

DELEGATED OFFICER REPORT

Application Ref: X/23/96635

Site Address: Nos 75 and 77 , Leigh Road, Eastleigh, SO50 9DQ

Case Officer: Gary Osmond

Description: The removal of condition 2 on planning decision F/07/60794, (which limits the use of No 75 Leigh Road to a rehabilitation clinic); and the erection of a timber fence to part of the front boundary of No 77 Leigh Road.

Particular Site Constraints?	Yes ☒	No ☐
- Within the urban edge - Within Eastleigh Town Centre boundary - Within Eastleigh Town Renaissance Quarter		

Planning History?	Yes ☒	No ☐
No.75 Leigh Road		
F/07/60794 – Change of use from offices (A2) to rehabilitation clinic (D1) – Approved Sept 2007		
Z/05504/001/00 – Change of use from dental surgery to offices – Approved Oct 1979		
No.77 Leigh Road		
Z/24596/003/00 – Change of use of ground floor from office to consulting room – Approved Feb 1983		
Z/24596/001/00 – Change of use from residential to solicitors' office – Approved Dec 1980		
Z/24596/000/00 – Change of use from residential to office – Withdrawn Aug 1980		

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	One representation received objecting to the impact of erecting a 1.8 metre fence onto the Leigh Road frontage through “overbearing” impact on a main public footpath.		
Parish Council:	No comment received.		

Site Visit:	Yes ☒	No ☐
Details: Regularly pass the site on way to and from work.		

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, DM2, DM11, DM13, DM14, E3, E4 & E5.
Supplementary Planning Documents: Quality Places; Character Area Appraisals.

Assessment:
Site Context: The application site is a corner plot on the western side of the junction between Cranbury Road and Leigh Road. It consists of a pair of two storey red brick Victorian dwellings, which have both been converted into ‘office’ type uses in the 1970s/80s. Both have small gardens to the front, with the original rear gardens having been converted into parking areas either accessed from Cranbury Road or the rear service road which runs parallel

with Leigh Road. Rear and side boundaries consist of 1.8 metre brick walls and fencing, with a lower 0.4 – 0.6 metre high walls along the street frontages. Behind these frontage boundary walls is a 1.5 – 1.8 metre high hedge, although there is a section of frontage to No.77 which has no hedge.

The site lies at the western edge of the town centre and within the Eastleigh Renaissance Quarter, where there are a mix of commercial, community, leisure, educational and residential uses. Further to the west and south, the character is predominantly residential in nature and made up of two storey semi-detached and terraced dwellings of a similar age to the application buildings.

Proposals:

The application has two parts. The first seeks consent for the removal of a condition applied to an earlier application for No.75 Leigh Road (see below). The second is for the erection of a new boundary fence along the section of Leigh Road frontage to No.77 which has no hedge.

Planning permission F/07/60794 was for the “Change of use from offices (A2) to rehabilitation Clinic (D1)”, with condition 2 stating:

“The development hereby permitted shall be used as a Rehabilitation Clinic and for no other purpose in Class D1 of the Schedule to the Town and Country Planning Use Classes Amendment Order 2005, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that order with or without modification.”

The applicant wishes to remove this condition as it does not fall within the remit of the services which they provide, which includes counselling and talking therapies for children and young adults.

Policy & Principle:

The application site lies within the urban edge where the basic principle of development is considered acceptable, with any formal planning approval being dependant on how well the proposal accords with the relevant policies of the adopted Local Plan. In this instance the most relevant policies are DM1 and E4.

Policy DM1 requires all proposed development to be of a good quality design which take appropriate account of the site's context and that of the surrounding area. It also requires development to provide a good quality environment for those using it and to minimise any adverse impact the development may have on surrounding occupiers and uses. In addition, there are requirements relating to natural features and new landscaping, together with other transport and servicing.

Also of specific relevance to the application site is Policy E4, together with E3 and E5. Policy E4 relates to the Eastleigh Town Renaissance Quarter which sets out the nature and types of development considered appropriate for the area. The application site lies within area 1d. which is identified as the leisure and cultural zone where the use of premises for restaurants, cafes, community uses, cultural uses and retailing will be supported provided “the design of any new buildings or external alterations is of a high quality; and the new use is complementary to the cultural or recreational activities that are established at The Point or Recreation Ground.”

Policy E3 is more relevant to the retail part of the town centre but nonetheless still encourages a mix of appropriate and complementary uses. Policy E5 requires new development within the town centre to provide financial or physical contributions to public realm improvements along particular routes and at specifically identified points in and around the town centre. One of these identified areas is the Leigh Road/Romsey Road junction in proximity to The Point and along Leigh Road from The Point through to the railway station. The application site lies within both of these identified locations.

In principle, the requested removal of the identified condition would appear to be acceptable. In terms of the nature of the intended use, it is not dissimilar to that previously approved and generally falls within the range of uses considered acceptable for this part of the town centre and Urban Renaissance Quarter. Equally, the provision of new/higher boundary treatment along the Leigh Road frontage is acceptable in principle, provided it meets the requirements of Policies DM1, E3, E4 and E5 in terms of design and impact upon the public realm.

Amenity:

As briefly set out above, the intended use of the premises is not dissimilar to that which was approved in 2007. As such, the general amenity of neighbouring occupiers and uses would not be impacted to any greater extent than is the present situation. It is also noted that all neighbouring uses, other than that to the south of the service road are non-residential uses, so will not be impacted by activities at the application premises. Most activities take place during general office hours or early evenings, so will not impact the residential dwelling to the south at more sensitive periods of the day, i.e. late and overnight.

Street Scene, Area Character & Public Realm:

Externally there would be no change to the appearance of the buildings, only to the Leigh Road frontage where it is proposed to fill in the existing gap in the current boundary hedge, so that the front garden space can be used by clients and staff but still maintain privacy from the public passing by.

Extensive discussions have taken place with the agent and applicant to come to a solution which works in terms of the applicant's needs but which does not have an adverse impact upon the street scene and public realm at what is an important and well used gateway into the town centre from the west. No final solution has been agreed. As such, a condition is recommended which requires final details of planting and boundary treatment/screening to be agreed with the LPA prior to the garden area being brought into use. This will still allow the applicant to utilise the main buildings but will ensure that any visual impact upon the public realm is controlled and appropriate.

Parking & Highways:

The intended use of the application premises is not expected to result in any additional parking requirements over and above that which is already available on site. The site is also on the edge of the town centre where various public car parks and public transport options are available to staff and clients. Equally, that proposed will have no adverse highway impact.

Trees & Nature Conservation:

There are no trees present on site, although there is a sizable street tree along Cranbury Road adjacent to the site. This will not be impacted by the proposals.

In terms of nature conservation, that proposed will have no negative impact upon local biodiversity and may in fact provide a net gain by better utilising the front garden spaces for clients to use as external space through the planting of sensory plants, etc.

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:	PERMIT ☒	REFUSE ☐
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For the reasons set out above, the application is recommended for approval subject to conditions relating to:

- Approved drawings
- Commencement within three years
- Details of new boundary planting and screening to be agreed