

DELEGATED OFFICER REPORT

Application Ref: PN/25/99086

Site Address: UNIT 9, SOUTH POINT, ENSIGN WAY, HAMBLE-LE-RICE,
SOUTHAMPTON, SO31 4RF

Case Officer: Rebecca Altman

Description: Change of use of Class E office floor space to 4 x residential flats (Class C3) under Part 3, Class MA of the General Permitted Development Order

Particular Site Constraints?	Yes ☒	No ☐
- Urban edge - Employment site - Surface water flood risk - Solent protected sites impact zone - New Forest impact zone - Nutrient impact zone – nitrates		

Planning History?	Yes ☒	No ☐
Z/30439/042/00 – Construction of 9 research and development, light industrial and office units of total gross internal floor area of 2920sqm (use classes B1a, B1b, B1c) with access road, car parking and landscaping – permitted 26 January 2004 Condition 3 restricted uses within Class B8 (storage and distribution). No conditions to restrict other changes of use under permitted development legislation (note that B1 is now a Class E use). <u>Relevant planning history, Unit 6-7 South Point:</u> X/11/69174 – variation of condition 20 of planning permission 30439/042 to allow the operation of machinery and carrying out of processes 24 hours a day, 7 days a week, in respect of units 6 and 7 only – permission 29 July 2011 F/11/69824 – detached plant enclosure to accommodate 1 x condensing unit, 1 x extraction unit, 1 x air receiver and 2 x compressor units – permitted 15 December 2011. The above permission was subject to the following condition (Condition 4): <i>‘The plant units shall be enclosed with barriers that are continuous and imperforate, with a minimum mass per unit of 12kg/m³ and should be at least 0.5m higher than the top of the tallest item of the plant, in accordance with the conclusions of the Noise Impact Assessment Report AS6545.1100923.NIA’.</i> However, it would appear that this condition was never complied with. <u>Unit 8 South Point:</u> F/14/74860 – installation of 5 no. air conditioning units following removal of 1 no. existing air conditioning unit on north east elevation – permission 5 September 2014 <u>Unit 10 South Point:</u> F/09/66339 – change of use to include B1c (food preparation for off site distribution) and ancillary coffee shop with new entrance and canopy – permission 22 April 2010		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☐
Representations:	None received.		

Parish Council:	Objection. This is an industrial site and not suitable for residential use.
Highway Authority:	No objection. Access in and out of the site for vehicles and pedestrians is unchanged and parking for 8 cars is available in a suitable and workable layout. It would also be anticipated that the change of use would bring a reduction in trip rates. Recommend cycle parking is provided.
Environmental Health: Noise:	Further comments following review of Noise Impact Assessment: The noise report shows the results of a noise survey on two locations (one facing the main road and one at the back facing the plant used by CooperVision). The one at the back presents a considerably high nighttime noise level due to plant noise. The British Standard assessment shows a Significant Adverse impact at daytime and nighttime regarding plant noise, which is outside the acceptable criteria, demonstrating serious noise nuisance particularly at night. Recommend refusing the application if a plant mitigation option cannot be put into place. The report sets out options for mitigating plant noise impact. One is a revision to the internal layout so that habitable rooms do not have windows facing the plant. However there are no drawings of how this would work and it would only work with a reduced number of apartments. The other option is to undertake remedial works to reduce the plant noise, with the installation of a 3m tall acoustic barrier (high spec with mineral wool lining) around the plant. With this in place, the noise report shows acceptable noise levels. If this mitigation can be secured, then recommended conditions would be as follows: - Installation of acoustic barrier prior to occupation; - Acoustic barrier post completion noise assessment prior to occupation; - Scheme for sound insulation between adjoining party walls to be installed. For road noise the Noise report concludes that the building requires an MVHR system for ventilation and two different types of glazing to mitigate road noise and achieve BS8233: 2014 noise criteria. Original comments: Unit 9 is located within an industrial area adjacent to Ensign Way and directly opposite to the main entrance of CooperVision compound that operates 24hr including HGV deliveries. All traffic from the industrial area will use Ensign Way. A Noise Report is required to demonstrate that plant noise from the neighbouring commercial units as well as deliveries and noise from car movements using Ensign Way are acceptable. The report should include a noise survey with appropriate duration and must be carried out by a competent Acoustician. It should demonstrate that the following criteria can be achieved: BS:8233 and BS:4142 and present the proposed mitigation in terms of glazing and ventilation. Additionally, as Unit 9 shares a party wall with Unit 8 (which will remain as offices), this could cause serious noise nuisance if not built

	to the correct criteria. The proposed party wall and party floor construction should be designed to achieve Building Regulations Approved Document E sound transmission criteria for refurbishment dwellings. Bedrooms are proposed facing the adjacent commercial unit and car park which is not the best design in terms of noise. After construction, a pre-occupation test (sound insulation test) is required. This must be carried out by an acoustician ANC registered. It must pass the criteria as per Approved Document E and sent to the LPA for review. If it does not meet the criteria, a list of remedial works should be sent to the LPA for review and a retest carried out.
Contaminated Land Officer:	No objection. The proposals involve only internal alterations with no ground disturbance or areas of soft landscaping.

Site Visit:	Yes ☒	No ☐
Details: 3 April 2025 – photographs on file. Noise from nearby plant was audible on site.		

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 (offices) 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: S1 (sustainable development), DM1 (general criteria), DM8 (pollution), DM13 (transport), DM14 (parking), and DM15 (safeguarding existing employment sites). 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 the conversion of a 2-storey office unit to 4 x 2-bedroom flats (2 per floor). The following table sets out an assessment of the proposal against the various criteria and conditions of Class MA of the GPDO. <table border="1"> <thead> <tr> <th>Criteria</th><th>Assessment</th></tr> </thead> <tbody> <tr> <td colspan="2">Development is not permitted by Class MA:</td></tr> </tbody> </table>	Criteria	Assessment	Development is not permitted by Class MA:	
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.
(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 unit is currently vacant but has authorised use as offices. The applicant has confirmed that the last tenants vacated the ground floor in 2024. Prior to this, the ground floor had been let for office use since 2012 and the first floor had been let between 2009 and 2021. This criteria is therefore met.
(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.
(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.
(f) If the site is occupied under an agricultural tenancy, unless express consent of the landlord and tenant has been obtained.	Not applicable.
(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 order which has not since been cancelled.	Not applicable. The applicant has been 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 access:

The Highway Authority has raised no objection, noting that the existing access arrangements and the parking layout, in terms of parking bay size and turning space, are acceptable. No amendments to the access are required. The Highway Authority has also noted that a residential use is likely to result in less trip rates compared to the existing office use, and has raised no concerns about the impact of the proposal on the operation of the local highway network.

In terms of parking, condition 23 of the original planning permission for the site required the parking to be laid out before use of the development and thereafter reserved for parking purposes, but did not show the spaces allocated to specific units. The applicant has now provided a plan showing how parking is allocated to each unit. This confirms that the 8 parking spaces proposed for the flats are a reallocation of the existing spaces for Unit 9, with no loss of parking for any of the other units. There are also some spare parking spaces, where cycle parking could be accommodated.

The proposal is therefore considered acceptable in relation to access and traffic implications.

B) Contamination risks in relation to the building;

The proposal would involve internal alterations only and the Council's Contaminated Land Officer has raised no concerns about contamination risks.

C) Flooding risk in relation to the building;

The site does not lie in an area at risk of fluvial flooding, and whilst the Council's data indicates surface water flood risk on the site, the latest Environment Agency mapping online does not show any flood risk. It is therefore not considered that flood risk is a constraint to this development. In any case, the proposal is for conversion only and would not increase hardstanding or built form on the site, therefore not increasing surface water run off.

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

The application is accompanied by a Noise Impact Assessment. This confirms that noise impacts from the adjacent road can be mitigated by appropriate glazing and mechanical ventilation, but that there is currently an adverse noise impact from plant associated with the CooperVision unit to the north-west of the site (Units 6 and 7 South Point). The plant is currently enclosed in an open slatted enclosure and is audible at both daytime and nighttime.

When planning permission was granted for the plant in 2011 (ref. F/11/69824), a condition was imposed for the installation of an acoustic enclosure that should have limited noise impacts. However, it appears this was never installed and due to the length of time that has now passed, it would not be possible for the Local Planning Authority to enforce its provision. It would therefore be necessary for the applicants to ensure that this barrier is installed in order for noise levels to be reduced to an appropriate level to allow the residential conversion of Unit 9.

The applicants have confirmed that Units 6 and 7 are in their ownership (as also shown by the blue line on the location plan). They would therefore have the ability to construct the plant room enclosure themselves or request that the tenants (CooperVision) do so. The provision of the acoustic enclosure prior to occupation of any residential use of Unit 9 could therefore be secured by condition. Subject to such a condition, along with conditions to ensure appropriate glazing and internal insulation, the impact of noise would be reduced to an acceptable level so as not to harm the amenities of future occupiers.

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 development is not located in a conservation area.

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

The floor plans show that habitable rooms would be served by existing windows on the north-west, south-west and south-east elevations, and from a site visit it was determined that these windows provide a good level of natural light to the interior of the building.

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;

The unit is one of 9 existing light industrial units, located in a larger industrial estate that is designated for employment use under Policy DM15 of the Eastleigh Borough Local Plan. Policy DM15 seeks to safeguard existing employment sites by supporting the retention of employment uses in these areas (Use Classes B2, B8 and E(g)(ii)(iii)). There is no support in this policy for a change of use of employment units to residential. Had this proposal been submitted as a planning application, it would likely have been refused due to the loss of employment use and conflict with Policy DM15 of the Local Plan. However, the principle of the change of use is supported under the General Permitted Development Order provided that certain criteria is met. For criteria (g), it is necessary to consider whether the proposed residential occupiers of the unit would be negatively impacted by the location within this industrial area.

The unit subject to this application is within a part of the industrial site which lies close to residential properties in Avro Court and where the majority of units have permission for light industrial uses only, rather than general industry or storage (as per planning permission ref. Z/30439/042/00). Uses include a media company, car diagnostic centre and a food production unit and cafe. An exception is Units 6 and 7, for which permission was granted in 2011 for the operation of machinery and carrying out of processes 24 hours a day, 7 days a week for CooperVision (contact lens manufacturer) (permission ref. X/11/69174). An external plant enclosure was also permitted for these units in 2011 (ref. F/11/69824), and the noise impacts from this have been assessed in part (d) of this report. It has been determined that noise from the plant and equipment could be satisfactorily mitigated with the provision of an acoustic enclosure, which could be secured by condition. Noise from other sources including road noise from the industrial estate, has also been assessed through the Noise Impact Assessment and it has been determined that this could be mitigated with appropriate glazing for the residential units.

In summary, whilst the Eastleigh Local Plan would not support the proposed change of use in a safeguarded employment area, the principle is established under the General Permitted Development Order subject to meeting specific criteria. In respect of criteria (g), subject to mitigation, it is not considered that occupiers of the development would be adversely impacted due to the location within the industrial estate.

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.
Other conditions:**

The building is 2-storey and does not meet the fire condition.

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

(4) The provisions of paragraph W apply;

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

(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.

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.

For a 2-bedroom flat, the minimum floorspace requirement for 3 persons is 61sqm, and for 4 persons is 70sqm. The submitted floorplans demonstrate that two of the flats would meet the minimum size for 3-person units and the other two would meet the size for 4-person units. The bedroom sizes also meet the required standards.

Mitigation of the impact of development on protected areas

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 disturbance on the Solent and New Forest protected sites, and increased nutrient output (nitrates).

Solent recreation mitigation

The site lies within 5.6km of the Solent Special Protection Areas and Ramsar sites. In accordance with advice from Natural England, a net increase in housing development within the 5.6km catchment is likely to result in impacts on the integrity of these sites through an increase in recreational pressure/disturbance. To mitigate these impacts, contributions can be made towards the Solent Recreation Mitigation Strategy (Bird Aware Solent), which has been endorsed by Eastleigh Borough Council. For 4 x 2-bedroom flats, the required contribution would amount to £2,784 (£696 x 4).

New Forest recreation mitigation

The site also lies within the 13.8km catchment area for the New Forest National Park Special Protection Area (SPA). Natural England has advised that developments within this catchment area are likely to result in additional visitors and increased recreational pressure on the New Forest. In order to mitigate this impact, the Council has developed a Strategy which takes a combined approach aimed partly at diverting visitors away from the New Forest through the provision of new Suitable Alternative Natural Greenspaces (SANG) within the Borough, and partly at providing funding of a Ranger within the National Park. For developers to utilise this Strategy, a financial contribution of £2,220 per dwelling is required. For the 4 dwellings, the total contribution would be £8,880.

Nutrient mitigation – nitrates

Natural England has advised that increase in wastewater from new housing development is having a detrimental impact on water quality through eutrophication. All residential development is therefore required to demonstrate nutrient neutrality (ensuring the development does not add to existing nutrient burdens). The applicant would be required to undertake a nutrient budget calculation to determine the level of nitrate load generated by the development. This could then be mitigated by purchasing credits through the

Council's mitigation scheme (or other alternative scheme), which offsets the impact by taking land out of agricultural use and creating recreational spaces.

Procedure

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

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. The change of use to residential would require internal improvements, with enhanced glazing and installation of modern appliances that are likely to be more energy / water efficient than existing. The proposal would therefore meet the general objectives of climate change policies.

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:	PERMIT ☒	REFUSE ☐
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Conditions:

1. The development hereby permitted shall be implemented in accordance with the following plans numbered:
 - AE47.SK03A (Block and Location Plan)
 - AE47.SK01A (Plans as existing)
 - AE47.SK02A (Plans as proposed)

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

2.
 - a) Prior to commencement of the development hereby approved, full details of an acoustic enclosure to be constructed around the plant and equipment at Units 6 and 7 South Point, shall be submitted to and approved in writing by the Local Planning Authority;
 - b) Prior to occupation of the development, the acoustic enclosure shall be installed in accordance with the approved details and updated noise measurements shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the existing noise levels at the site façade achieves acceptable noise criteria from British Standard 4142:2014+A1:2019, as set out in the Environmental Noise Impact Assessment prepared by Sound Advice Acoustics Ltd, ref. SA-8025, April 2025.

Reason: To safeguard the amenities of future occupiers, in accordance with Policy DM8 of the Eastleigh Borough Local Plan (2016-2036).

3. Prior to first occupation of the development hereby approved, a post completion noise assessment shall be carried out by a suitably qualified acoustic consultant and submitted to and approved in writing by the Local Planning Authority, to demonstrate that the glazing and ventilation (MVHR) solutions set out in the Environmental Noise Impact Assessment report prepared by Sound Advice Acoustics Ltd, ref. SA-8025, April 2025, achieve the noise criteria specified in the report.

Reason: To safeguard the amenities of future occupiers, in accordance with Policy DM8 of the Eastleigh Borough Local Plan (2016-2036).

4.
 - a) Prior to commencement of the development hereby approved, a scheme for sound insulation between the adjoining party wall between the site and the adjoining commercial unit shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that the airborne sound insulation performance meets or exceeds the standards outlined in Approved Document E of the Building Regulations (2015 as amended) for refurbishments.
 - b) the sound insulation scheme shall be fully implemented prior to first occupation of the residential units and permanently retained thereafter.

Reason: To safeguard the amenities of future occupiers, in accordance with Policy DM8 of the Eastleigh Borough Local Plan (2016-2036).

5. Prior to first occupation of the dwellings hereby permitted, the 8 parking spaces shown on the approved plans shall be provided and maintained thereafter for residential parking only.

Reason: To ensure adequate parking provision to serve the residential use and to prevent conflicts with commercial parking, in accordance with Policy DM14 of the Eastleigh Borough Local Plan (2016-2036).

6. Prior to first occupation of the dwellings hereby permitted, cycle storage (at least 1 space per unit) shall be provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The cycle storage shall thereafter be 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).

Note to Applicant:

Development under Class MA is permitted subject to the condition that it must be completed within a period of 3 years starting with the prior approval date.

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 Sites, in terms of additional recreational pressure (to the Solent and New Forest), and additional output of nutrients (nitrates) 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: [Nutrient Neutrality](#)

Solent and New Forest recreation mitigation: [Recreational disturbance](#)