

DELEGATED OFFICER REPORT:**Application Ref:** F/26/101517**Site Address:** FLAT 22, MILL COURT, MORTIMERS LANE, FAIR OAK, EASTLEIGH,
SO50 7PG**Case Officer:** Clare Martin**Description:** Change of use of housing manager's flat to an age-restricted dwelling
(Use Class C3)

Particular Site Constraints?	Yes ☐	No ☒
Within Urban Edge		

Planning History?	Yes ☒	No ☐
Z/24804/003 – Erection of 11 cottages and 24 flats following demolition of garage – Permit (December 1988)		

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	None		
Parish Council:	<u>No objection</u> but it's a shame if people bought their flats expecting there to be a warden to keep them safe.		

Site Visit:	Yes ☒	No ☐
Details: Carried out 9/7/26		

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: - Strategic policies: S1 (sustainable development), S2 (approach to development), S3 (location of new housing); - Development Management Policies: DM1 (general development), DM11 (nature conservation), DM13 (access), DM14 (parking), DM23 (residential development within urban areas) & DM30 (internal space standards). Supplementary Planning Documents: Quality Places; Parking Standards & Character Area Appraisals.

Proposal:

Mill Court comprises 38 independent retirement living 1-bed and 2-bed flats for the over 60's, each with its own kitchen, bathroom and living area. There are no care facilities at the site and residents are able to live independently. There is no longer a requirement for a live in manager, instead residents have a 24-hour alarm system.

The proposal is to convert the existing managers flat into 1no. two-bedroom age restricted flat (for people over 60).

Assessment:**Principle**

The site is within the urban edge where the principle of development is acceptable, subject to the detailed matters according with the relevant planning policies.

AssessmentCharacter and Appearance

The manager's property is already set out as a two-bed flat and so no internal or external work is required for the conversion. The age restricted flat will fit in with the existing older persons housing provision already on the site.

Residential Amenity

The property is already in a residential use as a manager's flat and so there will be no further impacts on neighbours' amenity in terms of a loss of light, outlook or privacy.

Living Conditions

The flats internal floor area is approximately 56m², which is 5m² below the minimum requirement as set out in the nationally described space standards. However, given the property is already used as a two-bedroom flat and was built before the space standards were brought into effect, then the proposal is considered acceptable in this instance. Furthermore, the residents have access to communal facilities within the building including lounge, laundry, library and guest facilities. They will also share the outdoor amenity spaces.

Car Parking

The retirement living complex has shared parking, which can be used by the residents of the flat. There should be no significant change in the parking needs between the flat being used by the manager compared to a resident.

Ecology and Trees

Minimal work is required to convert the property and so there will not be an impact upon protected species, trees or other natural features worthy of retention. The proposal also benefits from the de-minimus exemption (affecting under 25m² of habitat) and therefore is not required to provide a 10% biodiversity net gain.

Special Protection Area

The unit is already within a residential use as a managers accommodation. Therefore, the use as a separate two bed flat will not have an extra impact on the Solent water or New Forest Protection Areas (by way of an increase in nutrients or recreational disturbance).

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 2030; (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 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 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 Adopted Local Plan sets a target for 14,580 dwellings to be provided by 2036. The NPPF, 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 ☐
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Comments ...
