

DELEGATED OFFICER REPORT:**Application Ref:** F/24/98264**Site Address:** 2-4 LEIGH ROAD, EASTLEIGH, SO50 9FH**Case Officer:** Clare Martin**Description:** Part change of use from offices (Class E) to nine bedroomed tourist accommodation (Class C1). Retention of existing Class E unit at front of ground floor.

Particular Site Constraints?	Yes ☒	No ☐
• Within the urban edge • Within Eastleigh Town Centre (secondary shopping area) • Within New Forest recreational disturbance buffer		

Planning History?	Yes ☒	No ☐
• Z/08602/006/00 - Conversion to Offices, Installation of Shop Front – Permitted (Jul 1986) • PN/23/95955 - Prior Notification: Conversion of Class E units to 5.no 1-bedroom flats and 1.no 2-bedroom flats (Class C3) with the retention of Class E units to the ground floor frontage and first floor rear. Removal of portacabin at rear and erection of refuse/cycle storage – Refused (Dec 2023) • PN/24/97474 - Prior Notification Application Under Class MA for the partial change of use from Offices to 4no. one bed and 1no. two bed flats including bin and cycle storage. Class E unit retained at the front of the ground floor – Refused (June 2024)		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☐
Representations:	None		
Environmental Health:	<u>Noise – No objection</u> The premise is surrounded by commercial and transportation noise, presenting a challenging acoustic environment deemed not to be suitable for residential development as demonstrated in previous applications. The report shows that with an acoustic glazing mitigation strategy; satisfactory internal noise levels in bedrooms can only achieved with closed windows and mechanical ventilation, thus only acceptable for a commercial premises. Concerning the adjacent Wagon Works public house, referencing the ‘agent of change’ <i>‘Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.’</i> Here the measured noise levels are high on a Friday/Saturday night and would have an adverse impact on residential bedrooms; this could be carried over into a commercial premises in a test of Statutory Noise Nuisance, so the proposal to remove widows to the bedrooms facing the pub garden would seem a sensible solution.		

	Overall, I have no objections to the premises remaining as commercial with this change of use and would recommend that the noise assessment report 24 Acoustics be referenced in any approval. <u>Contaminated Land – No Objection</u> The proposed development will involve internal alteration only. The Planning Statement (ACA Architectural Design, September 2004) indicates that the portacabin located at the rear of the site will be removed to provide bin/ cycle storage and some outdoor area, ground disturbance is not anticipated. <u>Air Quality</u> The site is within our AQMA, a change of use from Class E to hotel rooms without additional parking spaces is not going to trigger the requirements for Air Quality Assessment.
Transport Officer (HCC):	<u>No objection</u> <u>Access</u> Access in and out of the site for pedestrians remains as is, which is acceptable given the existing footway links directly abutting the site. Additionally, the site is adjacent to a cycle route, as well as the train station and bus station, and is also located within the wider town centre area for employment and retail opportunities. <u>Parking and Cycle Provision</u> No vehicle parking is proposed and this would be acceptable from a highway perspective given the local parking restrictions that would prevent off site parking, as well as having excellent sustainable transport options available to residents. With regard to cycle parking however, it is noted that whilst 5 spaces are outlined in the application form, there are actually 5 double sided Sheffield Stands proposed. This would of course cater for 10 cycles if spaces appropriately, and so the Case Officer may wish to review this accordingly to ensure the EBC Parking Standards are fully adhered to. It is understood that the cycle parking, as well as bin collection is accessed from the rear (as in the current situation for the bins).
Town Council:	No objection

Site Visit:	Yes ☒	No ☐
Details: Carried out 5 th November 2024		

Pre-commencement Conditions:	Yes ☐	No ☒
Details:		

Legislation:
Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:- <i>"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."</i>

Policy:

National Planning Policy Framework

Planning Practice Guidance

Development Plan:

The Eastleigh Borough Local Plan 2016-2036 The most relevant policies are:

- Strategic policies: S1 (delivering sustainable development) and S2 (approach to new development) & S4 (employment provision).
- Development Management policies: DM1 (general development), DM8 (pollution) DM13(transport) and DM15 (safeguarding employment sites).
- Site Policies: E3 (Eastleigh town centre)

Supplementary Planning Documents:

- Quality Places;
- Parking Standards (draft)
- Eastleigh Town Centre Vision (discussion document)

Proposal:

The proposal is to convert the office existing building into tourist accommodation (Class C1), containing nine bedrooms with en-suites spread over the first and second floor. The tourist accommodation is accessed via a side alley leading to a reception and there is a laundry room on the first floor. An office will be retained at the front of the ground floor with ancillary facilities and there is cycle and bin storage in the rear yard. Entrance to the yard is from the parking area behind the site.

Assessment:

Principle

The site is within the urban edge where the principle of development is acceptable, subject to the details according with the relevant planning policies.

The site is also within Eastleigh Town Centre, of which policy E3 encourages a range of people intensive town centre uses (including retail, financial and professional services, public sector services, cafes/restaurants, public houses, hotels, leisure uses, non-residential institutions such as galleries and exhibition halls on the ground and lower floors, with residential uses, including student accommodation, acceptable on upper floors).

The proposal maintains an office on the ground floor and introduces new tourist accommodation on the top two floors, which fits in with the policy requirements. Furthermore, the tourism accommodation would have the benefit of bringing a currently vacant building back into an active use and providing a little boost to the Eastleigh Town Centre economy.

Noise

Policy DM8 states that development susceptible to noise pollution will not be permitted:

- a) where it will be adversely affected by such pollution, unless measures can be taken that adequately mitigate the polluting effects or;
- b) where it would inhibit existing economic or other activities giving rise to acceptable polluting effects.

The site is within Eastleigh Town Centre where it is surrounded by commercial and transport noise, most notably from the public house and beer garden to the immediate east of the site which registers high noise levels for Friday and Saturday nights. Other

noise sources include external plant fixed on the office building to the west, a substation to the rear and the nearby Station Hill road junction. This presents a challenging acoustic environment, which is not deemed suitable for permanent residential development and was the principle reason for refusing the previous prior notification application. Furthermore, the introduction of a noise sensitive residential development at the site would potentially limit the existing activities of nearby pub and other commercial premises.

However, the current proposal is for tourist accommodation, which due to the short duration of overnights stays would limit the adverse impact of the noise environment on the people staying in the building.

A noise assessment, with an acoustic mitigation strategy, has been submitted for the scheme and includes the removal of the guest bedroom windows on the eastern elevation facing the beer garden. The assessment demonstrates that a satisfactory internal noise levels for the guest bedrooms could be achieved with closed windows and mechanical ventilation, which would be suitable for short term occupancy.

Character and Appearance

Policy DM1 requires development to take full and proper account of the context of the site including the character, appearance of the locality, and be well integrated (in terms of mass, scale, materials, layout, density, design and siting), both in itself and in relation to adjoining buildings, spaces and views.

No external alterations are required to convert the building, apart from the removal of three windows on the eastern elevation and a new entrance door replacing a window on the western elevation. The portacabin will also be removed from the rear service yard. As such the proposal will have no significant impact upon the character and appearance of the building or the wider Town Centre.

Transport

Policy DM13 requires new development to have a safe and convenient access to the highway network and provide both on-site parking and cycle infrastructure. The proposed development would require 12 car parking spaces plus 2 cycle spaces, as set out within Draft Parking Standards SPD.

In this case, there is no suitable external space on the site available to provide any car parking. While a zero car parking development would not be acceptable in many locations the proposal is within Eastleigh Town Centre, which has excellent public transport facilities, cycle link connections and a wide range of shops and services. The development also provides storage for ten cycles, which is well above the required standard. No objection has been raised by the Transport Officer and as the site is within a controlled parking area the proposal is unlikely to result in overflow car parking on the highway.

Residential Amenity

Policy DM1 amongst other matters, stipulates that all new development should not have an unacceptable impact upon residential amenities of both new and existing residents.

No significant external alterations are required for the change of use to tourist accommodation and the proposal is not a use that generates significant noise. It is therefore considered that the proposal will not result in any unacceptable impact on residential amenity (in terms of loss of privacy, light or outlook) and accords with the guidance set out in the 'Quality Places' SPD on this issue.

Trees & Ecology

Policies DM1 & DM11 requires development not to result in the loss or damage of important trees, priority habitat, protected or priority species. Policy DM11 also encourages measures to improve biodiversity.

The site and immediate surroundings have negligible biodiversity value and the proposed change of use will not have an adverse impact upon trees or other natural features worthy of retention. The proposal has a de-minimus exemption for the 10% biodiversity net gain.

Impact of SPA:

Recreational Disturbance

The site is within the 13.8km catchment area for the New Forest Special Protection Area. It is recognised that new housing developments or those providing overnight accommodation within these catchment areas are likely to result in additional visitors to these protected sites. As mitigation, the developer has paid a contribution towards the Council's New Forest Mitigation Strategy, which provides Suitable Alternative Natural Green Spaces within the borough and funds a ranger post within the New Forest. The contribution has been paid for three dwellings as this will have a comparable impact to the nine bedrooms in the tourist accommodation.

Nutrients

The site is within the impact zone for nitrogen and phosphorus, which has been shown to have a determinantal impact on the water quality of the River Itchen and Southampton and Solent Water Special Protection Area. A nutrient budget has been submitted for the development and this has a positive output for nitrogen. The applicant intends to use the Eastleigh Borough Council scheme to mitigate for these increases and this will be secured by a pre- occupation condition.

Appropriate Assessment

An appropriate assessment under the habitat regulations has been completed for the development and Natural England have confirmed that the Council's nitrogen mitigation is acceptable.

Natural England have objected to the Council's New Forest Mitigation Strategy. However, the Local Planning Authority, as competent authority, is content that the New Forest Migration Strategy is acceptable and delivers the appropriate levels of mitigation. The formal twenty one day notification of permission has been given to Natural England and a condition will ensure that the tourist use does not commence within the required 21 days. .

Equalities Act:

Section 149 of the Equalities Act 2010 created the public sector equality duty.

Section 149 (1) 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.

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 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 plan policy. The need to support the economy is part of the Strategic Environmental Assessment for the 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, 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. When considering the impact of climate change, the proposed development is expected to be resilient to the potential effects of climate change and is expected to reduce/limit impacts on climate emissions as a result of the development or its use.

Conclusion:

Recommendation:

PERMIT ☒**REFUSE** ☐

Comments ...