

DELEGATED OFFICER REPORT

Application Ref: F/23/95415

Site Address: 107-109 Leigh Road, Eastleigh, SO50 9DR

Case Officer: Summer Sharpe

Description: Conversion of offices into 2no. dwelling houses (Class C3), including associated external alterations and bin and cycle stores.

Particular Site Constraints?	Yes ☒	No ☐
• Within urban edge • Nature Conservation; SAC, SPA, Ramsar • Air Quality Management Area • Airport Safeguarding • Sewers 2m buffer		

Planning History?	Yes ☒	No ☐
Planning App no.	Proposal	Decision
Z/10277/002/00	Change of use from Dental Surgery and offices to offices	Permitted (April 1978)
EAB050785000000	Change of use from residential and dentist surgery to dental surgery and office	Permitted (December 1972)
EAB0549300000	The erection of extensions	Permitted (April 1967)

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	<u>1no. Objection:</u> (a) overdevelopment, (b) poor design, (c) unsustainable, and (d) excessive vehicles.		
Eastleigh Town Council:	None received.		
EBC Environmental Health:	We should like to draw the applicant's attention to the high noise levels from road traffic in this location. In fact, being within a designated 'Noise Important Area' distinguishes the location as amongst the noisiest in England. Noise insulation would surely help to make these healthy dwellings to live in. Long term exposure to noise such as road traffic is known by the World Health Organisation to have causal link to clinical health impacts. We recommend the dwellings are sound insulated to comply with B8233, which is informed by WHO's guidance. Pollution from vehicles (tailpipe emissions) are elevated here also, as the Leigh Road corridor is a designated Air Quality Management Area. Air pollution is also a health impact with morbid and mortal effects. Our preference for ventilation (also required when windows are closed to prevent noise ingress) is to obtain fresh air from the rear side of the dwelling using a mechanical system. This has become a common solution with Eastleigh's AQMAs.		
EBC Ecology:	There are records of bats, swifts and hedgehogs near this site. The only changes that appear to be proposed are changing a window to a door on the side elevation of 107 and changing some internal walls. The land to the rear of the property appears to be paved and used for parking. Parking spaces and metal bike stores are proposed at the southern boundary of the site. The amenity space proposed		

	for each dwelling is a narrow strip to the sides of each building. Biodiversity enhancements will be required. A bat brick and a swift brick may be appropriate for these dwellings.
EBC Arboriculturalist:	The site is tree-free save for a tree to the front of no. 109. The area around this tree is allocated for amenity space, which is currently paving. We have no issues regarding the inclusion of this tree within the amenity space so long as care is taken in landscaping. Finally, the tree may be subject to pressures from renovation (e.g. storage of materials or waste), so consideration must be given to protecting the tree for the duration of the development. Therefore, we raise no arboricultural objection to the proposals, subject to conditions.
HCC Highways:	<u>Comments 10 October 2023:</u> It is noted that an updated site layout plan has been received (PL/03 Rev A). Having reviewed the drawing, it is noted that whilst the aisle width between the parking spaces and the wall of 3 Nutbeam Road has been increased from the original width. Whilst this is still below the standard 6m, the individual parking spaces are slightly wider and longer than normal (3m x 5m) and so measuring from the rear of the car rather than rear of space, the aisle width does increase further. Additionally, with the extra space width, an early vehicle turn can be achieved and as such, whilst still tight, it would be foreseen that manoeuvres in and out of the spaces by cars will be achievable. No objection subject to conditions. <u>Comments 9 August 2023:</u> No objection in principle. Updated plans would be require prior to a positive recommendation being issued. A) The aisle width for turning in and out of the parking spaces is shorter than the length of the actual car, and as such spaces will not be usable. B) At present the onsite parking is taken from a drop kerb vehicle crossover which lines up with the southern boundary of the site, forming an extension to the drop kerb which serves the rear service road. This extended drop kerb will become redundant and as such full height kerbs and footway should be re-instated. These works would need to be undertaken via a S278 agreement.
Natural England:	Objection – impact upon New Forest.
Southern Water:	Any new connection to the public sewer would require a formal application.

Policy:

National Planning Policy Framework

National Planning Practice Guidance

Development Plan:

Eastleigh Borough Local Plan 2016-2036

Policies: S1 (delivering sustainable development), S2 (approach to development), S3 (location of new housing), DM1 (General development), DM2 (environmentally sustainable

development), DM3 (climate change), DM4 (zero or low carbon energy), DM6 (surface water management), DM8 (pollution), DM11 (nature conservation), DM13 (transport), DM14 (parking), DM23 (residential development within urban areas), DM29 (dwellings with higher access standards), DM30 (internal space standards), DM38 (funding infrastructure), and E4(1a) (Urban Renaissance Quarter Boundary).

Supplementary Planning Documents:

Quality Places; Residential Parking Standards; Eastleigh Character Area Appraisal.

Site Visit

Yes ☒

No ☐

17 August 2023.

Assessment:

Site & Surroundings

The application sites comprise 107-109 Leigh Road, 2no. semi-detached buildings situated to the south of Leigh Road, on a corner plot, with Nutbeem Road to the west. The buildings are a mirror image of one another, including decorative entrance doors, and projecting bow-bay windows at ground and first floor with a pitched roof, with the main roof being hipped. The buildings are finished in red facing brick work, a combination of timber and upvc fenestration, and a tiled roof. The sites are also currently bound by a low-level brick wall fronting Leigh Road and Nutbeem Road. To the rear it is evident that there have been extensions to both sites. Further south is a large open area of hard standing which provides car parking provisions for the commercial units. There is also an access strip to the rear of properties.

The surrounding area comprises a mixture of uses, predominantly residential, however there are some commercial uses, including a nursery to the east. There is also a dentist and pub within close proximity to the west.

Proposal

The application proposes the conversion of 107 and 109 Leigh Road from offices to dwellings. The buildings are physically connected, from a site visit it was understood that the buildings were formerly linked internally, however this access has been blocked. The proposals would seek to create 2no. 4-bedroom dwellinghouses (falling within use class C3), this would also include external alterations comprising: replacement of 1no. window to door on the extension of 107 Leigh Road (eastern elevation), installation of a 1.8m boundary wall to the west (109) fronting Nutbeem Road which would then be reduced in height to the rear. There would also be the installation of bin and cycle stores. These would have a square footprint (2m by 2m), and would have a mono-pitched roof with the maximum height of approx. 1.6m and minimum height of 1.4m. This would be finished in corrugated metal.

Principle

The application site falls within the urban edge, whereby the general principle of residential development is considered to be acceptable. The site also falls within Policy E4, the 'urban renaissance quarter'. Part 1 of this policy encourages *well-design, people-intensive development* within Eastleigh Town Centre. Therefore, in principle there is general support for this type of development, however would also be subject to the following considerations set out within this report.

Paragraph 11 of the NPPF relates to the presumption in favour of sustainable development, with sub-paragraph d) ii) relating to the decision-taking process, noting that permission should be granted unless *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this*

Framework taken as a whole. Paragraph 14 elaborates on this stating that where the application involves the provision of housing, the adverse impact of allowing development would be assessed against the criteria laid out (a-d).

The Council also has an ongoing responsibility to ensure that there is a continuous 5 year supply of housing. The government has consulted on changing the requirements for having to demonstrate land supply and as such, it is not proposed to update the position until the NPPF is revised. The last published figure was 5.1 years in July 2022 and the current local plan is very recent, having only been adopted in April 2022.

To conclude, the proposal would provide for additional residential development within the urban edge, an area which is acknowledged to be a sustainable location, this contribution would be particularly modest in the form of 2no. dwellings.

Design

Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) stipulates that all new development should respect the character and appearance of urban areas, take full and proper account of the context of the site including the character, appearance and land uses of the locality or neighbouring, and be compatible in terms of mass, scale, layout density, design and siting.

As set out within the proposal section, there would be limited external alterations as a result of the proposals. There would be the alteration of 1no. window to door on the eastern elevation of 107 Leigh Road. This would face the shared boundary with 105 Leigh Road. Subject to this being finished in matching materials this would be acceptable, as such this is recommended to be secured via condition.

There would be the installation of a 1.8m boundary wall to the west (109) fronting Nutbeem Road which would then be reduced in height to the front and rear. Whilst it is noted that most boundary treatment within the immediate vicinity is low level, the proposed wall would enclose the majority of the rear external amenity area for 109, thus making it usable. Further, opposite the application site to the west, the neighbour has a section of 1.8m close board fencing as boundary treatment, and therefore this element is not considered to be uncharacteristic/ at odds with the urban and residential surroundings.

Further to the boundary treatment, the plans show some areas 'AS' amenity space, as such, it is recommended that a landscaping condition be imposed to ensure that the amenity space is usable, which would include biodiversity enhancements and boundary treatments (comprising both the wall and subdivision of 107 and 109). There would also be the installation of 2no. bin and cycle stores. These would be located within the rear gardens and would be of modest sizes and appearance thus would be acceptable.

Therefore and to conclude, subject to conditions, the proposals are considered to be acceptable.

Internal & External Amenity for Future Occupiers

To ensure adequate internal living standards are met the Local Planning Authority assess the measurements of space against the 'Nationally Described Space Standards' (NDSS) (March 2015). Policy DM30 of the Eastleigh Borough Local Plan (2016-2036) requires that all new dwellings meet the NDSS as a minimum. In addition to internal arrangements, the Quality Places SPD requires all new residential development to provide a garden area of 60% of the host dwellinghouse.

The NDSS sets out the minimum space required for new dwellinghouses, this is dependent upon the number of bedrooms, people who would reside there and storeys. There are also standards relating to sizes of bedrooms; a single occupancy bedroom

should measure 7.5m², and a double occupancy bedroom should measure 11.5m².

The application proposes 2no. two-storey 4no. bedroom dwellings, whereby the NDSS requires between 97m² – 124m² for a property of this size. From the submitted plans, the ground floor for 107 would measure approx. 96m², and for 109 would measure approx. 106.5m². The first floors would measure approx. 68m². The proposed dwellings would therefore comply with these standards. Amended plans have been received during the course of the application, as originally 2no. bedrooms did not comply with the minimum space standards, this has since been altered, whereby all bedrooms now exceed the minimum 7.5m² standard, thus would be acceptable. Further from the submitted floor plans and elevations, it appears that each habitable room would be served by a window.

In addition, and as set out within the Council's Quality Places SPD, the garden size for new residential development must be at least 60% of the floor space of the host dwellinghouse. The area denoted as 'AS' on the submitted plans would equate to at least 60% amenity space (for each proposed dwelling), however, it is arguable as to whether all this space is 'actually usable' in practice. That said, it is noted from this history, the application sites were formerly dwellinghouses and would have benefitted from the approved extensions, the same size plots and the external amenity space as shown on the plans. Therefore, whilst the technicalities of the 'usable amenity space' could be queried, it is considered that the proposed dwellings would provide adequate external amenity space, and would not be a dissimilar situation to that in the 1970s and prior, before the sites were converted into offices.

Due to the nature of the proposals, the Council's Environmental Health Team have been consulted. They raised concern with regard to noise and ventilation of windows. It is considered that conditions could satisfactorily address these concerns.

To conclude, the proposals are considered to be acceptable in terms of the living conditions for future occupiers.

Impact upon Neighbouring Amenities

Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) amongst other matters, stipulates that all new development should not have an unacceptable impact upon residential amenities of both new and existing residents.

The addition of residential development within this area is considered to be acceptable. It is noted that the surroundings comprise a variety of uses, some commercial, but also some residential. The site also falls within the urban renaissance quarter (Policy E4) which encourages a higher density of residential development. As such, the proposals are considered to be acceptable in this regard.

There would be limited external alterations. The 1no. door to the eastern elevation of 107 is not considered to have an impact upon the neighbour (105), as the sites would be separated by boundary treatment, which is recommended to be secured via condition. All other existing windows and doors would remain in situ, therefore there would be no additional concern of overlooking given the current situation and relationship with neighbouring properties. Further, boundary treatment is not uncommon within an urban and built up environment and therefore would not result in adverse harm. There would also be boundary treatment between 107 and 109 separating the sites, which would be secured via condition. The boundary treatment to the west of 109 would comprise a 1.8m high wall (in part), which could impact upon the streetscene and visual amenities. However, it is not considered that this would be harmful. Further, this is predominantly a design consideration, which has been set out above.

The internal works required for the conversion could impact the neighbouring amenities, as such a construction environmental management plan and construction hours are

recommended to be secured via condition so as not to have an adverse impact in terms of noise or disturbance.

As such, and subject to conditions, the proposals are not considered to have an adverse impact upon the amenities of neighbouring properties.

Highway Safety & Parking

Policy DM13 of the Eastleigh Borough Local Plan (2016-2036) requires that development is or could be well served by public transport, cycling and walking and it includes measures which minimise its impact on the existing highway network. Policy DM14 of the same Plan requires that an appropriate level of car parking be provided in accordance with the Council's adopted standards. The policy provisions are consistent with the requirements of the NPPF and in particular those of paragraphs 107 and 108.

Due to the nature of the proposals, the Local Highway Authority (LHA) have been consulted, whereby they raised no objection in principle. However, they noted that additional information would be required. They also raised concern with regard to the aisle width not being wide enough for vehicles, thus would not be useable. As well as works needing to be undertaken via a S278 agreement.

Following amended plans the LHA noted that the aisle width between the parking spaces and the wall of 3 Nutbeem Road had been increased, but was still slightly below standard. However, the parking spaces proposes are larger than normal, thus allowing extra space, so if measuring from the car and not the parking space the aisle width further increases and, whilst tight, could allow for acceptable manoeuvres into and out of the site. Ultimately, the LHA raised no objection, subject to condition.

Turning to parking provisions, the Council's Parking SPD sets out that for a 4no. bedroom dwelling there would need to be 3no. off-street parking provisions. However, the application site is located within Eastleigh Town Centre, which is noted to be the most accessible location in the Borough, and therefore a reduced parking standard can be accepted given the accessibility and public transport connections. The application proposes 2no. parking provisions for each dwelling, as well as cycle storage within the rear garden. The proposals are therefore considered to provide adequate off-street vehicle parking provisions, and suitable storage for bicycles allowing for alternative and sustainable means of transport. As such and to conclude, subject to conditions, the proposals are considered to be accepted in this regard.

Ecology & Trees

Policy DM11 of the Eastleigh Borough Local Plan (2016-2036) stipulates that the Borough Council will work with statutory and voluntary agencies and developers to; protect, conserve and enhance areas subject to international, national and local nature conservation designations, and promote the net gain of biodiversity on all sites through the protection, enhancement and connection of existing provisions and new habitats and features compatible with the native biodiversity characteristics of the Borough.

Due to the nature of development, the Council's Arboriculturalist and Ecologist have been consulted.

The Council's Arboriculturalist notes that there is 1no. tree to the frontage of 109 Leigh Road, which would be included in the proposed amenity/ landscaped area. Whilst the proposals would not result in any direct works to the tree, they have recommended conditions to ensure that there is a tree protection plan in place and that there would be no damage/ works undertaken to the tree. Subject to these conditions, they have raised no objection.

The Council's Ecologist noted that there are bats, birds and hedgehogs within the areas, however the proposals would not be considered to impact these animals. They have, however, recommended biodiversity enhancements, which are recommended to be secured via condition.

Drainage

Policies DM3 and DM6 of the Eastleigh Borough Local Plan (2016-2036) stipulate that new development must provide sustainable drainage systems (SuDs) wherever feasible, naturalised filtration should also be included.

A surface water drainage plan would be required. As such this is recommended to be secured via a suitably worded condition.

Sustainability

Policy DM2 of the Eastleigh Borough Local Plan (2016-2036) requires new development to provide a 19% improvement in predicted carbon emissions, and water consumption standards of 110L per person per day.

Other than being situated within a suitable location, the proposals do not provide any sustainability measures. It is therefore recommended that sustainability measures be secured via condition.

SPA Mitigations

The Council, as the responsible body for Habitats Regulations Assessment (HRA), must ensure as part of a planning application that a development will not have an adverse impact upon any European protected sites, and specifically in this case, the European protected Solent Complex (SPA, SAC and Ramsar sites), River Itchen (SAC) and New Forest National Park (SPA, SAC and Ramsar sites). It is recognised that the addition of residential development would have an adverse impact upon the surrounding designated European protected sites.

Due to the nature of the proposals, a HRA was undertaken and submitted to Natural England for their review. They raised an objection, but only to the Council's New Forest Mitigation. However, the LPA, as the competent body under the Habitats and Species Regulations (2019) are satisfied that the mitigation proposed is sufficient to address the impacts arising from the development upon European Protected Sites. In accordance with the provisions of Section 28(1) (6) of the Wildlife and Countryside Act (1981), as the application is being granted contrary to the advice of Natural England, a condition preventing development from starting for a period of 21 days is recommended to be imposed to the consent.

The Solent & Southampton Water Special Protection Area is an internationally designated conservation site and is protected for its overwintering birds. It is recognised that new house building (within a 5.6km buffer of the designated area) is placing increased pressure on these overwintering birds from more people visiting the coastline. As such the Council requires all housing developments within the buffer to make a financial contribution towards the Solent Recreation Mitigation Strategy, which aims to limit recreational disturbance to our coastline through careful management. The application site does not appear to fall within this zone.

In terms of water quality, Natural England have advised that new housing development should achieve nutrient neutrality in order to mitigate the impacts of additional nitrogen arising from the sewage generated by the future residents. This wastewater then feeds into the Solent Complex via Waste Water Treatment Works, which discharges into the river network and so causes eutrophication affecting the features for which it is

designated. The Council has adopted its own strategy for achieving nutrient neutrality whereby it identifies areas of agricultural land and remove these from a nitrate intensive use, thus reducing the nitrogen input into the protected sites, with the level of reduction then being used as a means of offsetting the impacts of development proposals within the Borough. This ensures no overall net increase in nitrates within the Solent and thereby allow a development to achieve nutrient neutrality. In order to do this, the Council calculates the level of nitrate mitigation this land provides (measured in kg) and makes 'nitrate credits' available to developers to buy, with funding being secured during the planning application.

In addition to the above, Natural England have also highlighted that residential development within a certain catchment of the River Itchen (SAC) can result in phosphate loading resulting from additional sewage generated from future residents. The Council also has 'phosphate credits' available to offset this impact.

The HRA covered that the proposals would result in an additional 6.83kg/TN/year of nitrogen and between 0.17kg/TN/year (post 2025) – 0.26kg/TN/year (pre-2025), and that the necessary mitigation would be secured via condition.

Furthermore, Natural England has also raised concern with regard to additional residential development within 13.8km radius of the New Forest. This is considered to have an adverse impact upon the New Forest by way of additional trips resulting in further recreational disturbance. There is a monetary mitigation of £2,220 per residential unit to offset the impact upon the New Forest National Park, (in this instance £4,440 for 2no. dwellings) which was covered within the HRA. As noted above, Natural England have raised an objection, however the Council is satisfied with the mitigation and have received these monies (3 November 2023).

Other Matters

In accordance with The Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the Local Planning Authority informed the agent of the pre-commencement conditions to which they confirmed they were agreeable (email dated 7 November 2023).

Equalities Act:

Section 149 of the Equalities Act 2021 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 prohibit 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 this, 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 Councils 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 and development plan 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 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 and 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 limit impacts on climate emissions as a result of the development or its use.

Conclusion:

The application is recommended for approval subject to conditions.

Recommendation:

PERMIT ☒

REFUSE ☐