

DELEGATED OFFICER REPORT

Application Ref: PN/26/101581

Site Address: 55-57 MARKET STREET, EASTLEIGH, SO50 5RF

Case Officer: Rachael Morris

Description: Prior Notification for the creation of 1.no 1-bedroom flat and 1.no studio flat at first floor from Class E with the retention of Class E at the ground floor under Schedule 2, Part 3, Class G of the Town and Country Planning (General Permitted Development) Order 2015

Particular Site Constraints?	Yes ☒	No ☐
- CAA Airport Safeguarding Zone - New Forest SAC 13.8km BUFFER - Eastleigh Town, District and Local Centres and Neighbourhood Parades - Primary Shopping Zone - Eastleigh town centre boundary - Within the urban edge		

Planning History?	Yes ☒	No ☐
- A/12879/009/00 - Display of Internally Illuminated Fascia Sign and Display of Externally Illuminated Projecting Sign – Consent – Aug 2003 - Z/12879/002/00 - To extend premises at rear by 60ft – Grant outline – Mar 1980 - Z/12879/001/00 - Extension to existing shop – Permit – Mar 1974 - Z/12879/003/00 - Conversion of First Floor Flat to Store and Ground Floor Rear Extension – Permit – Jan 1988 - Z/12879/008/00 - Change of Use to A1 Retail – Permit – Jul 2003 - Z/12879/005/00 - Change of Use from Shop to Shop and Coffee Lounge and New Shop Front – Permit – Mar 1990		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☐
Representations:	None		
Parish Council:	No Objection subject to the provision of a cycle store is considered		
Pollution Control:	<u>Update:</u> A noise survey was undertaken, including monitoring at two locations on either side of the site, for an appropriate duration. An assessment of the internal sound insulation between the ground and first floors has also been undertaken. The noise assessment considers the existing extract ventilation plant associated with the neighbouring Subway premises and its potential impact on the proposed rear flat. The report proposes mitigation measures in relation to glazing and ventilation, as detailed in Table 5.2. It also proposes mitigation measures for the Subway extract plant. However, as this plant is associated with a third-party premises and does not form part of the application scheme, we cannot rely on mitigation measures being implemented by a third party as part of this development. The assessment should therefore consider the existing plant in its current condition. For this reason, the enhanced mitigation measures referred to in paragraph 5.7 should be incorporated into the rear flat. The proposals will not be able to achieve the required noise levels with windows open following Approved Document O. Paragraph 6.6 of the report recommends the installation of a mechanical ventilation with heat recovery (MVHR) system to both apartments as a potential solution. With regard to internal sound insulation, the assessment concludes that the existing separating floor does not achieve the minimum sound insulation requirements of Approved Document E of		

	the Building Regulations. The report therefore proposes remedial measures to improve the performance of the existing floor. An enhanced party wall construction is also recommended, as set out in paragraph 8.2. I am satisfied with the findings and recommendations of the noise assessment, subject to the requirement that the development is capable of achieving the relevant noise criteria within the application site itself and does not rely upon mitigation measures being implemented to a third-party property. I would therefore suggest that two planning conditions are imposed. <u>01/07/2026:</u> The site also backs onto Wells Road, which is used by HGVs for deliveries. The proposed layout includes a bedroom and living room facing this elevation, and the potential impact of road traffic and delivery noise should therefore be assessed. A Class G noise assessment is required to determine the glazing and ventilation specifications necessary to mitigate external noise impacts on the proposed residential units. The assessment should include noise monitoring at both façades over a representative survey period, including at least one weekend, and follow BS 8233 criteria. In addition, the noise report should assess whether the separating party floor between the ground-floor Class E commercial unit and the first-floor residential accommodation meets the airborne and impact sound insulation requirements set out in Part E of the Building Regulations.
Direct Servies:	No comment
Southampton Airport:	The proposed development has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria unless any planning permission granted is subject to the condition detailed below: Given the nature of the proposed development, it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. We, therefore, have no aerodrome safeguarding objection to this proposal, provided that the above condition is applied to any planning permission. England - You should note that where a Planning Authority proposes to grant permission against the advice of Southampton Airport, it shall notify Southampton Airport, the Civil Aviation Authority and the Secretary of State as per Circular 1/2003: the Town & Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) Direction 2002
Hampshire Highways:	No objection to the proposals from a highway perspective. No changes to the access onto the highway are proposed, and the proposed site use would not be anticipated to significantly change associated trip rates to and from the site. In terms of parking, it is noted that no vehicle or cycle parking is proposed. Whilst this is for the case Officer to consider, in terms of ensuring that the EBC Parking Standards are adhered to, there would be no highway concerns with a lack of vehicle parking given the sites location, central to shops and job opportunities; bus station; and train station. The applicants should however be made aware that as a 'converted development', future residents will not be eligible for permits for parking in the Controlled Parking Zone within which the site sits. As such, the development will essentially need to be car free.

	Given this, it would however be suggested that the Case Officer ensures that a cycle parking provision is provided given the potential increased reliance on a bike for journeys. This provision should be an enclosed and covered secure lockable unit, capable of housing a minimum of 2 cycles.
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Site Visit:	Yes ☒	No ☐
Details: 09/07/2026		

Policy: 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: 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 E3, DM1, DM6, DM8, DM14, DM22 and DM30. Supplementary Planning Documents: Quality Places (June 2026); Parking Standards (September 2025); Character Area Appraisals.

Assessment: <u>Proposal</u> 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). <u>Assessment Against Schedule 2, Part 3, Class G of the GPDO</u> G. Development consisting of a change of use of a building— <table border="1"> <thead> <tr> <th>Criteria</th><th>Assessment</th></tr> </thead> <tbody> <tr> <td>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</td><td>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.</td></tr> <tr> <td>b) <i>Omitted Aug 2021</i></td><td>...</td></tr> <tr> <td>c) from a use within article 3(6)(n) (betting office) or 3(6)(o) (pay day loan shop) of the Use Classes</td><td>This is not applicable as the existing use does not include a betting office or pay day loan shop.</td></tr> </tbody> </table>	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.	b) <i>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	This is not applicable as the existing use does not include a betting office or pay day loan shop.
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d) <i>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 both shown with 1-bedroom (one of which is a studio) which would mean each flat could be occupied by between 1-2 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 no 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 was supported by a Noise Assessment and has received a no objection from the Environmental Health Noise team subject to the application of a couple of conditions.
- iv. Natural light can be provided to habitable rooms through the existing windows.
- v. The Council's direct service team, who manage refuse collection, have provided no response to the scheme. However, 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 studio flat. The 1-bedroom flat measures 44 sqm and the studio flat measures 39 sqm, as such they would accord with the National Described Space Standards which requires dwellings to be at least 39 sqm (1 person). The proposed beds are shown to be single on the plan. The 1-bedroom flat has a single room measuring 9.9 sqm which meets the required 7.5 sqm. The agent has confirmed that the minimum floor to ceiling height is 2.3m for at least 75% of the Gross Internal Area and the submitted plan (A104 Rev B) shows this to be at 94%.

It is noted that both Hampshire Highways and the Town Council have requested the provision of cycle storage. Transport matters are not a part of the consideration process for this type of prior approval. Therefore, we cannot request a cycle storage facility. Nonetheless, there is also no scope to provide a cycle store within the red line of this application.

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.

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 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 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 ...