

DELEGATED OFFICER REPORT

Application Ref: F/25/99573

Site Address: 27 and 29, Pirelli Way, Eastleigh, SO50 5GE

Case Officer: David Huckfield

Description: Use of 27 and 29 Pirelli Way as two separate residential units (1no. 1-bed and 1no. 3-bed) in non-compliance with condition 50 of planning permission 0477/124 which required occupation of 14no. units, including 27-29 Pirelli Way, as live/work units.

Particular Site Constraints?	Yes ☒	No ☐
Within the Urban Edge Within Zone of Impact of European Protected Solent Complex (SPA, SAC and Ramsar sites) and New Forest National Park (SPA, SAC and Ramsar sites) Within Flood Zone 1		

Relevant Planning History?	Yes ☒	No ☐
PN/25/99004 - Application for Prior Approval for change of use from Commercial (Class E) to 1.no 1-bedroom flat (Use Class C3) under Class MA of the Town and Country Planning (General Permitted Development) Order – WITHDRAWN (01/05/2025) Z/04771/124 – First phase of residential development for 214 dwellings and 6,937 square metres of offices (B1 use) together with ancillary parking and roads within master plan – PERMIT (26/06/2002)		

Site Visit:	Yes ☒	No ☐
Publicity:	Letters ☒	Site Notice ☒
Representations Received:		
One letter of representation has been received in relation to the application, with the following comments being made in objection to the proposals: <i>I am writing to object to the change of use to 27 Pirelli Way to a residential unit. Pirelli way was built as an area for smaller local businesses to occupy within the fairly close proximity of the town centre. The benefit being not only the business rate relief but also the size is perfect for small businesses which are perhaps making that first step to a premises from being at home, or perhaps don't require being in the town centre as less footfall is suitable. Having occupied one of these businesses for a number of years I can confirm the units are popular and don't generally stay empty for long. We are also a friendly community of small businesses that support each other and know each other. The increase in change of use to residential rather than business not only harms this community, it has a detrimental effect on local small businesses which will be pushed out of Eastleigh due to lack of location opportunities. I was of the understanding that Eastleigh BC would prefer to support the local business community, as this also brings revenue to the area. In an area with plenty of residential properties, there is no need to damage the existing business community in this way.</i> Parking: <i>There is already difficulties parking as each business only has one allocated space. As a community, we work together to ensure the businesses are able to share these spaces if need be. To increase the amount of residential properties would make this delicate</i>		

balance extremely difficult to maintain as many households have 2 cars, a 1 bedroom flat will quite likely house 2 people, both of whom will possess a car. This will cause issues when the additional cars for residential properties take up valuable parking designated for the businesses. I work on Pirelli Way but have lived on the Pirelli Estate for nearly 20 years. In this time I have seen increasing numbers of cars parked all over the estate, often quite inconsiderately and dangerously. There is not a lot of traffic management in the area, and I can see that an increase in residential properties will only further exacerbate the problem.

Health & Safety:

Currently there is no maintenance company in place to maintain the exteriors of Pirelli Way. As businesses, we often take this upon ourselves to tidy up the fronts of the properties as it is in our best interests to do so. More importantly, there is also a consistent issue with pests, namely rats and flies in the area. The communal bins are consistently overflowing with food waste spilling into the car park. Either the bins are not emptied regularly enough or this is a residential/maintenance company issue. Either way, increasing residential residences will only make this problem worse as the bins are only intended to service the upstairs residential properties. To keep adding to this number without any consideration for these issues would be naive and short-sighted.

I do hope the above points are taken into consideration when considering the application and Eastleigh BC will realise that continued loss of these business units is not a positive thing for Eastleigh.

Consultation Responses (Summarised):

Eastleigh Town Council	No comments received.
Environmental Health	<u>Contaminated Land:</u> The existing and proposed plans (Vision Architects, October 2024, reference 240027-A-PL-005) shows that only internal alterations are proposed for the change of use, no ground disturbance is anticipated. Therefore, we have no concerns on contaminated land. <u>Air Quality:</u> No impacts are anticipated. <u>Noise:</u> We do have some concerns regarding noise. The proposed ground floor apartment will be directly adjacent to a commercial business and below a residential property and therefore there is a risk of noise nuisance specially from the commercial neighbouring premises. To ensure the party wall and the party floor meet the minimum sound performance standards outlined in Part E of the Building Regulations a sound insulation test is required. This must be carried out by an acoustician ANC registered. The test must pass, and the report should be sent to the LPA for review. If it does not pass a list of proposed mitigation should be sent to LPA for review and a retest must be carried out.
Hampshire County Council Highways	In regard to application F/25/99573, 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 dwellings from the highway is unchanged, which is acceptable; and it is noted that the change of use would likely result in a trip rate reduction.
Natural England	No comments received.
Planning Policy	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 is comprised of the 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), DM8 (Pollution), DM11 (Nature conservation), DM13 (General development criteria – transport), DM14 (Parking), DM15 (Safeguarding existing employment sites), DM23 (Residential development in urban areas), DM30 (Internal space standards for new residential development).

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 2025)
- Character Area Appraisal – Eastleigh (adopted 2008) – The site lies within the character area ELAC 36 which defines the area as *“recent terraced development on a local thoroughfare/cul-de-sacs to the west of Eastleigh centre. Large crescent.”*

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 (PPG) provides additional guidance in support of the policies within the Framework and is also a material consideration in the determination of the application.

Assessment:

Principle of development and the proposed change of use to residential:

The application site lies within the urban edge as defined on the Local Plan policies map. Policy DM23 of the Local Plan states that residential development through new build, conversion, sub-division or extension will normally be permitted within the urban edge subject to the general criteria and transport policies of the Local Plan being adhered to. Also of relevance to the principle of development, however, is the originally approved

status of the building as a 'live-work' unit, as well as the loss of commercial floorspace that would occur as a result of the change of use that is proposed at ground floor level.

In respect of the former of these first of all, whilst originally approved as a live-work unit in 2002 (see planning history above) whereby the ground floor commercial element and the upper floor residential property would be inter-connected, both physically through an internal staircase and also in respect of the occupants and proprietors of the premises, it is evident that the property has not been used in this way for a number of years. Indeed, the Council's records indicate that their independent use commenced at some point towards the end of the first decade of the twenty-first century, with the building having been separately occupied as the offices for a charity for much of the intervening period.

Accordingly, and whilst the separate use of the premises other than as a live-work unit has not formerly been established through a certificate of lawfulness, the period since this subdivision initially occurred would appear to be beyond the ten years at which enforcement action for a change of use or breach of condition could be taken. It is apparent therefore that the originally intended live-work use has not been in operation for some time and, as such, the effect of its 'loss' in this particular instance would be limited in material planning terms.

In respect of the loss of commercial floorspace, as noted above the premises has been occupied for a number of years as the offices of a charity which is an E(g)(i) use. The property does not fall within a designated commercial parade or an established employment site as defined within the adopted Local Plan and, whilst Policy DM15(3) does still seek to protect existing employment sites not identified on the policies map, this is with specific reference to those within B2, B8 or E(g)(ii)/(iii) uses. Therefore, the use is not directly protected under the provisions of this policy.

Nonetheless, it is still of relevance that the proposals would result in a loss of employment floorspace which it has not been directly demonstrated that there is not a demand for (for example, through active marketing of the unit and/or extended periods of vacancy, etc.), with this being in the context of an identified need for 103,500sqm of new employment development (of which 56,800sqm is within use classes E(g)(i)/(ii)) over the Local Plan period.

Whilst this would be a negative factor that would count against the proposals in the planning balance, this must be weighed against the other material considerations of relevance to the proposals. These include the modest level of employment floorspace that would be lost and that the development of an additional residential unit would make a positive contribution, albeit limited, to the Borough's overall housing need at a point where the Council is unable to demonstrate an up-to-date five-year housing supply.

In addition, it is also apparent that there are other vacant units within the parade which the unit forms part of, with others having already previously been converted to residential use. Further, and again whilst not formerly established through a certificate of lawfulness, given that there is substantive evidence that the unit has been utilised for office purposes for more than ten years, it is of material relevance that should such a route be followed it would be likely that the unit would thereafter benefit from permitted development rights to allow a change of use to residential in principle under the provisions of the General Permitted Development Order 2015 (as amended).

Whilst none of these individual factors are in themselves determinative when considered in isolation, collectively and very much on balance, it is deemed that they are sufficient to outweigh the loss of employment floorspace that would occur and, therefore, the principle of the development proposed is considered to be acceptable in this specific instance. Any formal planning approval, however, is subject to the nature, design and impacts of the scheme being appropriate and in accordance with the relevant Local Plan policies and supplementary planning documents and guidance which are referred to above. The material considerations in these regards are covered in the sections below.

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

The majority of the works are internal to the building with the submitted plans showing very minor changes only to the ironmongery on the door on the western side of the ground floor of the property and, as such, the exterior of the premises will remain substantively as existing. The building is also immediately adjacent to residential uses with it lying on the eastern edge of a relatively modern housing estate. As such, the proposed use is considered compatible with the character of its surroundings. Taking account of these factors, the proposals are considered to accord with Policy DM1 of the Local Plan in terms of their layout, design and impact on the character of the area.

Residential amenity:

In this respect, there are two main considerations, these being the quality of the residential environment that would be provided for the residents of the development itself, as well as the impact of the proposals on the occupiers of existing neighbouring properties.

In terms of the former of these first of all, the proposed 1-bedroom dwelling that would be created would meet the requirements of the Nationally Described Space Standards and would therefore provide for sufficient space for residents to live comfortably. Habitable rooms would also be reasonable well-served by light and outlook.

Whilst the unit would not have any specific outdoor space, the housing estate on the edge of which it lies has a good sized area of public open space. Whilst this is moderately further away than the 100m distance that the Council's Quality Places SPD states that the usual open space requirements for flats can be waived, given the particularly sustainable location of the property and its proximity to Eastleigh Town Centre, as well as the context of the site whereby flats on this estate don't generally have external amenity space, this is not considered to be unacceptable in this instance. The upper floor unit will remain unchanged in terms of layout and external area and as such the current amenity standards that prevail will remain unaffected.

In terms of the comments of the Council's Environmental Health Officer (EHO) with regards to noise, whilst these are noted, the nature of the adjoining commercial use (a massage and therapy centre) is not considered so intensive as to create an incompatibility issue in terms of amenity and, in any event and as noted by the EHO, the provisions of Part E of the Building Regulations would cover the necessary sound insulation for a conversion to residential use. This would also apply in respect of the party floor between the new dwelling and the existing which lies above it. Accordingly, in this particular instance, it is not considered necessary to impose additional conditional planning requirements in this respect.

With regards to other potential amenity impacts, as noted above, there are no significant external alterations proposed to the building and as such there would be no increased material impact upon neighbouring residents in terms of light, outlook or privacy.

Taking account of the above factors, it is considered that the development complies with the requirements of Policy DM1 of the adopted Local Plan and the guidance contained within the Council's Quality Places SPD in respect of the matter of residential amenity.

Highway matters:

The site lies within a sustainable location with it being situated to the west of Eastleigh Town Centre which is accessible via a reasonably short walk or cycle ride with direct and well-lit connecting routes available. The Town Centre provides a good range of facilities and public transport links including by bus and train to both local and regional centres (for example, Winchester, Southampton and Portsmouth).

In terms of parking, a 1-bedroom apartment as is proposed to be created through the change of use the subject of this application, requires a single car parking space as stipulated within the Council's recently adopted updated Parking Standards SPD. This is available to the front of the premises. Whilst only a single space would be available for the upper floor unit to the rear and the SPD stipulates that two should be provided based on the size of the property, this would be no different to the current situation (as the space for the ground floor flat is currently used by the commercial premises) and as such, it would be unreasonable to require additional provision. The SPD does also allow for flexibility in terms of parking levels within Eastleigh Town Centre and the surrounding area having regard to its high degree of accessibility as noted above. Accordingly, the level of parking provision proposed for the development is considered to be acceptable in this case.

Taking account of the above factors, the proposals comply with the requirements of Policies DM13 and DM14 of the Local Plan.

Ecology:

Protected species and Biodiversity Net Gain (BNG)

The development proposes the conversion of the ground floor of an existing building, with no external alterations or extensions to be carried out. Accordingly, it is not considered that the development would have any material effect on protected species. It is also exempt from the mandatory BNG requirements as set out within Section 7A of the Town and County Planning Act 1990 (inserted by the Environment Act 2021). Whilst acknowledging that there remains a policy requirement for some degree of BNG to be achieved, in this particular case and given that all works are internal and that the property has no external space (i.e. a garden where planting could be undertaken), it is not considered that it would be reasonable to refuse the application on the grounds of an absence of its provision.

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 European protected Solent Complex (SPA, SAC and Ramsar sites) and New Forest (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. This is through an increase in recreational pressure (in the case of the New Forest sites), as well as from additional nutrient loading generated through leaching from the sewage arising from the new housing in the case of 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 contributions 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 nutrients (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 dwelling 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.

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 planning 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 adopted 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 the 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. 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. It is considered that this application does not raise any equality implications.

Recommendation:

PERMIT ☒

REFUSE ☐