

DELEGATED OFFICER REPORT

Application Ref: F/23/95680

Site Address: 105-111 WINCHESTER ROAD, CHANDLERS FORD, SO53 2GH

Case Officer: Rebecca Altman

Description: External alterations to first floor to include installation of new windows.

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 ☐
- PN/23/95595 – Prior Approval for Change of Use from Class E to C3 to form 5no. apartments (first floor front) – granted 23/08/2023 - 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 - F/16/77994 - Installation of anti ram-raid bollards to front of store – permitted 11/04/2016 - F/15/77642 - Installation of ATM - Permit – 17/02/2016 - A/15/77644 - Display of 1no. non illuminated ATM surround sign - Consent to Advert Display – 17/02/2016 - A/12/70961 - Display of 2no. externally illuminated fascia signs, 1no. hanging sign, and 2no. wall mounted signs - Consent to Advert Display – 01/08/2012 - F/12/70845 - Retention of replacement air conditioning units - Permit – 17/08/2012 - F/11/69670 - Installation of ATM cash machine - Permit – 17/11/2011 - F/07/60724 - Installation of ATM - Permit – 20/09/2007		

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	Two representations received, including one from Age Concern Chandlers Ford, raising the following concerns: - Windows on north side of the building will impact on the privacy of the neighbouring bungalow due to direct overlooking; - Overlooking into Brownhill Community Centre, with potential impact on vulnerable persons; - Unclear why new windows are needed for a plant room and storage areas. Following consultation on amended plans, a further representation was received, reiterating concerns about overlooking of the adjacent bungalow.		
Parish Council:	No comments received.		
Ecologist:	No objection subject to the following advice. Works should be carried out between September and February to avoid bird nesting season. If this is not possible, then works should not be carried out until after a breeding bird check has been carried out by a qualified ecologist. If birds nests are found, these would		

	need to be protected by a 5m buffer until the chicks have fledged and left the nest. Works would need to stop if bats were found to be present, and Natural England would need to be contacted. A bat brick/box and swift brick/box would be recommended for biodiversity enhancement.
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Site Visit:	Yes ☒	No ☐
Details: 20 September 2023. Photographs on file.		

Policy:
National Planning Policy Framework Planning Practice Guidance Development Plan: The <u>Eastleigh Borough Local Plan 2016-2036</u> The most relevant policies are Development Management policies DM1 and DM11.

Assessment:
<u>Principle of the proposal</u> The proposal is for the installation of a number of new windows into the first floor rear elevation of the property. This part of the building is currently vacant but its previous use was for ancillary purposes to the retail store (including staff facilities, plant rooms and storage). As the current application does not propose any change in the use of the first floor, the application must be determined on the basis that it has authorised use for ancillary commercial purposes. The determining issues relate to the visual appearance of the windows and whether their installation would have any impacts on the amenities of neighbouring residents. <u>Visual impact</u> The new windows would be of a fairly standard design, similar to the types of windows on the front part of the building at first floor level. On the north-west, south-west and north-east elevations, the new windows would break up what are currently blank brick walls and it is considered that their installation would result in some visual enhancement to the appearance of the building. On the south-east elevation, the new windows would replace existing windows and would not be visually prominent from public viewpoints. In terms of design and visual appearance, the windows are considered acceptable in accordance with Policy DM1 of the Local Plan. <u>Impact on amenity of neighbouring residents</u> The proposal would involve the installation of new windows to all elevations of the rear part of the building at first floor level. These new windows would serve ancillary commercial space relating to the Co-op store below. On the north-west elevation, eight windows are proposed where there is currently a blank wall and residents of a neighbouring bungalow to the north, as well as users of the adjacent community centre, have raised concerns about overlooking. In response to these concerns, the plans have been amended to indicate that two of the windows would be obscure glazed, which includes one of the windows that would most directly face the neighbouring bungalow.

In terms of the impact of overlooking, there is a distance of approximately 22m between the rear elevation of the building and the nearest elevation of the bungalow. This level of separation would be considered appropriate to protect amenity between two residential properties (i.e. back to back), and in this case as the current use of the first floor is commercial (ancillary to the shop), then the nature of the overlooking would not be considered as significant as commercial buildings are not generally occupied day and night in the same way as residential buildings. It is acknowledged that the application site is on higher ground to the adjacent bungalow, and the position of the new windows at first floor level would create an increased sense of overlooking for the occupiers of the bungalow. However, the provision of obscure glazing to two of the windows would reduce this sense of overlooking and on balance, taking account of the commercial use of the first floor and the separation distance, it is not considered that the proposal would be significantly harmful to neighbouring amenity.

As the community centre is a non-residential use, and given the separation distance, it is not considered that the new windows would present any significant amenity concerns for this building.

On the north-east elevation, there are three new windows proposed. There would be a distance of approximately 20m between these windows and the first floor windows of residential dwellings above the shops at Fryern Arcade (at a similar height), and it is not considered that there would be a significant loss of privacy from these new windows.

On the south-west side, there are only two new windows proposed and there is a significant separation distance of around 37m between these windows and any nearby residential windows.

On the south-east elevation there are eight windows proposed, which would replace five existing windows and a door. Two of the new windows would be larger than the existing windows and these are shown to be obscure glazed. These new windows face across the flat roof of the Co-op towards office windows on the southern part of the building, at a distance of approximately 12m. These offices have recently been subject to permission for change of use to residential, which if implemented would see the office windows becoming windows to living rooms and bedrooms for the flats. Although the 12m separation between windows is not ideal, as the commercial use of the building is not proposed to change and there is already an element of overlooking between existing windows on both sides of the flat roof, it is not considered that the proposed new windows on this elevation would be significantly harmful to amenity.

Overall, on balance, having regard to the points raised above, it is not considered that the new windows would be significantly harmful to the amenity of neighbouring residents in terms of overlooking.

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, 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. The proposed development is for the installation of windows only and is not considered to have any implications in relation to climate change.

Ecology

The building has previously been assessed as having limited potential for protected species. No objection is raised by the Council's Ecologist subject to informatives to explain procedures should any bats or nesting birds subsequently be found. A bat box/brick and swift box/brick are recommended and the applicant will be advised of this.

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 windows are acceptable in terms of design and would not adversely impact on the amenities of neighbouring residents. The proposal therefore complies with relevant planning policy.

Recommendation:	PERMIT ☒	REFUSE ☐
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Conditions:

3 year implementation.

The development hereby permitted shall be implemented in accordance with the following plans numbered: 23.1371/301 (Location and Block Plan); 23.1371/002 (Existing Ground Floor Plan); 23.1371/006 (Existing Elevations A and B); 23.1371/005 (Existing Elevations SE and SW); 23.1371/007 (Existing Elevations NE and NW); 23.1371/304 (Proposed Site Plan with Context); 23.1371/202 B (Proposed SE and NW Elevations); 23.1371/304 B (Proposed 1F Plan); 23.1371/305 A (Proposed Elevations A and B Rear 1F Conversion); 23.1371/303 A (Existing 1F Plan); and 23.1371/20 B (Proposed SE and NW Elevations).

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

The brickwork and window frames to be used shall match as closely as possible to those used on the existing building, unless alternative details are first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory visual relationship between the new development and the existing, in accordance with Policy DM1 of the Eastleigh Borough Local Plan (2016-2036).

The windows marked as 'obscured' on Plans ref. 23.1371/201 B and 23.1271/305 A, shall be glazed with obscure glass to Pilkington Level 3 or equivalent with no more than a top hung opening top-light, and shall be retained in that condition thereafter.

Reason: To protect the privacy of neighbouring residential occupiers, in accordance with Policy DM1 of the Eastleigh Borough Local Plan (2016-2036).

Note to applicant: Ecology advice:

- Work should be carried out between September and February to avoid bird nesting season. If this is not possible, then it can only be done immediately after a breeding bird check by a suitably qualified ecologist. If any active bird nests are found in the building or the yew tree they must be protected from disturbance by a 5m buffer until after the chicks have fledged and left the nest.
- In the unlikely event of any bats being found during construction, all work must stop immediately, and Natural England must be called. Additional information is available on the Bat Conservation Trust website at: [I've found a bat during works - I'm working on a building with bats - Bat Conservation Trust](#)
- A bat brick/box or swift brick/box would provide appropriate biodiversity enhancement for the building. The Bat Conservation Trust recommends installing a bat brick/box at least 4 m above the ground, away from artificial light sources, sheltered from strong winds and exposed to the sun for part of the day, facing south, south-east or south-west: [Home - Bat Conservation Trust \(bats.org.uk\)](#)
- Swift nest boxes are best positioned under the eaves or on walls facing north, northeast or north-west out of direct sunlight, five metres above the ground, with clear adjacent airspace so swifts can access them in a high-speed direct flight.