

**DELEGATED OFFICER REPORT:****Application Ref:** F/23/96368**Site Address:** 59 LEIGH ROAD, EASTLEIGH, SO50 9DF**Case Officer:** Clare Martin

**Description:** Two storey rear extension and part conversion of building to create 1no. one bed and 2no. two bed flats with associated cycle parking and landscaping. The first floor office at the front of the building is to be retained within this application.

| Particular Site Constraints?                                                                                                                                                                   | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
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| <ul style="list-style-type: none"><li>• Within urban edge</li><li>• Within Eastleigh Town Centre</li><li>• Nature conservation; SAC, SPA, Ramsar</li><li>• New Forest catchment area</li></ul> |                              |                                        |

| Planning History?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
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| <ul style="list-style-type: none"><li>• F/22/94362 - Replace the existing shopfront with 1no. bay window on North East Elevation (in connection with the conversion of the building to residential use approved under PN/22/93831) – Permitted (Jan 2023)</li><li>• PN/22/93831 - Prior Notification Application for the change of use of the ground floor and the rear of the first floor of the building into 1no. one bed and 1no. two bed dwellings (internal alterations only) – Consented (Nov 2022)</li><li>• Z/04100/002 – Change of use from ladies and gents hair dressing salon and residential accommodation to hairdressing salon and office - Permitted (1988)</li></ul> |                                         |                             |

| Publicity:       | Letters <input checked="" type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Site Notice <input checked="" type="checkbox"/> | Newspaper <input type="checkbox"/> |
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| Representations: | <p><u>1 letter of objection (57 Leigh Road)</u></p> <ul style="list-style-type: none"><li>• Loss of light to southern aspect</li><li>• Overlooking into surgery and staff room</li><li>• Visually intrusive</li><li>• Excessive noise, dust and smells.</li><li>• Impact structural integrity of building and boundary wall.</li><li>• Disruption and safety risks during building works and impact on the business</li></ul> <p><u>Officer Response</u></p> <ul style="list-style-type: none"><li>• It is acknowledged that the proposal is likely to reduce some of the current daylight into the one first floor rear window of the adjoining dentist. However, as this is a non-residential property it does not benefit from the daylighting or outlook requirements outlined within Quality Places SPD. The development will not impact upon the majority of the dentist's windows, which are positioned at the front and side of their building.</li><li>• The planning decision does not affect the dentist's right to light, which is a separate piece of legislation outside of the planning framework.</li><li>• High level windows have been used in the eastern side elevation to prevent overlooking between the new residential dwellings and dentists.</li></ul> |                                                 |                                    |

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|                               | <ul style="list-style-type: none"> <li>• While it is recognised the residential conversion work will likely cause some disturbance to the neighbouring business it is likely to be of a relatively short duration and cannot be considered as part of the planning application.</li> <li>• The planning application also can not consider potential damage to the building, impacts on the business or safety risks, which falls outside of the planning regulations.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Ecology Officer:              | <p><u>COMMENT</u></p> <p><u>Protected Species</u></p> <p>There are numerous records of bats very close to this site. There are also records of nesting swifts and hedgehogs nearby. However, I have reviewed the site photos. I don't see any potential bat roosting or bird nesting features.</p> <p>Please could you add the following informative to the decision notice: In the unlikely event of any bats being found during demolition or construction, all work must stop immediately, and Natural England must be called. Additional information is available on the Bat Conservation Trust website at <a href="https://www.bats.org.uk/advice/imworking-on-a-building-with-bats/ive-found-a-bat-during-works">https://www.bats.org.uk/advice/imworking-on-a-building-with-bats/ive-found-a-bat-during-works</a>.</p> <p><u>Biodiversity Enhancements</u></p> <p>There is no vegetation on site other than small amounts of moss, so any garden areas would provide biodiversity enhancement. The small gardens can be planted with flowering plants and shrubs to attract pollinators. A bat brick and a swift brick may also be appropriate for this building.</p> |
| Natural England               | <p><u>Objection</u></p> <p><u>New Forest</u></p> <p>The Planning Proposal is likely to lead to an increase in recreational disturbance in the New Forest designated sites by increasing visitor numbers, and there is not enough information to demonstrate that the impacts will be mitigated through the Eastleigh Borough Council scheme.</p> <p><u>Nutrient Mitigation</u></p> <p>Natural England retain some unresolved concerns in relation to the Eastleigh Borough Council Phosphate Offset Scheme and the total number of phosphate credits available.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Environmental Health Officer: | <p><u>No objection,</u></p> <p>Subject to conditions for a detailed noise mitigation scheme, a scheme for the ventilation of habitable rooms and ground contamination investigation and remediation scheme.</p> <p><u>Noise</u></p> <p>Thank you for consulting us on the submitted Noise Assessment report by, Impact Acoustics, entitled, Environmental Noise Impact Assessment, Ref: IMP7275-3, Dated, January 2024.</p> <ul style="list-style-type: none"> <li>• The report assesses the impact of the neighbouring nursery on the proposed development.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

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|               | <ul style="list-style-type: none"> <li>• It advises that the requirements for internal noise standards can be met if the glazing and construction details meet with the acoustic specifications given at sections; 7.7, 7.8, and 7.9.</li> <li>• And that MVHR is installed to service noise sensitive rooms.</li> <li>• Example specification of glazing to meet the requirements of 7.7 is given in 11.2.</li> <li>• Details of the acoustic performance of the MVHR are not given however we would comment that the system installed should ensure that the internal noise standards are met during normal operation.</li> </ul> <p><u>Ground Contamination</u><br/>The application is for a sensitive end use on the site has the potential to be impacted by historic contamination that may be present. As there are ground works involved with the twostorey extension, we recommend that the application be conditioned to require a Phase I study to be submitted and where this recommends further investigation, assessment or remediation that this be conditioned accordingly.</p> |
| Town Council: | No response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

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| <b>Site Visit:</b>                      | <b>Yes <input checked="" type="checkbox"/></b> | <b>No <input type="checkbox"/></b> |
| Details: Site visit carried out 5/12/23 |                                                |                                    |

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| <b>Pre-commencement Conditions:</b>                                            | <b>Yes <input type="checkbox"/></b> | <b>No <input type="checkbox"/></b> |
| Details: Email from agent agreeing pre-commencement conditions (dated 22/2/24) |                                     |                                    |

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| <b>Legislation:</b>                                                                                                                                                                                                                                                                                                          |
| Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-<br><br><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> |

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| <b>Policy:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <p><b>National Planning Policy Framework</b><br/><b>Planning Practice Guidance</b></p> <p><b>Development Plan:</b><br/>The <u>Eastleigh Borough Local Plan 2016-2036</u> The most relevant policies are S1 (sustainable development), S2 (approach to development), S3 (location of new housing), DM1 (general development), DM2 (environmentally sustainable development), DM3 (climate change), DM6 (surface water management), DM8 (pollution), DM11 (nature conservation), DM13 (access), DM14 (parking), DM23 (residential development within urban areas), DM30 (internal space standards) &amp; E3 (Eastleigh Town Centre).</p> <p><b>Supplementary Planning Documents:</b><br/>Quality Places &amp; Residential Parking Standards.</p> <p><b>Other</b><br/>Eastleigh Town Centre Vision (discussion document 2014)</p> |

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| <b>Assessment:</b> |
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## **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. The proposal is also within a highly sustainable location on the edge of Eastleigh Town Centre with shops, services, train and bus links within easy walking distance.

Policy DM23 encourages a minimum density of 40 dwellings per hectare for residential developments within urban areas, unless site constraints or local character indicates otherwise. The proposal is 88 dwellings per hectare.

The Eastleigh Town Centre's vision document sets out the need to provide additional housing within the Town Centre in order to increase the customer base for the existing shops and services and to reduce the need to travel for employment.

## **Character and Appearance**

As part of Policy DM1 development is required to take full and proper account of the context of the site including the character, appearance and land uses of the locality, and be well integrated in terms of mass, scale, materials, layout, density, design and siting, both in itself and in relation to adjoining buildings, spaces and views.

The design of the two-storey extension reflects that of the existing building with its pitched roof, window detailing and choice of materials. While the proposed two storey extension will project along way behind the existing building, its massing is reduced by lowering its ridge height, so it steps down from main building and appears more subservient.

The two storey rear extension will be fully visible from both Desborough Road and the service alley. However, some of the building along the rear service alley have already been heavily extended to the rear, including that of the adjoining nursery, and the proposal is considered to blend in with the character of the locality.

Overall, the two storey extension and building conversion is suited to the host property in terms of its form, scale and appearance. The extended building will fit in with the surrounding pattern of development where higher densities are expected in order to make the most efficient use of the highly sustainable location.

## **Living Conditions**

Policy DM30 requires all new dwellings to meet the Nationally Described Space Standards. For external space, Quality Places SPD requires flatted developments to provide a minimum of 3m<sup>2</sup> per unit or 2m<sup>2</sup> per bedroom of private amenity space as well as 25m<sup>2</sup> per unit of communal amenity space. Although the minimum communal amenity space may be reduced in urban areas when the dwelling is within 100m (by safe and convenient route) of a public open space.

The Nationally Described Space Standards require one bed dwellings to have at least 39m<sup>2</sup> of floor space and two bed dwellings to have 61m<sup>2</sup> of floor space. In addition, a single bedroom must have a floor area of at least 7.5m wide, which rises to 11.5m for a double bedroom. The proposal meets these standards.

The flats will provide reasonable quality living environments. Their main living areas are positioned to the front and rear where they have all have large windows to let in sufficient light. The remaining rooms all have side facing windows/ rooflights, although the light will be more restricted by the presence of the neighbouring building or size of the windows.

Each property has access to a private outdoor amenity area (of at least) at the rear of the property, the smallest being 4.5m<sup>2</sup> which meets the Council's standard. While no

communal amenity space is provided within the development, the site is adjacent to Leigh Road recreational ground and so provides easy access to green space.

### **Residential Amenity**

Policy DM1 amongst other matters, stipulates that all new development should not have an unacceptable impact upon residential amenities of both new and existing residents. Additional residential amenity guidance is provided within the Council's Quality Places SPD.

It is acknowledged that there has been an objection from the dentist practice at no.57 who are concerned that the proposed building works will impact upon their light and be visually intrusive. However, most of the windows in no.57 look east over Desborough Road with only one first floor rear window directly affected by the development.

While sympathetic to the dentist concerns the policy requirements are set up to protect the amenity of residential properties rather than businesses. The site is nestled between a dentist to the east, a medical service building to the south and a nursery to the west and therefore would not have an impact upon residential amenity.

Furthermore, the scheme has been designed so that all new windows on the north-eastern side (facing the area at the back of the dentist) and all new first floor windows on the south-western side (facing the nursery's roof terrace) are high level in order to prevent overlooking into the neighbouring sites.

### **Highways and Car Parking**

Policy DM13 requires that all new development has a safe and convenient access to the highway network, with Policy DM14 requiring an appropriate level of car parking be provided in accordance with the Council's adopted standards. Residential Parking Standards SPD requires two usable on-site car parking spaces to be provided for each dwelling.

There are two car parking spaces at the front of the site, but these are for the existing first floor office and will not be available to the new residents. There is no space available on the site for additional car parking and the new residential units will not benefit from being part of the residents parking scheme that operates in this area. As such the proposal will be a zero parking development.

However, the site is only a few minutes walk to Eastleigh Town Centre, which has very good rail and bus connections to both the local area and major destinations further afield. Due to its highly sustainable location, and its fallback position of two residential units with zero parking under the prior notification conversion, it is reasonable to accept no on site car parking in this instance. Individual on site cycle storage is provided for each dwelling.

### **Ecology and Biodiversity Net Gain**

Policy DM11 states that development will not be permitted if it is likely to have a direct or indirect adverse effect on priority habitats, protected or priority species, or on the local ecological network unless it can be demonstrated that a) there are no alternative solutions, b) the adverse impact are unavoidable, c) measures are taken to mitigate or compensate for the adverse effects. Policy DM11 goes on to state that the Council promote the net gain of biodiversity on all sites through the protection, enhancement and connection of existing provisions and new habitats and features compatible with the native biodiversity characteristics of the Borough.

Although there are records of bats and nesting swifts close to this site, the building doesn't have any bat roosting or bird nesting features and so the proposal will not have an impact upon these species. No objection has been raised by the Ecology Officer, and a condition will be imposed to ensure that the development provides a biodiversity net gain.

## **Pollution**

Policy DM8 states that development will not be permitted where it is likely to be adversely affected by pollution, unless measures can be taken that adequately mitigate the pollution effects. For the residential application, pollution would primarily take the forms of noise and ground contamination.

While the site is within a busy town centre location, a noise impact assessment has been submitted that demonstrates the Council's internal noise standards can be met through glazing standards and installation of a mechanical ventilation with heat recovery system. No objection has been raised by the Environmental Health Team, subject to the details being agreed through planning conditions.

The application is for a sensitive end use on the site has the potential to be impacted by historic contamination that may be present. As there are ground works involved with the two-storey extension further information & potentially a remediation scheme would be required via condition.

## **Impact of SPA:**

### Recreational Disturbance

The site is within the 13.8km catchment area for the New Forest Special Protection Area. It is recognised that new housing developments within this catchment area is likely to result in additional visitors to these protected sites. In order to mitigation for this impact the developer has paid a contribution towards the Council's New Forest Mitigation Strategy (which provides Suitable Alternative Natural Green Spaces within the borough and funds a ranger post within the New Forest).

### Nutrients

The site is within the impact zone for nitrogen and phosphorus, which has been shown to have a determinantal impact on the water quality of the River Itchen/ Southampton and Solent Water Special Protection Area. A nutrient budget has been submitted for the development and this has a positive output for nitrogen.

The applicant intends to use the Eastleigh Borough Council scheme to mitigate for these increases and this will be secured by a pre- occupation condition. An appropriate assessment under the habitat regulations has been completed for the development and Natural England have confirmed that the Council's nitrogen mitigation is acceptable.

### Natural England Consultation

Natural England have objected to the use of the Council's New Forest Mitigation Strategy & phosphorus mitigation schemes. However, the Local Planning Authority, as competent authority, is content that these strategies are acceptable and delivers the appropriate levels of mitigation. The formal twenty one day notification of permission has been given to Natural England and this has now expired.

## **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 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 emerging 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 emerging plan policy. The need to support the economy is part of the Strategic Environmental Assessment for the Emerging 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, Saved, 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** ☐

Comments ...