

DELEGATED OFFICER REPORT

Application Ref: PN/24/97939

Site Address: BARCLAYS BANK, 20-24 UPPER MARKET STREET, EASTLEIGH, SO50 9FD

Case Officer: Rebecca Altman

Description: Application for Prior Approval for change of use from Offices/Services (Class E) to 22 Dwellings (Use Class C3), under Class MA of the Town and Country Planning (General Permitted Development) Order.

Particular Site Constraints?	Yes ☒	No ☐
- Existing employment site – Policy DM15 - Eastleigh Town Centre – Policy E3 (1 aii) - Urban edge - Some surface water flood risk rear of site - Commercial Centre character area - Airport safeguarding zone		

Planning History?	Yes ☒	No ☐
- F/24/97665 – Installation of new windows and doors to side and rear elevations and mansard roof – permitted 12/08/2024 - PN/21/90544 – Prior approval for change of use from offices to dwellinghouses floors 2 and 3 – withdrawn 05/07/2021 - PN/20/88413 – Prior approval for change of use of 2nd and 3rd floors from office to residential – refused 25/09/2020, due to lack of information to demonstrate acceptability in relation to transport and highway impacts and noise: <i>In the opinion of the Local Planning Authority the developer has provided insufficient information to enable the authority to establish that its prior approval (which it is considered should be obtained for this development) should be given for the proposed change of use, with regard to the transport and highways impacts of the development and to the impacts of noise from commercial premises on the intended occupiers of the development. It has not been demonstrated whether future occupiers of the proposed dwellings would have suitable facilities to enable and encourage their use of sustainable modes of transport, nor whether they would or could be subject to an acceptable (safe, healthy and comfortable) standard of internal noise levels within the dwellings at all times.</i> - PN/20/88412 – Prior approval for change of use of 1st-3rd floors from office to residential – refused 25/09/2020, due to lack of information to demonstrate acceptability in relation to transport and highway impacts and noise. - Z/27118/000/00 – erection of four storey office building with bank on ground floor – permission 13/07/1984 - Z/27117/000/00 – erection of 3-storey building with car park under (22-24 Station Hill) – permission 13/07/1984 - Z/15098/003/00 – demolition of existing building and erection of a showroom with two floors of offices over and basement parking (22-24 Station Hill) – permission 10/06/1980 - Z/15098/001/00 – demolition of existing building and erection of 5-storey office building – withdrawn 09/05/1979 - Z/08433/00F/00 – renewal of permission for use of building as offices and warehouse – temporary approval 31/10/1974 There have also been various other applications for signage and alterations.		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☐
Representations:	One representation received, raising objection on the following grounds: - Increased pressure for parking would lead to more unauthorised parking in surrounding car parks, impacting existing employees who pay for permits; One representation received, commenting as follows: - Concerns about right of access for neighbouring property; - Query as to whether the application red line is correctly drawn; - Concern that the bin store could pose a fire risk to the neighbouring property; - Odour concerns from bin store; - Query as to how bins would be collected due to narrow access; - Potential extra strain on services such as electricity and water; - Parking may not be sufficient for the number of flats; - Concern about blocking of access to neighbouring site due to insufficient parking space; - Potential for any works relating to the neighbouring property to impact on access for future occupants of the application site. Officer note – The application red line has since been checked and an amended plan provided. There was an error in where the line was drawn on the east side of the site, which has now been corrected. The bin store has also been relocated further from the neighbouring property. Matters relating to rights of access are private legal matters that would need to be dealt with between the land owners.		
Eastleigh Town Council:	No comment received.		
Environmental Health Officer – Noise:	Principle impact is amplified music from the Locomotive Engineers Social Club (LESC) and to a lesser extent the Eastleigh Working Mens Club (patron noise). Both premises can utilise the lesser constraints of the Live Music Act: it is assumed that neither have a limiter installed for automatic volume controls after 23:00 hours. The submitted report comments that it is likely that louder events or more frequent events past 23:00 hours could have adverse impacts on future residents with the retained glazing, and therefore result in operational constraints on the club. The report recommends improved replacement acoustic glazing systems, or more effective secondary glazing to existing windows, along with mechanical ventilation and heat recovery (MVHR). To show acceptable levels to BS 8233, the applicant would need to produce differing acoustic glazing and MHVR specifications for the three building facades, which can be dealt with by condition. The existing plant room to the first floor roof does not feature in the report, so it is assumed it would be removed.		
Highway Authority:	Access is to remain unchanged and is acceptable, with existing vehicle, pedestrian and cycle links directly adjacent to the site leading to the town centre, rail and bus stations. In terms of parking, the layout is acceptable. In terms of parking numbers, it is noted that 14 spaces are to be provided. This is less than EBC's parking standards but is likely to be acceptable given the sustainable location of the site. It is recommended that the spaces		

	are managed through a permit system or similar. Future residents would not be entitled to permits for the surrounding controlled parking zone. 24 cycle parking spaces are proposed in a secure area within the building. This is acceptable but flooring to and from the store should be considered. Refuse stores are also shown to the eastern edge of the site at the far end of the car park. Suggest liaising with Direct Services regarding the acceptability of this arrangement given the long drag to the kerbside. Officer note – Direct Services were contacted for comment but no comments were received. Refuse provision is not a relevant matter for consideration under the Prior Approval process and therefore any issues would need to be resolved separately between the developer and EBC.
Environmental Health Officer – Contaminated Land	No objection. The Planning Statement indicates no excavations are proposed for the development. Therefore, the risk from contaminated land is negligible.

Site Visit:	Yes ☒	No ☐
Details: Site visit carried out 3 July 2024 for previous application. Photographs on file.		

Policy:
Town and Country Planning General Permitted Development Order (General Permitted Development) (England) Order 2015 (as amended) The application seeks prior approval for a change of use from Class E (office / services) to Class C3 (residential), in accordance with Class MA of the General Permitted Development Order. National Planning Policy Framework Planning Practice Guidance Development Plan: The <u>Eastleigh Borough Local Plan 2016-2036</u> The most relevant policies are DM1 (General development criteria), DM15 (Safeguarding existing employment sites), DM13 (transport), DM14 (parking), and E3 (Eastleigh Town Centre). Supplementary Planning Documents: Residential Parking Standards.

Assessment:
Schedule 2, Part 3, Class MA of the GPDO allows for the change of use of a building from a use falling within Class E (commercial, business and service) to a use falling within Class C3 (dwellinghouse), provided that certain criteria are met. If the criteria are met, development is not allowed to commence until an application is submitted to the Local Planning Authority for a determination as to whether Prior Approval is required in relation to various matters including transport impact, contamination and flood risk. The proposal is for a conversion of a former bank and offices to 22 residential flats.

The following table sets out an assessment of the proposal against the various criteria and conditions of Class MA of the GPDO.

MA.1 – Criteria

Criteria	Assessment
Development is not permitted by Class MA:	
(a) Unless the building has been vacant for a continuous period of at least 3 months prior to the date of the application for prior approval.	This criteria was omitted by the Government in March 2024. Most of the building is vacant but some of the upper floor offices are tenanted.
(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.	The property was formally used as a bank at ground floor level with offices above. There has been no other known use of the building.
(c) If the cumulative floor space of the existing building changing use exceeds 1,500sqm.	This criteria was omitted by the Government in March 2024.
(d) If land covered by or within the curtilage of the building is or forms part of: i) A SSSI ii) Listed building iii) Scheduled ancient monument iv) Safety hazard area v) Military explosives area	None of these apply to the site.
(e) If the building is within: i) An area of outstanding natural beauty ii) An area specified under the section 41(3) of the Wildlife and Countryside Act 1981 iii) The Broads iv) A National Park v) A World Heritage site	None of these apply to the site.
(f) If the site is occupied under an agricultural tenancy, unless express consent of the landlord and tenant has been obtained.	The site is not occupied under an agricultural tenancy.
(g) Before 1 August 2022, if: i) The development is of a description falling within Class O as that Class had effect immediately before 1 st August 2021; and ii) The development would not have been permitted under Class O immediately before 1 st August 2021 by virtue of the operation of a direction under article 4(1) of this	This does not apply as the application was submitted after 1 August 2022.

order which has not since been cancelled.	
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MA.2(1)(2) – Conditions - Prior approval matters for consideration

A) Transport impacts of the development, particularly to ensure safe access:

The site lies within Eastleigh Town Centre, which is an accessible and sustainable location in terms of access to shops, facilities and public transport. There are bus stops directly opposite the site and Eastleigh Train Station is around 0.2 miles away.

Two previous applications for Prior Approval submitted in 2020 were refused partly on the grounds that insufficient information was provided to demonstrate that future occupiers would have suitable facilities to encourage the use of sustainable modes of transport. For those applications, no floorplans of the flats were provided and no cycle parking facilities indicated.

The proposed flats would comprise 21 x 1-bed flats and 1 x 2-bed flat, and in accordance with the Council's Adopted Parking Standards, each flat would require 2 parking spaces along with 1 cycle storage space. There is an existing car park to the rear of the site which would provide 14 car parking spaces to serve the 22 flats, and a secure cycle store would be provided on the ground floor of the building to accommodate 24 cycles.

The Parking Standards document acknowledges that Eastleigh Town Centre is the most accessible location with regard to public transport services and local facilities and has the lowest level of car ownership. It states in paragraph 8.1 that '*...within Eastleigh town centre ... parking provision to a lower standard than specified in the Table of Residential Parking Standards below can be appropriate if circumstances permit and/or incentives, such as car clubs, which will reduce parking demand through encouraging reduced car ownership, are provided as part of the development*'.

In this case, it is considered that a lower parking provision can be accepted given the highly accessible location and the provision of cycle storage which would help encourage the use of alternative transport to the private car. The Highway Authority has been consulted on the application and has raised no objection in relation to the access and transport impacts. The proposal is therefore considered acceptable in relation to transport impacts.

B) Contamination risks in relation to the building;

The applicant has confirmed that the proposal would not require any excavation work and the Council's Contaminated Land Officer has raised no concerns.

C) Flooding risk in relation to the building;

The site lies within Flood Zone 1 and is therefore at low risk of flooding. There is some surface water flood risk identified in the rear car park area but not affecting the building itself. There are no concerns relating to flood risk.

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

Insufficient noise information was one of the reasons leading to refusal of the previous applications for prior approval for residential conversion in 2020.

This application is supported by a Noise Impact Assessment which has been reviewed by the Council's Environmental Health Officer. The main source of noise that could impact future occupants is amplified music and patron noise from the Locomotive Engineers Social Club and the Eastleigh Working Mens Club. To mitigate the impacts, the report

recommends secondary glazing with mechanical ventilation and heat recovery (MVHR). It is considered that differing specifications for acoustic glazing and MVHR would be required for different facades and the Environmental Health Officer has recommended a condition to require full details to be submitted to and approved by the Local Planning Authority to ensure that acceptable internal noise levels are achieved. Therefore, subject to condition, it is considered that noise impacts can be satisfactorily mitigated.

E) Where –

- I. The building is in a conservation area; and**
 - II. The development involves a change of use of ground floor (whole or part);**
- The impact of that change of use on the character of the conservation area.**

The site does not lie within a conservation area.

F) The provision of natural light to all habitable rooms;

The proposed elevation plans show a number of new windows to be installed to serve the flats, including new windows in the mansard roof and new rooflights on the ground floor rear projection. These new windows were granted separate planning permission under application ref. F/24/97665, in August 2024. The following assessment is made on the basis that the new windows would be installed prior to the change of use.

All of the proposed flats at first floor level and above would have their main windows facing either east or west, providing good levels of light to the rooms.

On the ground floor, the units located on the western side of the building would achieve good natural light from the west facing windows. The unit on the eastern side of the building would also have a good number of windows to provide light.

There are two units proposed in the middle of the ground floor (Flats 3 and 4). These flats would have their main windows facing north either into the undercroft access way or towards a high boundary wall. It is likely that light to these north facing windows would be significantly restricted given the orientation and outlook. However, these flats would also have rooflight windows to provide additional light (as permitted under application ref. F/24/97665), and the applicants have submitted an Internal Daylight and Sunlight Study, which concludes that the level of light to these units would meet required standards.

Whilst adequate levels of light would be achieved to units 3 and 4, the outlook for the occupants of these flats would be highly restricted and had this proposal been made as a full planning application, the poor outlook is likely to have resulted in these flats being determined to be unacceptable. However, under the General Permitted Development Order, there is no provision to consider outlook, therefore it must be concluded that the flats are acceptable in accordance with criteria F.

G) The impact on intended occupiers of the introduction of residential use in an area of importance for general or heavy industry;

The site is not in an area of importance for general or heavy industry.

H) Where the development involves the loss of services provided by:

- I. A registered nursery;**
 - II. A health centre;**
- The impact on the local provision of the type of services lost;**

The proposal would not result in the loss of a nursery or health centre.

I) Where the development meets the fire condition, the fire safety impacts.

This relates to buildings that have 7 or more storeys or are 18m in height or more. The building is 5-storeys height with a maximum height of 17.7m (measured from the plans). The fire safety impacts therefore do not apply.

Other conditions:

(3) Application for prior approval under Class MA cannot be made before 1 August 2021;

(4) The provision of Class W apply;

(5) Development must be completed within 3 years starting with the prior approval date;

An informative note can be added to the decision to make the applicant aware of this requirement.

(6) Any building permitted to be used as a dwellinghouse is to remain in use as a dwellinghouse within the meaning of Class C3 and for no other purpose except other purpose ancillary to the use as a dwellinghouse.

An informative note can be added to the decision to make the applicant aware of this requirement.

Internal space standards

Under Article 3 (9A) of the GPDO, it states that Schedule 2 does not grant permission for, or authorise any development of any new dwellinghouse:

- (a) Where the gross internal floor area is less than 37 square metres in size; or
- (b) That does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015 (Nationally Described Space Standards, NDSS).

The NDSS sets a minimum floor area for a 1-bed flat for 1 person at 39m² (or 37m² if a shower room is provided rather than a bathroom), and for a 1-bed flat for 2 persons at 50m². For 2-bed flats, the minimum floor area is 61m² if designed for 3 persons and 70m² if designed for 4 persons.

An accommodation schedule has been provided which confirms that all of the 1-bedroom flats and studios would have a floor area of at least 37m², meeting the minimum standard for 1 person occupancy. Five of the 1-bedroom flats would exceed 50m² of floorspace and would therefore be suitable for 2 persons. The 2-bed flat would have a floor area of 64m², meeting the minimum requirement for 3-person occupancy. The accommodation schedule and annotated plans also confirm that the storage provision and bedroom sizes are in accordance with the NDSS.

Impacts on European Protected Sites

Prior to the commencement of any development, it is a requirement that the applicant satisfies their obligations under 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 would mean that the development would have been unlawfully implemented.

In this instance, appropriate mitigation is required to offset the development's impacts on European Protected sites in terms of recreational impacts on the New Forest protected areas, and nutrient impacts on the Itchen River and Solent protected areas. The applicant has the option of using the Council's mitigation schemes and an estimate of the mitigation costs has been provided to the applicant.

The applicant would need to set out their proposed method of mitigation, and the LPA would then collate this information and prepare a Habitats Regulations Assessment for submission to Natural England.

Other matters

A representation has been received from the occupiers of the neighbouring building to the east, raising concerns about right of access and land ownership. The land ownership has been checked and an error in the red line plan has been corrected. Matters relating to rights of access are private legal matters that would need to be resolved between the landowners.

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 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, 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: Due to the requirement to consult on matters including transport and noise, the Prior Approval of the Local Planning Authority is required. Based on the information submitted and subject to conditions, it is concluded that the proposals accord with the

relevant criteria and conditions of Schedule 2, Part 3, Class MA of the GPDO and approval can be given.

Recommendation:

PERMIT ☒

REFUSE ☐

1. The development hereby permitted shall be implemented in accordance with the following plans numbered:

- (PL)_001 Rev. P01 – Location Plan
- (PL)_300 Rev. P01 – Existing Site Plan
- (PL)_301 Rev. P01 – Proposed Site Plan
- (PL)_010 Rev. P00 – Existing Plans L00 L01 L02
- (PL)_100 Rev. P00 – Proposed Plans L00 L01 L02
- (PL)_011 Rev. P00 – Existing Plans L03 L04 RF
- (PL)_101 Rev. P00 – Proposed Plans L03 L04 L05
- (PL)_500 Rev. P00 – Existing Elevations
- (PL)_501 – Proposed Elevations

Reason: For the avoidance of doubt and in the interests of proper planning.

2. Prior to commencement of the development hereby approved, full details of the glazing and MHVR specifications to be used for each elevation of the building, to demonstrate compliance with BS 8233, shall be submitted to and approved in writing by the Local Planning Authority. The glazing shall be installed in accordance with the approved details prior to occupation of the development and thereafter retained.

Reason: To protect future occupants from adverse noise impacts in accordance with Policy DM8 of the Eastleigh Borough Local Plan (2016-2016).

3. The use hereby approved shall not commence until the operational development, including new windows, approved under planning permission F/24/97665 has been completed. The windows shall thereafter be retained as approved.

Reason: To ensure adequate natural light to all rooms of the new development is achieved, in accordance with Schedule 2, Part 3, Class MA, MA.2(2)(f) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), and Policy DM1 of the Eastleigh Borough Local Plan (2016-2036).

4. Prior to occupation of the dwellings hereby approved, secure storage for 24 cycles shall be provided in accordance with the details shown on Plan ref. (PL)_100 Rev. P00, and thereafter retained for cycle storage purposes only.

Reason: To encourage the use of alternative means of transport to the private car, in accordance with Policy DM13 of the Eastleigh Borough Local Plan (2016-2036).

5. Prior to occupation of the dwellings hereby approved, 14 parking spaces shall be provided in accordance with the details shown on Plan ref. (PL)_301 Rev.P01, and shall thereafter be retained for vehicle parking only.

Reason: To provide adequate parking provision in accordance with Policy DM14 of the Eastleigh Borough Local Plan (2016-2036).

Note to Applicant:

It is a requirement that the applicant satisfies their obligations under Regulation 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 the European Protected Site, in terms of additional recreational pressure (to the New Forest), and additional output of nutrients (nitrates and phosphates) arising from a net gain of residential accommodation.

Development 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(s). Further information on Eastleigh Borough Council's Schemes are available:

Nitrates & Phosphates: [Nutrient Neutrality \(eastleigh.gov.uk\)](http://eastleigh.gov.uk/Nutrient-Neutrality)

New Forest: [Recreational disturbance \(eastleigh.gov.uk\)](http://eastleigh.gov.uk/Recreational-disturbance)

Note to applicant: In accordance with condition 5 of Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), development must be completed within 3 years from the date of this approval.

Note to applicant: In accordance with condition 6 of Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), the dwellings hereby permitted shall remain in use as a dwellinghouse within the meaning of Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.