

DELEGATED OFFICER REPORT

Application Ref: F/24/97449

Site Address: 91 Leigh Road, Eastleigh, SO50 9DQ

Case Officer: David Huckfield

Description: Change of use from offices (Class E(g)(i)), to 8-bedroom house in multiple occupation (sui generis use), with associated refuse and cycle storage, boundary treatment, and provision of parking to include new dropped kerb on Leigh Road.

Particular Site Constraints?	Yes ☒	No ☐
Within the Urban Edge Within the Urban Renaissance Quarter, Eastleigh Existing Office Premises		

Relevant Planning History?	Yes ☒	No ☐
EAB8598 – Change of use from dwelling to offices – PERMIT (1974) Z/19230/000/00 – Two storey rear extension – PERMIT (1979)		

Site Visit:		Yes ☒		No ☐	
Publicity:	Letters ☒		Site Notice ☒		Newspaper ☐

Representations Received:

One letter of representation was received with the following comments being made in respect of the proposals:

The existing plan for this structure has not included the full plot, and the documentation has stated there are currently zero parking spaces. The rear of the property is currently hard standing used for parking and this proposal is a net loss of parking in the town centre.

Consultation Responses (Summarised):

Eastleigh Town Council	No objection
Hampshire County Council Highways	Having reviewed the information contained in the application pack, there would be no objection in principle to the proposals from a highway perspective, subject to the following amendments to plans being made, and comments being considered. ACCESS: Access for pedestrians is unchanged by the proposals, and this is acceptable with footpath links out onto the public footways into Eastleigh town centre and beyond. In terms of vehicle access, this remains as the current situation to the rear which is acceptable, though it should be noted that the site layout drawing provided places rear parking in positions that will not work, as there is inadequate turning space, given that aisle widths should be a minimum of 6.0m. The Case Officer may wish to have plans amended to show this, however there is adequate empty space between the rear garden fence and the parking areas which could be utilised.

	To the front of the property, it is proposed to implement a vehicle crossover to allow for the parking of one vehicle. This is not acceptable, given the location of the vehicle crossover not only being in close proximity to the junction of Leigh Road / Chamberlayne Road, but also requiring movement through the right turn lane of the signal controlled junction to the west. The benefit of the additional parking space is not deemed sufficient compared to the increased risk in highway safety, particularly given a reverse in or out of site would likely be required. As such, it would be requested that plans are updated to remove the proposed front parking and vehicle crossover accordingly. Additionally, it would be recommended that the cycle parking sheds are relocated to within the rear garden area, hidden from general view, for security reasons. This could allow for the increase in rear garden size, notwithstanding the need to increase the area required for rear vehicle parking as outlined above. Finally, it should be noted by the applicant that as a 'converted' development, future occupiers of the dwelling will not be entitled to on street parking permits. Given the site sits within a Controlled Parking Zone, the development will therefore essentially need to be car free (for the majority of residents at least). The location of the site would however support such a development. If plans can be updated to reflect the above, a secondary consultation response can be issued accordingly following a review.
Environmental Health	<u>Environmental Noise</u> No acoustic information is included with the application. The site is located next to a very busy road (A335 Leigh Road) that is likely to pose a significant adverse risk to the amenity of future occupiers of this site. It is unlikely in my view, that the Local Plan criteria for habitable rooms would be met either with open window ventilation or with conventional double glazing using trickle ventilation for habitable rooms on the front façade. If the application is to proceed a suitable acoustic design needs to be developed taking account of the acoustic conditions found on site before the application is determined. This needs to assess existing traffic noise conditions by determining the LAeq, 16 hour, LAeq, 8 hour and LMax for the site and then developing an acoustic design whereby the local plan acoustic criteria can be met whilst ventilating the property adequately. The ventilation scheme will need to satisfy the Building Regulations requirements in respect of ventilation rates and any need to prevent overheating. <u>Air Quality</u> The site is located within Eastleigh Air Quality Management Area. The proposed development includes 3 parking spaces. Aerial imagery presented up to 6 parking spaces within previous use as offices. We don't anticipate that the proposed change of use from offices to HMO will generate significant traffic during construction and operational stages. Therefore, the impact on air quality is considered to be low. Even though the proposed development does not represent a significant risk on air quality, we stress the importance of adopting best practices and measures to safeguard air quality in the area,

	details on this can be provided within the Construction Environment Management Plan (mentioned below). <u>Contaminated Land</u> The proposed development indicates there will be no external alterations to the existing building, except for the provision of a new communal garden space. All alterations to be undertaken internally. Can the applicant provide information on whether the proposed new garden involves any ground excavations or importation of soils? If that is not the case, then we have no concerns on contaminated land. <u>CEMP</u> Due to the proposed development located within a residential setting, we recommend the provision of a Construction and Environmental Management Plan (CEMP) to prevent, minimize, mitigate and control any noise, vibration and dust that can cause temporary adverse impacts to neighbours. A condition is recommended in this respect.
Housing Standards Officer (HMO Licensing)	No response received

Policy:

Legislative Background:

Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise.

The Development Plan:

The Development Plan comprises of the Saved Policies of the adopted Eastleigh Borough Local Plan 2016-2036. The following policies are of relevance to the application: DM1 (General criteria for new development), DM2 (Environmentally sustainable development), DM3 (Adaption to climate change), DM6 (Sustainable surface water management and watercourse management), DM8 (Pollution), DM11 (Nature conservation), DM13 (General development criteria – transport), DM14 (Parking), DM23 (Residential development in urban areas), DM30 (Internal space standards for new residential development), E4 (Urban Renaissance Quarter, Eastleigh).

Other material considerations:

Supplementary Planning Documents (SPDs):

The following SPDs and Background Papers are of relevance to the proposals:

- Quality Places (adopted 2011)
- Residential Parking Standards (adopted 2009)

National Planning Policy and Guidance:

The latest iteration of the National Planning Policy Framework (the NPPF or Framework) was published in December 2023 and, as set out within paragraph 224, the policies contained within it are material considerations which should be taken into account in dealing with applications from the day of its publication. The Planning Practice Guidance provides additional guidance in support of the policies within the Framework and is also a material consideration in the determination of the application.

Assessment:

Principle of development:

The site lies within the urban edge as well as being within the designated Eastleigh Urban Renaissance Quarter within the Council's adopted Local Plan to which Policy E4 applies. This policy encourages well-designed people-intensive development, including for residential purposes, that raises the quality of the main approaches to Eastleigh Town Centre. The conversion of the building to a residential use is therefore considered to be acceptable in principle, with any planning approval being subject to the particular development proposal put forward being deemed to be appropriate and according with the criteria of the relevant local and national planning policies and associated supplementary planning guidance.

Layout, design and impact on the character of the area:

Policy DM1 of the Local Plan states that all new development should not have an unacceptable impact on, and where possible should enhance, the character and appearance of the area. In this respect it requires that development takes full and proper account of the context of the site including the character, appearance and land uses of the locality or neighbourhood, and that it is compatible with adjoining uses and well-integrated with these in terms of mass, scale, materials, layout, density, design and siting, both in itself and in relation to adjoining buildings, spaces and views.

The external works that would be undertaken to facilitate the conversion of the building to a residential use are relatively minimal, with these being limited to the external areas of the site and associated with the provision of parking and amenity space for the residents of the development, along with facilities for waste and cycle storage. These elements are acceptable in design terms and the works will not detract from or significantly alter the external appearance of the building itself.

The provision of a residential use in this part of Leigh Road, which currently incorporates a mixture of residential, commercial and community uses, would also be in-keeping with the character of the area and, as noted above, would align with the overarching intentions of the Local Plan policy pertaining to development within the Eastleigh Urban Renaissance Quarter. Whilst this policy encourages such development to be predominantly three-storeys, given that the scheme is for a straight conversion of an existing two-storey building, this is considered acceptable in this case.

Residential amenity:

Policy DM1 of the Local Plan requires that new development should not have an unacceptable impact on, and where possible should enhance, residential amenities of both new and existing residents, whilst Paragraph 135 of the NPPF states that planning decisions should ensure that development provides a high standard of amenity for existing and future users. The Council's adopted Quality Places SPD provides additional guidance in relation to amenity in support of Policy DM1.

In this respect, there are two main considerations, with these being the impacts of the development on the amenity of existing neighbouring uses as well as the quality of the residential environment that would be provided for the future residents of the proposed HMO. In terms of the former first of all, the site adjoins another residential property in the form of the flatted development at 93 Leigh Road and, in this respect, the proposals would be a compatible use. Given that the application includes no physical extensions or notable material alterations to the exterior of the building, the proposals would also not affect the light or outlook available to the occupiers of that property.

This is similarly the case with the adjacent building at No. 89 which is occupied as an office premises. Whilst acknowledging that the windows on the eastern side of the application building do allow views into the facing windows of No. 89, given that this is a

commercial building where amenity and privacy is less of a concern, this is not considered to be an unacceptable arrangement in this instance. There are also no issues in terms of the amenity of the uses to the north or south of the site, with a reasonable separation distance afforded between them and the application property.

Turning to the future residents of the development and in terms of external amenity space first of all, the proposals incorporate a modest garden area which would be provided to the rear of the property. The Council's Quality Places SPD does not include a specific standard for HMOs in respect of the amount of amenity space that should be provided, however, the requirement for houses (which is for an area equivalent to a minimum of 60% of the floor area of the property) can be used as a useful guide. Whilst the area provided would be notably less than this, the SPD does allow for a reduction in this standard where residential properties are within 100m of good quality open space. In this case, there is a large area of open space within central Eastleigh just to the north-east of the site and whilst this is marginally over the 100m distance specified, it is only a short and convenient walk away and this, in combination with the on-site area to be provided which at least allows residents a space where they can sit out and access the outdoor environment, is considered to provide for an acceptable balance in this case.

The matter of noise arising from traffic and its impacts upon the future residents of the development has been raised by the Council's Environmental Health Officer. Whilst their comments are noted and it is accepted that it is necessary to ensure that appropriate internal noise levels can be achieved, in this instance it is not deemed that the lack of information provided in this regard would constitute a reason for refusal in its own right, with it being considered that an appropriate technical solution could be achieved, and that this could be secured by way of a suitably worded planning condition. A similar approach was taken with the recent residential development adjoining the application property and which is subject to the same noise conditions.

With regards to other aspects of the interior environment, whilst the rooms within the building would all conform to the Council's required standards for HMOs and would thereby provide sufficient space for the number of residents proposed, there are significant concerns regarding the quality of the residential environment that would be available in some of the bedrooms and specifically those that have their windows along the eastern façade of the building (bedrooms 2, 3, 5 and 6). Bedrooms are habitable spaces which, in addition to sleeping, may well be used for working from home, studying, or quiet relaxation and the provision of an appropriate level of amenity for their occupiers is therefore of paramount importance, with this being particularly the case within an HMO given that the bedroom would be the residents primary private space.

As noted above, the windows of these bedrooms sit opposite those of the adjacent office premises at No. 89 Leigh Road and whilst the privacy of the commercial use is of less concern, the necessity for the provision of an appropriate degree of privacy for the occupiers of the residential development is of much greater significance. No. 89 has three first floor windows to No. 91's side, with two of these in its western elevation and another next to these in its southern return elevation. These windows are clear glazed and serve office space and ancillary areas (kitchen space etc.) and, as a result of their relative positioning, they collectively allow for direct views into the windows of bedrooms 2, 3, 5 and 6 within the proposed HMO.

Whilst accepting that a higher degree of mutual overlooking may occur within a town centre environment than might be expected for example in more suburban locations, such is the proximity of the windows in this case and the direct and clear nature of the views available, that this arrangement is not considered to be appropriate and that it would impinge upon the privacy of the future residents of the development to a degree that is considered unacceptable in planning terms.

During the course of the application process, the agent has suggested that the windows could be obscure glazed, either in whole or in part, or that they could be fitted with blinds to allow additional privacy for the residents. These options would not, however, suitably

address the concerns raised. The use of blinds as mitigation would force residents to choose between having privacy or any form of outlook or light, both of which are already somewhat compromised, particularly at ground floor level, given the siting of the windows down a side passageway in close proximity to the boundary wall and, notably, the neighbouring building. Similarly, obscure glazing the windows, even if this was just the lower half as was suggested, would still diminish a significant proportion of the outlook, however limited, that would otherwise be available from these rooms which would not be considered to be an appropriate arrangement.

For the reasons given therefore, the proposals are considered to be contrary to the above referenced provisions of Policy DM1 of the Local Plan, as well as Paragraph 135 of the NPPF with the development falling short of the high standard of amenity for future residents that it requires.

Highway matters:

Policy DM13 of the Local Plan requires that all new development has safe and convenient access to the highway network and makes provision for access to, and by, other transport modes including public transport and cycle and pedestrian routes as appropriate. Access arrangements to the highway network must meet national and local guidance and standards, not cause or increase danger to road users or impact detrimentally on highway safety, and be provided without unacceptable environmental impact. Saved Policy DM14 requires that an appropriate level of car parking be provided in accordance with the Council's adopted Residential Parking Standards SPD.

The development incorporates the proposed provision of a vehicle crossover (dropped kerb) along the site's Leigh Road frontage which would allow access to a single car parking space to the building's northern side. The Highway Authority have, however, raised concerns in relation to the acceptability of this arrangement in light of the proximity of the site to the junction of Leigh Road with Chamberlayne Road, as well as to the adjacent signal controlled junction to the east which would necessitate vehicles exiting the site having to move through the right turn lane of the junction. It is deemed that this would create a highway safety issue, particularly in light of vehicles likely having to either reverse onto or off of the proposed driveway. In this regard, the proposals would be contrary to the above referenced requirements of Policy DM13 of the Local Plan.

The lack of a safe and suitable means of access would render the frontage car parking space unusable, which would leave two car parking spaces available to the rear of the premises to serve the 8 bedrooms/residents of the development. Whilst this would represent a shortfall relative to the Council's standards, the site is situated in particularly close proximity to Eastleigh Town Centre which has a range of facilities and public transport options and is considered to be the most sustainable part of the Borough. Taking account of this and the ease of access to these facilities by way of a particularly short walk or cycle, the limited parking that would be provided is not considered to be unacceptable in this case, particularly given that the potential for overspill into surrounding streets is largely negated by the controlled parking zones within these roads, which, as noted by the Highway Authority, the residents of this development would not be eligible for permits for in line with Council policy.

The other issues raised by the Highway Authority in terms of the rear parking area have been addressed through the submission of amended plans, and adequate waste and cycle storage would also be provided within a suitable location. The aforementioned matter concerning the vehicle crossover from Leigh Road and the highway safety concerns associated with this, however, remain and as such this will form an additional reason for refusal of planning permission.

Ecology:

Policy DM11 of the Local Plan states that the Council will determine planning applications to protect, conserve and enhance all international, national and local nature conservation

designations and networks of natural habitats and features, and facilitate their adaptation to climate change wherever possible. It also seeks a net gain for biodiversity on development sites and sets out that development will not be permitted where it is likely to have a direct or indirect adverse effect on protected or priority species unless there are no alternative solutions, the adverse effects are unavoidable, measures are taken to mitigate or, as a last resort, compensate for the adverse effects, there is overall biodiversity net gain, and the benefits of the development clearly outweigh the adverse effects. These requirements are consistent with Paragraphs 180 and 186 of the NPPF.

Protected Species

No ecological information has been provided with the application, however, taking account of the context of the site including its external areas being laid to hardstanding, as well as the fact that the development does not include any external alterations to the building and notably to its roof, it is considered that there is limited potential for the proposals to adversely affect protected species.

Impact upon European Protected Sites

The Council, as the responsible body for Habitats Regulations Assessment (HRA), must ensure as part of a planning application that a development will not have an adverse impact on any European protected sites and specifically in this case upon the European protected Solent Complex (SPA, SAC and Ramsar sites), River Itchen (SAC and SSSI) and New Forest SPA, SAC and Ramsar sites.

HRA (Habitat Regulations Assessment) Screening was required for this development as it falls inside the zone of impact of these designated sites and would result in a net increase in population. The screening concluded that the development could have a significant impact on the protected sites and the features for which they are designated through an increase in recreational pressure (in the case of the New Forest sites), as well as from additional nitrogen and phosphate loading generated through leaching from additional sewage from the new housing in the case of the River Itchen and Solent Complex. This has the potential to undermine water quality and restrict the growth, distribution and variety of food available for species designated under European law. These impacts are required to be mitigated as part of the development proposals.

The required mitigation has not been secured as part of the planning application and in line with Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017, it is not considered necessary to proceed to the Appropriate Assessment stage as the Local Planning Authority, as the competent authority, are not minded to approve planning permission for the development. This matter will, however, form an additional reason for refusal of planning permission with the application being contrary to the provisions of Policy DM11 of the adopted Local Plan, Paragraphs 180 and 186 of the NPPF, and the Habitats Regulations.

Other Material Considerations:

Air Quality and Contaminated Land

No objection has been raised by the Council's Environmental Health Officer (EHO) in respect the impacts of the development upon air quality during the operational phase. The potential impacts arising from construction could, as suggested by the EHO, be incorporated into a Construction Environment Management Plan (CEMP) which could be covered by condition. Similarly, and should it be deemed necessary, the potential contamination risks arising from the limited works to be undertaken within the garden area could also be conditioned had the application been recommended for approval.

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 Environment 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. In this particular instance and when considering the impact of climate change, the proposed development would be expected to be resilient to its potential effects.

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.

Recommendation:	PERMIT ☐	REFUSE ☒
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