

DELEGATED OFFICER REPORT

Application Ref: F/23/94574

Site Address: 29 TWYFORD ROAD, EASTLEIGH, SO50 4HD

Case Officer: Alex Webb

Description: Change of use from C4 HMO to sui generis HMO for more than 6no, unrelated persons.

Particular Site Constraints?	Yes ☒	No ☐
Nature Conservation - NE - SSSI Impact Risk Zones, HRA Screening Criteria (River, SAC, SPA, Ramsar Hazards/other environmental - Environment Agency Surface Water Flooding (1000-year extent) Aviation safeguarding - Airport Safeguarding Zones AQMA - Extension to Eastleigh AQMA Nutrient Neutrality Catchment - River Itchen SAC, Solent: Includes Chichester and Langstone Harbours SPA/Ramsar, Solent and Southampton Water SPA/Ramsar, Solent Maritime SAC, Portsmouth Harbour SPA/Ramsar Sewers - SW Sewers 2m Buffer		

Planning History?	Yes ☒	No ☐
Z/08071/002/00 – Alterations to shop front to form new entrance doorway - permitted 05/03/1998. Z/08071/001/00 - Change of use of 2 ground floor rooms to Office (A2) – permitted 27/07/1994. Z/08611/003/00 – Erection of side conservatory following demolition of existing - permitted 23/07/2002. F/22/93842 Change of use of 2no. rooms on ground floor from Class E(c)(ii) (previously A2) to C3 dwellinghouse, removal of conservatory and construction of side and rear single storey flat roof extension, construction of side porch, alterations to front ground floor and first floor bay fenestration, block-up side door, removal of rear chimney and installation of new side fenestration at first floor with obscure glazing – Permitted 15/11/2022 H/22/94102 - Temporary permission for retention of 2m boundary fence adjacent to a highway (Retrospective Application) – Temporarily approve 20/01/2023 LDC/22/94252 - Lawful Development Certificate for change of use from Class C3 dwelling to use Class C4 HMO – Certificate Issued 12/01/2023		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☐
Representations:	3 x Objection Letters regarding lack of parking and space in access road		
Boyatt Wood Parish Council:	Object on the grounds this is a new development and there is no allowance for parking of vehicles or secure storage for cycles.		
HCC Highways	No objection to the proposals from a highways perspective. In terms of vehicle parking, it is noted that no spaces are proposed, and EBC will need to take an opinion on this in regard to their Parking Standards, though it is noted that the site is within a close proximity to the town centre as well as various modes of sustainable transport for longer distance journeys. The applicant should however be made aware, that as new converted development, future occupiers will not be entitled to join the Controlled Parking Zone permit scheme, the close proximity to which the site is located.		
Streetscene	No objection		
Pollution	Comment: please advise the applicant to consider how habitable living conditions can be created in this Air Quality Management Area and Noise Important Area. These designations are for adverse air pollution and noise due to road traffic emissions.		

Site Visit:	Yes ☒	No ☐
01/03/2023		

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 and S2; and Development Management policies DM1, DM2, DM11, DM14 and DM30.

Supplementary Planning Documents:

Quality Places; Residential Parking Standards; Character Area Appraisals,

Other guidance:

Amenity & Space Standards for Houses in Multiple Occupation 2021

Assessment:

The application site is located on the west side of Twyford Road, within the urban edge of Eastleigh and the Urban Renaissance Quarter Boundary, designated as a Residential, Office and Community Area. There are residential properties to the north, south and east with an employment site containing several commercial uses to the west.

The application seeks to convert the existing 6 bed HMO to a HMO for more than 6 unrelated persons. There are currently 6 bedrooms and this is to be increased by 4 through internal re-configuration including the provision of an extra double bedroom at first floor level and two additional double bedrooms at ground floor level following the reduction of the kitchen/family room area. This would total 10 double bedrooms and potentially 20 occupants. The communal kitchen/family room available to the future occupiers would measure 26.2 sq. m. No external changes or extensions are proposed. The overall amenity space available to the property measures approx. 113 sq. m. A metal bike store is proposed to provide secure cycle storage.

Principle

The development is within the urban edge where the principle of development is acceptable, as well as being within the Eastleigh Town Renaissance Quarter where more 'people intensive' development is considered appropriate provided all other relevant policies of the adopted Local Plan and supplementary planning guidance are met.

Amenity

Eastleigh Borough Council requires the use of Nationally Described Space Standards (or future equivalent for all new residential development as set out under Local Plan DM30 and also provides Amenity & Space Standards for Houses in Multiple Occupation 2021 based on the standards as set out in the Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018. Whilst each room would have an ensuite bathroom and benefit from reasonable levels of natural light and outlook, the guidance makes it clear that the advisory room sizes "*do not include any en-suite bathroom facilities that may be provided.*" The Nationally Described Space Standards require a double (or twin bedroom) to have a floor area of "*at least 11.5m²*" and the Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018 requires the floor area of any room in the HMO used as sleeping accommodation by two persons aged over 10 years is "*not less than 10.22 square metres*". Therefore, according to the proposed floorplans provided, the 10 double

bedrooms proposed would not provide sufficient floor area in terms of sleeping accommodation for 2 persons contrary to local plan policy DM30.

The shared kitchen size should measure at least 10sq m which would leave 16.2 sq m of additional communal space within the shared kitchen/family room. Given the number of potential occupants, this would give rise to a poor quality and cramped living environment.

The communal external private amenity area would be provided to the rear. There is no specific standard for communal garden space provision for HMOs however the Quality Places SPD states that the amount of communal space provided with flats should be determined by the local context and as a guide, a minimum of 25 sq m/dwelling. In this instance, there are no individual dwellings proposed and the nearest useable recreation space is approx. 237m away and the Town Centre is approx. 500m away. However, again given the number of potential occupants, the proposed shared amenity space provided is not considered to be proportionate to the number of potential users and would not allow for normal domestic activities, such as drying clothes, to be carried out. Due to the insufficient size of the proposed bedrooms, internal communal area and external shared communal garden this proposal could cause material harm to the living conditions of future occupiers of the proposed development in respect of internal space and cramped living conditions contrary to local plan policies DM1, DM30 and the Quality Places SPD.

The proposal would result in an additional 4 double bedrooms which could increase the potential occupiers of the property to 20 occupants. This is considered an undesirable and over-intensive use of the property and would have a harmful impact upon the amenity of neighbouring properties contrary to local plan policy DM1.

The concerns of Environmental Health regarding the potential impact of the designated Air Quality Management Area and Noise Important Area along Twyford Road could be met through the provision of suitably spec'd glazing and mechanical ventilation, to which the applicant would be prepared to meet however, as the application is recommended for refusal, this matter was not pursued any further.

Area Character:

It is acknowledged that the proposal would result in a more intensive use of the building however as no external changes are proposed and the area is mainly residential in character, the development would have no adverse impact upon the general character of the area.

Parking & Highways:

It is unclear where the additional residents are anticipated to park. Whilst the property is within an accessible location and reasonable distance to the public transport network and other facilities, there is a reasonable potential that occupants would own a vehicle for the occasional use. The main concerns raised by neighbours relate to parking issues and no on-site parking provision is proposed and there is no scope for any spaces within the site extents. There are no parking requirements relating specifically to HMOs. As such, the usual residential standards would need to be applied. These require a dwelling of four or more bedrooms to provide a minimum of three parking spaces. While it may be argued the site is in a sustainable location and close to the town centre, it is located in a mainly residential area that already experiences issues with commuter parking, as well as cars from existing dwellings. The proposal would not provide adequate levels of parking no robust evidence has been provided to demonstrate that this would not have an adverse impact on highway safety or traffic management contrary to local plan policy DM14.

Nature Conservation

The very modest nature of that proposed and lack of any external physical alterations to the building is not considered to result in any issues for nature conservation or ecology.

There will be no adverse impact upon trees or other natural features worthy of retention. There are no likely significant impacts on the Solent Maritime Special Area of Conservation (SAC) or New Forest Special Protection Area (SPA), SAC and Ramsar sites as has been confirmed by 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. When considering the impact of climate change, the proposed development is expected to be resilient to the potential effects of climate change and is expected to reduce/limit impacts on climate emissions as a result of the development or its use.

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: The proposed development has been assessed against national and local plan policies and the application is refused for the following reasons:

1. The proposed development could cause material harm to the living conditions of future occupiers of the property in respect of internal space and cramped living conditions contrary to policies DM1 and DM30 of the Eastleigh Borough Local Plan (2016-2036), the Quality Places SPD and the National Planning Policy Framework.
2. Due to the increase the potential occupiers the proposed development is considered an undesirable and over-intensive use of the existing property having a harmful impact

upon the amenity of neighbouring properties contrary to policy DM1 of the Eastleigh Borough Local Plan (2016-2036) and the National Planning Policy Framework.

3. The proposed development fails to provide adequate provision for on-site car parking and would therefore have the potential to adversely affect highway safety and traffic management contrary to Local Plan Policy DM14 of the Eastleigh Borough Local Plan (2016-2036) and the National Planning Policy Framework.

Recommendation:

PERMIT ☐

REFUSE ☒

Comments ...