

DELEGATED OFFICER REPORT:**Application Ref:** PN/24/97060**Site Address:** 59B LEIGH ROAD, EASTLEIGH, SO50 9DF**Case Officer:** Clare Martin**Description:** Prior notification application under Class MA for the change of use of the first floor office to 1no. two bed flat

Particular Site Constraints?	Yes ☒	No ☐
• Within Urban Edge • Within Eastleigh Town Centre		

Planning History?	Yes ☒	No ☐
• F/23/96368 - 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 – Permitted (March 2024) • 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) • 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) • Z/04100/002 – Change of use from ladies and gents hair dressing salon and residential accommodation to hairdressing salon and office - Permitted (1988)		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☐
Representations:	None		
Environmental Health (amenity):	<u>No objection</u> With respect to this proposal, we would refer to comments made for a similar previous application on this site, in respect of PN/22/93831, and the submitted Noise Impact Assessment (Impact Acoustics report reference IMP7275-10), which considered noise impacts on the change to residential use from the neighbouring uses. The noise impact assessment reasonably demonstrates no adverse impact (using BS8233) provided the new dwelling has closing windows and is installed with mechanical ventilation (Type 4 with heat recovery) for use as the occupant chooses to. The acoustic specification for the ventilator is given the report and demonstrated effective from calculations per the BS8233 method. Therefore, we are satisfied the dwelling could be developed. Please include a condition in the consent that the recommendations of the report are installed.		

Eastleigh Town Council:	No Objection
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Site Visit:	Yes ☒	No ☐
Details: Site visit carried out 10/04/24		

Pre-commencement Conditions:	Yes ☐	No ☒
Details: Recommended noise conditions can be dealt with prior to occupation.		

Legislation:
The Town & Country Planning (General Permitted Development) (England) Order 2015 (Amendment) Part 3 of Schedule 2, Class MA grants planning permission for a change of use from Class E (commercial, business or service) to residential, subject to certain exceptions, limitations and conditions. Under this act the developer must apply to the Local Planning Authority, before starting development, to determine whether the prior approval of the authority will be required, and if so whether this is granted by the LPA. The matters to be considered under the prior approval are: a) transport impacts of the development, particularly to ensure safe site access; b) contamination risks in relation to the building; c) flooding risks in relation to the building; d) impacts of noise from commercial premises on the intended occupiers of the development; e) <i>not applicable as site is not within a conservation area;</i> f) the provision of adequate light in all habitable rooms of the dwellinghouse; g) <i>not applicable as site is not within an industrial area</i> h) <i>not applicable as current use is not a nursery or health facility</i> i) <i>not applicable as development as a fire risk condition is not required.</i>

Policy:
National Planning Policy Framework Planning Practice Guidance Paragraph W(10) of Schedule 2 Part 3 of the GPDO requires that in assessing this Prior Approval application, the LPA must take into account any representations made to it on the proposals by neighbours or by relevant consultees and must have regard to the NPPF where relevant to the subject matter of the Prior Approval. The NPPF re-iterates that planning law requires that applications for planning permission be determined in accordance with the development plan, and consequently those policies of the adopted Local Plans that are relevant to the subject matter of the Prior Approval are cited here and have been taken into consideration in the assessment of the application. 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, DM5, DM8, DM13 and DM14. Supplementary Planning Documents: Quality Places; Residential Parking Standards; Character Area Appraisals.

Assessment:

Eligibility

The building is eligible for a Class MA prior notification application, as:

- The building was granted planning permission in 1988 to be used as a hair dressing salon and offices, which are now uses within Class E. There appears to have been no change to the use of this section of the building since permission was granted.
- The building and its curtilage is not in an SSSI, listed building, scheduled monument, in a safety hazard area, military explosives storage area, in an area of outstanding natural beauty, in a national park or within a area specified by the secretary of state.

Transport Impacts

The application site is located on the edge of Eastleigh Town Centre, within a few minutes walk of a range of shops, services and transport connections. There are two spaces at the front of the property that will be shared between the flats previously approved on the site and the current proposed two bed flat. In such a sustainable location, it is considered acceptable not to provide all of the off-road car parking spaces usually required under the council's residential parking standards SPD. The proposal will not have any significant transport impacts.

Contamination Risks

While there is a potential of the site being impacted by historic contamination a phase 1 contamination report is not necessary as the residential conversion is for the first floor only.

Flooding

The site is within flood zone 1 where there is a low risk of flooding. As such it is not necessary for flood protection measures to be installed at the site.

Commercial Noise

The application site is at the front of the first floor and the remainder of the building is due to be extended and converted into residential accommodation (under planning permission F/23/96368).

The application site is a semi-detached building within a busy edge of town centre environment. The other half of the semi-building is used as a dentist and there is a children's nursery to the western side. While the adjoining commercial uses have the potential to cause a level of disturbance, they operate through the day and early evening when background noise levels are higher and residents will be going about their day-to-day lives.

A noise impact assessment has been provided with the previous prior approval application, which proposed that closed windows and mechanical ventilation (type 4 with heat recovery) are installed and used as the occupant chooses. This seems a reasonable approach for the current application and will bring the vacant property back into a functioning use.

Light to habitable rooms

The property has a number of western side facing windows, and their daylight will be restricted by the close proximity of the two storey building next door. However, the proposed converted dwelling has been laid out so that its most important living spaces (lounge) are at the front where they are served by two windows with open views across the park. While these two windows face north, they are unrestricted by buildings and will let is a reasonable level of daylight.

Impact of SPA:

Conservation of Habitats and Species Regulations 2017:

Under Regulation 77 of the Habitat Regulations, development which would be permitted by a Development Order, and which would be likely to have a significant effect on a

European site or a European off-shore marine site, (in this case, through additional nitrates loading on the waste water system) must not commence until the Local Planning Authority has given its written approval for the development and appropriate mitigation has been secured against the developments harmful impacts on the European Protected Site. The applicant is required to submit a separate Regulation 77 application to the LPA to secure this mitigation.

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:

GRANT CONSENT ☒

REFUSE ☐

Comments ...