

1642_L01_Rev0

Planning Department
Eastleigh Borough Council
Eastleigh House
Upper Market St
Eastleigh
SO50 9YN

Dear Sir/Madam,

Re: Prior Notification GPDO 1995 (As Amended) – Retail Unit at 21 Station Road/72 New Road, Netley Abbey

Please find enclosed a Prior Notification in relation to Class MA of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021. The application comprises: -

The completed forms;

- A fee of £200 (2 x £100);
- A location Plan;
- Full Plans (existing and proposed); and
- This covering letter which serves as the Planning Statement.

This provision allows changes of use from Class E, which includes offices and retail accommodation including ancillary retail accommodation such as stores and related offices, to C3 dwellinghouses, subject to the building and use qualifying for Class MA rights and certain criteria being met relating to:-

- (a) transport impacts of the development;
- (b) contamination risks;
- (c) flooding risks;
- (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;
- (i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.

Criteria g) and h). are not relevant to this proposal and have therefore been omitted. Both the Class MA qualifying rights and the above assessment criteria will be addressed in turn.

Qualifying Criteria

The building proposed for conversion has been in the ownership of the applicants for over 10 years. The building is partially vacant, although changes to the legislation have deemed that for applications submitted after 5th March 2024 there is no requirement for the building to be vacant for 3 months.

The building is arranged over two floors. The ground floor is in former Class A1 retail use which now falls within Use Class E. The upper floor accommodation is not part of the client's demesne, accessed independently and falls outside the scope of this application.

The Class E use has existed for many years and was the use on the qualifying date of 01/09/2020. The submitted Heritage Statement provides more information on the historic use of the building. Further, the application site does not fall within any of the constraints identified in criterion MA1. d). (i) to (v).

In these terms the building qualifies for Class MA rights and therefore this proposal should be assessed against the identified criteria as cited above.

Transport and Highway Impacts

The existing commercial use does not benefit from any on-site parking or assigned parking spaces away from the site. Similarly, the proposed flats will have no parking. Assuming each of the retail units had a proprietor or employees with at least one vehicle per unit, there will be with a change to residential no greater shortfall than the existing.

The site is in a highly accessible area in terms of proximity to transport, shops and services and is close to public transport connection points. The Local Authority have deemed the area to be a 'Local Centre' and demarcated it as being 'sustainable' and 'accessible' (as stated in Local Plan Policy DM36).

The proximity to established bus routes significantly contributes to the site's sustainability and reduces the dependency on private vehicles. Reduced parking requirements for residential developments located in areas with high accessibility to public transport can reasonably be supported. The site finds itself located a mere 5m away from all available bus-routes (No.6 and X.15) that service Netley.

It is notable that there is nearby off-site parking that can accommodate residential needs. Given that the proposed flats are within walking distance of a nearby free car park on New Road (29 spaces), as well as unrestricted on-road parking within the immediate site vicinity, these spaces can effectively absorb new residents without impacting the surrounding area.

Cycle parking for 2 bicycles is however provided which will allow 1 bike per proposed unit which will allow future occupants to pursue more sustainable transport options.

Accordingly, there is not considered to be any highway related constraint and therefore criterion a) is met.

Contamination Risks

The proposals do not require any groundworks or building works which might disturb solid

floors or hardstanding areas. The historic use of the building is for office/ancillary retail use, and there is no known history of any potentially contaminating uses or contamination.

Based on the above and the absence of any ground disturbance, it is considered that, even applying the pre-cautionary principle, the risk of contamination is sufficiently low that it may be discounted. Furthermore, if this position is not accepted, any residual contamination risk is sufficiently low that any investigation may be secured via the imposition of an appropriately worded planning condition. Criterion b). is therefore met.

Flood Risk

The site does not fall within any flood risk zone, and no changes which would materially add to surface run-off, are proposed. Accordingly, there are no flood risks associated with the proposed change of use. Accordingly, criterion c). is therefore met.

Noise

Whilst Class MA seeks to ensure that the proposed residential units provide an appropriate level of residential amenity and are not unduly impacted by noise, there is no requirement for formal assessment and therefore, by implication, this issue relies on a planning judgment.

The site falls within a mixed residential and commercial area with a low density of housing (lower than 40 dwellings per hectare). Station Road is not perceived to be any busier than surrounding roads, and there are multiple examples of ground floor situated apartments within the immediate area e.g. 2 Station Road, 51 Station Road, 79 Station Road.

The conversion of the ground floor accommodation to flats would require each flat to be both sound and fireproofed in both their horizontal and vertical planes in order to comply with Building Regulations. Such measures would ensure that noise transmission between flats and from external noise sources are kept to an acceptable level.

In terms of material upgrades, the existing glazed frontage will benefit from discrete secondary glazing, behind the primary glazing frontage to reduce any potential noise impact whilst maintaining the historic façade.

In these terms, the proposed residential use is considered acceptable in this location and will not be unduly harmed by noise from other commercial uses.

Impact on Conservation Area and Ground Floor Uses

The site falls within a Conservation Area and therefore an additional assessment area arises relating to any impact of a change of use on the character or sustainability of the Conservation Area. This is assumed to seek to relate to both the visual impact of a potential change of use at ground floor level and its implication for the vitality of the Conservation Area and effectively to address a possible issue of introducing 'dead' frontage.

Given that a companion application is submitted to provide alterations and enhancements, the required assessment has been combined with the usual heritage assessment areas and is contained within a Heritage Statement.

Notwithstanding the above, the historic frontage is to be retained and enhanced by the removal of the UPVC window array and replacement to match the remaining glazed 'shop' window.

Natural Light

Class MA requires that all habitable rooms should have sufficient natural light. In this regard the guidance is clear that no formal assessment is required and therefore a planning judgement based on floor plans and elevations should be made.

The submitted floorplans and elevations show that all habitable rooms will receive natural light from existing doors and windows. Adequate natural light will therefore be available to each of the proposed residential units without any changes to the building being required.

Nationally Described Space Standards

Each of the proposed flats would meet the Nationally Described Space Standards and the size of each of the proposed flats is specified on the submitted plans. In addition, a refuse bin storage area for each flat is proposed along with a separate area for the secure storage of cycles.

Fire

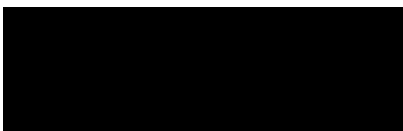
The proposals have been designed in accordance with Building Regulations Part B, which requires a 60 minute fire rating between compartments (units). No inner rooms (as determined by the legislation) are proposed within the units, and the units benefit from independent access.

Conclusion

Given the above, it is considered that the requirements of Class MA are fully met in this submission and that prior approval is not required; thereby allowing the proposed scheme to be carried out as permitted development. This will require the prior or simultaneous approval of the companion planning application and the procedural mandate around this is explained within the covering letter to the companion application.

Given the above it is respectfully considered that prior approval be granted. We look forward to your formal consideration of this application in due course. If however you require any further information please do not hesitate to contact us.

Yours faithfully,



Ranjeet Shahi

Architect

For and on behalf of R S Studio