

DELEGATED OFFICER REPORT:**Application Ref:** F/25/99167**Site Address:** 105 LEIGH ROAD, EASTLEIGH, SO50 9ZQ**Case Officer:** Gregg Chapman

Description: Change of use from day nursery (Class E) to 1no. eight bed house in multiple occupation (Sui generis) with single storey rear extension, hip to gable roof extension, 1no. rear dormer window and associated car parking, bin and cycle storage and landscaping.

Particular Site Constraints?	Yes ☒	No ☐
• Within Urban Edge • Within Eastleigh's Urban Renaissance Quarter • Within Air Quality Management Area • Within Nutrient Neutrality Catchment Area (Nitrates and Phosphates) • Within New Forest Recreational Disturbance 13.8km Buffer		

Planning History?	Yes ☒	No ☐
<u>Application Site</u> • F/09/65248 - Change of use from office B1 to childrens day care nursery D1 – Approved, August 2009. • A/09/66081 - Erection of 1No. non-illuminated wall mounted sign facing Leigh Road and 1No. non-illuminated sign on fence at rear – Consent, August 2009. <u>103 Leigh Road</u> • F/24/97969 - Change of use from offices to 1no. eight bed house in multiple occupation with single storey rear extension, hip to gable extension, 1no. rear dormer window, boundary treatment, car parking and external amenity space, Approved, October 2024. <u>107-109 Leigh Road</u> • F/24/97730 - Conversion of offices (Class E) to form 2.No HMO's each for 7 unrelated persons (sui generis), single storey side/rear extension to No 107, amenity space, parking and alterations to fenestration – Approved, September 2024.		

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	1 letter, objection; This HMO does not have enough parking spaces available for 8 dwellings. There are also far too many of this type of property in very small radius of this new proposal causing parking issues for all in the locality. If you take the property opposite again HMO with 9 dwellings there is clearly insufficient parking with some residents in the HMO having 2 vehicles per and nowhere to park them within their footprint. EBC must follow other councils regarding an over saturation of such properties in a radius of another HMO.		

Environmental Health	Contaminated land The application site is not located within an identified contaminative land use area, land with identified former contaminative use; however, made ground could be present due to existing uses. I raise no objections on contaminated land to this application. However, for protection of neighbouring dwellings. In line with the comments made for the planning application F/18/83290 and F/24/97969 (103 Leigh Road for single storey rear extension), I suggest a standard CEMP condition should be applied, as well as advisory note. Air quality The development site is located within the Eastleigh Air Quality Management Area (AQMA), designated for exceedances of Government guideline for nitrogen dioxide, NO₂, arising from road traffic. A Mechanical Ventilation with Heat Recovery system (MVHR) is proposed to achieve the requirements of ventilation specially for the bedrooms facing LEIGH ROAD. Noise The site is in close proximity to LEIGH ROAD and some proposed bedrooms will be facing the main road. I would request that the applicant provides an Acoustic Report from a competent Consultant that includes a noise survey over a representative period and references BS 8233:2014 'guidance on sound insulation for buildings' showing the required mitigation and specifications for the glazing units and ventilation (it is understood that a MVHR system is proposed) to achieve compliance with the internal day/night noise levels criteria.
Transport Officer (HCC):	Having reviewed the information contained within the application pack, there would be no objection to the proposals from a highway perspective. Vehicle and pedestrian access is unchanged by the proposals, with front and rear access available for pedestrians, and a car parking to the rear available for two vehicles. Whilst this parking quantum is low, and will be for EBC to assess taking into account their Parking Standards, with adjustments for close proximity to the town centre, it is noted that the layout is acceptable with 6.0m aisle widths to enable easy access and egress onto the rear service road. It is also noted that the site sits within the Controlled Parking Zone, and as such any limited overflow parking opportunities will be very limited and wont affect the amenity of the existing residents in the nearby locality, given that future residents of the site will not be eligible for parking permits as new / converted development. This does however limit parking opportunity for future residents of the site, and as such they should be made fully aware by the applicant prior to any tenancy 2 agreements being entered in to . Essentially, the site will need to be car free, and for the two spaces it may be prudent to allocated these to specific units for clarity and to prevent resident disputes if more than two occupants own vehicles.

Housing Officer:	Having looked at all the plans and documents the standards team have no objections. The property complies with all the HMO regulations. The property meets the amenities standards with the room sizes and Kitchen. We have no concerns with the layout of the property or surrounding area.
Ecology Officer:	I have reviewed the recent site photos. The green area in the rear garden is plastic grass, so no habitat will be lost to the proposed development. The de minimis exemption from 10% biodiversity net gain will apply. In general, the building is well maintained with no slipped tiles or gaps. I don't see any obvious potential bat roost features. There is one area of lifted lead flashing next to a small white electrical junction box, but it looks tightly fitted over the tiles on the other side. There is another area where ivy is growing up the front wall near the fascia. Biodiversity enhancements can be agreed before determination or conditioned.
Natural England	Natural England objects to this proposal. As submitted, we consider it will have an adverse effect on the integrity of the New Forest Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site from increased recreational disturbance. The impacts are also likely to affect the features of the associated Sites of Special Scientific Interest which underpin the above habitats site designations.
Town Council:	Eastleigh Town Council reviewed this application at its meeting on 7 May 2025. The Council raises no objection to the application. However, it remains concerned by the increasing number of HMOs being approved and the cumulative impact this may have on parking, traffic, and the overall character and appearance of the town.

Site Visit:	Yes ☒	No ☐
Details: 16.04.2025		

Pre-commencement Conditions:	Yes ☒	No ☐
Details: Email from Agent (Oliver Farr 06.06.25) agreeing pre-commencement construction environmental management plan condition.		

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 (sustainable development), S2 (approach to development) & S3 (location of new housing)

Development Management policies:

- DM1 (general development), DM2 (environmentally sustainable development), DM3 (climate change), DM6 (surface water management), DM8 (pollution), DM11 (nature conservation), DM13 (access), DM14 (parking), DM23 (residential development within urban areas), DM30 (internal space standards)

Area policies:

- E4 (Eastleigh's Urban Renaissance Quarter)

Supplementary Planning Documents:

Quality Places; Residential Parking Standards & Character Area Appraisals

Proposal

The proposal is to convert the existing two storey semi-detached property (which is a vacant children's nursery) into an eight bedroomed house of multiple occupation. The bedrooms are split over three floors, each with an ensuite, and there is a shared kitchen/ dining room on the ground floor. The residents have access to an amenity area and dedicated cycle and bin storage. There are two on site car parking spaces provided at the rear with access off the service road.

The proposal involves the following extensions:

- A roof conversion with a side hip to gable extension, front facing roof lights and a flat roof rear dormer window. The roof space accommodates a bedroom and ensuite.
- A single storey, flat roof, rear extension measuring 4.5m(w) by 13.7.3m(d) by 3m(h) The extension accommodates two bedrooms with ensuites.

Planning History and Surrounding Area:

Also of relevance is the approval in September last year for the conversion of the properties at 107 & 109 into a pair of seven persons HMOs, and October for an eight bedroom HMO at 103 Leigh Road (the other half of the semi-detached pair).

The surrounding area comprises a mixture of uses, predominantly residential. There is also a dentist and pub within close proximity to the west, and Eastleigh town centre is a few minutes' walk to the east. The site fronts Leigh Road, which is the main western route into and through the town centre.

Assessment:**Principle – Proposed Use**

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

Policy DM23 encourages a minimum density of 40 dwellings per hectare for residential developments within urban areas, unless site constraints or local character indicates otherwise. While the HMO in planning terms is classified as a single residence, it will

provide accommodation for a mixture of people which makes a more efficient use of the urban site.

The proposal is sited within a highly sustainable location close to Eastleigh Town Centre with shops, services, train and bus links in easy walking distance. The site forms part of Eastleigh's Urban Renaissance Quarter (Policy E4), which encourages well-designed, people intensive development on the approach to Eastleigh Town Centre.

Principle – Loss of Nursery Use

The proposal would result in the loss of a children's nursery. The supporting text of policy DM38 explains that the council will support the provision of new children's nursery spaces where there is a shortfall of provision. The Council, therefore, consider that such facilities are 'community facilities'. However, in this instance, the provider has re-located their site on Leigh Road, leaving the current space vacant, therefore creating alternative provision nearby so as to comply with policy DM38. In addition, it is noted, and is relevant that the nursery space could change, under permitted development, to another E class use, without a planning application, with the nursery space being lost. This is considered a realistic fall back position.

Character and Appearance

Most of the external changes are at the rear of the property where they are not visible from Leigh Road. It was stated within the Officer Report for application F/24/97969 at 103 Leigh Road (the other half of the semi-detached pair) that, *"the hip to gable roof extension will be visible from the front and it is a shame that this will result in the loss of roof symmetry between the pair of semi-detached properties and on the neighbouring buildings. However, roof extension, and rear dormer window, are considered acceptable as these elements can usually be completed under permitted development."* The proposal would result in a material benefit of re-balancing the pair.

The proposal also includes a single storey rear extension, which backs onto the service road. While this is a large structure, the flat roof design helps to lower its profile, and its proportions are similar to that approved at 103 Leigh Road (F/24/97969). There are a number of single storey rear extensions and outbuildings visible from the service alley and so the proposal is will fit in with the pattern of development within the locality.

Living Conditions

Internally, bedroom sizes range from between 9.01 m² and 15.02m², which meets the national space standards of 7.5m² for a single room and 11.5m² for a double. No objection has been raised by the Housing Officer on floor space or amenity grounds.

All bedrooms have one or more windows, albeit receiving varying, but acceptable, degrees of natural light noting that also residents will also have access to the communal kitchen/ living/ dining area within the property.

Externally main amenity space comprises a front garden, rear alleyway, and rear space. The size and layout of the outdoor areas provides sufficient space for the residents to be able to sit outside, dry washing etc. It is also noted that the site is within easy walking distance of Leigh Road recreational ground.

Highways and Parking

The scheme provides two off road car parking spaces, which matches the car parking provision for the neighbouring HMO's at 103, 107 & 109 Leigh Road.

No objection has been raised by the Transport Officer, and while it is recommended that the spaces would be allocated to specific residents this would not be enforceable by condition. It is, however, noted that the proposal is unlikely to lead to additional on street

parking as the site is within a controlled parking zone and as the site is within a very sustainable area it would be possible for residents to be car free.

On site cycle and bin storage has been provided with access from the rear service alley.

Noise and Air Pollution

The site fronts onto Leigh Road, which is one of the main approaches into Eastleigh Town Centre. In order to reduce traffic noise & air pollution inside the property the Applicant intends to use a mechanical ventilation system, acoustic glazing and avoid drawing in polluted air from the road facing facades. A noise and air pollution assessment will be secured via a planning condition.

No objection has been raised by the Environmental Health Officer, subject to appropriate conditions.

Residential Amenity

The single storey extension and roof alterations are not considered to unacceptably impact the outlook or daylight of neighbouring properties. In terms of overlooking, of the existing two first floor side windows one will serve a non-habitable room (en-suite to bedroom 4) and the other is shown to be removed. The proposed second floor bedroom (bedroom 1) has its main windows facing towards Leigh Road. The development accords with the amenity guidance set out in the 'Quality Places' SPD.

Ecology

No objection has been raised by the Ecology Officer and the property does not contain any potential bat roost features. The proposal is not required to provide a 10% biodiversity net gain. The Council Ecologist does seek biodiversity enhancements. These are part of the applicant proposed plans, and would also be inherent within the required landscaping scheme, with the amenity areas currently, predominantly artificial grass to the rear, and hardstanding to the front, side, and rear parking area.

Impact of SPA:

Recreational Disturbance

The site is within both the 5.6km catchment area for the Solent Special Protection Area and Ramsar Site and the 13.8km catchment area for the New Forest Special Protection Area. It is recognised that new housing developments within these catchment areas are likely to result in additional visitors to these protected sites. To mitigate for these impacts 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).

Nutrients

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

Habitat Regulations Assessment

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

acceptable. Natural England are comfortable with the Solent Recreation Mitigation Strategy but 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 has been added so that work does not start in this period.

On this basis the proposal is unlikely to have a detrimental impact on the Special Protection Areas, either in terms of recreational disturbance or an increase in nutrients.

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.

Conclusion:

Recommendation:

PERMIT ☒

REFUSE ☐

Comments ...