

Head of Planning

Eastleigh Borough Council

Our ref: 3441

BY ELECTRONIC SUBMISSION VIA PLANNING PORTAL

15 April 2024

Dear Sir/ Madam

Application for Prior Approval – Part 3 Class MA Town and Country Planning (General Permitted Development) (England) Order 2015 – Bursledon Hall, Blundell Lane, Bursledon SO31 1AA.

On behalf of our client, DSRU at Bursledon Hall, we apply for the prior approval of the Local Planning Authority for the change of use of a building from Class E (Business) to Class C3 (Residential Dwellings), pursuant to Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (“the GPDO”).

The following plans are submitted with the application:

- Site Location and Block Plan
- Existing Floor Plans
- Proposed Floor plans
- Existing and Proposed Elevations

The Site and Surrounding Context and Site Planning History

Bursledon Hall is located to the north of the M27, between Hedge End and Bursledon. Access is via Dodwell and Blundell Lanes. Whilst originally built/ occupied as a dwelling and subsequently used as a childrens’ hospital, planning permission was granted in 1989 for change of use to allow for office purposes, for academic and medical statistical research purposes. (Ref Z/25924/002/00). The Council has confirmed, via the grant of previous applications under Class O of the GPDO, that the lawful status is office (B1, now Class E). Prior approval has been granted for change of use to residential (PN/21/91216), but this has not been implemented. A further application, for full permission for change of use to residential has been submitted and is, subject to production of further supporting information, pending determination.

The Proposal



The proposal is to convert the building, internally, to create 16 no. residential dwellings, as follows:

	1 bedroom Flats	2 bedroom Flats	TOTAL
Main House – Ground Floor	3	2	5
Main House – First Floor	3	1	4
Main House – Second Floor	3	1	4
The Annex	0	2	2
The Pavilion	1	0	1
TOTAL	10	6	16

This application is made pursuant to Part 3 Class MA of the GPDO, which provides:

Permitted development

MA. *Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order.*

This proposal replicates the plans for the Class O Prior Approval already granted under reference PN/21/91216.

As of 6 April 2021, the GPDO has been amended to require that any dwellings created under permitted development rights must comply with the nationally described space standards. Section 3(9A) provides:

“Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse—

(a) where the gross internal floor area is less than 37 square metres in size; or

(b) that does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015.”

All of the dwellings to be created will meet/ exceed these standards.

Restrictions on the Application of Class MA

Having established the lawful use of the site within Class E, it is clear that the site qualifies for the change of use under the provisions of Class MA. It therefore remains to assess the proposals against all other relevant tests of that class and then the subjective considerations of the process.

Development is not permitted by Class MA unless certain requirements are met, as addressed in turn below. These considerations are set out in MA.1 of the GPDO.

MA.1(b) – The building must have been within Use Class E for a continuous period of at least 2 years prior to the date of the application.



Bursledon Hall has been in office use since the late 1980s, as confirmed by the planning history analysis above.

MA.1(d) – where land covered by, or within the curtilage of, the building – (i) is or forms part of a site of special scientific interests; (ii) is or forms part of a listed building or land within its curtilage; (iii) is or forms part of a scheduled monument or land within its curtilage; (iv) is or forms part of a safety hazard area; or (v) is or forms part of a military explosives storage area.

Neither the land covered by Bursledon Hall, nor its curtilage falls within any of these exceptions.

MA.1(e) – if the building is within – (i) an area of outstanding natural beauty; (ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981; (iii) the Broads; (iv) a National Park; or (v) a World Heritage Site

None of these exceptions apply.

MA.1(f) – where the site is under agricultural tenancy.

The site is not under any such tenancy.

MA.1(g) - before 1 August 2022, if – (i) the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1 August 2021 and (ii) the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.”

The 1 August 2022 date has now passed so this clause is no longer relevant. For clarity, Class O of the GPDO 2015 (prior to amendment in 2020) authorised change of use of B1(a) offices to C3 dwellinghouses in certain situations. This condition on the exercise of Class MA sought to prevent conversion from office to residential where a previous Article 4 direction had been made to restrict such change and where the direction remains in force.

There are no Article 4 direction in force restricting the ability to exercise permitted development rights for change of use from Class E to C3 in this specific location.

For completeness, we note that prior to 5 March 2024 Class MA.1 contained two further restrictions which no longer apply:

MA.1(a) – It was previously a requirement that the building be vacant for a continuous 3 month period prior to application.

MA.1(c) – It was previously a requirement that the cumulative floorspace being changed not exceed 1500sqm.

Both of these requirements have now been removed for applications submitted after 5 March 2024.

Conditional Requirements of Class MA

As set out in MA.2 of the GPDO there are also a number of additional conditions which apply to Class MA applications. The applicant is required to apply to the local planning authority for a determination as to whether the prior approval of the authority will also be required, as to:

Transport impacts of the development, particularly to ensure safe site access:



When considering the previous Class O application (PN/21/91216), the HCC Highways Officer confirmed they had no objection to conversion of the building to residential use, as proposed, as the existing access would be used, and the trip rates would likely be reduced as compared to office use. Subject to compliance with the parking standards and cycle parking, they were content with the transport impacts of the proposal. A similar conclusion arises for the present application.

Contamination risk in relation to the building

When considering PN/21/91216, Eastleigh Borough Council's Environmental Health Officer (Contaminated Land) raised no objection to conversion. Given the historic use as a hospital, they did suggest the preparation of a preliminary risk assessment to include a site walkover and conceptual site model. This would be secured by standard contaminated land conditions.

Flooding risks in relation to the building

The Site/ building is in Flood Zone 1, at lowest risk of flooding. The officer's report for PN/21/91216 confirms that the site is not in an area with critical drainage problems: "Taking account of this, as well as the elevated position of the building and its ground relative to the surrounding topography, it is not considered that the site would be at adverse risk of flooding and the prior approval of the local planning authority is not therefore required in this particular respect".

Impacts of noise from commercial premises on the intended occupiers of the development;

As confirmed in the officer's report for PN/21/91216, the matter for consideration in a Class O application (and equally in the present Class MA application) is commercial noise only, not general ambient noise or noise arising from non-commercial sources. The officer was content that "there are no commercial premises which could impact the development from a noise perspective in the immediate visible of the site and thereby it is considered that the prior approval of the LPA is not required in this respect."

Where the building is located in a Conservation Area and the development involves change of use of the ground floor, the impact of that change on the character or sustainability of the Conservation Area;

The Site is not within any Conservation Area.

The provision of adequate natural light in all habitable rooms of the dwellinghouses;

In the previous application the officer was content that the habitable spaces within the flats would be served by good sized window openings which would not be unduly impeded or impacted upon by external obstructing features such as trees or other buildings. The layout proposed repeats and replicates this.

The impact on intended occupiers of the introduction of residential use in an area considered important for general or heavy industry, waste management, storage and distribution.

The area is not important for these purposes.

Where the development involves the loss of services provided by (i) a registered nursery or (ii) a health centre maintained under section 2 or 3 of the National Health Service 2006, the impact on the local provision of the type of service loss;

The site is not in use for either of these purposes.



Where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.

MA.3. clarifies that development meets the fire risk condition if the development relates to a building which will—(a) contain two or more dwellinghouses; and (b) satisfy the height condition in paragraph (3), read with paragraph (7), of article 9A (fire statements) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

These requirements are as follows:

- Article 9A (3): The height condition is that— (a) the building is 18 metres or more in height; or (b) the building contains 7 or more storeys.
- Article 9A (7): (7) For the purpose of paragraph (3)— (a) the height of a building is to be measured from ground level to the top floor surface of the top storey of the building (ignoring any storey which is a roof-top machinery or plant area or consists exclusively of machinery or plant rooms); (b) when determining the number of storeys a building has— (i) any storey which is below ground level is to be ignored; and (ii) any mezzanine floor is a storey if its internal floor area is at least 50% of the internal floor area of the largest storey in the building which is not below ground level.

Bursledon Hall does not meet the fire risk condition (being lower than 18m/7+ storeys) and therefore a risk safety impact assessment is not required.

In summary, this application replicates the application previously made and approved and is policy compliant, as such we look forward to receiving a positive and prompt determination.

Should you have any queries, please do contact the writer.

Yours faithfully

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