

DELEGATED OFFICER REPORT

Application Ref: F/23/94920

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 6 No unrelated persons (Resubmission F/23/94574)

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 F/23/94574 - Change of use from C4 HMO to sui generis HMO for more than 6no, unrelated persons – Refused 15/03/2023		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☐
Representations:	5 x objections • three parking spaces an improvement- not sufficient to address concerns • only providing allocated parking to 30% of residents • strain on parking around Twyford Road/access road- area is already busy • antisocial behaviour that often follows HMO' • increase to 10 occupant HMO inappropriate for the location of the building. • no consideration for the local residents or local area. • retrospective application.		
Parish Council:	Objection - this application was objected to at the February 2023 meeting (Minute 108/22 refers) the objection has not been addressed. There is concern that the development continues regardless of objections. Contrary to Eastleigh Borough Local Plan, the living accommodation is insufficient for the number of individuals resident in		

	the property. Policies DM1 and DM30 refer. Contrary to Eastleigh Borough Local Plan the parking and cycling provisions are inadequate. Policy DM14 refers.
HCC	No objection to the proposals from a highways perspective. In terms of vehicle parking, it is noted that only 3 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 Case Officer may also wish to look to increase the cycle parking provision, given that only 4 secure cycle parking spaces are proposed for the 10 HMO rooms.
HMO licensing/housing standards	• All bedrooms are larger than 6.51m² but all are only suitable to be occupied by 1 single adult so a maximum of 10 persons in 10 households should be considered. • All bedrooms are proposed to have their own en-suite which means there would be considered sufficient bathroom facilities for the number of occupants. • The kitchen/diner as the communal space provision looks in pure space terms to be ok with the minimum 10m² of dedicated kitchen leaving a remaining dining/communal area of over 15m² • The stacking in the design of rooms/amenities is not appropriate in some places and would likely lead to significant noise nuisance as a result. It would be my recommendation for either reduction in numbers/re-design of layout to address the above points or if it is not possible to achieve like for like stacking of amenities in all parts to attach condition to require higher level of sound insulation be installed to the areas that were unable to be addressed through design. • Bedrooms 3 & 5 of proposed layout have only window/ventilation through a skylight. While this will allow some degree of natural light and (provided they are openable) ventilation, it does not allow for reasonable view of the immediate surroundings. This is specifically identified in the HHSRS operating guidance as a relevant matter affecting likelihood of harm in terms of mental wellbeing which residents of HMOs are already known to be at higher risk of suffering from. • There was insufficient detail in the documents submitted to categorically confirm the kitchen facilities intended would be sufficient for number of proposed occupants. • There was insufficient detail in the documents submitted to determine if sufficient fire detection and protection measures would be in place.
Pollution	The dwellings locate in an Air Quality Management Area and Noise Important Area. These designations are for adverse air pollution and noise due to road traffic emissions. It is not clear whether the dwelling rooms with fenestration are new. This might influence your consideration on whether air quality and noise impact are material consideration in the suitability of the use of this land / existing dwelling for HMO purpose. Given the very high façade noise levels, and levels of air pollution a scheme should be put together to show how it would mitigate noise, and ventilate the building without drawing air in from the Twyford Road facade? Given its location on the junction of Shakespeare and

	Twyford Roads the northern facade is also noisy, so no potential for a relatively quiet façade, to offset the noisy ones. In terms of layout, it should be shown how it has been designed to minimise noise impact both external and internal (including noise from the ventilation system), and thereby maximise amenity. From a noise nuisance perspective, the stacking described is problematic and the kind of arrangement that gives rise to noise complaints, so in our view not good amenity. If they can demonstrate that some stacking is unavoidable, then a condition would be recommended.

Site Visit:	Yes ☒	No ☐

Policy:
National Planning Policy Framework Planning Practice Guidance Development Plan: The <u>Eastleigh Borough Local Plan 2016-2036</u> The most relevant policies are Strategic policies S1 and S2; and Development Management policies DM1, DM2, DM8, 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. 29 Twyford Road is an end-of-terrace, two storey, residential property with the majority of the amenity provision to the rear. According to Council records, the neighbouring attached dwelling no. 27 is not in use as a HMO. The property is currently in the process of being refurbished. The revised application seeks to convert the property to a HMO for more than 6 unrelated persons. A certificate of lawful use LDC/22/94252 has been obtained for the change of use to a Class C4 HMO use however, the property is not yet in use as a HMO. There are currently 6 bedrooms and the proposal seeks to increase the number of bedrooms by 4 through internal re-configuration including the provision of an extra single bedroom at first floor level and two additional single bedrooms at ground floor level following the reduction of the kitchen/family room area. This would total 10 single bedrooms, limiting the property to 10 occupants. The communal kitchen/family room available to the future occupiers would measure 26.2 sq. m. No external changes or extensions are proposed. To the rear, 3 on-site parking spaces are proposed and a shared communal amenity area measuring approx. 31 sq. m. A metal bike store is proposed to provide secure cycle storage and an area for bin storage to the north of the parking spaces. There is also an area to the front of the property which has been

proposed as amenity space, however given this is surrounded by a low wall and is covered in hard standing, it is not considered to be usable.

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. By reducing the occupancy to 10 single occupants the size of the proposed bedroom would meet these requirements in accordance with 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 would be 10, this would provide an acceptable 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. The Quality Places SPD provides guidance on the amount of communal space that should be provided for flats and states that this should be determined by the local context and as a guide, a minimum of 25 sq m/dwelling. In this instance however, no flats or individual dwellings proposed, the nearest useable recreation space is approx. 237m away and the town centre is approx. 500m away. It cannot therefore be classed as being 'directly adjacent' to a recreational space. There is not enough quality private amenity space proposed to serve up to 10 residents as it would not allow for normal domestic activities, such as drying clothes, to be carried out. The development would therefore result in inadequate living conditions for the future occupants of the proposal due to the overdevelopment of the site contrary to local plan policy DM1 and the Quality Places SPD.

Noise and Disturbance

Local plan policy DM8 (pollution) states that development will not be permitted if it is likely to cause loss of amenity or impact on public health or other unacceptable environmental impacts through noise or vibration.

The bedrooms immediately adjacent to and above the communal facilities (bedrooms 5 and 10) would be affected by the increased activity and the future occupants are likely to be affected by the noise levels generated from the communal areas. Further sound proofing of those rooms was therefore requested. Whilst mitigation measures have been considered, there are also concerns in respect of the impact of the proposed intensification of use of the building to form a 10 person HMO in close proximity to neighbouring properties. The proposal would result in noise and disturbance due to the intensification of the use and the increase in comings and goings from the property which would go beyond what is reasonably expected in an established residential area, to the detriment of the amenities of neighbouring properties.

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:

This revised proposal would provide for 3 on-site allocated parking spaces and a secure cycle store for up to 4 bikes. There are no parking requirements relating specifically to HMOs. As such, the usual residential standards would need to be applied and as the property is a 4+ bed dwelling the proposal would meet the requirement for 3 individual/'on-plot' allocation as set out in the Residential Parking Standards SPD (2009). The property is also within an accessible location and reasonable distance to the public transport network and other facilities. The proposal would therefore provide adequate levels of parking and long-term cycle storage provision in accordance with 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 intensification of the use of the building would result in inadequate living conditions for the number of future occupants due to the overdevelopment of the site and lack of useable communal amenity space provision contrary to policy DM1 of the Eastleigh Borough Local Plan (2016-2036), the Quality Places SPD and the National Planning Policy Framework.
2. Due to the layout and number of potential occupiers the proposed development would have a significant an impact on amenity of future occupants and neighbouring properties due to noise and disturbance contrary to policy DM8 of the Eastleigh Borough Local Plan (2016-2036) and the National Planning Policy Framework.

Recommendation:

PERMIT ☐

REFUSE ☒

Comments ...