

DELEGATED OFFICER REPORT

Application Ref: PN/26/100792

Site Address: 47-51 First Floor Leigh Road, Eastleigh, SO50 9DF

Case Officer: Katie Lasham

Description: Prior approval for partial change of use from commercial, business and service (Use Class E) to 8.no 1-bedroom flats (Use Class C3) at first and second floor.

Particular Site Constraints?	Yes ☒	No ☐
Within urban edge Within designated Eastleigh Town Centre Within a secondary shopping area		

Planning History?	Yes ☒	No ☐
Whilst the site has a lot of planning history, the two applications listed below for a different part of the same building are of direct relevance to this prior approval application: <i>F/24/98667: External alterations including alterations to fenestration and additional windows (to facilitate part-conversion from Class E to 5.no residential flats under PN/24/98073). Approved January 2025.</i> <i>PN/24/98073: Prior approval for partial change of use from commercial, business and service (Use Class E) to 5.no 1-bedroom flats (Use Class C3). Prior Approval granted.</i>		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☐
Representations:	None		
Eastleigh Town Council:	No Objection. Council requests that EBC consider the adoption or extension of an Article 4 direction and the introduction of an HMO SPD to help manage over concentrations to protect the character of the area and to ensure decisions are consistent and defensible.		
Environmental Health (Noise):	No objection subject to addition of condition to ensure compliance with the mitigation measures set out in the submitted Noise Report.		
Environmental Health (Land Contamination):	No concerns regarding contaminated land as no external alterations to the building.		
Hampshire Highways:	Access in and out of the units from the highway is unchanged, linking into the existing road and pedestrian infrastructure, and this is acceptable. In terms of parking, car parking is shown on plans, with 4 spaces proposed for the 8 flats, which whilst being a potential under-provision would likely be acceptable given that the site sits within a CPZ and so overspill parking would be restricted; and given the sites location close to town centre amenities as well as both bus and train stations. Cycle parking is also provided via a shared storage facility with 8 cycle spaces, and it is understood that this accords to the EBC Parking Standards.		
Ecology:	The site has no potential bat roost features, so no surveys are required. An informative note is required to inform the applicant that in the unlikely event a bat is found during construction, all work must stop immediately, and Natural England must be informed.		

Site Visit:	Yes ☒	No ☐
Details: 12 February 2026		

Policy:

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2, Part 3 (Changes of use), Class MA (commercial, business and service uses to dwellinghouses).

The criteria set out in MA.1 must be met for the application to be considered permitted development. If it meets the criteria set out in MA.1, then the application is to be assessed as per the Conditions set out in MA.2, as follows: transport, land contamination, flood risk, noise impact, provision of natural light, impact of residential within the area, the loss of the service provided, and fire risk. These matters would be assessed against the below policies:

National Planning Policy Framework**Planning Practice Guidance****The Conservation of Habitats and Species Regulations 2010****Development Plan:**

The Eastleigh Borough Local Plan 2016-2036 The most relevant policies are Strategic policies S1 and S2; and Development Management policies DM1, DM2, DM8, DM11 and DM14.

Supplementary Planning Documents:

Quality Places; Parking Standards; Character Area Appraisals.

Assessment:Summary of site

The application site comprises existing offices at both first and second floor level fronting onto Leigh Road with vehicular access to the rear and proposes to create 8no. 1-bedroom residential units. The ground floor is to remain as a Class E commercial unit. The red site outline shown on the Location Plan around the rectangular parcel of land immediately east of the building showing 4no. parking spaces, a bin store and cycle store, was also an area of land that provided 8 parking spaces to be used for the 5no. flats of the previously granted prior approval (PN/24/98073) which are within a different part of the same building.

The agent has confirmed that the 8 parking spaces will be used across the building and will be allocated as part of the lease agreement.

Originally, submitted plans showed that 4 parking spaces would be provided, with the loss of four spaces to create a bin store and cycle store. However, a Class MA application can only assess the change of use itself. Any external alterations required to permit the use will need to be submitted separately under a full planning application. Plans were therefore amended during the application process to show the 8 parking spaces as existing on site.

Prior Approval Proposal

The application proposes the change of use from Commercial, Business and Service (use Class E) to Dwellinghouse (use Class C3), under the prior approval process set out within the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Assessment Against Schedule 2, Part 3, Class MA of the GPDO MA.1 (a-g): Development is not permitted by Class MA if it meets the following criteria:

Assessment of Legislation

Criteria	Assessment
a. Omitted	Omitted

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 years prior to the date of the application for prior approval;	Sub-paragraph (2)(a) sets out following classes of the Use Classes Order: (i) Class A1 (shops) (ii) Class A2 (financial and professional services) (iii) A3 (food and drink) (iv) Class B1 (business) (v) D1(a) (non-residential institutions – medical or health services) (vi) Class D1(b) (non-residential institutions – creche, day nursery or day centre) (vii) Class D2(e) (assembly and leisure – indoor and outdoor sports), other than use as an indoor swimming pool or skating rink Sub-paragraph (2) (b) states: on or after 1 September 2020, Class E (commercial business and service) of Schedule 2. The application has been in use as Class E as set out within The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.
c. Omitted	Omitted
d. if land covered by, or within the curtilage of, the building— (i) is or forms part of a site of special scientific interest; (ii) is or forms part of a listed building or land within its curtilage; (iii) is or forms part of a scheduled monument or land within its curtilage; (iv) is or forms part of a safety hazard area; or (v) is or forms part of a military explosives storage area;	The application site is not and does not form part of; a site of special scientific interest, a listed building nor curtilage of, scheduled monument nor curtilage of, a safety hazard area, nor military explosives storage area.
e. if the building is within— (i) an area of outstanding natural beauty; (ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981; (iii) the Broads; (iv) a National Park; or (v) a World Heritage Site;	The building is not within; an area of outstanding natural beauty, nor an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981, the Broads, a National Park nor a World Heritage Site.
f. if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or	The application site is not occupied under an agricultural tenancy.
g. before 1 August 2022, if— (i) the proposed development is of a description falling within Class O of this Part 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	The proposed development does not fall within Class O of this Part (offices (Class B1(a)) to dwellinghouse). The use of the space is currently within Class E.

by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.	
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Conditions MA.2:

MA.2(1) Development under Class MA is permitted subject to the following conditions.

MA.2(2) Before beginning the development, the developer must apply to the local planning authority for determination as to whether the prior approval of the authority will be required as to:

- (a) Transport impacts of the development, particularly to ensure safe access;
 - (b) Contamination risks in relation to the building;
 - (c) Flooding risk in relation to the building;
 - (d) Impacts from noise from commercial premises on the intended occupiers of the development;
 - (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.
- (f) The provision of natural light to all habitable rooms;
 - (g) The impact on intended occupiers of the introduction of residential use 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;

- (i) Where the development meets the fire condition, the fire safety impacts on occupiers.

a) Transport impacts of the development and safe site access

Policy DM13 of the Eastleigh Borough Local Plan (2016-2036) requires that development is well served by public transport, cycling and walking and it includes measures which minimise its impact on the existing highway network. Policy DM14 requires that an appropriate level of car parking be provided in accordance with the Council's adopted standards.

The site is in a local centre and is well served by local bus stops, a train station and local facilities. Hampshire Highways were consulted on the proposal and raised no objection to the provision of 4no. vehicle spaces and 8no. cycle spaces. However during the process, the alterations to the bin store and cycle store were removed as a Class MA prior approval does not permit these alterations and therefore 8 vehicle spaces are provided as per the existing layout on site. Furthermore, their response did not account for the parking spaces also being utilised by the 5no. flats already approved from the previous prior approval application PN/24/98073, thereby reducing the overall provision. Whilst the flats do not meet the parking standards set out in the Parking Standards SPD with these parking spaces also used for the 5no. flats, due to the site being within the designated town centre area of Eastleigh, the proximity to facilities, services and public transport, the shortfall is acceptable.

The agent has confirmed that the parking spaces are to be allocated to individual units. This will stop unnecessary vehicle movements of occupiers trying to find a parking space on site, minimising transport impacts of the proposal. The site benefits from existing vehicle access and therefore transport impacts in this regard remain acceptable. Access into the building is from the door fronting Leigh Road, therefore not requiring occupants to enter the parking area to access the building, further minimising transport impacts of the development with no significant increase in pedestrian movements to the rear of the site.

Overall, the transport impacts on the developments are acceptable including safe site access and the shortfall of vehicle and cycle parking is acceptable in this highly sustainable location.

b) Contamination risks in relation to the building

Policy DM8 of the submitted Eastleigh Borough Local Plan (2016-2036) stipulates that development will not be permitted if it is likely to cause loss of amenity of impact upon public health or other unacceptable environmental impacts; including land contamination.

The proposals within this application do not include the breaking of ground and instead is a conversion of the first and second floor, therefore there are no contamination risks, as confirmed by the Environmental Health officer who was consulted on the proposal.

c) Flooding risks in relation to the building

Policies DM3 and DM6 of the submitted Eastleigh Borough Local Plan (2016-2036) stipulate that new development must provide sustainable drainage systems (SuDs) wherever feasible, naturalised filtration should also be included. The concern relating to flood risk is limited as the current built form will not change and regards proposes dwellings at first and second floor only and is located within Flood Zone 1 and has no critical drainage issues, in accordance with Paragraph W (6)(b).

d) Impacts of noise from commercial premises on the intended occupiers of the development;

Policy DM1 and DM8 of the submitted 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 or cause loss of amenity/impact on public health or other unacceptable environmental impacts through noise.

The applicant has submitted an Acoustic Report which was reviewed by our environmental health officer. No objection is raised subject to the development being built in accordance with the proposed mitigation measures as set out in the report, in accordance with the aims of Policy DM8 of the Local Plan.

e) Where -

- (i) the building is location in a conservation area, and**
- (ii) the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area**

The application site is not located within a conservation area, and therefore this criterion is not applicable.

f) The provision of adequate natural light in all habitable rooms of the dwellinghouses;

The submitted elevation plans and a site visit confirm that the building benefits from 6 windows to both the first and second floor of both the front and rear elevation of the building. The orientation of the rooms within the internal layout have been designed to ensure that either non habitable rooms face onto the side elevations without windows or that there are only two rooms across the depth of the building to ensure that each room benefits from a window. For this reason, there is an adequate provision of light serving each of the habitable rooms across the 8 dwellings.

g) The impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses;

The application site does not fall within an area which the LPA considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses.

i) Where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building

The GPDO introduced this criterion from 1 August 2021, which sets out the requirement for developers to obtain the prior approval of the local planning authority as to certain matters relating to fire safety. Articles 4 and 9 amend Class MA of Part 3, and other classes of the Town and Country Planning (General Permitted Development) (England) Order 2015 to require the submission of a statement about the fire safety design principles, concepts and standards that have been applied to the development. This specifically relates to the creation of new dwellings in buildings which will contain 2 or more dwellinghouses where the height condition of planning gateway one is met (18m or more, or 7 or more storeys). Where a prior approval application is made pursuant to these provisions, the local planning authority must consult the Health and Safety Executive.

The proposal would result in the creation of 8no. dwellings on the ground and first floor which does not exceed 18m in height and therefore the Health and Safety Executive has not been consulted, nor is this criterion applicable.

Article 3

Article 3, paragraph 9A sets out that Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse, where the necessary space standards are not met.

The application proposes 8.no 1-bedroom flats which would have all have a floor space of between 39-42 metres squared. The proposed 1-bedroom units would need to be between 37-50 metres squared for a single-storey dwelling (as set out within the National Described Space Standards).

The proposed units meet the minimum standards required however units 1, 3, 4, 5, 7 and 8 only meet this for a single occupancy and not for two people. Nonetheless, occupancy levels cannot be controlled through a planning condition, and the proposed units do meet the minimum 37sqm space standards.

Ecology

Regulation 9 of The Conservation of Habitats and Species Regulations 2010 requires all development to ensure the safeguarding of protected species, including prior approval applications. The ecology officer was consulted on the proposal and further to photos being sent from the agent of the external building, raised no concern that the proposed internal works would create any harm to protected species, in accordance with paragraph DM11 of the Local Plan.

SPA Mitigations

Prior to commencement of any development, it is a requirement that the applicant satisfies their obligations under Regulations 73-77 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 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), in terms of both the recreational disturbance and from

additional output of nutrients (nitrates and phosphates) arising from a net gain of residential accommodation.

The applicant would need to set out their proposed method of mitigation, as to how they will address the impact of the proposed development upon the European Protected Sites. The LPA would then collate this information and prepare a Habits Regulations Assessment to submit Natural England for their review.

Paragraph W

The application procedure has been followed in accordance with paragraph W.

Other conditions

(5) Development must be completed within 3 years of the date of prior approval.

(6) Any building permitted to be used as a dwellinghouse is to remain in use as a dwellinghouse within the meaning of Class C3 and for no other purpose except other purpose ancillary to the use as a dwellinghouse.

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; (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:

Recommendation:	PRIOR APPROVAL GRANTED ☒	PRIOR APPROVAL REFUSED ☐
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Comments ...