

DELEGATED OFFICER REPORT

Application Ref: F/25/99291

Site Address: 91 Leigh Road, Eastleigh, SO50 9DQ

Case Officer: David Huckfield

Description: Change of use from offices (Class E(g)(i)), to 8-bedroom house in multiple occupation (sui generis use), with associated refuse and cycle storage, boundary fencing, and parking.

Particular Site Constraints?	Yes ☒	No ☐
Within the Urban Edge Within the Urban Renaissance Quarter, Eastleigh Existing Office Premises		

Relevant Planning History?	Yes ☒	No ☐
EAB8598 – Change of use from dwelling to offices – PERMIT (1974) Z/19230/000/00 – Two storey rear extension – PERMIT (1979) F/24/97449 – Change of use from offices (Class E(g)(i)), to 8-bedroom house in multiple occupation (sui generis use), with associated refuse and cycle storage, boundary treatment, and provision of parking to include new dropped kerb on Leigh Road – REFUSED (16/07/2024) – DISMISSED ON APPEAL (10/04/2025)		

Site Visit:		Yes ☒	No ☐
Publicity:	Letters ☒	Site Notice ☒	Newspaper ☐
Representations Received:			
One letter of objection was received with the following comments being made in respect of the proposals:			
<i>Over development.</i>			
<i>Lack of infrastructure</i>			
<i>More pollution.</i>			
<i>EBC approve all such applications, as per previously permitted [HMO] dwellings around Eastleigh.</i>			
<i>Due to the cost of living, particularly rental costs, most citizens have to share with a partner to afford increasing rental costs. As a result, parking is inadequate, leading to vehicle over spill on nearby congested streets.</i>			
<i>Bin storage areas are inadequate, leading to over spill onto nearby public highways. EBC refuse vehicles will not negotiate alleyways, due to health and safety.</i>			
<i>Numerous wheelie bins placed on public footpaths, left obstructing the highway, impeding access for citizens and contrary to the Equality Act.</i>			
<i>Glass bottle containers left discarded on public footpaths for months, with no interest in any removal of such hazards, contravening Equality Act.</i>			

Cramming of people into small apartments, in dwellings that were never designed to house so many people, has contributed to the run down appearance of Eastleigh. Over crowding, excess noise and pollution, refuse bins discarded, overflowing with rubbish, creating an unsightly mess. Look at areas of Southampton with HMO's.

Lack of infrastructure, existing sewers [Victorian] unable to cope with existing demand.

HMO's do not comply with building regulations part E [sound proofing] either inside the redevelopment or, to protect adjoining properties from the transference of noise. EBC/SCC building control do not enforce these statutory requirements.

HMOs that are poorly managed and badly maintained can put an extra burden on local services and have a negative impact on the area.

Existing HMO properties are poorly maintained, run down, scruffy, gardens not maintained, discarded rubbish strewn around the outside. The drivers are profit and greed, not maintenance.

People who live in HMOs are at more risk than those who occupy a property as a family unit. This is because HMO's are inhabited by more people than a single-family home.

People in HMO's can also suffer from mental health issues due to sharing facilities with complete strangers with different lifestyle habits, mold, lack of maintenance and lack of living space.

How much longer before planning authorities realize their lack of foresight?

Response to representation[s] received:

The issue of compliance with Building Regulations is not a material planning consideration as this is covered by separate legislative provisions. A number of the other matters raised are generalised comments in relation to HMOs, some of which would be covered through the separate licensing requirements that apply to this type of accommodation.

The issues of the adequacy of parking and bin storage are considered in the below assessment of the proposals, as is the reference made to the provisions of the Equalities Act. In terms of the determination of the application, each case is considered on its own merits, having regard to the provisions of the development plan as well as the material planning considerations that are of relevance to the particular proposals being assessed.

Consultation Responses (Summarised):

Eastleigh Town Council	Eastleigh Town Council reviewed this application at its meeting on 04 June 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.
Hampshire County Council Highways	In regard to application F/25/99291, having reviewed the information contained within the application pack, there would be no objection to the proposals from a highway perspective. Access in and out of the site is unchanged by the proposals, with pedestrian access from the north via Leigh Road, and pedestrian, cycle and vehicle access to the south via the rear service road which runs between Chamberlayne Road and Cranbury Road. Again this is acceptable from a highway perspective.

	However it is noted that two markings are evident, located on the Leigh Road frontage on the plan titled 'Location and Block Plan' (Drawing PG.9067.24-03- C) on the EBC Planning Portal. It is not clear what these are, but for clarification if they are indicating a future drop kerb, such a facility would not be permitted by HCC as Local Highway Authority. It is however presumed these marks have been retained in error from a previous application. In terms of vehicle parking, the layout is acceptable, with adequately sized bays and a suitably sized aisle width for turning. The quantum has not been assessed as this is a function for EBC, ensuring their parking standards are adhered to. However, it is noted that a reduced level of parking would likely be acceptable given: (i) The low reliance on a vehicle given the location of the site, close to retail and employment facilities, as well as the bus and train station; and (ii) The fact that the site is situated within a Controlled Parking Zone, membership of which future residents will not be permitted given the proposals are a redevelopment of the site. It is also noted that cycle parking and bin locations are identified, both of which are acceptable.
Environmental Health	<u>Air Quality:</u> The site is located within Eastleigh Air Quality Management Area. The new proposed development includes 2 parking spaces and cycle storage for up to 8 bikes. We don't anticipate that the proposed change of use from offices to HMO will generate significant traffic during construction and operational stages. Therefore, the impact on air quality is considered to be low. Even though the proposed development does not represent a significant risk on air quality, we stress the importance of adopting best practices and measures to safeguard air quality in the area, details on this could be provided within a Construction Environment Management Plan. <u>Contaminated Land:</u> The proposed development indicates there will be no external alterations to the existing building, except for the provision of a new communal garden space, which it is assumed to be hardstanding with no ground excavations. Therefore, we have no concerns on contaminated land. <u>Noise:</u> The site is in close proximity to Leigh Road and some of the 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 to achieve compliance with the internal day/night noise levels criteria. The ventilation scheme will need to satisfy the Building Regulations requirements in respect of ventilation rates and any need to prevent overheating.

	<u>CEMP:</u> Due to the proposed development located within a residential setting, we recommend the provision of a Construction and Environmental Management Plan (CEMP) to prevent, minimize, mitigate and control any noise, vibration and dust that can cause temporary adverse impacts to neighbours prior to the commencement of works.
Housing Standards Officer (HMO Licensing)	No response received.
Ecology	No objection subject to appropriate biodiversity enhancements and mitigation of the effects of a residential development on European protected sites in the wider area. Landscaping in the front garden should be enhanced, not used for parking. Holes in brickwork and windowsill must be checked by a bat licensed ecologist before any exterior work is done to ensure that these are not potential bat roost features. Any security lights must be on motion detector timers and focussed downwards.
Natural England	No comments received.

Policy:

Legislative Background:

Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise.

The Development Plan:

The Development Plan comprises of the Saved Policies of the adopted Eastleigh Borough Local Plan 2016-2036. The following policies are of relevance to the application: DM1 (General criteria for new development), DM2 (Environmentally sustainable development), DM3 (Adaption to climate change), DM6 (Sustainable surface water management and watercourse management), DM8 (Pollution), DM11 (Nature conservation), DM13 (General development criteria – transport), DM14 (Parking), DM23 (Residential development in urban areas), DM30 (Internal space standards for new residential development), E4 (Urban Renaissance Quarter, Eastleigh).

Other material considerations:

Supplementary Planning Documents (SPDs):

The following SPDs and Background Papers are of relevance to the proposals:

- Quality Places (adopted 2011)
- Residential Parking Standards (adopted 2009)

National Planning Policy and Guidance:

The latest iteration of the National Planning Policy Framework (the NPPF or Framework) was published in December 2024 and, as set out within paragraph 231, the policies contained within it are material considerations which should be taken into account in dealing with applications from the day of its publication. The Planning Practice Guidance provides additional guidance in support of the policies within the Framework and is also a material consideration in the determination of the application.

Planning history and background information:

The current application is a resubmission following the refusal of application F/24/97449 in July 2024. That application had sought approval for what was substantively the same development as is now proposed, in so far as it also included the conversion of the office building to an 8-bedroom HMO with the same internal layout, as well as rear parking and amenity space. In addition, it had also included a dropped kerb on Leigh Road to provide access to a further parking space on the site's frontage.

Application F/24/97449 was refused for 3 reasons. The first 2 were on the grounds of amenity and highway safety concerns, with the latter relating to the position of the dropped kerb along Leigh Road, and the former being in respect of the level of amenity that would be afforded to the future residents of bedrooms 2, 3, 5 and 6, specifically with regards to light, outlook and privacy owing to the proximity to the adjacent office building to the east and the presence of clear glazed windows along its facing elevation. The third reason related to a lack of provision for the required mitigation for the impacts of the development on the European protected Solent Complex (SPA, SAC and Ramsar sites), River Itchen SAC and SSSI, and New Forest SPA, SAC and Ramsar sites, from nutrient loading and additional recreational pressure respectively.

The decision of the LPA was subsequently appealed. During the course of the appeal process, the frontage parking and dropped kerb along Leigh Road was removed from the proposals and, as such, the reason for refusal in this respect was withdrawn by the LPA. With regards to the other reasons, whilst dismissing the appeal in April 2025 and upholding the concerns in relation to the need for mitigation for the impacts on European protected sites, the Inspector felt that the amenity issue could be addressed through suitably worded conditions to secure measures which would provide for an increased degree of privacy for residents, with the use of canopies or louvres being suggested.

As a result of the Inspector's findings, the current application proposes the incorporation of such measures as referenced within the appeal decision, with louvres to be affixed to the exterior of the windows of the upper floor bedrooms (5 and 6) on the eastern side of the building and external canopies to be installed above the windows of the ground floor bedrooms 2 and 3 on the same side of the property. The applicant is also now proposing to make provision for the required mitigation on the aforementioned European protected sites.

These matters are covered further in the below assessment of the proposals.

Assessment of proposals:

Principle of development:

The site lies within the urban edge, as well as being within the designated Urban Renaissance Quarter within the Council's adopted Local Plan to which Policy E4 applies. This policy encourages well-designed people-intensive development, including for residential purposes, that raises the quality of the main approaches to Eastleigh Town Centre. The conversion of the building to a residential use is therefore considered to be acceptable in principle, with any planning approval being subject to the particular development proposal put forward being deemed to be appropriate and according with the criteria of the relevant local and national planning policies and associated supplementary planning guidance.

Layout, design and impact on the character of the area:

Policy DM1 of the Local Plan states that all new development should not have an unacceptable impact on, and where possible should enhance, the character and appearance of the area. In this respect it requires that development takes full and proper account of the context of the site including the character, appearance and land uses of the locality or neighbourhood, and that it is compatible with adjoining uses and well-integrated

with these in terms of mass, scale, materials, layout, density, design and siting, both in itself and in relation to adjoining buildings, spaces and views.

The external works that would be undertaken to facilitate the conversion of the building to a residential use are relatively minimal, with these being limited to the provision of parking and amenity space for the residents of the development, along with facilities for waste and cycle storage (all of which would be to the rear of the site), as well as the addition of louvres and canopies to some of the windows along the eastern side of the building. These elements are acceptable in design terms and the works will not detract from or significantly alter the external appearance of the building itself as seen within the street scene.

The provision of a residential use in this part of Leigh Road, which currently incorporates a mixture of residential, commercial and community uses, would also be in-keeping with the character of the area and, as noted above, would align with the overarching intentions of the Local Plan policy pertaining to development within the Urban Renaissance Quarter. Whilst this policy encourages such development to be predominantly three-storeys, given that the scheme is for a straight conversion of an existing two-storey building, this is considered acceptable in this case.

Residential amenity:

Policy DM1 of the Local Plan requires that new development should not have an unacceptable impact on, and where possible should enhance, residential amenities of both new and existing residents. The Council's adopted Quality Places SPD provides additional guidance in relation to amenity in support of Policy DM1.

In this respect, there are two main considerations, with these being the impacts of the development on the amenity of existing neighbouring uses as well as the quality of the residential environment that would be provided for the future residents of the proposed HMO. In terms of the former first of all, the site adjoins another residential property in the form of the flatted development at 93 Leigh Road and, in this respect, the proposals would be a compatible use. Given that the application includes no physical extensions or notable material alterations to the exterior of the building, the proposals would also not affect the light or outlook available to the occupiers of those dwellings.

This is similarly the case with the adjacent building at No. 89 which is occupied as an office premises. Whilst acknowledging that the windows on the eastern side of the application building do allow views into the facing windows of No. 89, given that this is a commercial building where amenity and privacy is less of a concern, this is not considered to be an unacceptable arrangement in this instance. There are also no issues in terms of the amenity of the uses to the north or south of the site, with a reasonable separation distance afforded between them and the application property.

Turning to the future residents of the development and in terms of external amenity space first of all, the proposals incorporate a modest garden area which would be provided to the rear of the property. The Council's Quality Places SPD does not include a specific standard for HMOs in respect of the amount of amenity space that should be provided, however, the requirement for houses (which is for an area equivalent to a minimum of 60% of the floor area of the property) can be used as a useful guide. Whilst the area provided would be notably less than this, the SPD does allow for a reduction in this standard where residential properties are within 100m of good quality open space. In this case, there is a large area of open space within central Eastleigh just to the north-east of the site and whilst this is marginally over the 100m distance specified, it is only a short and convenient walk away and this, in combination with the on-site area to be provided which at least allows residents a space where they can sit out and access the outdoor environment, is considered to provide for an acceptable balance in this case.

The matter of noise arising from traffic and its impacts upon the future residents of the development has been raised by the Council's Environmental Health Officer. Whilst their

comments are noted and it is accepted that it is necessary to ensure that appropriate internal noise levels can be achieved, in this instance it is not deemed that the lack of information provided in this regard would constitute a reason for refusal in its own right, with it being considered that an appropriate technical solution could be achieved, and that this can be secured by way of a suitably worded pre-occupation planning condition. A similar approach was taken with the recent residential development adjoining the application property and which is subject to the same noise conditions/context.

With regards to other aspects of the interior environment, the rooms within the building would all conform to the Council's required standards for HMOs and would thereby provide sufficient space for the number of residents proposed (whilst no comments were received from the Council's Housing Standards Officer on this application, they had commented to this effect on the previous submission with both the internal layout and requisite standards remaining unchanged). As with the previous proposals, there are also no concerns relating to light, outlook or privacy for bedrooms 1, 4, 7 and 8, or the shared communal space to the rear of the property's ground floor.

With regards to bedrooms 2, 3, 5 and 6 which had been the subject of the amenity related reason for refusal on the previous application, whilst the LPA do still retain some reservations in these respects as well as in terms of the appointed Planning Inspector's assessment and conclusions on this particular matter, nonetheless their findings and decision are a material consideration of significant weight in this instance. Having regard to this and the additional mitigation now proposed which had been advocated by the aforementioned Inspector, very much on balance, the resulting arrangement with the adjacent property and the amenity impacts resulting from it are not considered to be harmful to such a degree that a further refusal of planning permission could be justified on these grounds.

For the reasons given therefore and having regard to the Planning Inspector's findings in respect of the previous scheme, the proposals are considered to be acceptable and to accord with the provisions of Policy DM1 of the Local Plan and the guidance contained within the Council's Quality Places SPD in respect of the matter of residential amenity.

Highway matters:

Policy DM13 of the Local Plan requires that all new development has safe and convenient access to the highway network and makes provision for access to, and by, other transport modes including public transport and cycle and pedestrian routes as appropriate. Access arrangements to the highway network must meet national and local guidance and standards, not cause or increase danger to road users or impact detrimentally on highway safety, and be provided without unacceptable environmental impact. Saved Policy DM14 requires that an appropriate level of car parking be provided in accordance with the Council's adopted Residential Parking Standards SPD.

The application proposes the provision of two car parking spaces to the rear of the premises to serve the 8 bedrooms/residents of the development. Whilst this would represent a shortfall relative to the Council's standards, the site is situated in particularly close proximity to Eastleigh Town Centre which has a range of facilities and public transport options and is considered to be the most sustainable part of the Borough.

Taking account of this and the ease of access to these facilities by way of a particularly short walk or cycle, the limited degree of parking that would be provided is not considered to be unacceptable in this case, particularly given that the potential for overspill into surrounding streets is largely negated by the controlled parking zones within these roads which, as noted by the Highway Authority, the residents of this development would not be eligible for permits for in line with Council policy.

Adequate bin and cycle storage would be provided for at the rear of the premises and this can be secured by way of a planning condition to ensure that it is in place prior to first occupation and thereafter retained. The other matter raised by the Highway Authority

concerning the markings shown on the proposed site layout plan along the Leigh Road frontage has been addressed, with these lines having subsequently been removed from the drawing.

Having regard to the above, it is considered that there is no undue conflict with the provisions of Policies DM13 and DM14 of the adopted Local Plan or the Council's adopted Residential Parking Standards SPD.

Ecology:

Policy DM11 of the Local Plan states that the Council will determine planning applications to protect, conserve and enhance all international, national and local nature conservation designations and networks of natural habitats and features, and facilitate their adaptation to climate change wherever possible. It also seeks a net gain for biodiversity on development sites and sets out that development will not be permitted where it is likely to have a direct or indirect adverse effect on protected or priority species unless there are no alternative solutions, the adverse effects are unavoidable, measures are taken to mitigate or, as a last resort, compensate for the adverse effects, and the benefits of the development clearly outweigh the adverse effects.

Protected species and biodiversity net gain (BNG):

The Council's Ecologist has highlighted the matter of the potential for bats to be present within the building, with reference being made to photos taken by the Case Officer during a site visit which show a deteriorated window sill and holes in external brickwork. For clarity, the relevant photo was of the adjacent building and not the application premises and was taken in the context of assessing the relative relationship between the two properties. It would not be reasonable in this case to request survey work to be undertaken on third party land/property. As there are only minimal physical external works to be undertaken to the application property itself and taking account of its context, it is also not deemed that any further ecological assessments are necessary in respect of the application building itself.

The application is exempt from the mandatory requirement for 10% biodiversity net gain stipulated within Section 7A of the Town and County Planning Act (TCPA) 1990 (inserted by the Environment Act 2021) due to the *de minimus* exemption applying to the proposals, with the area of habitat impacted by the development being less than 25sqm. The majority of the works are confined to the interior of the building, with the external area at the rear which would be subject to some alterations currently being laid entirely to hardstanding.

Impact on European Protected Sites:

The Council, as the responsible body for Habitats Regulations Assessment (HRA), must ensure as part of a planning application that a development will not have an adverse impact on any European protected sites and specifically in this case upon the Solent Complex (SPA, SAC and Ramsar sites), River Itchen (SAC and SSSI) and New Forest National Park (SPA, SAC and Ramsar sites).

HRA (Habitat Regulations Assessment) Screening was required for this development proposal as it falls inside the zone of impact of these designated sites and would result in a net increase in population. The screening concluded that the development could have a significant impact on the protected sites and the features for which they are designated through an increase in recreational pressure (in the case of the New Forest sites), as well as from additional nitrogen and phosphate loading generated through leaching from additional sewage from the new housing in the case of the River Itchen and the Solent Complex. This has the potential to undermine water quality and restrict the growth, distribution and variety of food available for species designated under European law. These impacts are required to be mitigated as part of the development proposals.

The required mitigation has been secured as part of the planning application, with this being through a contribution to the Council's adopted mitigation scheme in respect of recreational pressure on the New Forest protected sites, as well as the imposition of a condition on the planning approval in relation to the nitrates and phosphates impacts of the proposals. This condition requires the submission of evidence of the securing of appropriate mitigation to achieve nutrient neutrality, which the applicant intends to provide by way of purchasing credits from the Council's offsetting scheme, and prohibits occupation of the dwellings until this has been approved by the LPA.

Accordingly, and with these mitigation measures secured, the LPA as the competent authority under the Habitats Regulations are satisfied that the development will have no adverse effects on the integrity of the designated sites identified above. The application therefore complies with Policy DM11 of the adopted Local Plan, the relevant provisions of the NPPF, and the Habitats Regulations.

Other Material Considerations:

Air Quality and Contaminated Land

No objection has been raised by the Council's Environmental Health Officer (EHO) in relation to contaminated land, with limited potential for impacts in this regard to occur given the site context and the nature of the development proposed. There is also no objection with regards to the effects of the development on air quality during the operational phase. The EHO has, however, suggested that potential impacts on air quality from construction should be subject to a pre-commencement condition requiring the submission of a Construction Environment Management Plan (CEMP).

Whilst this is noted, the majority of the works to be undertaken are internal to the building with very limited exterior works proposed, including no demolition or extensions. Accordingly, it is not considered to be necessary to require a CEMP on this basis. Similarly, a CEMP has not been requested by the Highway Authority on highway safety grounds. There is adequate parking to the rear of the site to accommodate works vehicles and deliveries can be restricted by condition to ensure that these occur outside of peak school times (given the close proximity of the adjacent school). Similarly, a condition can be imposed to limit constructions hours in the interests of amenity.

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; (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 and the adopted Local Plan 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 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 the adopted Environmentally Sustainable Development SPD require development to be sustainable in terms of resource use,

climate change and energy use. In this particular instance and when considering the impact of climate change, the proposed development would be expected to be resilient to its potential effects.

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.

Within the third party representations received, reference has been made to the possible contravention of the provisions of the Equalities Act due to bins and glass bottle (recycling) containers being left on and obstructing public footpaths. It is not clear from the comments made as to whether this is a general comment in relation to HMOs or is specifically referencing occurrences at the application property. However, in this case, sufficient provision would be made for the on-site storage of refuse and recycling bins commensurate with the size of the development as noted above.

This is considered to be sufficient in this case to negate the need for bins to be stored on the public footpath or within the service road to the rear of the application site where they potentially could cause an obstruction. A condition will be imposed to require that this bin storage is in place prior to first occupation of the development and thereafter retained. As such, and taking account of these factors, it is not considered that any protected groups would be unduly prejudiced in respect of the matter of accessibility or in any other regard, by a decision to grant planning permission for the proposed works.

The application does not raise any other equality implications.

Recommendation:

PERMIT ☒

REFUSE ☐