

DELEGATED OFFICER REPORT

Application Ref: PN/23/95595

Site Address: 105 - 111 WINCHESTER ROAD, CHANDLER'S FORD, EASTLEIGH, SO53 2GH

Case Officer: Rebecca Altman

Description: Change of use from Class E to C3, to form 5.no apartments. Site at first floor front only.

Particular Site Constraints?	Yes ☒	No ☐
- In Urban Edge - In Chandlers Ford District Centre - Winchester Road is a strategic footpath, cycleway and bridleway - TPO on north side of site		

Planning History?	Yes ☒	No ☐
No specific planning history relating to the offices. Various previous applications for external alterations to the wider building and signage. The most recent being: - F/23/95081 – External alterations including new shopfront, removal of existing louvres to rear and side elevations, new louvres to rear, provision of ventilation openings, new doors, and alterations to loading platform – permitted 30/06/2023 - F/23/94540 – External alterations including installation of new louvres at ground floor to rear elevation and reconfiguration of car park – permitted 27/04/2023		

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	One representation received, querying the site address and noting that No.110 is not part of the application. Officer note: The applicant has confirmed that the correct address is 105-111 Winchester Road. This incorporates the odd number properties only, and does not include the even number properties on the opposite side of the road.		
Parish Council:	No comments received.		
Environmental Health:	The submitted details indicate various noise mitigation measures including noise barrier around noisy equipment, fenestration sound insulation and insulation of internal elements including floors, and party walls. Recommend condition for testing prior to occupation to ensure that noise limits comply with BS8233 for non-anonymous noise, and that all equipment on adjacent premises has been taken into account. Applicant should also consider potential odour impacts from the adjacent flue. Officer note: odour is not a matter for consideration under this application (in accordance with the GPDO), but the applicant has been informed about the potential for odour from the adjacent flue and an informative could be added to the decision.		
Highway Authority:	No objection. Access to the site is unchanged and the change of use is likely to result in a reduction of trip rates. The level of parking falls below EBC's Parking Standards and it is unclear if the rest of the retail		

	parking area could be used for residential parking. However, the potential for unauthorised parking in the local area would be minimised by existing parking restrictions. Confirmation of cycle parking provision should be provided.
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Site Visit:	Yes ☒	No ☐
Details: 20 July 2023 – photographs on file.		

Policy and legislation: 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 (office) to Class C3 (residential), in accordance with Class MA of the General Permitted Development Order. 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 and S2; and Development Management policies DM1, DM5 DM8, DM13, and DM14. Supplementary Planning Documents: Quality Places; Residential Parking Standards.
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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. MA.1 – Criteria <table border="1"> <thead> <tr> <th>Criteria</th><th>Assessment</th></tr> </thead> <tbody> <tr> <td colspan="2">Development is not permitted by Class MA:</td></tr> <tr> <td>(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.</td><td> The applicant confirmed that the last occupants of the offices terminated their contract in December 2019. A letter confirming the tenancy end date has been provided as evidence. A site visit inside the property was carried out on 20th July 2023, which confirmed that the offices were vacant. </td></tr> <tr> <td>(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</td><td>Sub-paragraph 2 confirms that the building has to have been in use for a Class E use, which includes offices.</td></tr> </tbody> </table>	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.	The applicant confirmed that the last occupants of the offices terminated their contract in December 2019. A letter confirming the tenancy end date has been provided as evidence. A site visit inside the property was carried out on 20th July 2023, which confirmed that the offices were vacant.	(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	Sub-paragraph 2 confirms that the building has to have been in use for a Class E use, which includes offices.
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years prior to the date of the application for prior approval.	The applicant has confirmed compliance with this requirement in the submitted application form. Whilst there is no specific planning history relating to the office use, there is information on the Council's files confirming the authorised use of the first floor above the Co-op as offices (use Class B1, now Class E) in 2017. There is no evidence on the LPA's files to dispute the claim that the office use was in place for a continuous period for at least 2 years prior to this application.
(c) If the cumulative floor space of the existing building changing use exceeds 1,500sqm.	The floorspace of the area of building to be converted is approximately 276m2 (as confirmed in the covering letter and measured from the floorplan), which is well below the specified maximum.
(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	None of these apply to the 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	None of these apply to the 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 an 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 1st August 2021; and ii) The development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this	This does not apply as the application was submitted after 1 August 2022.

order which has not since been cancelled.	
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MA.2 – Conditions - Prior approval matters for consideration

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

The application site lies within Chandlers Ford District Centre, and has good access to public transport including buses and trains. The proposal is for the creation of 5 flats and the submitted plans show the provision of 3 parking spaces within the car park area accessed from Brownhill Road. It is noted that reference is made to the provision of 5 parking spaces within the Transport Statement, but the plan only indicates 3 spaces and it is on the basis of the plan that the application has been assessed. The access to the parking spaces would be via an existing entrance from Brownhill Road, which serves the parking area for the Co-op store, and the Highway Authority has confirmed that this access is acceptable.

The level of provision falls below the Council's Parking Standards, which would require 2 parking spaces for each flat. However, given the sustainable, District Centre location, it is considered that a reduction in the parking standards is justified in this instance. The Highway Authority has also noted that any overspill parking to surrounding areas would be suitably controlled by existing parking restrictions.

The Block Plan shows that there would be space available to provide secure cycle storage for the flats. This would help to encourage the use of alternative means of transport to the private car and full details of this provision can be requested by condition.

It is also noted that the change of use from offices to flats is likely to reduce overall vehicle trip rates, therefore is not likely to result in increased traffic congestion in the vicinity of the site. Overall, the proposal is not considered to result in any adverse impacts on the local highway network.

B) Contamination risks in relation to the building:

The proposal relates to the conversion of part of the first 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;

The application is supported by a Noise Impact Assessment, which has been reviewed by the Council's Environmental Health Officer. The Assessment considers the existing acoustic environment and recommends a number of noise mitigation measures including provision of a noise barrier around noisy equipment on the roof of the Co-Op store, fenestration sound insulation and insulation of internal elements including floors and party walls. The Noise Assessment concludes that with the recommended mitigation, there would be no adverse noise impacts on future occupants.

The Environmental Health Officer has raised no objection but has noted that there has been new equipment recently permitted on the Co-Op store and adjacent premises that may need to be taken into account. It is recommended that permission be subject to a condition to require pre-occupation testing to confirm that noise levels will comply with

required standards (as per BS8233). Subject to this condition, it is considered that future occupants would not be adversely impacted by noise.

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 site does not lie within a Conservation Area and the proposal relates to the first floor only.

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

Access to the vacant offices was gained on 20th July 2023, during which it was confirmed that all of the rooms benefit from good levels of natural light from the existing windows.

It was noted that the north-west facing windows (for proposed flats 2 and 5) would look out over the existing flat roof of the Co-op, towards another first floor section of the building used for ancillary purposes to the shop. Whilst this is not the most attractive outlook, there is good separation between the two first floor elements and the windows still achieve a good level of natural light.

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; and

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

I) Where the development meets the fire risk condition, the fire safety impacts.

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

Dwelling floor areas

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 dwellings are as follows:

- Flat 1 (studio) – 38m²
- Flat 2 (1-bed) – 50.7m²
- Flat 3 (1-bed) – 56.1m²
- Flat 4 (studio) – 41.9m²
- Flat 5 (studio) – 39m²

All of these floor areas exceed 37m² and comply with the Nationally Described Space Standards.

Other matters

Mitigation of the impact of development on Special Protection Areas

Prior to the commencement of any development, it is a requirement that the applicant satisfies 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 (nitrates and phosphates).

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 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 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: The proposal complies with the criteria and conditions of Schedule 2, Part 3, Class MA of the GPDO. **Prior Approval is required and approved.**

Recommendation:

**Prior Approval Required
and Granted ☒**

REFUSE ☐

1. The development hereby permitted shall be implemented in accordance with the following plans numbered:

- 23.1371/001 A – Location and Block Plans
- 23.1371/101 – Proposed GF Plan
- 23.1371/102 – Proposed 1F Plan – Front Building
- 23.1371/001 – Existing First Floor Plan
- 23.1371/005 – Existing Elevations
- 23.1371/002 – Existing GF Plan
- 23.1371/006 Existing Elevations A and B

Reason: For the avoidance of doubt and in the interests of proper planning.

2. Prior to occupation of the dwellings hereby permitted, a post-installation Noise Assessment shall be carried out and a report submitted to and approved by the Local Planning Authority to confirm that internal noise levels within the dwellings would comply with BS8233:2014 for 'non anonymous' noise, in accordance with the recommendations of the submitted Noise Impact Assessment (DAA Group, 24 June 2024 Issue 01).

Reason: To ensure that future occupants would not be adversely affected by external noise, in accordance with Policy DM8 of the Eastleigh Borough Local Plan (2016-2036).

3. Prior to occupation of the dwellings hereby permitted, full details of the secure cycle storage as indicated on Plan ref. 23.1371/001 A, shall be submitted to and approved in writing by the Local Planning Authority. The cycle storage shall thereafter be installed in accordance with the approved details and maintained for cycle storage purposes only.

Reason: To encourage the use of alternative means of transport to the private car, in accordance with Policy DM13 of the Eastleigh Borough Local Plan (2016-2036).

Note to Applicant:

Development under Class MA is permitted subject to the condition that it must be completed within a period of 3 years starting with the prior approval date.

Note to Applicant:

It is a requirement that the applicant satisfies their obligations under Regulation 77 of 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 will mean that the development will have been unlawfully implemented.

In this instance appropriate mitigation is required to offset the development's impacts on the European Protected Site, in terms of additional recreational pressure (to the New Forest), and additional output of nutrients (nitrates and phosphates) arising from a net gain of residential accommodation.

Development 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(s). Further information on

Eastleigh Borough Council's Schemes are available:

Nitrates & Phosphates: <https://www.eastleigh.gov.uk/planning-and-building/nutrient-offset-schemes#:~:text=The%20Council's%20nitrate%20offer,our%20legal%20and%20administrative%20costs>.

New Forest: <https://www.eastleigh.gov.uk/media/5441/update-doc-4c-new-forest-interim-mitigation.pdf>

Note to applicant: The applicant is advised that there is an extract flue on the adjacent premises that may cause odour impacts on future residents. It would be advised to assess the potential odour impacts and provide mitigation where required.