

DELEGATED OFFICER REPORT:**Application Ref:** PN/25/99145**Site Address:** 5 LEIGH ROAD, EASTLEIGH, SO50 9FG**Case Officer:** Clare Martin**Description:** Prior Notification Application Under Class MA for the change of use from offices to 2no. one bed dwellings

Particular Site Constraints?	Yes ☒	No ☒
• Within Urban Edge • Within Eastleigh Town Centre		

Planning History?	Yes ☐	No ☐
• PN/24/99145 - Prior Notification Application Under Class MA for the change of use from offices to 2no. one bed dwellings – Refused (August 2024) • F/05/54554 – Change of use of use from A1 retail to D2 Solarium – Permitted (September 2005). This covers the ground floor only. • Z/05637/003 – Change of use to Building Society Branch Office – Permitted (March 1978).		

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	None		
Environmental Health (Noise):	<u>No objection</u> I reviewed the noise report dated July 2024 from ISVR Consultancy reference 11732-R01 and I conclude that the report is based on the old layout where one bedroom faces LEIGH ROAD and the other bedroom faces the back parking service area with a number of businesses in the immediate vicinity. The report concludes the plant noise impact from the service area is considerable specially at night and specifies mitigation and ventilation specifications to mitigate this noise. The new proposed layout dated March 2025 reference “Block Plan and Floor Plan- As Existing and Proposed” from Wildern Architecture Ltd shows both apartment bedrooms facing LEIGH ROAD. With this design noise from the bedrooms will be screened by the neighbouring plant, nevertheless I would still recommend the installation of the acoustic trickle vents specified in the noise report (or some other solution with the same rating) in the bedrooms. Regarding the party floor between the ground floor commercial premises and the proposed first floor flats I agree with the information present in the noise report and that the party floor should comply with the airborne and impact sound insulation requirements from Building Regulations Part E. Additionally the party wall dividing both bedrooms should also comply with the airborne sound insulation requirements for Building Regulations Part E.		

Environmental Health (Contamination): <i>comments on previous application:</i>	<u>No objection</u> The proposed development involved the change of use from offices to residential dwellings, which will be located in the first floor. The proposed development involves the installation of a new external staircase and bin and bike storage. It is not anticipated that the installation of these features involves any ground disturbance
Transport Officer (comments on previous application):	<u>No objection</u> • Access in and out of the site to the highway is unchanged by the proposals, and this is acceptable. • It is noted that no vehicle parking is to be provided for the residential units, and whilst this is for the Case officer to assess, ensuring the EBC Parking Standards are adhered to, it is noted that the site is ideally placed for car free development being close to amenities, employment and bus and rail stations. • It should however be noted that the site is located within a Controlled Parking Zone, and that future residents will not be entitled to join this.
Eastleigh Town Council:	<u>No Objection</u> However, it expresses concern regarding the 'living space' allocated to Flat 2, as a significant portion appears to consist of hall space rather than usable living area.

Site Visit:	Yes ☒	No ☐
Details: Carried out May 2024		

Pre-commencement Conditions:	Yes ☐	No ☒
Details:		

Legislation:
The Town & Country Planning (General Permitted Development) (England) Order 2015 (Amendment) Part 3 of Schedule 2, Class MA grants planning permission for a change of use from Class E (commercial, business or service) to residential, subject to certain exceptions, limitations and conditions. Under this act the developer must apply to the Local Planning Authority, before starting development, to determine whether the prior approval of the authority will be required, and if so whether this is granted by the LPA. The matters to be considered under the prior approval are: 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) <i>not applicable as site is not within a conservation area;</i> f) the provision of adequate light in all habitable rooms of the dwellinghouse; g) <i>not applicable as site is not within an industrial area</i> h) <i>not applicable as current use is not a nursery or health facility</i> i) <i>not applicable as development as a fire risk condition is not required.</i> Furthermore, Article 3 of the amended regulations 2020 does not grant permission, or authorise any development of, any new dwelling house where:

- a) the gross internal floor area is less than 37m² in size: or
- b) that does not comply with the nationally described space standards (issued by the Department for Communities and Local Government on 27th March 2015)

Policy:**National Planning Policy Framework
Planning Practice Guidance**

Paragraph W(10) of Schedule 2 Part 3 of the GPDO requires that in assessing this Prior Approval application, the LPA must take into account any representations made to it on the proposals by neighbours or by relevant consultees and must have regard to the NPPF where relevant to the subject matter of the Prior Approval. The NPPF re-iterates that planning law requires that applications for planning permission be determined in accordance with the development plan, and consequently those policies of the adopted Local Plans that are relevant to the subject matter of the Prior Approval are cited here and have been taken into consideration in the assessment of the application.

Development Plan:

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

Strategic policies: S1 and S2;

Development Management policies: DM1, DM5, DM8, DM13 and DM14.

Area Policy: E3 (1aii)

Supplementary Planning Documents:

Quality Places & Residential Parking Standards

Eligibility:

The building is eligible for a Class MA prior notification application, as:

- The building was granted permission in 1978 to be used as a branch office for a bank (Class A2), which is now included within Class E use. While the ground floor was later changed to a tanning salon (now sui generis) the upper floor appears to have remained in its previous approved office use.
- The building and its curtilage is not in an SSSI, listed building, scheduled monument, in a safety hazard area, military explosives storage area, in an area of outstanding natural beauty, in a national park or within an area specified by the secretary of state.

Assessment:**A) Site Access and Transport Impacts**

The submitted plans show access to the flats from a new external staircase at the rear of the property, which replaces an existing internal staircase. However, the first floor flats would have no means of access as the prior notification regulations do not allow for external alterations to be made to the building and no planning permission has been secured for this part of the development. Likewise, no secure on-site cycle storage would be provided as the proposal involved cycles being stored under the external staircase.

In terms of transport impacts, the application site is located in the heart of Eastleigh Town Centre, in a sustainable location with a range of shops, services and transport connections. In this location it is considered acceptable not to provide off road parking and the proposal will not have any significant transport impacts. Provision has been made for cycle storage within the ground floor of the building.

B) Contamination Risks

While there is a potential of the site being impacted by historic contamination a phase 1 contamination report is not necessary as the residential conversion does not involve ground work (apart from the construction of an external staircase).

C) Flooding

The site is within flood zone 1 where there is a low risk of flooding. As such it is not necessary for flood protection measures to be installed at the site.

D) Commercial Noise

The proposal is for the conversion of offices into 2no. one bedroomed flats on the first floor, which would be positioned above an existing tanning salon. The sound insulation between the ground and first floor units would be upgraded to meet Part E of the Building Regulations standard, which would be sufficient to mitigate sound transmission from the ground floor tanning salon into the new residential units. Furthermore, the tanning salon, as a sui generis use, could not change to another use without further planning permission.

In terms of external noise sources, it is noted that the site is located within Eastleigh Town Centre where a certain level of noise disturbance from surrounding commercial uses is to be expected. However, the noise assessment lists the risk to residential amenity as adverse during the daytime, and this rises to significantly adverse during the evening and at night. In this case the primary noise source would be from the two air conditioning units and cooking extraction system at the nearby Istanbul Grill, which emits a slightly tonal noise.

The previous scheme divided the top floor into 2no. one bedroom flats, with flat one having all its accommodation at the back of the property. As such flat one would make for a very poor-quality living environment. Their bedroom would be dominated by plant noise even when the windows are closed and so would fail to provide the peace and quiet needed for sleeping. An objection was raised by the Environmental Health Officer and the application was refused due to the impact the noise from the existing commercial premises would have upon the residential occupiers of flat 1.

The proposal has reconfigured the first floor layout so that the front of the property is divided between both studio flats meaning that their main living and bedroom is away from the main noise source. The rear sections then become kitchen, dining and shower rooms which although will still be affected by noise the rooms are not main living or sleeping areas. This is considered a reasonable compromise.

A noise assessment has also been provided, which considers that standard double-glazed units with acoustic trickle vents would provide adequate acoustic protection. This report has been reviewed by the Environmental Health Officer who raises no objection to the amended layout.

E) Internal Space Standards and light to habitable rooms

The nationally described space standards require a minimum gross internal floor area of 37m² for 1 person, 1 bed, dwellings that have a shower room. Although some of this area is taken up by a large hall for flat 2, the proposal still meets the required standard as it provides 38m² floor space for each flat.

In terms of natural light, both flats have a large north facing lounge window at the front facing towards the street. Although the orientation does not provide sunlight, the windows will nevertheless provide sufficient daylight and a reasonable outlook for the key living space in both properties. The kitchen/ dining room also has windows at the rear of the property although daylight will be partially restricted by existing buildings.

Impact of SPA:**Conservation of Habitats and Species Regulations 2017:**

Under Regulation 77 of the Habitat Regulations, development which would be permitted by a Development Order, and which would be likely to have a significant effect on a European site or a European off-shore marine site, (in this case, through additional nitrates loading on the waste water system) 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. Had the proposal been approved, the applicant would be required to submit a separate Regulation 77 application to the LPA to secure the required mitigation.

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 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 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:	GRANT CONSENT ☒	REFUSE ☐
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Comments ...
