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Planning Statement

Prior Notification to Change of Use from Offices (Class E) to 22 Dwellings (Use Class C3)

Barclays House 20-24 Upper Market Street, Eastleigh, SO50 9FD

Room 204, Technopole Portsmouth, Kingston Crescent, Portsmouth, Hampshire, PO2 8FA
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Site/Project Information

Consultant	Francelita Balbido
Checked By	Jonathan McDermott
Client	Dominic Dickens
Site Address	Barclays House 20-24 Upper Market Street, Eastleigh, SO50 9FD
LA	Eastleigh Borough Council
Description of Development	Change of Use from Offices (Class B1(a)) to 21 Dwellings (Use Class C3)
Pathway (PD/Application/Appeal)	Prior Notification

Constraints Review

Flood Risk Zone	1
Contaminated Land	No
Tree Preservation Order	No
Heritage Assets	No
Noise Abatement Areas	No
Explosive Hazard Areas	No
National Landscape	No
Special Protection Area	No
Site of Special Scientific Interest	No
RAMSAR Convention Site	No
Site of Importance to Nature Conservation	No
Article 4(1) Directions	No

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Local Policy Requirements

Local Plan/Core Strategy	Eastleigh Borough Local Plan 2016-2036 adopted June 2018
Effective Policies in Development Control	Not relevant to Prior Approval Matters
SPG/SPD's	Not Relevant

Planning History

F/24/97665 | Valid | Installation of new windows and doors to side and rear elevations and mansard roof.

PN/21/90544 | Withdrawn | Change from office Class B1(a) to dwellinghouses (Class C3) floors 2 and 3.

PN/20/88413 | Refused | Change of use of 2nd and 3rd floors of building from Use Class B1(a) (offices) to Class C3 (dwellinghouses)

PN/20/88412 | Refused | Change of use of 1st to 3rd floors of buildings from use Class B1 (a) offices to Class C3 (dwellinghouses)

A/18/8430 | Consent | Installation of 1No. External marketing 55" TV in front elevation.

Report Date 30 July 2024

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1. Introduction

1.1. The application site relates to a five-storey building at 20-24 Upper Market Street, Eastleigh. The site is not in a Conservation Area or a Listed Building. It is in the vicinity of the Eastleigh Town Centre and very near to the Eastleigh train station.

1.2. The owner would like to change the use of the whole building to residential use amounting to 21 dwellings (Use Class C3) through Class MA Permitted Development.

Matters Pursuant to the Application

1.3. Prior approval is sought for the change of use of the building from offices (Use Class E) to 21 dwellinghouses (Use Class C3) under the provisions of Class MA of Part 3 of Schedule 2 of the General Permitted Development Order 2015 (as amended).

1.4. The total gross internal area of the building is 959.32 square metres.

Summation of Case

1.5. Having careful regard to the updated GPDO, there is no impediment to the conversion of the property from offices (Class E) to residential (Class C3) under Class MA. Eastleigh Borough Council has no Article 4 direction for this type of development and therefore, the prior notification will be submitted to the Council for consideration and approval.

2. Site Context

2.1. The site is a five-storey building on the east side of Upper Market Street, Eastleigh.

2.2. The subject building is not a listed building and is not in a Conservation Area.

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Location

Site photo from Google maps

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3. Legislative Framework

Class MA

3.1. Class MA states:

Class MA - Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order.

Development not permitted

MA.1.—(1) Development is not permitted by Class MA—

Criterion (a) was deleted from the legislation under SI 2024 No. 141 effective from 5th 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;

Criterion (c) was deleted from the legislation under SI 2024 No. 141 effective from 5th 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 or 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; or
(v) is or forms part of a 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(a);
(iii) the Broads;
(iv) a National Park; or
(v) 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; or

Criterion (g) is no longer relevant.

(2) The classes mentioned in sub-paragraph (1)(b) are the following classes of the Use Classes Order—
(a) the following classes of the Schedule as it had effect before 1st September 2020—
(i) Class A1 (shops);
(ii) Class A2 (financial and professional services);
(iii) Class A3 (food and drink);
(iv) Class B1 (business);
(v) Class D1(a) (non-residential institutions – medical or health services);
(vi) Class D1(b) (non-residential institutions – crèche, 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;
(b) on or after 1st September 2020, Class E (commercial, business and service) of Schedule 2.

Conditions

MA.2.—(1) Development under Class MA is permitted subject to the following conditions.

(2) Before beginning development under Class MA, the developer must apply to the local planning authority for a 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 located 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; and

(h) where the 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(a), the impact on the local provision of the type of services lost.

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

4. Qualification Assessment

4.1. Prior approval applications are split into an assessment as to whether the development qualifies for the permitted development allowance and an assessment of the pre-development criteria.

4.2. In respect of the qualification criteria the applicant states the following.

Criterion (a) was deleted from the legislation under SI 2024 No. 141 with effect from 5th 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;

4.3. The planning history demonstrates that the use of the building has persisted within Class E since its construction.

Criterion (c) was deleted from the legislation under SI 2024 No. 141 with effect from 5th 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 or 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; or
(v) is or forms part of a military explosives storage area;

4.4. The site is not a listed building and is not any of the land affected by this clause.

(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(a);
(iii) the Broads;
(iv) a National Park; or
(v) a World Heritage Site;

4.5. The site is not within any land affected by this clause.

(f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or

4.6. The site does not relate to agricultural land and there is no agricultural tenancy in place.

(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 1st August 2021; and
(ii) the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been canceled in accordance with the provisions of Schedule 3.

4.7. Criterion (g) is no longer relevant to Class MA applications as the dates within the parts g(i) and g(ii) have passed.

4.8. As such it is concluded that the development complies with the qualification criteria of Class MA.

5. The Pre-Development Conditions

5.1. MA.2. requires that development under Class MA is permitted subject to assessment via a prior approval for the following pre-commencement criteria.

(a) transport impacts of the development, particularly to ensure safe site access;

5.2. This consideration relates to whether the conversion of the building would result in an impact to the safety and convenience of the highway.

5.3. The impact of the development on transport and highways is considered not to be detrimental or harmful due to the proposed development being a change of use from offices to residential.

5.4. Given its current use, the property has car parking spaces at the back and proposed bike storage accommodating 24 bicycles. The provision of mixed parking spaces is assumed to be sufficient for the needs of future occupants.

5.5. The site is in a sustainable location close to local shops and services, where modes of transport other than the private car should be encouraged. It is therefore considered that more than adequate opportunity for use of sustainable transport methods exists within the vicinity of the site and that the proposed development would not result in any additional parking that would be detrimental to highway safety.

5.6. Therefore it is highlighted that the proposed change of use will not amount to a substantive impact on the highway network.

(b) contamination risks in relation to the building;

5.7. The building was formerly used as offices within Class E and no excavations are proposed. Therefore, it is not considered that there would be any concerns regarding contamination.

5.8. It is therefore concluded that the change of use would not cause any contamination risk to surrounding uses or areas.

(c) flooding risks in relation to the building

5.9. The site falls within Flood Zone 1 (very low flood risk). As such, the flood risk requirement is met.

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

5.10. The building is between car parking and commercial buildings and opposite Sainsbury, which is closed at night. Any substantive noise effects can be mitigated through upgrades to the building in the form of secondary glazing or internal noise insulation as recommended in the Noise Assessment Report. The Noise Assessment Report will be submitted with this application.

(e) where—
(i) the building is located 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;

5.11.The building is not within a Conservation Area and therefore this clause does not apply in this case.

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

5.12. Additional windows including Velux windows/rooflights are to be installed to provide adequate lighting for each habitable areas. The placement of the said windows are based on the result of the Internal Daylight and Sunlight Study which considers that the development would have access to appropriate 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

5.13. The site is not within a designated area and as such this clause has no effect.

(h) where the 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(a), the impact on the local provision of the type of services lost.

5.14. The development does not affect the uses named above.

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

5.15. Given that the height of the building is below 18m the fire risk condition does not apply in this case.

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Application of the National Space Standards in Para 9A

5.16. The net internal floor area of the proposed dwellinghouse meets or exceeds the national space standards for the proposed dwelling. (Please refer to the Accommodation Schedule of the proposed plans.

6. Conclusion

6.1. As stated above it is considered that the development as now presented represents an opportunity to provide 21 dwellings. Further, this can be done in accordance with the provisions of Class MA within the amended GPDO.

6.2. As such, it is requested that prior approval is given in this instance and in the event any alterations are sought, they are requested at the council's earliest opportunity.