

DELEGATED OFFICER REPORT

Application Ref: PN/24/97248

Site Address: Bursledon Hall, Blundell Lane, Bursledon, Southampton, SO31 1AA

Case Officer: Summer Sharpe

Description: Prior Notification Application Under Class MA for the change of use from offices (Class E) to 16no. dwellings (Class C3).

Particular Site Constraints?	Yes ☒	No ☐
- Countryside - Settlement gap (Area B Hedge End, Bursledon (B12)) - Flood Zone 1 - Designated building of Local Importance (Bursledon Hall) - TPO (341-E) - Solent Mitigation & Disturbance Zone		

Planning History?	Yes ☒	No ☐
Planning App no.	Proposal	Decision
F/23/96407	Conversion of existing office buildings at Bursledon Hall to create 16no. residential flats	Under Consideration
PN/21/91216	Prior Notification for change of use from officers (Class B1(a)) to 16no. flats (Class C3)	Prior Approval Granted (September 2021)
X/20/87358	Removal of condition 4 of planning permission Z/25924/002/00 (dated 14 March 1989) to remove the restriction allowing for the approved use (academic, medical and statistical research offices) to ensure only for the benefit of the Dug Safety Research Trust	Withdrawn (May 2020)
F/16/78324	Single storey rear extension, alterations to roof to include gable ends & alterations to fenestration	Permitted (May 2016)
Z/25924/002/00	Change of use from hospital to academic, medical statistical research offices	Permitted (March 1989)

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☐
Representations:	None received.		
Parish Council:	No objection - although it was noted that the application does not seem to have covered parking.		
Hampshire Highways:	No objection from a highways perspective, given that access to the highway (Blundell Lane) is unchanged and trip rates are likely to fall as a result of the change of use. It would however be requested that the Case Officer ensure the EBC Parking Standards are adhered to, inclusively of cycle parking requirements, given the site is not particularly well located for sustainability, and so adequate cycle parking should be provided to encourage sustainable travel as much as possible.		
Environmental Health:	I understand that your considerations are limited to the impact of commercial noise upon the proposal. In respect of the current pattern of land use in the location, I have no comments to make in this regard.		
Contaminated Land:	Previous planning applications have been submitted in relation to the site (PN/21/91216 and F/23/96407). Both considered that even though the site is not within an identified contaminative		

	area, due to the historical use, standard contaminated land conditions (desk study, site investigation, remedial scheme and verification report) and CEMP should be imposed prior development. In addition, if any imported soils are to be used on site, confirmation of suitability needs to be submitted prior to use. Conditions were also suggested.
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Policy:

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2, Part 3 (Changes of use), Class MA (commercial, business and service uses to dwellinghouses).

As per the Conditions MA.2, the following matters are to be assessed: transport, land contamination, flood risk, noise impact, provision of natural light, impact of residential within the area, the loss of the service provided, and fire risk. These matters would be assessed against the below policies:

Development Plan:

Eastleigh Borough Local Plan 2016-2036

Policies: S1 (Delivering sustainable development), S2 (approach to new development), DM1 (General development), DM3 (climate change), DM6 (sustainable drainage), DM8 (Pollution), DM11 (Nature Conservation), DM13 (Transport), and DM14 (Parking).

National Planning Policy Framework (2023)

Nationally Described Space Standards (2015)

Site Visit	Yes ☒	No ☐
A site visit was not undertaken as part of this application, but was undertaken 11 January 2024, as part of the previous application F/23/96407.		

Assessment:

Site & Surroundings

The application site comprises Bursledon Hall, and its associated (adjoining and detached) buildings within its curtilage. The application site is set within its own large verdant curtilage, adjoining the outskirts of River Hamble Country Park (east), with the River Hamble itself further south/east of the application site (along Blundell Lane).

The site is situated to the east of Blundell Lane, accessed via its own road, which leads to a hard surfaced parking area (with some landscaping) in-front of the host building. The site falls within both countryside and settlement gap designations, whereby there are limited neighbouring amenities (2no. residential properties to the west).

Proposal

The application proposes the change of use from Commercial, Business and Service (use Class E) to 16no. Dwellinghouses (use Class C3), under the prior approval process set out within the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Assessment Against Schedule 2, Part 3, Class MA of the GPDO

MA.1 Development is not permitted by Class MA if:

The following matrix makes an assessment of the proposal against the criteria of Class MA:

Criteria	Assessment
(a) criteria has been removed (March 2024)	-
(b) unless the use of the building fell within one or more of the classes specified in sub-paragraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval	Sub-paragraph (2)(a) sets out following classes of the Use Classes Order: (i) Class A1 (shops) (ii) Class A2 (financial and professional services) (iii) A3 (food and drink) (iv) Class B1 (business) (v) D1(a) (non-residential institutions – medical or health services) (vi) Class D1(b) (non-residential institutions – creche, day nursery or day centre) (vii) Class D2(e) (assembly and leisure – indoor and outdoor sports), other than use as an indoor swimming pool or skating rink Sub-paragraph (2)(b) states: on or after 1 September 2020, Class E (commercial business and service) of Schedule 2. The application site has previously been classified (within planning application PN/21/91216) as offices falling within B1(a) (a former use class). This has since been re-classified as Class E, within The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.
(c) criteria has been removed (March 2024)	-
(d) if land covered by, or within the curtilage of, the building – (i) is or forms part of a site of special scientific interest (ii) is or forms part of a listed building of 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 (v) is or forms part of a military explosives storage area	The application site is not and does not form part of; a site of special scientific interest, a listed building nor curtilage of, scheduled monument nor curtilage of, a safety hazard area, nor military explosives storage area.
(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 (v) a World Heritage Site	The building is not within; an area of outstanding natural beauty, nor an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981, the Broads, a National Park nor a World Heritage Site.
(f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained	The application site is not occupied under an agricultural tenancy.

(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 1 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 proposed development did fall within former Class O, as the application site fell within former Class B1(a) (office) usage. The site has also been subject to previously approved prior approval application PN/21/91216, however from a site visit it was noted that this had not been implemented. Furthermore, no permitted development rights have been removed under any Article 4 Direction, (including those which would affect any change of use), therefore (ii) would not be applicable.
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Conditions MA.2:

Development under Class MA is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for determination as to whether the prior approval of the authority will be required as to:

- (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) Where -
 - (i) the building is location in a conservation area, and
 - (ii) the development involves a change of use of the whole or part of the ground floor

The impact of that change of use on the character or sustainability of the conservation area
- (f) The provision of adequate natural light in all habitable rooms of the dwellinghouses;
- (g) The impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses;
- (h) Where 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 Act 2006
- (i) Where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building

(a) Transport and highways impacts of the development

Policy DM13 of the Eastleigh Borough Local Plan (2016-2036) requires that development is or could be well served by public transport, cycling and walking and it includes measures which minimise its impact on the existing highway network. Policy DM14 requires that an appropriate level of car parking be provided in accordance with the Council's adopted standards. The policy provisions are consistent with the requirements of the NPPF and in particular those of paragraphs 107 and 108.

Due to the nature of the proposals, the Local Highways Authority (LHA) have been consulted, whereby they have raised no objection. They noted that access to the highway

would remain unchanged and that trip rates are likely to fall as a result of the change of use.

Further to access, the proposals would need to provide adequate parking provisions. The Council's Residential Parking Standards SPD sets out the required spaces which is dependent upon the amount of bedrooms. 1 and 2no. bedroomed dwellings require 2no. off-street parking provisions. From information the Council has available, it was noted that the application site can provide 33no. vehicle parking provisions, thus being able to facilitate an SPD compliant amount of parking. The LHA also advised that cycle parking should be provided. However, it is recommended that all parking provisions be secured via condition.

As such and to conclude, the proposals are considered to be acceptable in this regard.

(b) Contamination risks in relation to the building

Policy DM8 of the submitted Eastleigh Borough Local Plan (2016-2036) stipulates that development will not be permitted if it is likely to cause loss of amenity of impact upon public health or other unacceptable environmental impacts; including land contamination.

The Council's Contaminated Land Officer advised that the site does not fall within an identified contaminative area, however previously as part of prior approval application PN/21/91216 contaminated land conditions were recommended. Subject to these and a CEMP the proposals are considered to be acceptable.

(c) Flooding risks in relation to the building

Policies DM3 and DM6 of the submitted Eastleigh Borough Local Plan (2016-2036) stipulate that new development must provide sustainable drainage systems (SuDs) wherever feasible, naturalised filtration should also be included.

The site is situated within Flood Zone 1 and is not identified on Environment Agency mapping as being at risk of flooding or having critical drainage problems. In accordance with the relevant provisions of the GPDO therefore a flood risk assessment is not required to accompany the application. 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 as such would be acceptable in this regard.

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

The application site is located within the countryside, whereby there are limited neighbouring amenities. The Council's Environmental Health Officer did not raise any concerns given the 'current pattern of land use in the location'. As such, there is not considered to be any adverse impact of noise upon the future occupiers.

(e) Where -

(i) the building is location in a conservation area, and

(ii) the development involves a change of use of the whole or part of the ground floor

The impact of that change of use on the character or sustainability of the conservation area

The application site is not located within a conservation area, and therefore this criterion is not applicable.

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

From the submitted plans it is noted that each bedroom and the kitchen/ living spaces would benefit from windows. It would therefore be concluded that the habitable rooms of the dwellinghouse would be provided adequate natural light.

(g) The impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses;

The application site does not fall within an area which the LPA considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses.

(h) Where 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 Act 2006

The proposals do not result in the loss of a registered nursery or health centre, and therefore this criterion is not applicable.

(i) Where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building

The GPDO introduced this criterion from 1 August 2021, which sets out the requirement for developers to obtain the prior approval of the local planning authority as to certain matters relating to fire safety. Articles 4 and 9 amend Class MA of Part 3, and other classes of the Town and Country Planning (General Permitted Development) (England) Order 2015 to require the submission of a statement about the fire safety design principles, concepts and standards that have been applied to the development. This specifically relates to the creation of new dwellings in buildings which will contain 2 or more dwellinghouses where the height condition of planning gateway one is met (18m or more, or 7 or more storeys). Where a prior approval application is made pursuant to these provisions, the local planning authority must consult the Health and Safety Executive.

Whilst the proposals would result in the creation of more than 2 dwellings (16), the height would not exceed 18m or 7 storeys, and therefore the Health and Safety Executive has not been consulted, nor is this criterion applicable.

Articles 3 and 4

Article 3, paragraph 9A sets out that Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse, where the necessary space standards are not met. The application proposes 10no. 1no.bedroom dwellings, which require between 39m² – 50m² (but can be reduced to 37m² where there is a shower room in lieu of a bathroom), and 6no. 2no.bedroom dwelling, which require between 61m² – 70m² (as set out within the National Described Space Standards). All units meet this requirement and all bedrooms exceed (at least) single occupancy 7.5m².

Other Matters: SPA Mitigations

Prior to commencement of any development, it is a requirement that the applicant satisfies their obligations under Regulations 73-77 of the Conservation of Habitats and Species Regulations 2017 (as amended), in strict accordance with Article 3(1) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Failure to comply with this will mean that the development will have been unlawfully implemented. In this instance appropriate mitigation is required to offset the development's impacts on European Protected Sites, and specifically in this case, the European protected Solent Complex (SPA, SAC and Ramsar sites), River Itchen (SAC) and New Forest National

Park (SPA, SAC and Ramsar sites), in terms of both the recreational disturbance and from additional output of nutrients (nitrates and phosphates) arising from a net gain of residential accommodation.

The applicant would need to set out their proposed method of mitigation, as to how they will address the impact of the proposed development upon the European Protected Sites. The LPA would then collate this information and prepare a Habitats Regulations Assessment to submit Natural England for their review.

Equalities Act:

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.

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 and development plan 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 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 and 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 limit impacts on climate emissions as a result of the development or its use.

Conclusion:

In light of the above analysis, the proposed development would comply with Class MA of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) and would be lawful subject to the to the resolution of correct SPA mitigations prior to the implementation of the development.

Recommendation:

**PRIOR APPROVAL REQUIRED
& GRANTED ☒**

REFUSE ☐