exceptions apply in this case. Based on the information available, including the Council's planning records and the previous submission and as there is no evidence available to the contrary, the Local Planning Authority are satisfied that the application can follow the prior notification procedure.

Matters for consideration under the GPDO:

Paragraph MA.2. (1) of Class MA requires that before beginning the development a developer must apply to the LPA for its determination as to whether its Prior Approval will be required in relation to a number of matters. In this case, the relevant considerations to this proposal are:

- transport and highways impacts of the development, particularly to ensure safe site access;
- contamination risks in relation to the building;
- flooding risks in relation to the building;
- impacts of noise from commercial premises on the intended occupiers of the development, and
- the provision of adequate natural light in all habitable rooms of the dwellinghouses;

In addition, Article 3 of the GPDO (9A and 9B) states that Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse where the gross internal area is less than 37 square metres in size, or that does not comply with the nationally described space standards dated 19 May 2016.

Paragraph W (9) allows the LPA to require the developer to submit such information (impact or risk assessments, mitigation statements and details of building or other operations) as the authority may reasonably require in order to determine the application.

Consultations, representations and policy assessment:

Paragraph W(10) of Schedule 2, Part 3 of the GPDO requires that when determining a 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, as if the application were a planning application. 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 and emerging 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.

Transport and highways impacts of the development:

Although the proposals would result in a change in the nature of traffic flows to and from the site, such a change is considered unlikely to cause unacceptable impacts on the safety and convenience of users of the highway and, indeed, the overall level of movements associated with the proposed use would likely be less than for the authorised use as office premises. The access point to the site remains unchanged and is considered suitable in nature for the development that is proposed. The site is also considered to be

within a sustainable location with access to public transport available in the form of both buses as well as train services from the adjacent Chandler's Ford Railway Station.

A total of 17no. car parking spaces would be provided, with this comprising unallocated parking at a ratio of 1 space per one-bedroom dwelling (11 spaces), 1.5 spaces per two-bedroom dwelling (3 spaces) plus a 20% uplift (3 spaces) for visitor provision in compliance with the requirements of the Council's adopted Residential Parking Standards SPD. Whilst the comments of the Highway Authority are noted in terms of the site plan not denoting the exact layout of these spaces, the relevant area highlighted on this plan for parking provision already forms part of the car park for the building and it is understood that the layout and demarcation of the spaces is to be substantively unchanged. From an on-site assessment, there are sufficient spaces in this area to provide the required number of spaces and it is considered that this can be adequately covered by condition.

In terms of cycle parking, the applicant has confirmed the nature of the provision proposed (in response to the highway authority's request for clarification on the term -semi-vertical') and that this will allow for cycle's to be locked to the cycle-rack. Whilst it would be preferable for the cycle rack to be close-fronted, the area where it is to be situated will only be able to be accessed via a resident-only lockable gate. On balance therefore, this is considered to be acceptable in this case and a condition will be imposed to ensure that this is provided prior to first occupation.

Using the mechanism of conditions therefore to secure appropriate car and cycle parking provision, the development would be considered to have an acceptable impact in transport and highways terms. The Council's Prior Approval of this matter is required, and it is considered that this issue could be adequately covered through conditions.

Contaminated land:

The application is accompanied by a Geo-Environmental Site assessment report and Remediation Method statement (RMS), along with a gas risk assessment for the development. These have been reviewed by the Council's Environmental Health Officer (EHO), who has raised no objection to their conclusions and confirmed that no ground gas measures are required. There are however remedial actions that will be required for soils on site which will need to be supported by a suitable verification report (as highlighted in the submitted RMS). A condition is proposed to cover this requirement and for the reasons given, it is considered that the prior approval of the LPA is required in respect of this matter but that it can be granted subject to this condition being imposed.

Flood risk:

The site lies within Flood Zone 2, with a minor section within the red line (in the northern corner of the site) also being within Flood Zone 3. In accordance with the relevant provisions of the GPDO therefore a flood risk assessment (FRA) has been submitted in support of the application and the Environment Agency (EA) have been consulted on the application. Additionally, views have also been sought from Hampshire County Council as the Local Lead Flood Authority (LLFA).

No objection has been raised by either consultee with regards to the matter of the risks to the site from flooding from either fluvial sources or from surface water with this being subject to conditions being imposed to require a flood resilience scheme to be submitted for approval and to require adherence to the mitigation measures within the FRA (covering such matters as finished floor levels and flood barriers and resistance measures to be installed within the building at all access points) in the case of the EA, and to require an investigation of the existing drainage system to ensure that its capacity is sufficient which has been requested by the LLFA.

In addition to the above, the EA have also highlighted that it is necessary for consideration to be given to matters such as the adequacy of rescue or evacuation arrangements, of an emergency plan and of a temporary refuge, details and adequacy of flood proofing and

other building level resistance and resilience measures, and details and calculations relating to the structural stability of building during a flood. These matters fall outside of the remit of the EA. The submitted FRA includes a flood evacuation plan incorporating several mitigation measures that are proposed to aid in the event of a flood. These are consistent with the details provided with the previous submission whereby the Council's Safety and Resilience Manager had confirmed that the Council does have sufficient emergency accommodation and facilities in place in the event of a flood to provide the "place of safety" on which the flood evacuation plan depends. The LPA are therefore satisfied that the conversion could be considered safe for the lifetime of the development in this particular regard if the specified procedures for warning and escape are put in place.

Taking account of the above factors, it is considered that the prior approval of the LPA is required in respect of the matter of flood risk, however, this issue can be adequately addressed through the use of conditions as specified by the EA and the LLFA, taking a consistent approach with the previous approval.

Noise:

The GPDO requires that the LPA should assess the application proposal in terms of whether any noise emissions from existing commercial premises would impact on the residents of the new dwellings and thereby to determine whether such impacts would be acceptable, or if not, whether they are able to be ameliorated by measures in the control of the applicant, such as upgrading the sound attenuation properties of the building. In this particular case, the most relevant potential sources of noise are Chandlers Ford Railway Station which lies immediately adjacent to the application site and the parade of shops/commercial uses to the north and notably the hot-food takeaway which lies in closest proximity to the application building. As with the previous application, the uses to the opposing side of the railway line to the west are accepted to be satisfactory in terms of their relationship to the application premises.

The application is supported by an acoustic report and ventilation strategy, in addition to a completion works report. As part of the previous approval and subsequent to the consideration of a revised acoustic report (which accompanies the current application), a condition was imposed to require the upgrading of the extraction system at the adjacent commercial premises (Canton House, a hot-food takeaway to the immediate north of the site) in order to improve its acoustic performance. A further condition was imposed to require the submission of a ventilation strategy for the proposed dwellings. These conditions were discharged early this year with the requisite works to Canton House having been carried out and the ventilation strategy being deemed to be suitable in this case. The information provided for the current application is consistent with these details and as such is deemed to be appropriate for the current submission with the change to the number and mix of units not being considered to materially affect the relevant requirements.

The prior approval of the LPA is therefore not considered to be required in relation to the impacts of noise from commercial premises on the intended occupiers of the development.

Requirement for adequate natural light and compliance with the nationally described space standards:

The application is accompanied by detailed floor plans covering the two levels of the building proposed to be converted to residential use and showing the internal layout of the proposed apartments, which includes annotations to denote the individual rooms and their dimensions as well as to specify the overall floor space within the units. Each dwelling conforms to the Nationally Described Space Standards and the proposals are therefore considered to be acceptable in this respect.

With regards to the matter of the adequacy of natural light received to habitable rooms, as some units have north facing habitable windows, a Daylight and Sunlight Assessment has been submitted as part of the application which is based on the numerical tests laid down in the Building Research Establishment (BRE) guide 'Site Layout Planning for Daylight and Sunlight: A Good Practice Guide, 2nd Edition'. Whilst this assessment is based on the internal layout of the previous scheme, with there having been some changes in this respect to accommodate the two-bedroom units which are now proposed, the report adequately demonstrated that adequate natural light could be received to rooms at ground and first floor level on this side of the building (and the other sides) and the changes to the layout do not significantly materially affect this conclusion.

As such, it can be concluded that the future occupiers would have benefit from adequate natural light and internal floor space. The prior approval of the LPA is therefore not considered to be required in this regard.

Conclusion

In conclusion, the Prior Approval of the LPA is deemed to be required in respect of the highways, contaminated land and flood risk, however the Council are satisfied that sufficient information has been provided to demonstrate that these matters can be addressed satisfactorily with the necessary measures being able to be secured by conditions. The proposals otherwise accord with the provisions of the GPDO and the impacts of the development are acceptable when assessed against the specified criteria within Class MA of the Order. It is therefore recommended that prior approval be granted.

Duty to consider over-arching matters

Impacts on European protected sites:

The development results in a net increase in population and could impact upon the European protected Solent Complex (SPA, SAC and Ramsar sites) as well as the New Forest SPA, SAC and Ramsar sites and the features for which they are designated without appropriate mitigation being provided. These impacts include by way of an increase in recreational pressure (New Forest), as well as through additional nitrogen and phosphates generated through sewage from the new dwellings which has the potential to undermine water quality and restrict the growth, distribution and variety of food available for species designated under European law (Solent Complex).

In terms of the recreational disturbance impacts upon the New Forest designated sites, the Council's Habitats Regulations Assessment acknowledges that the proposal, in combination with other residential developments within a distance of 13.8km of the New Forest (measured 'as the crow flies') could, if unmitigated, result in a significant adverse impact on the designated site. The Council's appropriate assessment outlines that the development would mitigate this impact through a contribution towards the Council's Interim Suitable Alternative Green Space Mitigation Scheme, with these contributions having been secured through an upfront payment. Whilst the objection of Natural England is noted in this regard, the Council, as the competent Authority for the purposes of The Conservation of Habitats and Species Regulations, is satisfied that the mitigation set out is sufficient to offset the modest impacts from this relatively small-scale development and that there is sufficient certainty that the mitigation will be in place prior to the occupation of the dwellings.

In respect of nitrates and phosphates, the applicant has stated their intention to utilise the Council's Nutrient Neutrality Offsetting Scheme and has completed the requisite expression of interest in this regard, with the Council having subsequently confirmed the availability of a suitable level of credits relative to the nitrates impacts of the development. A preoccupation condition will be imposed in relation to this matter which the developer will be required to discharge through the provision of evidence of appropriate mitigation before any works could commence (in the case of the Council's offsetting scheme, this

evidence would be through the submission of a vesting certificate from the Council which is issued once the required number of credits have been purchased).

Climate change and sustainability:

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 NPPF, the Council's adopted Local Plan and the Council's Environmentally Sustainable Development SPD set out a number of requirements in respect of sustainability including with regards to resource use, climate change and energy use which are applicable to planning applications for residential development. In the case of this application, however, which is for prior approval, the Local Planning Authority are only able to consider the matters which are explicitly specified in the GPDO and, as such, would not be able to set additional requirements above and beyond these. As climate change and sustainability are not specified by the Order as matters for consideration, conditions or other requirements in this regard cannot be imposed on the approval in this case.

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.

Recommendation:	It is considered that the prior approval of the local planning authority is required and it is recommended that it be granted subject to conditions.
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