

DELEGATED OFFICER REPORT:**Application Ref:** F/24/97387**Site Address:** 4 BISHOPSTOKE ROAD, EASTLEIGH, SO50 6AE**Case Officer:** Clare Martin

Description: Change of Use from C3 to Sui Generis 7 Bedroom / 7 Person HMO.
Proposal also includes rear extension and L shaped rear dormer window allowed under permitted development (certificate of lawfulness LDC/24/97041)

Particular Site Constraints?	Yes ☒	No ☐
• Within urban edge • Within Southampton Airport public safety zone • Extension to Eastleigh air quality management area		

Planning History?	Yes ☒	No ☐
• LDC/24/97041 - Certificate of Lawfulness for Proposed Use or Development: Rear Extension and L Shaped Dormer Extension and Change of Use from C3 (Dwellinghouse) to C4 (Small HMO) – Certificate issued (April 2024) • F/19/84941 - Conversion of existing three bed end of terrace dwelling into 2no. two bedroom flats – Permitted (May 2019)		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☐
Representations:	None		
Environmental Health (amenity):	<u>No objection</u> subject to pre-commencement acoustic assessment condition <u>Noise from industrial site</u> In respect of the potential impact due to noise generated from the neighbouring industrial site in Barton Park; residential use located adjacent to industrial uses it a poor relationship that does pose risks to amenity due to the generation of industrial noise. However, the proposed use is no more sensitive than the extant use in this regard. Further, I have checked the EH database under the address descriptor; 'Barton Park', and can see no historical noise complaints listed to that address. Consequently, I have no comment to make on this aspect. <u>Road noise</u> The front façade of the building is located about 5 metres from the busy B3037 Bishopstoke Road. Bedrooms are shown located at the front of the building. Sound penetration through the fenestration is likely to pose risks that the Local Plan acoustic criteria would not be met. I also note the roof extension, and this will likely introduce lightweight construction and further fenestration that may pose similar risks. I would recommend that an acoustic assessment should be carried out to establish how significant transport noise will be to the amenity of these dwellings and propose appropriate mitigation. I recommend a condition for this purpose in any consent that is granted.		

	<u>Construction noise</u> The development phase may cause noise impacts upon neighbours, and I would recommend that construction hours are limited by condition according to the usual practice at EBC.
Environmental Health (contaminated land):	<u>No objection</u> , subject to a watching brief pre-commencement condition <u>Background</u> The proposed change of use includes the construction of a rear extension (proposed amenity area), as noted in the HMO Designers (March 2024) Proposed Floor Plans, drawing reference HD0069-PL003. It is anticipated that this extension involves the excavation of foundations. The application site is located next to an identified contaminative land use and there is potential to have caused contamination on the ground. In addition, the application site is located in a 3-5% radon potential area. <u>Recommendations</u> • Recommend a watching brief pre-commencement condition to deal with contaminated land. Investigation, risk assessment and remediation scheme will need to be approved if unexpected contamination found. • An advisory note should be placed on the decision notice regarding radon risk. • A construction environmental management plan is recommended to deal with a) methods of construction works; b) The arrangements for deliveries associated with all construction works; c) Location of temporary site buildings, compounds, construction material, plant, and waste storage areas; d) Measures to minimise dust, noise and vibration; e) Measures to ensure dirt is not transferred onto the highway from the site; f) hours of working; g) waste management & h) temporary lighting.
Housing Licencing:	<u>No response</u>
Parish Council:	<u>Objection</u> Overdevelopment, lack of amenity space and parking issues

Site Visit:	Yes ☒	No ☐
Details: Site visit carried out 5/6/2024		

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 Eastleigh Borough Local Plan 2016-2036, of which the most relevant policies are:

Strategic policies

- S1 (sustainable development) & S2 (approach to development) and S3 (location of new housing);

Development Management Policies:

- DM1 (general development), DM3 (climate change), DM8 (pollution), DM11 (nature conservation), DM13 (access), DM14 (parking), DM29 (Dwellings with higher access standards) & DM30 (internal space standards)

Area Policies:

- E9 (Southampton airport)

Supplementary Planning Documents:

Quality Places; Residential Parking Standards & Character Area Appraisals.

Background and Proposal:

The site is currently being converted from a dwelling into a six bedroomed HMO and includes the construction of a rear dormer window, rear extension and internal alterations. This work is being carried out under permitted development, as shown on the issued certificate of lawfulness (LDC/24/97041).

The current planning application is to allow the building to be used as a seven bedroomed HMO, which involves converting the proposed living room at the back of the dormer into an extra bedroom. The two bedrooms within the roofline will share a bathroom. The proposal involves no further changes to the ground, or first floor layout and no additional construction works are required.

Assessment:

Principle

The site is within the urban edge where the principle of development is acceptable, subject to the detailed matters according with the relevant planning policies.

Character and Appearance

No additional external alterations are required for the proposal and the HMO will fit in with the mixed residential/ commercial/ industrial nature of the locality.

Living Conditions

The additional bedroom is 3.4m wide, with a ceiling height of 2.2m and a floor area of 8.5m², which meets the nationally described internal space standards. The bedroom will have reasonable daylight and outlook from its south facing window which looks over the property's rear yard. The concrete yard provides some private outdoor amenity space for the new residents and the site is within a few minutes' walk of Bishoptoke Road playing fields and recreational ground.

While the property will be impacted by road noise and to some extent industrial noise, the building can be converted into a 6 bedroomed HMO without requiring planning permission. The extra bedroom is in the roofline at the back of the property, where it is less impacted by road noise than other parts of the property. Given the fallback position, it is not considered reasonable to require noise attenuation to be installed.

On this basis the proposal is considered to create a reasonable living environment.

Highways and Parking

No on-site car parking is provided, but this is considered acceptable given the site is in a very sustainable location (under 10 minutes walk of Eastleigh Town Centre, train and bus station). The site is within a residents parking zone and therefore the proposal will not result in overspill car parking onto the public highway. Storage for seven cycles is within the existing shed at the back of the site.

Residential Amenity

The proposal will not result in any impact on the amenity of the neighbouring properties in terms of loss of privacy, light or outlook. The proposal is for one additional bedroom within the HMO and this will have a negligible impact on overall noise and disturbance, especially given the sites busy location on a main approach road into Eastleigh.

Land Contamination and Construction Details

The work associated with the HMO is of a relatively modest scale (dormer window, rear extension and internal alterations) and could be completed under permitted development. As such it is not considered reasonable to require a construction environmental management plan or lands contamination information to be approved, nor limit construction hours. However, a note to application will be added to the decision notice to explain the land contamination risks.

Impact of SPA:

For planning purposes, the HMO will continue to function as a single dwelling. As such the proposal is not likely to have a detrimental impact on the Special Protection Area, either in terms of recreational disturbance and an increase in nutrients.

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 Environment 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 ...		