

DELEGATED OFFICER REPORT

Application Ref: PN/24/98556

Site Address: 9 HIGH STREET, EASTLEIGH, SO50 5LF

Case Officer: Rachael Morris

Description: Change of use of first floor storeroom to 2.no residential flats to include 1.no 1-bedroom and 1.no 2-bedroom flats (Schedule 2, Part 3, Class G of the General Permitted Development Order 2015)

Particular Site Constraints?	Yes ☒	No ☐
- Eastleigh town centre boundary - Secondary Shopping Zone - Eastleigh Town, District and Local Centres and Neighbourhood Parades - Within the urban edge		

Planning History?	Yes ☒	No ☐
- Z/09153/002/00 - Erection of Garage – Permit – Apr 1987 - Z/09153/003/00 - Rear Extension to Shop and New Shop Front – Permit – Jun 1989 - Z/09153/004/00 - Single Storey Rear Extension – Permit – Oct 1989 - Z/09153/005/00 - Change of Use to An Amusement Centre Including Café – Refuse – Feb 1990 - Z/09153/006/00 - Installation of Shop Front – Permit – May 1990 - A/09153/007/00 - Display of Illuminated Fascia Sign – Consent – Apr 1991 - F/19/86923 - First floor rear extension to existing shop unit (amended description) – Permit – Jun 2020 - F/25/98856 - Installation of rear glazed doors to replace existing door at first floor, installation of rooflights and first floor window – Not yet determined		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☐
Representations:	17 Meadow Grove, Chandlers Ford. Objection (summarised). Lack of infrastructure, Victorian sewerage, illegal pollution to local river. Having to share accommodation with partners leads to inadequate parking. Bin storage is inadequate which will lead to overflow. Eastleigh is run-down and overcrowded with excess pollution.		
Parish Council:	No objection subject to noise assessment.		
Direct Services:	No objection from the Waste and Recycling service. Please note that, if approved, domestic waste containers will need to be presented at the curtilage of the property in accordance with the Domestic Waste and Recycling Policy.		
Environmental Health – Noise:	<u>Update:</u> The report has been revised page 14, Noise due to Ground Floor Commercial Operations and satisfactorily demonstrates increased sound insulation levels above those of Building Regulations. Therefore, I have no objections to the application and recommend the revised acoustic report be referenced in any approval. A condition being unnecessary. <u>Jan 2025:</u> The report ISVR Consulting January 2025 satisfactorily demonstrates no adverse impact to the proposed residential flats by the surrounding commercial elements comprising their extractor/AC units. Music noise from the Spitfire Public House showed similar no adverse impact. As the measured commercial noise is below background traffic noise; it is mitigated by glazing to Building Regulation [BR] standard.		

	Regarding the separation of the ground floor commercial premises, the report recommends only BR airborne insulation levels. To protect future occupiers, it is normal for the sound insulation to be increased +10dB above BR levels. This is easily achieved by construction during conversion to residential and should be agreed by the applicant, so the report can be reference to any approval or it can be secured by condition. <u>Dec 2024:</u> The premises is surrounded by other commercial premises, some will have AC/Extractor units and is opposite is a public house which may produce late night amplified music. The application does not refer to these sources of commercial noise, or the separation of the proposed residential flats from the surrounding premises. Therefore, I would recommend the applicant provides an Acoustic Report from a competent Consultant showing appropriate measurements over a protracted period for BS 8233 'guidance on sound insulation for buildings' showing mitigation for structural elements and ventilation of the rooms to achieve compliance with internal day/night levels. Reference should be made to any private amenity spaces if present. The report must also contain reference to a BS 4142 assessment to mitigate noise from the existing ground floor and adjacent premises above levels required by Building Regulations and noise from nearby businesses to demonstrate regard to 'the agent of change' principal.
Environmental Health – Contaminated Land:	I have reviewed the information provided and noted that the proposed change of use will only involve internal alterations, no ground disturbance is anticipated. Therefore, in terms of contaminated land, I have no objections with the proposed change of use.

Site Visit:	Yes ☒	No ☐
Details: 05/12/2024		

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 and S2; and Development Management policies DM1, DM6, DM8, DM14, DM22 and DM30. Supplementary Planning Documents: Quality Places; Residential Parking Standards; Character Area Appraisals. Legislation: The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2, Part 3 (Changes of use), Class G (commercial, business and service or betting office or pay day loan shop to mixed use). As per the conditions listed in G.1 (d), the following matters are to be assessed: contamination risks in relation to the building; flooding risks in relation to the building; impacts of noise from commercial premises on the intended occupiers of the development; the provision of adequate natural light in all habitable rooms of the dwellinghouses; and arrangements required for the storage and management of domestic waste. These matters would be assessed against the below policies:

Assessment:

Proposal

The application proposes the change of use from Commercial, Business and Service (use Class E) to Mixed Use to include retaining a retail shop (Class E) use at ground floor and Dwellinghouses (use Class C3) at the first floor, 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 G of the GPDO

G. Development consisting of a change of use of a building—

Criteria	Assessment
(a) from a use within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order, to a mixed use for any purpose within that Class and as up to 2 flats	This proposal complies with this criteria as an existing class E use is proposed as a use within that class at ground floor and 2.no flats at the first floor.
<i>(b) Omitted Aug 2021</i>	...
(c) from a use within article 3(6)(n) (betting office) or 3(6)(o) (pay day loan shop) of the Use Classes Order, to a mixed use for any purpose within Class E (commercial, business and service) of Schedule 2 to that Order and as up to 2 flats	This is not applicable as the existing use does not include a betting office or pay day loan shop.
<i>(d) Omitted Aug 2021</i>	...
(e) from a use falling within article 3(6)(n) (betting office) or 3(6)(o) (pay day loan shop) of the Use Classes Order to a mixed use falling within article 3(6)(n) (betting office) or 3(6)(o) (pay day loan shop) of the Use Classes Order and as up to 2 flats	This is not applicable as the existing use does not include a betting office or pay day loan shop.

Conditions G.1

Development permitted by Class G is subject to the following conditions—

- (a) some or all of the parts of the building used for a use within, as the case may be, article 3(6)(n) (betting office) or 3(6)(o) (pay day loan shop) of, or Class E of Schedule 2 to, the Use Classes Order is situated on a floor below the lowest part of the building used as a flat;
- (b) where the development consists of a change of use of any building with a display window at ground floor level, the ground floor must not be used in whole or in part as a flat;
- (c) a flat must not be used otherwise than as a dwelling (whether or not as a sole or main residence)—
 - (i) by a single person or by people living together as a family, or
 - (ii) by not more than 6 residents living together as a single household (including a household where care is provided for residents)
- (d) before beginning development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—
 - (i) contamination risks in relation to the building;
 - (ii) flooding risks in relation to the building;
 - (iii) impacts of noise from commercial premises on the intended occupiers of the development;

- (iv) the provision of adequate natural light in all habitable rooms of the dwellinghouses;
- (v) arrangements required for the storage and management of domestic waste.

(a) Use of the floor below the lowest part of the building used as a flat

The Class E use would be situated on the ground floor of the building, as existing, underneath the first floor which is proposed to be used as 2 no flats. This is considered to accord with this condition.

(b) Ground floor window display

There is no element of the proposed flats to the ground floor and as such the active frontage and commercial space will be unaffected. This is considered to accord with this condition.

(c) Dwelling occupation

The proposed flats are shown with 1 no 1-bedroom and 1 no 2-bedrooms which would mean each flat could be occupied by between 1-2 or 1-4 people across the bedrooms. This is considered to accord with this condition.

(d) Local authority consideration

- (i) There is no proposed ground disturbance for this application and the Land Contamination team have provided a no objection response.
- (ii) There is no increased flood risk for this site as it lies within Flood Zone 1 and the built form is not proposed to increase.
- (iii) The proposal has received a no objection from the Environmental Health Noise team and has been supported by a Noise Assessment. This Noise Assessment will be conditioned as part of any approval.
- (iv) Natural light can be provided to habitable rooms through the existing and proposed windows. A planning application (F/25/98856) has been determined to provide these windows and a condition ensuring all proposed windows will be supplied prior to first use will be applied to the decision notice.
- (v) The Council's direct service team, who manage refuse collection, have provided a no objection to the scheme. Refuse storage is provided to the rear of the building.

Other considerations

New dwellings must meet the necessary space standards.

The application proposes 1 no 1-bedroom flat and 1 no 2-bedroom flat. The 1-bedroom flat measures 40 sqm and as such would accord with the National Described Space Standards which requires dwellings to be at least 39 sqm (1 person). The 2-bedroom flat measures 70 sqm and as such would accord with the National Described Space Standards which requires dwellings to be at least 61 sqm (3 people) and 70 sqm for 4 people. The proposed double rooms meet the required 11.5 sqm and the single rooms meet the required 7.5 sqm.

The proposed 1-bedroom flat meets the minimum standards required however only for a single occupancy and not for two people. Nonetheless, occupancy levels cannot be controlled through a planning condition and the proposed unit does meet minimum space standards.

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 Habitats Regulations Assessment to submit Natural England for their review.

Paragraph W

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

Climate Change and Equalities 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 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:

Recommendation:

GRANT ☒

REFUSE ☐

Comments ...