

DELEGATED OFFICER REPORT

Application Ref: F/23/95681

Site Address: 46 Twyford Road, Eastleigh

Case Officer: Summer Sharpe

Description: Erection of two-storey block of 3 x 1 bedroom apartments.

Particular Site Constraints?	Yes ☒	No ☐
• Within urban edge • Nature Conservation; SAC, SPA, Ramsar • Air Quality Management Area • Airport Safeguarding • Sewers 2m buffer		

Planning History?	Yes ☒	No ☐
Planning App no.	Proposal	Decision
F/21/91612	Change of use from an HMO property to 6no. one bedroom flats.	Permission (January 2022)
Z/32805/002/00	First floor rear extension to create flat.	Approved (July 1999)

It is also noted that the plot to the south of the application site received the following planning permission:

F/20/89336	Demolition of existing buildings and construction of two semi-detached dwellings.	Permission (February 2021)
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Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	<u>4no. Objections summarised as follows:</u> (a) lack of parking, (b) concern about lorry and delivery vehicle access during construction, (c) impact upon road surfacing, (d) concern about access for emergency vehicles to access the rear of neighbouring properties, (e) materials (cream render) is not in-keeping, (f) overlooking/ loss of privacy to rear gardens, (g) blocking of sunlight to properties, (h) obstruction of right of way, (i) concern of additional noise, and (j) concern about siting of development and access.		
Parish Council:	None received.		
EBC Environmental Health:	In this location, road traffic noise from Twyford Road is attenuated by the front-line dwellings. And to the rear, a high noise barrier fence beside the railway attenuates noise from trains and industrial and commercial premises beyond, and two storey dwellings between the fence and the application site. Accordingly, we consider there is low risk of noise impact which is controllable by standard insulated glazing units and trickle ventilation.		
EBC Ecology:	<u>Comments 18 September 2023 (following the receipt of additional information):</u> All previous concerns have been addressed and the mitigation and biodiversity enhancement recommendations in the report are now appropriate for this site. <u>Comments 11 September 2023:</u> Although no evidence of bats was found during the preliminary bat roost assessment or the emergence survey,		

	bats were seen foraging to the north of the site and there are numerous records of bats in the area. An informative was requested to be imposed in relation to bats and biodiversity enhancements.
HCC Highways:	No objection from a highways perspective. Access in and out of the site requires no change to the highway, with the vehicle and pedestrian access achievable via Mill Street, and pedestrian movement also achievable to Twyford Road via a footway link to the northern boundary of the development site. This is acceptable, with onwards pedestrian links leading to Eastleigh Town Centre and its associated offerings, as well as the train and bus stations that are both within an achievable walking distance. It is noted that no vehicle parking spaces have been provided on site, and as Local Parking Authority, Eastleigh Officers may wish to take a view on this, ensuring that the local parking standards are adhered to. The applicant has however submitted a parking stress survey of the local area which would suggested that spare on-street capacity exists that could accommodate the additional level of parking that could be anticipated to be generated by these development proposals. Whilst there was a certain level of parking included within the survey, the utilisation of which would not be welcomed (Twyford Road east), the survey results continue to show spare capacity. Whilst at some point, if development continues to come forward in the area, capacity will eventually be reached, at this point in time it appears that there is spare parking capacity for this specific development proposal.
Natural England:	Further information required.
Southern Water:	None received.

Policy:

National Planning Policy Framework

National Planning Practice Guidance

Development Plan:

Eastleigh Borough Local Plan 2016-2036

Policies: S1 (delivering sustainable development), S2 (approach to development), S3 (location of new housing), DM1 (General development), DM2 (environmentally sustainable development), DM3 (climate change), DM4 (zero or low carbon energy), DM6 (surface water management), DM8 (pollution), DM11 (nature conservation), DM13 (transport), DM14 (parking), DM23 (residential development within urban areas), DM24 (creating a mix of housing), DM30 (internal space standards), DM38 (funding infrastructure), and E4 (Urban Renaissance Quarter Boundary).

Supplementary Planning Documents:

Quality Places; Residential Parking Standards; Eastleigh Character Area Appraisal.

Site Visit	Yes ☒	No ☐
14 September 2023.		

Assessment:

Site & Surroundings

The application site relates to the land at the rear of no.46 Twyford Road. At present there is currently a garage and parking provisions in situ, which serve no.46. To the rear of the application site is Mount View, which provides access to the rear of properties fronting Twyford Road and is also bound by rear gardens of properties off Ashton Gardens.

The surrounding area is predominantly residential with an array of types, styles, ages and size of dwellings.

Proposal

The application proposes the erection of a two-storey block of 3 x 1 bedroom apartments. The proposed building would be situated to the rear of no.46 Twyford Road within its existing external amenity and parking area.

The proposed building would have an external footprint measuring approx. 104m², which would be rectangular for the two-storey part, and then the single storey element would adjoin this at a 'dog-leg' angle, projecting further south than the two-storey part. The proposal would have an array of roof heights and forms. The highest two-storey element would measure approx. 7.9m (fronting Mount View), this would then be set down to a 6.5m height, reducing again to the single storey element which would range between 4.8m-5.2m, with the lowest element being the one that fronts the external amenity area. The building is proposed to be finished in cream render. Limited information with regard to other materials and boundary treatment has been provided.

Principle

The application site falls within the urban edge, whereby the general principle of residential development is considered to be acceptable. The site also falls within Policy E4, the 'urban renaissance quarter'. Part 1 of this policy encourages *well-design, people-intensive development* within Eastleigh Town Centre. Therefore, in principle there is general support for this type of development, however would also be subject to the following considerations set out within this report.

Paragraph 11 of the NPPF relates to the presumption in favour of sustainable development, with sub-paragraph d) ii) relating to the decision-taking process, noting that permission should be granted unless *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole*. Paragraph 14 elaborates on this stating that where the application involves the provision of housing, the adverse impact of allowing development would be assessed against the criteria laid out (a-d).

The Council also has an ongoing responsibility to ensure that there is a continuous 5 year supply of housing. The government has consulted on changing the requirements for having to demonstrate land supply and as such, it is not proposed to update the position until the NPPF is revised. The last published figure was 5.1 years in July 2022 and the current local plan is very recent, having only been adopted in April 2022.

To conclude, the proposal would provide for additional residential development within the urban edge, an area which is acknowledged to be a sustainable location, this contribution would be modest in the form of 3no. flats.

Design

Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) stipulates that all new development should respect the character and appearance of urban areas, take full and proper account of the context of the site including the character, appearance and land

uses of the locality or neighbouring, and be compatible in terms of mass, scale, layout density, design and siting.

The application proposes a detached building with a combination of heights and roof forms situated within the rear curtilage of 46 Twyford Road. The wider surroundings comprise residential properties; Mount View is characterised by two-storey terraced properties, Twyford Road is characterised by two-storey properties some terraced, some semi-detached, and Ashton Gardens is characterised by new development of a combination of properties, predominantly two-storey in nature. It is noted that the plot to the south of the application site received permission for 2no. three-storey dwellings, however this has not yet been implemented and therefore does not form part of the sites characteristics. Further, it is noted that the site of the proposed development is relatively tight and constrained.

In terms of design, the eastern elevation fronting Mount View is considered fairly modest, not dissimilar to the existing dwellings along this road. However, as a result of the corner plot siting, the proposals would be readily visible from public vantage points. The northern elevation would also front Mount View. This elevation has not been well considered. There are a combination of roof forms and heights, reducing to single storey in a clumsy manner. The fenestration would be in line at ground and first floor level, however the layout on the elevation is not well positioned. The proposals are therefore not considered to represent a good design solution to the redevelopment of the plot but are not considered to be so harmful to adversely affect the character and surroundings to justify refusing on these grounds alone.

Turning to materials, the proposals would be finished in cream render, however limited information has been provided with regard to fenestration, rainwater goods and boundary treatment etc. Had the proposals have been acceptable in all other regards additional information could have been sought or conditions imposed.

Whilst not ideal, ultimately, the proposals are not considered to have an adversely harmful impact upon the immediate surroundings in terms of design and would therefore not warrant reason for refusal in this regard.

Internal & External Amenity for Future Occupiers

To ensure adequate internal living standards are met the Local Planning Authority assess the measurements of space against the 'Nationally Described Space Standards' (NDSS) (March 2015). Policy DM30 of the Eastleigh Borough Local Plan (2016-2036) requires that all new dwellings meet the NDSS as a minimum.

The NDSS sets out the minimum space required for new dwellinghouses, this is dependent upon the number of bedrooms, people who would reside there and storeys. There are also standards relating to sizes of bedrooms; a single occupancy bedroom should measure 7.5m², and a double occupancy bedroom should measure 11.5m².

The application proposes 3no. 1bedroom flats, whereby the NDSS requires between 39m² – 50m², however, this can be reduced to 37m², where there is a 'shower-room' in lieu of a bathroom. All 3no. units would just meet the 37m² minimum. All bedrooms would also meet the 7.5m² as a minimum. Further from the submitted floor plans and elevations, it appears that each habitable room would be served by a window, however the quality of outlook would be questioned, as the windows would all face north onto existing hard-standing, and rear amenity areas.

Turning to external amenity area, proposed Site Plan SL01 Rev B shows there to be some communal amenity space, which would also be shared with 46 Twyford Road (which received permission to be converted from a 6no. bed HMO to 6no. individual flats). The Council's Quality Places SPD sets out that there should be a minimum of 25m² per flat for

communal areas. This would equate to 225m² (6no. flats + 3no. proposed flats). The proposed development would provide approx. 70m² useable external amenity space for both existing and future occupiers to share. The Quality Places SPD also notes that the amenity space should be useable, have some privacy, and robust boundary treatment, as well as being allocated proportionately to the building to make the space comfortable and not over-dominated by the mass of the building.

As part of the previous application which approved the 6no. flats at no.46, it was concluded that there was a *good size shared external private amenity area available to the rear, together with secure bin and cycle storage within an existing double garage*. The proposals within this application would not only reduce the existing external amenity, being situated in the same location as the existing garage, but would also increase the amount of occupiers and users of the external amenity space. The external amenity space would measure approx. 70m², less than a third of the space required within the Quality Places SPD. Further to the proposed plans not providing the specified amount of external amenity area, they also do not show a convivial layout, which would be useable for all existing and future occupiers, and therefore would be in complete conflict with the aims and objectives of the Quality Places SPD.

The council's Environmental Health Officer has also been consulted with regard to noise. They concluded that the application site was sandwiched between existing development which would sufficiently mitigate any need for additional noise mitigating measures.

To conclude, the proposals are considered to be acceptable in terms of internal living conditions for future occupiers, however the external amenity would be substandard worsening the existing arrangement to a harmful extent, this would therefore warrant reason for refusal.

Impact upon Neighbouring Amenities

Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) amongst other matters, stipulates that all new development should not have an unacceptable impact upon residential amenities of both new and existing residents.

Previously, planning application F/21/91612 permitted the change of use of 46 Twyford Road from a 6no. bed HMO into 6no. separate flats. It was previously concluded that there would be no net increase in the amount of occupiers and would therefore be acceptable. Further, there were no significant external alterations. However, this application proposes the erection of a new building, with a combination of two-storey and single storey elements, as well as increasing the amount of occupiers on this specific site (by 3).

The proposed built form is considered to have an impact upon the amenities of the residents of the flats at 46 Twyford Road to the west of the development, by way of its size and scale, within close proximity, the impact upon the outlook of existing windows of no.46 and by reducing the existing external amenity area.

The proposal would be situated to the east of no.46 allowing for limited external amenity area between the existing building and proposed development. The distance at the closest point would measure 13.6m, this would be from the two-storey outshot of no.46 to the proposed single storey element of the proposed development. As a result of this siting and close proximity the outlook of windows of no.46 would be impacted, as they predominantly serve habitable rooms.

Further, the proposals would reduce the external amenity area to a harmful extent as set out above. The limited external amenity space is considered to adversely affect the existing occupiers of no.46 and future occupiers of the proposed development.

As noted within the history section of this report, there is permission for 2no. residential

units to the south of the application site. From a site visit it was noted that these were not in situ, therefore a formal assessment of the impact of the proposals upon their amenity cannot be undertaken.

To conclude, the proposals are not considered to be neighbourly in terms of their size and scale, however this alone would not warrant reason for refusal. However, the siting would result in the loss of existing external amenity which would worsen the existing arrangement to a harmful extent, this would therefore warrant a reason for refusal.

Highway Safety & Parking

Policy DM13 of the Eastleigh Borough Local Plan (2016-2036) requires that development is or could be well served by public transport, cycling and walking and it includes measures which minimise its impact on the existing highway network. Policy DM14 of the same Plan requires that an appropriate level of car parking be provided in accordance with the Council's adopted standards. The policy provisions are consistent with the requirements of the NPPF and in particular those of paragraphs 107 and 108.

Due to the nature of the proposals, the Local Highway Authority (LHA) have been consulted. They raised no objection from a highways perspective, noting access in and out of the site would result in no change to the highway.

Turning to parking provisions, as a starting point the Council's Residential Parking Standards SPD sets out that for 1no. bedroom dwelling there is the requirement to provide 1no. off-street parking provision. Within the LHAs comments, they noted that no vehicle parking is provided on site and EBC as the parking authority would need to review. They did, however, note that the applicant submitted a stress survey of the local area which appears to suggest that spare on-street capacity exists. They noted the survey was roughly in accordance with the 'Lambeth Test', but did include the utilisation of Twyford Road east which would not be welcomed.

Parking matters were also previously assessed as part of planning application F/21/91612. This application proposed 3no. parking spaces to the rear of the building in a tandem formation, (as well as a garage which was proposed to store bicycles and bins). This vehicular parking arrangement did not conform to the Council's requirements in terms of number of spaces required or in the method of parking, given tandem spaces would not usually be considered appropriate to serve individual flats. However, it was noted that the site is within reasonable proximity to the town centre and facilities it contains meaning a lower than standard number of spaces could be accepted. Further, the nature of use/future occupiers (persons being supported by charity) suggested there would be a high degree of control in how the site is managed, and therefore was accepted as an exceptional circumstance.

This application proposes the addition of 3no. new 1bedroom apartments, thus resulting in an additional need for 3no. off-street parking spaces in accordance with the adopted parking standards. However, as a result of the siting, the proposals would remove the existing substandard parking provisions. This would result in a (minimum) shortfall of 6no. parking provisions. Whilst it was previously acknowledged that the parking provisions could be reduced because of the proximity to the town centre, not providing any parking provisions for new development and removing existing parking provisions would worsen the existing arrangement and would not be acceptable. Whilst it is noted within the Design and Access Statement that '*Fledge occupants do not require vehicle parking*', no additional information has been submitted to support/ justify this and its unreasonable to require a restriction on occupations to reflect this arrangement.

From the site layout plan there would be sufficient provision of cycle and bin storage.

To conclude, the lack of vehicular parking provisions would warrant reason for refusal.

Ecology

Policy DM11 of the Eastleigh Borough Local Plan (2016-2036) stipulates that the Borough Council will work with statutory and voluntary agencies and developers to; protect, conserve and enhance areas subject to international, national and local nature conservation designations, and promote the net gain of biodiversity on all sites through the protection, enhancement and connection of existing provisions and new habitats and features compatible with the native biodiversity characteristics of the Borough.

Following the receipt of additional information, the Council's Ecologist raised no objection, and also noted that they would be agreeable to the mitigation and biodiversity enhancements recommended with the report.

Drainage

Policies DM3 and DM6 of the Eastleigh Borough Local Plan (2016-2036) stipulate that new development must provide sustainable drainage systems (SuDs) wherever feasible, naturalised filtration should also be included.

It is likely that a surface water drainage plan would have been required. Had the proposals have been acceptable in all other regards additional information could have been requested or the information secured via condition.

Sustainability

Policy DM2 of the Eastleigh Borough Local Plan (2016-2036) requires new development to provide a 19% improvement in predicted carbon emissions, and water consumption standards of 110L per person per day.

Other than being situated within a suitable location, the proposals do not provide any sustainability measures. It should be noted, however, that had the proposals have been acceptable in other regards, these requirements would have been secured via condition.

SPA Mitigations

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 upon any European protected sites, and specifically in this case, the European protected Solent Complex (SPA, SAC and Ramsar sites), River Itchen (SAC) and New Forest National Park (SPA, SAC and Ramsar sites). It is recognised that the addition of residential development would have an adverse impact upon the surrounding designated European protected sites. In this instance, given that the proposal was unacceptable in other regards no Appropriate Assessment has been undertaken, however an assessment of the impact has been completed below.

The Solent & Southampton Water Special Protection Area is an internationally designated conservation site and is protected for its overwintering birds. It is recognised that new house building (within a 5.6km buffer of the designated area) is placing increased pressure on these overwintering birds from more people visiting the coastline. As such the Council requires all housing developments within the buffer to make a financial contribution towards the Solent Recreation Mitigation Strategy, which aims to limit recreational disturbance to our coastline through careful management. The application site does not appear to fall within this zone.

In terms of water quality, Natural England have advised that new housing development should achieve nutrient neutrality in order to mitigate the impacts of additional nitrogen arising from the sewage generated by the future residents. This wastewater then feeds into the Solent Complex via Waste Water Treatment Works, which discharges into the

river network and so causes eutrophication affecting the features for which it is designated. The Council has adopted its own strategy for achieving nutrient neutrality whereby it identifies areas of agricultural land and remove these from a nitrate intensive use, thus reducing the nitrogen input into the protected sites, with the level of reduction then being used as a means of offsetting the impacts of development proposals within the Borough. This ensures no overall net increase in nitrates within the Solent and thereby allow a development to achieve nutrient neutrality. In order to do this, the Council calculates the level of nitrate mitigation this land provides (measured in kg) and makes 'nitrate credits' available to developers to buy, with funding being secured during the planning application.

In addition to the above, Natural England have also highlighted that residential development within a certain catchment of the River Itchen (SAC) can result in phosphate loading resulting from additional sewage generated from future residents. The Council also has 'phosphate credits' available to offset this impact. No mitigations have been provided or secured as part of this application.

Furthermore, Natural England has also raised concern with regard to additional residential development within 13.8km radius of the New Forest. This is considered to have an adverse impact upon the New Forest by way of additional trips resulting in further recreational disturbance. No mitigation to offset this impact has been provided.

The Local Planning Authority acknowledge that these matters could be overcome, subject to the correct monies and mitigations being implemented. However, the proposal was not considered acceptable in other regards, therefore this was not sought. As it stands the application does not provide the required mitigations to offset the adverse impact upon the protected areas and therefore these matters would contribute towards a reason for refusal.

Equalities Act:

Section 149 of the Equalities Act 2021 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.

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 and development 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 Local Plan sets a target for 14,580 dwellings to be provided by 2036. The NPPF and 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 limit impacts on climate emissions as a result of the development or its use.

Conclusion:

Reasons for Refusal:

- 1) The proposed development fails to provide an appropriate standard of external amenity space for both existing occupiers of no.46 Twyford Road and future occupiers of the proposed development, contrary to Policy DM1 of the Eastleigh Borough Local Plan (2016-2036), the Council's Quality Places SPD (2011), and the provisions of the NPPF (2023).
- 2) The proposed development, due to its siting would result in the unacceptable loss of the 3no. existing (substandard) parking spaces required for no.46 Twyford Road and would not provide any parking spaces to serve itself. Thus, would fail to provide adequate provisions for on-site car parking contrary to Policies DM1, and DM14 of the Eastleigh Borough Local Plan (2016-2036), the Council's Residential Parking Standards SPD (2009) and the provisions of the NPPF (2023).
- 3) The application fails to provide the required mitigation to offset the impacts of the development upon the European protected Solent Complex (SPA, SAC and Ramsar sites), River Itchen (SAC) and New Forest National Park (SPA, SAC and Ramsar sites) from additional recreational pressure and nitrogen and phosphate loading generated by the population increase and additional sewage resulting from the development. The proposal is therefore contrary to the requirements of Policy DM11 of the Eastleigh Borough Local Plan 2016-2036, the provisions of the NPPF (2021) and the Conservation of Habitats and Species Regulations 2017.

Recommendation:

PERMIT ☐

REFUSE ☒