

DELEGATED OFFICER REPORT

Application Ref: F/23/95583

Site Address: 93 BOURNEMOUTH ROAD, CHANDLER'S FORD, EASTLEIGH, SO53 3AQ

Case Officer: Dorothy Hei-Tung-Hoh

Description: Change of use from Class E (former Class D1), a children's nursery, to a residential house.

Particular Site Constraints?	Yes ☒	No ☐
• Within the urban edge • Within Built-up Area Boundary		

Planning History?	Yes ☒	No ☐
• Z/26184/000/00 - Construction of new access - Permit - 05/08/1982 • Z/26184/001/00 - Two storey side extension and ground floor rear extension - Permit - 10/05/1983 • Z/26184/002/00 - Change of use to office - Refuse Planning Permission For - 13/12/1989 • F/11/69898 - Change of use from domestic dwelling (C3) to a childrens day nursery (D1) - Refuse Planning Permission For - 20/01/2012 • F/12/70661 - Change of use from domestic dwelling (C3) to a childrens day nursery (D1) - Permit - 28/06/2012		

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	No comments were received.		
Parish Council:	No comments were received.		
Environmental Health:	<u>In terms of noise:</u> The report by Parker Jones Acoustics contains the results of a noise survey carried out at the front and rear of the property. This confirms the high levels of road traffic noise at the front of the property, and identified noise impact from jet washing at the adjacent garage no other noise sources on the garage site are identified. Recommendations for the acoustic performance of glazing and ventilators is included, Table 5.2, which if implemented should ensure that the internal noise standards of the Local Plan would be met with windows closed. On the front, Bournemouth Road facade, internal noise levels with windows open would exceed the internal noise standards by a wide margin and therefore mechanical ventilation is required, the noise level for the ventilation system would need to be such that internal noise standards are met whilst it is in operation. Noise levels in the garden are not specifically assessed, however based on the noise survey results at the rear of the property, first floor		

	level, we might expect levels at or around 55dBA, which would be acceptable. The report identifies noise from jet washing activities at the garage which are carried out directly adjacent to the garden area, see Fig 2.1, the report's author highlights that the 5 minute average noise level measured for this activity was up to 65dBA, which they consider would be 60dBA in the garden due to the existing boundary fence. No other 'noisy' activities are reported as occurring at the garage. Reviewing the monitoring data for the Saturday at the rear of the property figure 4.2, it can be seen that there are regular periods of elevated noise from approximately 0800 to 1500, and for the preceding day, Friday these peaks appear to end at around 1700. The report does not comment on whether these are due to the car washing activities alone, however they would appear to indicate regular activity at the garage across the day, which will be the dominant noise in the garden. There is clearly potential for new residents to be disturbed by the noise and have reason to complain. With respect to noise the impacts of road traffic on the development can be mitigated by appropriate acoustic glazing and ventilation , with mechanical ventilation to address the issue of high internal noise levels if windows were to be opened at the front. Regarding the noise from the adjacent garage should the balance of arguments in planning terms deem the development appropriate, then we would recommend that that the boundary with the garage should have a fence which is at least 2.5m high and of close boarded design with a minimum surface density of 10kg/m2, so as to reduce the impact of noise in the garden. When making comments previously we highlighted that impacts other than noise should be considered, information in this respect has not been supplied. The jet wash activity is a case in point as overspray of water cannot be ruled out given the close proximity to the boundary where this activity is carried out, and consequently the potential for complaints from future occupiers / residents. Whilst the barrier referred to above would assist in reducing the impact of this, the agent of change principle indicates that the developer should seek to engage with the garage to see what steps can be taken to mitigate the noise and potential overspray, either by addressing it at source, or by relocating. <u>In terms of lighting:</u> Given the commercial nature of the garage, it is not unreasonable to assume that security or other lighting will be utilised on site, and given the close proximity to the development, that this may impact on the proposed residential use. No consideration of the impact of this on the development proposals has been provided. <u>In terms of contaminated land:</u> No concerns.
Natural England:	Natural England objects to this proposal.

	As submitted we consider it will have an adverse effect on the integrity of New Forest Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site. There is a significant level of uncertainty as to the effectiveness of the proposed in-borough measures to address recreational impacts on the New Forest. We advise it would not be currently possible to conclude no adverse effects on the integrity of the New Forest designated sites.
HCC Highways:	No objection to the proposals from a highway perspective.

Site Visit:	Yes ☒	No ☐
Details: 17 th August 2023		

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, S2 and S3; and Development Management policies DM1, DM2, DM3, DM8, DM10, DM11, DM13, DM14, DM23, DM24, DM28, DM30 and DM36. Supplementary Planning Documents: Quality Places; Residential Parking Standards; Character Area Appraisals (Chandler's Ford and Hiltingbury Character Areas: Bournemouth Road Special Policy Area)
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Assessment: 93 Bournemouth Road is a two-storey detached building located on a good-sized plot. The property has hardstanding and parking facilities at the front and a long garden area at the rear. It is situated along a main thoroughfare connecting Southampton and Winchester, a location characterised by a mix of commercial and residential properties. Directly to the north (right) of the site is a family-run business dealing in kitchen appliances, while to the south (left) is a Vauxhall car dealership. Residential dwellings are located to the west (opposite) and east (rear) of the site, contributing to the mixed-use character of the area. <u>Proposal</u> The application seeks planning approval to convert the existing nursery into a 4-bedroom residential dwelling. Historically, the property was originally a residential dwelling until it was granted approval in 2012 to be converted into a children's nursery. The proposal does not involve any alterations to the exterior façade of the building or changes to the vehicular access from Bournemouth Road. <u>Background</u> The applicant has confirmed that the nursery ceased operations in June 2023 and there are no intentions to relocate or continue the nursery business elsewhere. According to Policy DM36 of the Eastleigh Borough Local Plan (2016-2036), the loss of community facilities such as nurseries is generally not supported unless it can be demonstrated that alternative provision has been made or the facility is surplus to local needs. The applicant has provided evidence of efforts to seek alternative community uses for the property, including online advertising in 2022, which yielded no interest from potential buyers. The Eastleigh Borough Council (EBC) Council Tax Team also confirmed that the nursery has been officially registered as empty since 29 June 2023.

Principle

- The application site lies within the urban edge, whereby the general principle of residential development is considered to be acceptable. However, this would be subject to the following considerations set out within this report.
- The proposed change of use from a nursery, currently classified under Class E (Commercial, Business, and Service Uses) according to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (SI 2020/757), to a residential dwelling is in alignment with both national and local planning policies. The National Planning Policy Framework (NPPF) advocates for the effective use of land to meet housing needs (NPPF Paragraphs 119-120). The Eastleigh Borough Local Plan (2016-2036) provides further support through several key policies:
 - Policy DM1 requires that new developments are of high design quality, respect the character of the area, and protect residential amenities. Policy DM23 supports residential development in urban areas, ensuring that the site is suitable for housing and does not adversely impact existing infrastructure or services. Policy DM24 prioritises the use of previously developed land for housing, emphasising the need to address local housing demands and improve housing mix. Additionally, Policy DM28 focuses on the change of use, evaluating the impact on community services and ensuring that such changes meet local needs. Compliance with Policy DM8 ensures that the site is free from significant contamination and poses no risks to future residents, while Policy DM33 mandates that the proposed residential units meet minimum internal space standards, providing adequate living conditions. This comprehensive approach ensures that the transition from a Class E nursery to residential use is beneficial, responsive to community needs, and compliant with regulatory requirements.

Layout, design, and impact upon the character of the area

- Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) stipulates that all new development should respect the character and appearance of urban areas, take full and proper account of the context of the site including the character, appearance and land uses of the locality or neighbourhood, and be compatible in terms of mass, scale, layout density, design, and siting.
- The proposed conversion maintains the existing building's exterior and fenestration. Interior modifications only include combining two ground-floor playrooms into a new living room. As a result, the changes are minor, and the building will retain its current appearance. The proposal will not significantly impact the visual character of the building or the street scene, thus having minimal visual impact on the surrounding area.

Internal and external amenity for future occupiers

- To ensure adequate internal living standards are met the Local Planning Authority assess the measurements of space against the 'Nationally Described Space Standards' (NDSS) (March 2015). Policy DM30 of the Eastleigh Borough Local Plan (2016-2036) requires that all new dwellings meet the NDSS as a minimum. In addition to internal arrangements, the Quality Places SPD requires all new residential development to provide a garden area of 60% of the host dwellinghouse.
- The proposed residential conversion provides adequate internal and external amenity for future occupiers. The first-floor bedrooms are of sufficient size, and

each bedroom and living space is well-served by windows, ensuring natural light in all habitable rooms. This meets the requirements for healthy living environments as outlined in the Council's Quality Places Supplementary Planning Document (SPD).

- Regarding external amenity, the garden area has been assessed and found to be of a good size, exceeding the minimum requirement of 60% of the floor space of the host dwelling. This garden size is suitable for a family dwelling, providing a satisfactory outdoor space for future occupants.
- There are high levels of road traffic noise at the front of the property and additional noise from jet washing at the adjacent garage. The submitted noise report indicates periods of elevated noise are from approximately 0800 to 1500 but appear to end at around 1700. Hence, noise levels tend to decrease in the evening, and the existing large hedges along the southern boundary offer some noise mitigation. Conditions such as the installation of double glazing and appropriate ventilators are recommended to address these noise concerns effectively.

Impact on residential amenity

- Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) amongst other matters, stipulate that all new development should not have an unacceptable impact upon residential amenities of both new and existing residents.
- The application property will maintain its current form and structure, with no additional footprint or new windows proposed. As such, the proposed conversion is not expected to negatively impact neighbouring properties and uses. The change in use from a nursery to a residential dwelling is likely to reduce noise levels and vehicular traffic compared to the previous use, potentially enhancing the neighbouring amenity.
- The EBC Pollution Control Officer raised the 'agent of change principle,' suggesting that future occupiers may complain about noise and pollution from the adjacent businesses. It should also be noted that the area is mixed-use nature and there are other nearby residential properties. Given the standard operating hours of the adjacent units, which do not include night-time operations, the noise generated is considered to be acceptable. It is also recommended that window details and acoustic fences be erected with the need for additional information being secured via condition to further ensure there would be no adverse harm to the future occupiers. Subject to these conditions the proposals are not considered to result in an adverse impact.

Pollution

- Policy DM8 of the 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 proposal does not involve demolition or excavation, so concerns about contaminated land are minimal. However, as recommended by the EBC Pollution Control Specialist, conditions should be imposed regarding any imported soils to mitigate potential risks.

Ecology

- Policy DM11 of the Eastleigh Borough Local Plan (2016-2036) stipulates that the Borough Council will work with statutory and voluntary agencies and developers to;

protect, conserve and enhance areas subject to international, national and local nature conservation designations, and promote the net gain of biodiversity on all sites through the protection, enhancement and connection of existing provisions and new habitats and features compatible with the native biodiversity characteristics of the Borough.

- In accordance with Policy DM11, which seeks to secure biodiversity enhancements, a landscaping scheme shall be implemented. The scheme shall cover all hard and soft landscaping, including boundary treatments and biodiversity enhancements such as enhanced bat features. The scheme shall also provide detailed timings for all landscaping activities and outline any future maintenance plans to ensure the continued enhancement of the site's ecological value.

SPA Mitigations

- The Council, as the responsible body for Habitats Regulations Assessment (HRA), must ensure as part of a planning application that development will not have an adverse impact upon any European protected sites, and specifically in this case, it is recognised that the addition of residential development would have an adverse impact upon the surrounding designated European protected sites.
- Due to the nature of the proposals, a HRA was undertaken and submitted to Natural England for their review. They raised an objection. However, the LPA, as the competent body under the Habitats and Species Regulations (2019) are satisfied that the mitigation proposed is sufficient to address the impacts arising from the development upon European Protected Sites. In accordance with the provisions of Section 281 (6) of the Wildlife and Countryside Act (1981), as the application is being granted contrary to the advice of Natural England, a condition preventing development from starting for a period of 21 days is recommended to be imposed to the consent.
- In terms of water quality, Natural England have advised that new housing development should achieve nutrient neutrality in order to mitigate the impacts of additional nitrogen arising from the sewage generated by the future residents. This wastewater then feeds into the Solent Complex via Waste Water Treatment Works, which discharges into the river network and so causes eutrophication affecting the features for which it is designated. The Council has adopted its own strategy for achieving nutrient neutrality whereby it identifies areas of agricultural land and remove these from a nitrate intensive use, thus reducing the nitrogen input into the protected sites, with the level of reduction then being used as a means of offsetting the impacts of development proposals within the Borough. This ensures no overall net increase in nitrates within the Solent and thereby allow a development to achieve nutrient neutrality. In order to do this, the Council calculates the level of nitrate mitigation this land provides (measured in kg) and makes 'nitrate credits' available to developers to buy, with funding being secured during the planning application.
- In addition to the above, Natural England have also highlighted that residential development within a certain catchment of the River Itchen (SAC) can result in phosphate loading resulting from additional sewage generated from future residents. The Council also has 'phosphate credits' available to offset this impact.
- The HRA covered that the development would result in a net increase of 3.45kg/TN/year of nitrogen and 0.14kg/TN/year (pre-2025), and that the necessary mitigation monies would be secured via condition.

- Furthermore, Natural England has also raised concern with regard to additional residential development within 13.8km radius of the New Forest. This is considered to have an adverse impact upon the New Forest by way of additional trips resulting in further recreational disturbance. There is a monetary mitigation of £2,408.90 per residential unit to offset the impact upon the New Forest National Park, which was covered within the HRA. As noted above, Natural England have raised an objection, however the Council is satisfied with the mitigation and have received these monies (7 June 2024).

Highways and Parking

- Policy DM14 of the Eastleigh Borough Local Plan (2016-2036) requires residential development to provide off-highway parking which is adequate in terms of highway safety/traffic management.
- The HCC Highways has raised no objections to the proposal from a highway perspective. The site's existing vehicular and pedestrian access will remain unchanged, and there is adequate space for parking the required three vehicles in accordance with the EBC Parking Standards SPD.
- The HCC Highways recommended increasing the aisle width between the rear of parked vehicles and the adjacent southern wall to at least 6.0 metres to facilitate easier turning. However, the current extra widths for the parking spaces allow for early turning movements, making the spaces viable for the anticipated parking demand.
- Further to vehicular parking, cycle parking and bin storage would be required. There are recommended to be secured via condition.

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, 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.

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:

- Permit subject to conditions.

Recommendation:

PERMIT ☒

REFUSE ☐