

DELEGATED OFFICER REPORT

Application Ref: PN/25/99720

Site Address: 25 HURSLEY ROAD, CHANDLER'S FORD, EASTLEIGH, SO53 2FS

Case Officer: Gregg Chapman

Description: Change of use from commercial/business/service space (Use Class E) to rear and first floor to 2 x 1 bed and 1 x 2 bed flats (Use Class C3) under Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). A ground floor front commercial (Use Class E) unit is proposed to be retained.

Particular Site Constraints?	Yes ☒	No ☐
Inside Urban Edge Local Shopping Area.		

Planning History?	Yes ☒	No ☒
Z/12224/001/00 - Change of use of first floor flat to offices with use of rear of premises for car parking – Approved, October 1980. Z/12224/002/00 - The conversion of workshop to car port – Approved, January 1981. Z/30676/000/00 - USE OF WORKSHOP FOR MINOR CAR REPAIRS – Refused, January 1989. Z/30676/001/00 - CHANGE OF USE OF GROUND FLOOR TO HOT FOOD TAKEAWAY (USE CLASS A3) – Refused, December 1993. Z/30676/002/00 - CHANGE OF USE TO OFFICE – Refused, January 1995. Z/30676/003/00 - INSTALLATION OF NEW SHOP FRONT – Permit, March 2001.		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☐
Representations:	None		
Parish Council:	No response received		
HCC Highways	No objection Access in and out of the site is unchanged for both vehicles and pedestrians, and this is acceptable. Onwards, parking is proposed with two commercial spaces to the front of the property, and 4 spaces to the rear to be shared between the three flats proposed which also benefit from a cycle shed being provided for each flat. It is understood that this parking provision generally accords to the EBC Parking Standards (draft), but the Case Officer may wish to review this, with a potential increase in cycle provision being made for the two-bed flat, as well as a provision for the commercial use (staff and customers).		
Environmental Health	As all the proposed works are internal only, we have no comments regarding land contamination. A noise report will be required to understand if there is risk from any plant noise to the proposed residential part of the scheme following BS 8233:2014 criteria. This should include a noise survey over an		

	acceptable period of time and provide glazing and ventilation specifications to achieve the noise criteria. As one of the ground floor area is proposed to be retained as Class E and will share a party wall and a party floor with the proposed residential part of the scheme is important that this party walls and floors are design to achieve 5 dB higher than the Resistance to sound: Approved Document E criteria for refurbishments. After construction a sound insulation test should be carried out by a professional acoustician and the results shared and approved by the Local Authority. Additionally, a condition for the use of the ground floor Class E should be included to restrict the Class E for uses with the potential to create significant noise and vibration like gyms, industrial process etc to protect the residential part of the scheme. Would be advisable for design purposes, due to considerable traffic using Hursley Road and the close distance from the road to the building, to survey internally on the façade facing the road to make sure the existing glazing and ventilation achieve BS 8233:2014 internal noise criteria as a bedroom is proposed on this façade. This point is a recommendation as Permitted Development does not include traffic noise.
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Site Visit:	Yes ☒	No ☐
Details: 13/8/2025		

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: - transport impacts of the development, particularly to ensure safe site access; - contamination risks in relation to the building; - flooding risks in relation to the building; - impacts of noise from commercial premises on the intended occupiers of the development; <i>not applicable as the site is not within a Conservation Area</i> - the provision of adequate light in all habitable rooms of the dwellinghouse; <i>not applicable as site is not within an industrial area</i> <i>not applicable as current use is not a nursery or health facility</i> <i>not applicable as development as a fire risk condition is not required.</i>

Eligibility:
The building is eligible for a Class MA prior notification application as: - The building is in use as a shop (Class E). - The building, and its curtilage, is not within a site of special scientific interest, listed building, scheduled monument, in a safety hazard area, military explosives storage area, in an area of outstanding natural beauty, in a national park, within an area specified by the secretary of state or under an agricultural tenancy.

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Proposal:

The prior notification application is to form one rear two bedroom flat, and two first floor one bedroom flats, with a smaller commercial unit being retained at the front of the building.

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

Supplementary Planning Documents:

Quality Places; Residential Parking Standards; Character Area Appraisals.

Assessment:**A) Transport Impacts**

The proposal will introduce 2no. x 1 bed (1 person) and 1 x 2 bed (3 person) flats. This could result in up to five additional residents at the property. The size of the commercial unit has been reduced and therefore it would be expected that customer vehicular trips would likely be lower under the proposal.

The site is located within central Chandlers Ford, which has excellent transport links and some employment opportunities. However, it is anticipated that some car ownership would still occur with future residents. The proposal includes on-site parking for 4 spaces to the rear to be shared between the three flats proposed which also benefit from a cycle shed being provided for each flat. This parking provision accords to the EBC Parking Standards (draft), expectation for 0.75 spaces for a 1 bed flat and 1.5 spaces for a 2 bed flat (total 3 spaces for the residential development). Parking is retained at the front for the shop. No objection has been raised by the Transport Officer on this basis.

In terms of servicing, deliveries for the commercial unit will continue to be from Hursley Road. New residential bin storage is to be provided discretely at the back of the site.

Contamination Risks

The conversion involves above ground works only. There will, therefore, be no contamination risks.

B) Flooding

The site is within Flood Zone 1 and the introduction of ground floor residential units should not create a significant flood risk.

C) Commercial Noise

The EHO has raised three points of concern regarding noise;

- **Risk of noise from plant to inform glazing and ventilation specifications** – it is considered that this is not an overriding concern, and can be conditioned, and is not required as part of the prior approval process.
- **Noise insulation to achieve higher specification than Building Control specification for Approved Document E criteria for refurbishments** - This is not considered to be necessary, or reasonable. Building Regulations set national expectations for sound insulation between floors/uses within a building to create acceptable living environments. Subject to meeting Building Control specifications, it is not considered that the proposal would result in harm to the future amenities of residents. There is not considered to be a planning policy/amenity basis for requiring exceedance of this.
- **Restriction on the Use of the Retail Premises to non-noisy Class E uses** – The size and layout of the proposed resultant class E use are such that it is considered that it would be reasonably likely that a noisy class E use/excessive vibration would ensue. It is, in any event, considered to be outside of the scope of the change of use from Class E to residential allowed for under Class MA, to restrict the use of the retail premises that would be retained. If any future noisy (class E) use were to occur that were not appropriate in a residential environment, and meant that noise exceeded a reasonable level (where Building Regulations sound insulation is in place) this would be subject to a noise abatement notice under Environmental Health legislation.

It is also relevant to the above considerations that within the same terrace next door at first floor, and elsewhere in the near vicinity, there are existing residential properties, and therefore any commercial noise from the existing other class E premises, or the future use of the site Class E premises at the site, would already not be able to be unduly noisy.

It is considered that, subject to conditions regarding glazing and ventilation specifications, that the proposal would result in acceptable living conditions for future residents.

F) Light to Habitable Rooms

The proposed residential units benefit/will benefit from windows that will provide adequate natural light to habitable rooms. The upper floor flats are additionally dual aspect flats. Whilst the ground floor unit is not, glazing (two windows either side of the door) is proposed to be installed (and is considered di minimis being ground floor windows looking towards a parking area) which will serve the living/kitchen room area. This, together with the existing windows and doors will allow for adequate light. Bedrooms do all have windows of adequate size, and are in any event specified within guidance (BRE) to be of less importance for direct sunlight, as they provide sleeping accommodation. The bedrooms at the ground floor unit do look out to an alleyway, but given the BRE guidance, this is considered to be acceptable.

Article 3 Permitted Development - Nationally Described Space Standards

An important Statutory Instrument (2020 No.1243) which made amendments to the Town and Country Planning (General Permitted Development) (England) Order 2015 in relation to space standards came into effect on 6 April 2021:

In article 3, after paragraph (9) insert—

(A) 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.

(9B) The reference in paragraph (9A) to the nationally described space standard is to that standard read together with the notes dated 19th May 2016 which apply to it.

Therefore, the nationally described space standards are also a consideration for the Council in determining this application.

Officers have undertaken calculations

Unit	Mix	GIA	NDSS GIA
1	2B 3P	77.5 sqm	61 sqm
2	1B 2P	42 sqm	39 sqm
3	1B 2P	39.6	39 sqm

All units meet the minimum NDSS standards, and this aspect is therefore acceptable.

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 for its harmful impacts on the European Protected Site. The applicant is required to submit a separate Regulation 77 application to the LPA to secure this 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 Environment 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 emerging 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 emerging plan policy. The need to support the economy is part of the Strategic Environmental Assessment for the Emerging Local Plan, as is an assessment of climate impacts.

Conclusion:

Recommendation:

PERMIT ☒**REFUSE** ☐

Comments ...