

DELEGATED OFFICER REPORT:**Application Ref:** PN/24/97234**Site Address:** 26 LEIGH ROAD, EASTLEIGH, SO50 9DT**Case Officer:** Clare Martin**Description:** Prior notification application under Class MA for the change of use from offices (Class E) to 4no. one bed flats (Class C3) with associated car parking, cycle and refuse store

Particular Site Constraints?	Yes ☒	No ☐
• Within Urban Edge • Within Eastleigh Urban Renaissance Quarter (area 1a) • Nutrient Neutrality Catchment (Nitrates and Phosphates) • 13.8km New Forest Recreation Disturbance Buffer		

Planning History?	Yes ☒	No ☐
• Z/28539 – Change of use to offices – Permitted (May 1988) • Z/28539/4 – Erection of single storey rear extension and alterations – Permitted (September 1988) • Z/31151 – Construction of access road to the rear – Permitted (November 1989) • F/06/57761 - First floor rear extension and addition of side facing dormer windows – Refused (October 2006) • F/06/58648 - First floor rear extension – Permitted (January 2007) • F/08/61898 - Installation of 1 no air conditioning unit – Permitted (May 2008) • F/15/77451 - Alterations and extensions to existing roof to create 4no. flats (including 2nd floor balconies) within the roof space following conversion of the existing office space (B1a) on the ground and first floors to residential dwellings (C3) with rear extension, and associated parking, bike and bin storage (amended description) – Refused (February 2016) • F/17/79817 - Alterations and extensions to existing roof to create 3no. (including 2nd floor balconies) within the roof space following conversion of the existing office space (B1a) on the ground and first floors to residential dwellings (C3) with rear extension, and associated parking, cycle and bin storage – Refused and Dismissed at Appeal (November 2017).		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☐
Representations:	<u>1 Comment Letter</u> (17 Meadow Grove) • Lack of car parking overspilling on congested nearby roads • Inadequate bin storage leading to obstruction of footpaths and unsightly • Small apartment's overcrowding, excessive noise and pollution		
	<u>Planning Officer Response</u>		

	Comments are noted and car parking and commercial noise are considered within the assessment section. The other issues raised can not be considered as part of the prior notification application.
Transport Officer (HCC):	<u>No objection</u> Access into the site remains unchanged by the proposals with vehicle access gained to the rear car park area via the rear service road located off of Toynbee Road, and pedestrian access is achieved via existing footways from both Leigh Road and Toynbee Road. In terms of the car park layout, whilst the aisle width appear slightly below the standard 6.0m width, it is noted that parking currently occurs in the proposed layout without known incident, and as such the proposed layout is accepted. With regard to the quantum of parking, whilst this has not been assessed as this is a function for EBC to consider, ensuring that the EBC Parking Standards are adhered to, it is noted that 1 space per dwelling is proposed. Applicants should however be made aware that as a new / conversion development, future residents will not be entitled to on street parking permits and that the site sits within a Controlled Parking Zone.
Environmental Health:	I understand that your considerations are limited to the impact of commercial noise and land contamination on the proposed development only. With regard to the current land use pattern, I have no comment to make on that matter.
Eastleigh Town Council:	No response

Site Visit:	Yes ☒	No ☐
Details: Carried out May 2024		

Pre-commencement Conditions:	Yes ☐	No ☒
Details:		

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 a 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 Eastleigh Borough Local Plan 2016-2036 The most relevant policies are Strategic policies S1 and S2; Development Management policies DM1, DM8, DM14, and Area Policy E4.

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 has been granted planning permission to be used as offices, which now falls within Class E.
- 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 an area specified by the secretary of state.

Transport Impacts

The Council's residential parking standards looks for two on site car parking spaces to be provided for dwellings with up to three bedrooms, which would equate to a total of eight spaces for the proposal. The proposal has just four car parking spaces located at the rear of the building (one per flat) along with separate cycle and bin storage.

However, the site is within easy walking distance of 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, it is reasonable to accept the under provision of on-site car parking in this instance and it is noted that the Council intends to reduce the parking requirement to one space (for one bed flats) within the draft Residential Parking SPD. The car parking spaces are accessed off a rear service road and are not considered to impact upon highway safety.

Contamination Risks

It is unlikely that the site is impacted by historic contamination and further contamination assessments are not necessary as the proposed conversion does not require major structural alterations or extensions. The existing rear yard would be retained as concreted car parking area and so would not involve ground excavations or importation of soils.

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/ Industrial Area

The site is immediately adjacent to a residential property with a school to the rear and care home on the opposite side of Toynbee Road. The general vicinity is mostly made up of a mixture of residential properties and offices/ small commercial businesses. While the site is within a busy environment on the approach to Eastleigh Town Centre, the surrounding commercial noise is unlikely to be to such a degree as to materially impact upon the amenity of the new residents.

Light to habitable rooms

The building would be divided into 4no. (one bed) dwellings each with at least one glazed window to their habitable rooms. The main living areas have their windows positioned at the front (south facing) and rear (north facing) of the building where they have a reasonable outlook. While the north facing will not receive much sunlight, they will have good daylight and so create a decent living environment for the new residents.

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. An advisory note to this effect is to be added to the decision notice.

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 ...		