

DELEGATED OFFICER REPORT:**Application Ref:** F/23/94890**Site Address:** 3 HIGH STREET, EASTLEIGH, SO50 5LB**Case Officer:** Clare Martin

Description: First floor rear extension and external alterations to rear of building to provide 1no. one bed apartment to ground floor with ancillary court yard and 1no. two-bedroom apartment to first floor. Change of use of remainder of ground floor from restaurant/bar to general commercial use (Use Class E) (resubmission of application F/23/94699).

Particular Site Constraints?	Yes ☒	No ☐
• Within Built-up Area Boundary • Within Eastleigh Town Centre – Secondary Shopping Zone(1c) • Within HRA Screening Area • Within New Forest Recreational Disturbance Catchment Area		

Planning History?	Yes ☒	No ☐
• F/23/94699 - First floor rear extension and side dormer projection to rear of building to provide 2no. one-bedroom apartments to first floor and 1no. two-bedroom apartment to ground floor with ancillary yard and external stair access, together with change of use from restaurant/bar to general commercial use (Use Class E) - Withdrawn (Mar 2023) • Z/49094/008 - Change of use to restaurant/ public house (class A3) at ground floor with first floor flat, single storey side extension and external alterations - Permitted (May 1997)		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☐
Representations:	None		
Environmental Health:	<u>Comment – Further information needed</u> The new dwellings would locate amongst or beside the restaurant back of house environs. We are unsure whether this would be an acceptable use of land due to the potential impact of noise and odour from the commercial kitchen and yard. Please ask the agent to provide a qualitative environmental audit to identify potential sources of adverse noise, vibration, odour or other air quality impact, or artificial light. This shall comprise a site visit by an environmental professional and appreciation of prevailing or likely pollution (such as audible noise or odour that could potentially impact upon occupiers of the planned dwelling). The audit shall conclude on the risk to amenity of or harm to the planned dwelling occupiers. If the risk is more than low, say medium or high, the auditor shall propose a scope for quantitative investigation to be agreed with the Local Planning Authority.		
Transport:	<u>No objection</u> No changes to the access in and out of the site from the highway are proposed, and whilst no vehicle parking spaces will be provided for the future residents, it is noted that being a town centre site, it is		

	ideally located to have access to retail and employment opportunities, public transport and local foot/cycle routes. As such, a car free development would be accepted. Future occupiers should however be made aware that as new development, they will not be entitled to join the Controlled Parking Zone for residential parking permits.
Parish Council:	<u>Object</u> Members felt there is an ongoing need for restaurants and bars within Eastleigh to support the vitality of the town centre and therefore object to the proposed change of use. They were concerned about residents of the proposed development being exposed to noise & odours from the surrounding bars & restaurants and felt that the amenity space was inadequate due to the location of the bin storage. Members also questioned whether there is a need for more market rental properties within the town centre.

Site Visit:	Yes ☒	No ☐
Details: 5/4/23		

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>

Policy:
National Planning Policy Framework Planning Practice Guidance Development Plan: The <u>Eastleigh Borough Local Plan 2016-2036</u> The most relevant policies are <u>Strategic policies:</u> • S1 (Sustainable Development); • S2 (Promotion of New Development); • S3 (Housing Locations); • S4 (Employment Provision) • S12 (Transport Infrastructure). <u>Development Management policies:</u> • DM1 (General Development Criteria); • DM3 (Adapting to Climate Change); • DM8 (Pollution); • DM10 (Water and Waste Water); • DM11 (Nature Conservation); • DM14 (Car Parking); • DM22 (Changes of Use in Eastleigh Town Centre) • DM32 (Internal Space Standards); • DM40 (Funding Infrastructure).

Area Policies

- E3 (Eastleigh Town Centre)

Supplementary Planning Documents:

- Quality Places;
- Residential Parking Standards

Site Characteristics and Character of the Locality:

The application site is located within Eastleigh Town Centre and forms part of the westernmost block of the town centre fronting onto the western side of the High Street and backing onto the top end of Hanns Way.

The site is positioned within the secondary retail zone of the town centre, which includes a range of retail and commercial uses, as well as some residential accommodation on upper floors. The site lies between two food outlets, with La Fence to the north and Kat's Kafe to the south. To the rear, Hanns Way is characterised by a mixture of buildings, service yards and car parking, which are used to support the surrounding commercial premises.

The site itself contains a one and two storey building, which was previously used as The Chalet bar and restaurant but has since permanently closed. The building is laid out with the vacant bar and restaurant at the front (facing the High Street) and above this is an existing first floor two bedroomed flat. The back of the building accommodates the restaurant's ancillary facilities (including a kitchen, toilets, storage and offices), which are spread over the first and second floor. There is also a small beer garden at the rear

Description of Application:

The proposal is to convert the rear of the building into two flats, a one bed flat on the ground floor with its own private courtyard and a two bed flat on the first floor. Each flat will have its own entrance from a shared courtyard where bin and cycle storage are provided. The shared courtyard is accessed off Hanns Way. There is no car parking for the residential units.

The front of the building will continue to be used as a commercial unit (albeit reduced in size from 272m² to 161m²) and has its own separate service area off Hanns Way. The toilets, kitchen and storage areas currently at the rear of the building will be moved into the central section to free up space for the residential development.

The application is accompanied by a design and access statement

Assessment:

Principle:

The site is within the urban edge where the principle of development is acceptable, subject to compliance with the relevant detailed policies. In this case the site is also within the secondary shopping area of Eastleigh Town Centre. Section 7 of the National Planning Policy Framework aims to promote the long-term vitality and viability of town centres by allowing them to grow and diversify to allow a wider mix of uses which includes bars & restaurants, leisure and housing.

At a local level Policies DM22 & E3 aims to support well designed, high density, mixed used developments within Eastleigh Town Centre. These policies aim to retain active ground floor frontages within retail, food outlets, community, leisure and cultural uses

(under Class E & F) and encourage the re-use of upper floors including for residential properties.

The proposal is broadly inline with these policies as it will continue to provide an active commercial unit along the High Street, albeit reduced in size from (from 272m² to 161m²). The unit will be of a comparable to the size of other commercial premises in the town centre and suitable for a range of Class E town centre uses, such as retail, food outlet or offices. The unit has also been redesigned to include a commercial kitchen and so would be suitable as a restaurant to directly replace the Chalet bar/ restaurant that was previously at the site.

The rear of the building will be converted to provide two dwellings (a one-bed dwelling on the ground floor and a two-bed dwelling on the first floor). It seems reasonable to include an additional dwelling in the space behind the commercial unit on the ground floor, which would be in line with the NPPF aspirations for mixed use developments within town centres and the first floor dwelling would be supported by Policy DM22.

Living Accommodation

The internal floor area of both of the dwellings meets the nationally described space standards, with the one bed ground floor flat being 42m² and the two bed first floor flat being 61m². Patio doors/ Juliet balconies have been provided on the rear elevation to serve the flats' main living areas with a secondary window at the side overlooking the landscaped courtyard. The bedroom windows are also at the side of the dwelling.

The outlook and daylight for the first floor flat is reasonable, the ground floor flat is slightly more restricted due to the presence of neighbouring buildings and boundary treatment, but on balance is considered acceptable. The ground floor flat also has the bonus of its own small external amenity area at the rear. No external amenity space has been provided for the first floor flat, but the site is within easy walking distance of Leigh Road Recreation Ground.

The proposed dwellings would be located in a busy town centre and as such they have the potential to be impacted by noise, odours and general disturbance from the commercial uses at the site and nearby premises. The Environmental Health Officer has advised that a qualitative environmental audit is required to identify potential sources of adverse noise, vibration, odour, air quality and artificial light to understand the risk to the new residents before determining the planning application. Providing it can be demonstrated that the proposed dwellings would be able to create a suitable residential environment then any additional information or mitigation could be secured via condition.

However, the Applicant is unwilling to provide the necessary qualitative environmental audit, which would need to be carried out by a suitably qualified professional in order to ensure that the results are reliable. As such the council cannot be satisfied that the proposed dwellings would create suitable living accommodation and the proposal is recommended for refusal on this basis.

Car Parking

The residential development doesn't provide any car parking, but this is considered acceptable given that the site is located within Eastleigh Town Centre where there is easy access to a range of public transport options. However, the shared courtyard also provides the required cycle and bin storage.

External Appearance:

The proposal requires only limited external changes to the building to allow the residential conversion, mostly in the form of additional windows/doors and rear boundary treatment. The external alterations will fit in with the style of the building and the mixed character of properties along Hanns Way. Furthermore, the proposed windows are not considered to

unacceptable harm the outlook of any nearby residential properties and accord with the guidance within the Council's Quality Places SPD.

Impact of SPA:

Recreational Disturbance

The site is within the 13.8km catchment area for the New Forest Special Protection Area. It is recognised that new housing developments within this catchment area are likely to result in additional visitors and potential damage to the New Forest. In order to mitigate for these impacts the developer is required to pay a contribution towards the Council's New Forest Mitigation Strategy (which provides Suitable Alternative Natural Green Spaces within the borough and funding towards a New Forest Ranger Post). No contribution has been received to date.

Nutrients

The site is within the impact zone for nitrogen and phosphorus, which has been shown to have a determinantal impact on the water quality of the River Itchen /Southampton and Solent Water Special Protection Area. A nutrient budget has not been submitted for the development (which would likely show a positive output for nitrogen and phosphorus) and no mitigation has been provided for the increase in nutrients caused by the housing 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 ...		