

DELEGATED OFFICER REPORT:

Application Ref: F/23/95786

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

Case Officer: Clare Martin

Description: Change of use from C4 HMO to HMO for more than 6 unrelated persons (8 bedrooms)

Particular Site Constraints?	Yes ☒	No ☐
Within Urban Edge Within Eastleigh Urban Renaissance Quarter Within Air Quality Management Area		

Planning History?	Yes ☒	No ☐
F/22/93842 - Change of use of 2no. rooms on ground floor from Class E(c)(ii) (previously A2) to C3 dwellinghouse including single storey side and rear extensions and external alterations – Permitted (Nov 22) H/22/94102 - Temporary permission for retention of 2m boundary fence adjacent to a highway (Retrospective Application) – Permitted (Jan 23) LDC/22/94252 – Lawful Development Certificate for change of use from Class C3 dwelling to use Class C4 HMO – Issued (Jan 23) F/23/94574 – Change of use from C4 HMO to sui generis HMO for more than 6no, unrelated persons – Refused (Mar 23) F/23/94920 – Change of use from C4 HMO to Sui Generis HMO for more than 6 No unrelated persons Resubmission F/23/94574 – Refused (May 23)		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☐
Representations: (summarised)	<u>5 letters of objection (13, 21, 25, 27 & 57 Twyford Road)</u> • Lack of car parking of on site car parking leading to additional pressure for limited on road parking. • Additional traffic generation. • Overcrowding, noise and decreased living standards of residents and neighbours • New residents parking would block Shakespeare Road exit from shared rear access road causing a safety hazard. • Inconsiderate builders working at the property. • Conversion work taking place without permission. • Motivated by greed of the developer <u>Local Planning Authority Response</u> • Comments regarding the car parking, traffic, amount of development, quality of living accommodation and impact on neighbours is considered within the assessment section.		

	- It is understood that the current conversion work at the property is part of the approved certificate of lawfulness and it is not reasonable to place restrictions on the building process for work that can be completed under permitted development. - The motivation of the developer is not a material planning consideration.
Transport Officer (HCC):	No Objection In terms of vehicle parking, it is noted that only 2 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 8 HMO rooms. 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.
Environmental Health Officer:	<u>Noise</u> Regarding noise impact from Twyford which is adversely significant (a designated Noise Important Area), we prefer to see all dwellings adequately insulated and alternative means of ventilation provided to opening windows from habitable rooms.
Housing Licencing Officer:	<u>No Objection</u> The proposed layout for the additional bedrooms to bring up to 8 looks to be sufficient in provision of amenities and the layout has appropriate stacking with like for like uses above each other for the most part. The bedrooms all look to be above the minimum size of 6.51m² and all are considered suitable to occupied by single adult. The communal area provision within the dwelling looks to be adequate size and layout for the number of proposed persons and there are no concerns identified from layout of the bedrooms in terms of means of escape (though it may be worth noting it is likely that emergency lighting may well be required on first floor communal areas due to likely insufficient borrowed light). It has been noted specialist sound insulation provision has been detailed in the application.
Parish Council:	The amendment to the planning application does not address the concerns previously raised regarding overdevelopment of the property and lack of parking/cycle provision. The original objections stand in that 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 local plan policies DM1 and DM30 of the Eastleigh Borough Local Plan (2016-2036), the Quality Places SPD and the National Planning Policy Framework. 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 Local Plan Policy DM1 of the

	Eastleigh Borough Local Plan (2016-2036) and the National Planning Policy Framework.
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Site Visit:	Yes ☒	No ☐
Details: 13/9/23		

Pre-commencement Conditions:	Yes ☐	No ☒
Details:		

Legislation:
Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:- <i>"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."</i>

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 (sustainable development) and S2 (approach to new development); Development Management policies DM1(general development), DM2(environmentally sustainable development), DM11(nature conservation), DM14 (residential parking standards) & DM30 (internal space standards) and Area Policy E4 (urban renaissance quarter). Supplementary Planning Documents: Quality Places; Residential Parking Standards; Character Area Appraisals.

Proposal and Planning History:
The site benefits from a previous permission for single storey side and rear extensions, which is currently being built at the property (F/22/93842). It also benefits from a certificate of lawfulness, which confirms that the use of the property as a 6-person HMO can be completed under permitted development (LDC/22/94252). The Applicant is now looking to turn the property into an HMO for more than 6 people, which requires new planning permission. <u>First application for a 10 bedroomed HMO (F/23/94574)</u> The first application was to create an additional four bedrooms at the property, meaning it would become a 10 bedroomed HMO. Each bedroom was a double and so potentially taking the occupation of the property up to twenty people. The extra bedrooms were created by removing the separate dining room, reducing the size of the kitchen/ family room (to 26.6m² floor area) and splitting the front first floor bedroom into two. The proposal also included a garden with cycle storage to the rear, but no car parking. The application was refused due to the insufficient size of the living accommodation and external amenity space, which would have a detrimental impact on the living conditions of future occupiers and the lack of one site car parking. It was also refused as the number of

potential occupiers would result in an over intensive use of the site, causing significant disturbance to the amenity of neighbouring residents.

Second application for a 10 bedroomed HMO (F/23/94920)

The second application used the same layout as the previous application, only all the bedrooms were reduced to single occupancy rooms and so limiting the number of occupiers to a maximum of ten people. The size of the single bedrooms and communal living area now met the required standard for the reduced numbers of occupiers. However, the amended proposal introduced three on site car parking spaces, which resulted in the size of the rear garden being reduced to just 31m². The size of the amenity space was considered insufficient to meet the needs of the 10 residents and so the application was refused on inadequate living conditions. It was also considered that the impact of noise and disturbance from ten people living at the property would go beyond what is reasonably expected for a single dwelling within an established residential area and would have a detrimental impact upon the adjoining residential properties.

Current Proposal for an 8 bedroomed HMO

The proposal has been amended to create two additional bedrooms (rather than four), taking the property up to an eight bedroomed HMO. All of the bedrooms are single occupancy and so the property could potentially accommodate up to eight people. The proposal has reinstated a separate dining room, created a new separate lounge and maintained the kitchen/ family room. At the rear the garden has been extended to 53m² and now includes washing lines and cycle storage. This has been achieved by taking the on-site car parking provision down from three to two spaces.

Character of the site and the locality:

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 amenity provision to the rear. According to Council records, the neighbouring attached dwelling no. 27 is not in use as an HMO. The property is currently in the process of being refurbished.

Assessment:

Principle

The site 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.

Living Accommodation:

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 amount of accommodation to 8 single occupancy rooms, the proposed bedroom sizes would meet the relevant standards 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. On top of this the

proposal has introduced a separate dining room, lounge and store. Given the number of potential occupants would be 8, this would provide an acceptable living environment. It is noted that the Housing Licencing team have raised no objection to the proposed living accommodation.

Private Amenity Space:

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.

Under the current application the private amenity space measures 53m², about the size necessary for two flats, and has been increased by over a third since the previous refused scheme. While the rear garden is still small for eight residents, it is nevertheless of a sufficient size to allow for normal domestic activities, such as siting outside or drying washing.

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 property fronts Twyford Road, which is one of the main approaches into Eastleigh, and the front ground floor and first floor bedrooms would be impacted by noise and air pollution from traffic. To resolve this issue all bedrooms facing roads will be fitted with an acoustic filter vent to provide fresh air and reduce noise and pollution levels. While it is noted that the Environmental Health Officer would prefer an alternative means of ventilation to opening windows, it is not considered reasonable to insist upon mechanical ventilation for an existing residential property that could already be used by either a large family or six resident HMO without needing permission.

Replacement double glazed windows will be installed. All walls and ceilings will be fitted with sound insulation, the details of which have been provided within the submission. As well as reducing external noise the insulation will reduce noise transmission between the communal facilities and the bedrooms immediately adjacent to and above these. Furthermore, the total number of residents living within the property has been reduced to 8 and they are likely to be spread out over the separate dinning room, kitchen and lounge therefore reducing noise within any one area.

While eight residents would be a slightly larger number of people than typically expected with a residential property of this size, it is not considered out of character with the surrounding area. The proposed two additional bedrooms, (and associated increase in comings and goings from the property) would not go significantly beyond what is reasonably expected in an established residential area and are unlikely to have an unacceptable impact upon the amenities of neighbouring residents.

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 2 on-site allocated parking spaces and a secure cycle store for up to 4 cycles. There are no parking requirements relating specifically to HMOs. As such, the Council's residential standards would usually 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). However, in this case the property is within a very accessible location, close to Eastleigh town centre with a range of public transport options and other facilities. On balance the provision of two car parking spaces for the development is considered acceptable, and secure cycle storage is also provided at the property. No objection has been raised by the Transport Officer to the position of the parking spaces or impact on the highway network.

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.

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 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 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.

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, Saved, Policies S1, DM2 and DM3 of the Adopted 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.

Conclusion:

Recommendation:

PERMIT



REFUSE



Comments ...