

DELEGATED OFFICER REPORT

Application Ref: PN/26/101739

Site Address: 98 WINCHESTER ROAD, CHANDLER'S FORD, EASTLEIGH, SO53 2GJ

Case Officer: Katie Lasham

Description: Prior Notification for the creation of 1no. 2-bedroom flat 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 ☐
Within urban edge Within Chandlers Ford town centre Tree Preservation Order on site EA Surface Water Flooding – 1 in 1000 year extent New Forest SAC Solent Nutrients Great Crested Newts - Amber		

Planning History?	Yes ☒	No ☐
There are a number of applications at the site and within the vicinity, however those most relevant are listed below: X/20/88625: Variation of condition 3 of planning permission 36906/001 to allow extension of delivery hours to the premises to between 07:00 to 22:00 (Monday to Saturdays) and 10:00 to 19:00 on Sundays and Public Holidays) and no e-commerce loading and unloading, or deliveries from the premises other than between the hours of 07:00 and 22:00 (amended description). Withdrawn June 2021. Z/36906/001/00: Amendments to approved scheme for retail store (A1) (Ref 36906/000) for minor elevational alterations and a reduction in size of the fire floor warehouse. Approved July 2001. Z/36906/000/00: Erection of 3,900 sqm retail store (A1) with ancillary coffee shop (A3). Construction of decked car park at rear and increase of total parking provision from 119 to 310 spaces. Alterations to vehicular and pedestrian access points, highway improvements, including the provision of a roundabout at the junction of Winchester Road and Oakmount Road and landscaping of car park. Following demolition of nos. 1, 3, 5, 7, 9, 15 and 17 Oakmount Road and nos. 35 and 36 Fryern Close. Approved March 2001. Z/29153/000/00: Change of use to estate agents' office. Approved October 1986.		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☐
Representations:	None		
Parish Council:	No Comment		
Environmental Health:	A noise survey was undertaken and at representative locations over an acceptable duration. Point 5 on page 9 identifies existing plant adjacent to the proposed kitchen window, associated with the ground-floor commercial use. This plant presents a considerable potential noise risk to the proposed residential accommodation. The report recommends that the plant is either removed or relocated. I consider this acceptable, particularly as the plant is associated with the same ownership.		

	Noise from Waitrose deliveries and vehicle movements was also identified as a potential noise risk. Although this represents a relatively noticeable impact, given the existing mixed commercial and residential nature of the area, and the fact that the affected window serves a kitchen rather than a bedroom, I consider the proposed situation acceptable. Page 12 of the noise report sets out the required glazing and ventilation specifications for both façades to ensure that the internal noise levels meet the relevant criteria. Point 7 of the report considers the separating floor between the commercial ground-floor use and the proposed first-floor residential accommodation. The report confirms that the proposed construction meets the relevant Building Regulations requirements for converted dwellings. Recommends a post-completion, prior to occupation noise testing to confirm that the identified plant has been relocated and that specific glazing / ventilation measures installed are capable of achieved required internal noise levels.
Ecology:	There are records of bats and nesting swift birds very close to the site. No external changes proposed and no potential bat roost features found. Informative note added to ensure that in the unlikely event these protected species are found, then works must stop and Natural England must be informed.
Hampshire Highways:	No objection from highways. A total of four parking spaces are to be retained for the existing Class E and the proposed dwelling.

Site Visit:	Yes ☒	No ☐
Details: 13 August 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.
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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 from (Use Class E) at ground floor level and a dwellinghouse (Use Class C3) at first floor level, 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 to remain at ground floor with 1.no flat at first floor.
b) Omitted Aug 2021	N/A
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.
d) Omitted Aug 2021	N/A
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 one two-bed flat. 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 two-bedroom flat is to be used for dwelling and with two bedrooms this will be occupied as a single household dwelling. 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 no objection from the Environmental Health Noise team subject to the application of conditions and mitigation set out within the report.
- iv. Natural light can be provided to habitable rooms through the existing windows.
- v. There is sufficient space to the rear of the site for refuse storage, ensuring the appropriate arrangement for storage and management of domestic waste.

Other considerations

New dwellings must meet the necessary space standards. The application proposes 1.no 2-bedroom flat that measures 61.1sqm to the first floor and a downstairs lobby area of 1.2m, as such it would accord with the National Described Space Standards which requires 2-bed 3-person dwellings to be at least 61 sqm (3 persons) at one storey. The proposed beds are shown to be a double bedroom and a single bedroom on the plan. The bedrooms also meet the necessary requirements set out within the National Described Space Standards.

The Highways Authority were consulted on the proposal and raise no objection to the proposal noting there is sufficient space within the site for four car parking spaces to be retained. As highway issues are not a matter of consideration for Class G, this matter is not considered further.

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

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:	PERMIT ☒	REFUSE ☐
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Comments ...
