

DELEGATED OFFICER REPORT

Application Ref: PN/24/98468

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

Case Officer: Rachael Morris

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 (re-submission from PN/24/97939 to include a mezzanine level at ground floor to accommodate bedrooms).

Particular Site Constraints?	Yes ☒	No ☐
- Existing employment site - Eastleigh Town Centre - Upper Market Street Block - Airport safeguarding zone - Some surface water flood risk rear of site - Within the urban edge		

Planning History?	Yes ☒	No ☐
- Z/08433/00F/00 – Renewal of Permission for Use of Building as Offices and Warehouse – Temporary Approval – Oct 1974 - 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) – Permit – Jun 1980 - Z/27117/000/00 – Erection Of 3-Storey Building with Car Park Under (22-24 Station Hill) – Permit – Jul 1984 - Z/27118/000/00 – Erection of Four Storey Office Building with Bank on Ground Floor – Permit – Jul 1984 - PN/20/88412 – Prior Approval for Change of Use Of 1st-3rd Floors from Office to Residential – Refuse – Sept 2020 - PN/20/88413 – Prior approval for change of use of 2nd and 3rd floors from office to residential – Refuse – Sept 2020 - F/24/97665 – Installation of new windows and doors to side and rear elevations and mansard roof – Permit – Aug 2024 - PN/24/97939 - 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 – Prior Approval Granted – Sept 2024		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☐
Representations:	None		
Parish Council:	The council expressed concerns regarding the potential for noise disturbance to residents. However, the council has no objection to the application.		
Environmental Health - Noise:	Some of the proposed bedrooms only have roof/velux windows but this should be covered by the Sunlight report and Building Regulations. It will be important for correct Mechanical Heat/Ventilation Recovery to be included in addition to Building Regulation requirements, to allow for purge ventilation. The Acoustic Report submitted Clark Saunders dated 19 July 2024 ³ is the same as previous application, thus it gives no further commentary regarding the proposed bedrooms; only referenced by the Planning Statement of Town Planning Expert.		

	However, the proposals are all within the existing building envelope; so we can reply on the same Condition 2 regarding glazing and MHVR to the approval 23 September 2024. Therefore, I can recommend the same Condition 2 to reproduced for this application
Environmental Health – Contaminated Land:	In terms on contaminated land, the proposed change of use does not involve any ground disturbance, therefore, we have no concerns on this regard.
Hampshire Highways:	No objection in principle to the proposals, subject to consideration of the below comments. Access in and out of the site is to remain unchanged by the proposals, and this is acceptable with existing vehicle, pedestrian and cycle links directly adjacent to the site leading to the town centre as well as the rail and bus stations which are both within very close proximity. In terms of car parking, the layout is acceptable, and in terms of numbers it is noted that 14 vehicle parking spaces are to be provided. Whilst the quantum of parking is for EBC to assess, in line with the EBC Parking Standards, this of course is less than one parking space per flat proposed. This would likely be acceptable given the sustainable location of the site, with less reliance on the car, however it would be suggested that the spaces are managed through a permit system or similar to ensure residents know if they have a space or not prior to moving in. Given the site is within a Controlled Parking Zone, membership of which future residents will not be entitled as new / converted development, any parking requirements over the number stipulated could obviously be problematic for residents. With regard to cycle parking, it is noted that 28 spaces are to be provided in a secure area within the building accessed through the internal hallway with door access to the western side of the building. Whilst a bit elongated, this is acceptable, though obviously the flooring to and from the store should be considered, given the passing over with wet / muddy tyres at times. Refuse stores are also shown on plans, located adjacent to the proposed car parking areas. Whilst approximately 45.0 metres from the highway, it is understood that this largely replicates the existing situation for bin collection which works without known issue. The Case Officer may however wish to liaise with the EBC Direct Services Team in this regard, to ensure that this is the case.
Direct Services:	No comment.
Southampton Airport:	The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. We, therefore, have no objection to this proposal.

Site Visit:	Yes ☒	No ☐
Details: 05/12/2024		

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 Eastleigh Borough Local Plan 2016-2036 The most relevant policies are Strategic policies S1 and S2; and Development Management policies E3, DM1, DM13, DM14 and DM15.

Supplementary Planning Documents:

Quality Places; Residential Parking Standards; Character Area Appraisals.

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.

This application seeks to amend the previously permitted prior approval application (PN/24/97939) for 22 residential flats. This application's amendments include the addition of a mezzanine level to accommodate 5.no bedrooms across 5 flats from the ground floor.

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) <i>omitted March 2024</i>	<i>omitted March 2024</i>
(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) <i>omitted March 2024</i>	<i>omitted March 2024</i>
(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;	None of these apply to the site.
(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; iii. the Broads; iv. a National Park; or v. a World Heritage Site;	None of these apply to the site.
(f) if the site is occupied under an agricultural tenancy, unless the express	The site is not occupied under an agricultural tenancy.

consent of both the landlord and the tenant has been obtained	
(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 cancelled in accordance with the provisions of Schedule 3.	This does not apply as the application was submitted after 1 August 2022.

MA.2(1)(2) – Conditions - Prior approval matters for consideration

- (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;
- (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,
 the impact on the local provision of the type of services lost and
- (i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building

These matters were considered in detail under the previous prior approval (PN/24/97939) that permitted 22 dwellings. This application, for the movement of 5 bedrooms, could have the potential to impact point (f) of the above.

- (f) The planning statement for this application details how the mezzanine floor impacts the existing windows and rooflights and those provided through application F/24/97665 and that it would not detrimentally impact the living area below on the ground floor.

Although it is recognised that some of the bedrooms and other habitable rooms have little/no outlook, the proposed light to each of these rooms is expected to be satisfactory for the purposes of this prior approval application.

Overall, through providing the mezzanine level, the residential flats will have a greater Gross Internal Area (GIA), positively impacting on standard of living.

Climate Change and Equalities 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 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 and is expected to reduce/limit impacts on climate emissions as a result of the development or its use.

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:

Recommendation:

GRANT ☒

REFUSE ☐

Comments ...