

DELEGATED OFFICER REPORT:**Application Ref:** PN/22/93831**Site Address:** 59 LEIGH ROAD, EASTLEIGH, SO50 9DF**Case Officer:** Clare Martin

Description: Prior Notification Application for the change of use of the ground floor and the rear of the first floor of the building into 1no. one bed and 1no. two bed dwellings (internal alterations only). The first -floor office unit at the front of the building is not affected by this application.

Particular Site Constraints?	Yes ☐	No ☒
Details ...		

Planning History?	Yes ☒	No ☐
Z/04100/002 – Change of use from ladies and gents hair dressing salon and residential accommodation to hairdressing salon and office - Permitted (1988)		

Publicity:	Letters ☐	Site Notice ☐	Newspaper ☐
Representations:	<u>1 objection letter (Dentists at 57 Leigh Road)</u> • This will affect the structural integrity of the building which we own. This is a very old building, and our business relies on it. We do not want anything done that will affect the longevity and use of the building. • We are a business that relies on a relaxed environment for our patients. we do not want disruptive noise, banging, drilling etc which will affect patients treatment and relaxation in an already stressful environment. • We have shared walls (both internal and external) which are old and do not want any further damage to them. Some of them are structural. <u>Officer Response</u> • While it is recognised the residential conversion work will likely cause some disturbance to the neighbouring business it is likely to be of a relatively short duration and cannot be considered as part of the prior notification application. • The prior notification application also can not consider potential damage to the building, which would be a civil matter.		
Environmental Health (amenity):	<u>No objection</u> The Noise Impact Assessment (reference IMP7275-1) reasonably demonstrates no adverse impact (using BS8233) provided the new dwelling has closing windows and is installed with mechanical ventilation (Type 4 with heat recovery) for use as the occupant chooses to. The acoustic specification for the ventilator is given the report and demonstrated effective from calculations per the BS8233 method. Therefore, we are satisfied the dwelling could be developed. Please include a condition in the consent for the recommendations of the report are installed.		

Environmental Health (contamination):	A phase one contamination study will not be necessary if the proposal does not involve any groundwork or change to the concrete cover in the yard.
Eastleigh Town Council:	No response

Site Visit:	Yes ☒	No ☐
Details: 22/9/22		

Pre-commencement Conditions:	Yes ☐	No ☒
Details:		

Legislation:
The Town & Country Planning (General Permitted Development) (England) Order 2015 (Amendment) Part 3 of Schedule 2, Class MA grants planning permission for a change of use from Class E (commercial, business or service) to residential, subject to certain exceptions, limitations and conditions. Under this act the developer must apply to the Local Planning Authority, before starting development, to determine whether the prior approval of the authority will be required, and if so whether this is granted by the LPA. The matters to be considered under the prior approval are: a) transport impacts of the development, particularly to ensure safe site access; b) contamination risks in relation to the building; c) flooding risks in relation to the building; d) impacts of noise from commercial premises on the intended occupiers of the development; e) <i>not applicable as site is not within a conservation area;</i> f) the provision of adequate light in all habitable rooms of the dwellinghouse; g) <i>not applicable as site is not within an industrial area</i> h) <i>not applicable as current use is not a nursery or health facility</i> i) <i>not applicable as development as a fire risk condition is not required.</i>

Policy:
National Planning Policy Framework Planning Practice Guidance Paragraph W(10) of Schedule 2 Part 3 of the GPDO requires that in assessing this 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. 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 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. 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, DM5, DM8, DM13 and DM14. Supplementary Planning Documents: Quality Places; Residential Parking Standards; Character Area Appraisals.

Assessment:

Eligibility

The building is eligible for a Class MA prior notification application, as:

- The building was granted permission in 1988 to be used as a hair dressing salon and offices, which are uses within Class E. The existing signage indicates that the ground floor front section was last used as a hairdresser and there is no reason to believe that the last use of the building has not been within a Class E.
- The building appears to have been empty for at least three months. According to the Council's revenue team, Daniels Hair Salon was sold in July 2022 to a new owner and the premise has been empty since and is currently being refurbished. Whereas a charity moved out of no.56A in December 2021 and has also been empty following purchase by the same owner.
- The cumulative floor space of the existing building to be converted is approximately 150m², well under the 1,500m² upper limits.
- The building and its curtilage is not in an SSSI, listed building, scheduled monument, in a safety hazard area, military explosives storage area, in an area of outstanding natural beauty, in a national park or within a area specified by the secretary of state.
- The plans have been amended to provide 2no. one bed flats, each having a gross internal floor area of at least 37m² and so complying with the national space standards.

A) Transport Impacts

The application site is located on the edge of Eastleigh Town Centre, in a sustainable location with a range of shops, services and transport connections. In this location it is considered acceptable not to provide off road parking and the proposal will not have any significant transport impacts. It is noted that the proposal includes cycle storage at the rear of the property.

B) Contamination Risks

While there is a potential of the site being impacted by historic contamination a phase 1 contamination report is not necessary as the residential conversion as it does not involve substantial ground work or proposed the removal of the concrete cover over the rear yard.

C) Flooding

The site is within flood zone 1 where there is a low risk of flooding. As such it is not necessary for flood protection measures to be installed at the site.

D) Commercial Noise

The Environmental Health Officer originally objected to the application, raising concerns about noise and disturbance from the next door childrens' nursery and the impact this would have on the residents of the new dwelling (agent of change principle).

The other neighbouring uses comprise a first floor officer, which has their parking spaces in front of the residential units and there is a dentist in the other half of the semi detached building. While it is acknowledged that the neighbouring uses will cause a level of disturbance they will operate through the day and early evening when background noise levels are higher and residents will be going about their day-to-day lives.

In response the agent has provided a noise impact assessment which proposes that closed windows and mechanical ventilation (Type 4 with heat recovery) are installed and used as the occupant chooses. This approach is considered acceptable and indeed the efficient use of sustainable sites is encouraged through planning policies.

F) Light to habitable rooms

The property has a number of western side facing windows, and their daylight will be affected by the close proximity of the two storey building next door. However, the two converted dwellings have been laid out so that their most important living spaces (lounges) are at the front and rear where they are served by large windows with more open views.

While it is recognised that the kitchen, dining and bedroom of flat one and the kitchen in flat two will have less natural light, the overall layout and light levels to the dwellings is considered acceptable.

Impact of SPA:

Conservation of Habitats and Species Regulations 2017:

Under Regulation 77 of the Habitat Regulations, development which would be permitted by a Development Order, and which would be likely to have a significant effect on a European site or a European off-shore marine site, (in this case, through additional nitrates loading on the waste water system) must not commence until the Local Planning Authority has given its written approval for the development and appropriate mitigation has been secured against the developments harmful impacts on the European Protected Site. The applicant is required to submit a separate Regulation 77 application to the LPA to secure this mitigation.

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:

GRANT CONSENT ☒

REFUSE ☐

Comments ...