

DELEGATED OFFICER REPORT:**Application Ref:** F/24/97593**Site Address:** 420 SOUTHAMPTON ROAD, EASTLEIGH, SO50 5QJ**Case Officer:** Clare Martin

Description: Change of use from dwellinghouse (Class C3) to 7 Bedroom / 7 Person HMO (Sui Generis). Proposal also includes rear extension and L shaped rear dormer window allowed under permitted development (certificate of lawfulness LDC/23/95675 & prior notification PN/24/97032)

Particular Site Constraints?	Yes ☐	No ☒
Details:		

Planning History?	Yes ☐	No ☐
• PN/24/97032 - Prior Notification for the construction of a single storey rear extension (depth 5.0m, height to eaves 2.80m and maximum height 3.30m) – Prior Approval not required (April 2024) • LDC/23/95675 - Lawful Development Certificate for a Proposed Use or Development: Change of use from C3 Residential to C4 HMO, and permitted development works to include 3m rear extension and rear dormer, and 2no. front facing rooflights – Certificate issued (October 2023) • Z/11077/001 – Rear Extension – Permitted (November 1977)		

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	None		
Environmental Health:	<u>Noise</u> The site is located in a high noise location by virtue of the close proximity of sources of transportation noise. It is unknown, what level of sound insulation is provided by the existing fenestration at the front of the building. It is noted that the proposals include the provision of mechanical ventilation in all habitable rooms. Whilst the extant consent is for C3 use; C4 use may exacerbate any impact arising from transportation noise, because of the nature of C4. Occupants of Bedroom 3 and 6 for example, will spend most of their time in the most noise affected rooms. As such, I would recommend that any consent is subject to the following condition: CONDITION: <i>Prior to the first occupation of the development, an acoustic design for the building shall be submitted to the local planning authority for approval. The design shall demonstrate how externally generated sound will be reduced within habitable rooms whilst adequately ventilated to ensure levels do not exceed:</i> <i>35dBA $L_{Aeq,16hour}$ between 07:00 hours and 23:00 hours</i> <i>30dBA $L_{Aeq,8 hour}$ between 23:00 hours and 07:00 hours</i> <i>45dBA L_{Amax} occurring ten times between 23:00 hours and 07:00 hours.</i> <u>Contaminated land</u>		

	The site is not located within an identified contaminative land use. It was determined that rear extension did not require Prior Approval on 12th April 2024 under application number PN/24/97032. I have no concerns on contaminated land. <u>Air Quality</u> The site is within an Air Quality Management Area. Additional ventilation would compensate to a potential number of people living in the house. The drawings don't provide the position of the inlet for the proposed ventilation. We recommend this inlet to be away from Southampton Road. We have no other comments on air quality.
Housing Officer:	The property meets the amenities standards with the room sizes and Kitchen. We have no concerns with the layout of the property or surrounding area.
Ecology Officer:	There are records of bats near this site. The planning statement notes that rear facing dormer windows and front facing roof lights have been included within either prior approval and/or permitted development. It is not possible to see the rear of the property from Google maps street view photos, however I can see some gaps that could be potential bat roost features in the gable end above the front bay window. A preliminary bat roost appraisal is required to determine whether there are other significant potential bat roost features on this building. As the applicant would have already been notified, it is their responsibility to ensure that wildlife protection laws are upheld. This statement is normally provided with permitted development letters: Please be advised that although planning permission is not required for this proposal, wildlife protection laws still apply. The Wildlife and Countryside Act (1981 as amended) is the primary legislation that protects wild animals, plants, and habitats in the UK. It lists the species which are protected by law along with their resting places and the non-native invasive species which must not be allowed to spread into the wild. If you suspect that protected or invasive species may be affected by your development, it is your responsibility to get an ecology survey and implement the recommended mitigation measures. Consultation response provides additional sources of information.
Eastleigh Town Council:	No response

Site Visit:	Yes ☒	No ☐
Details: Carried out 26 th July 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 The most relevant policies are Strategic policies S1 and S2; and Development Management policies DM1, DM8, DM11 and DM14.

Supplementary Planning Documents:

Quality Places; Residential Parking Standards & Character Area Appraisals

Proposal:

The site is currently being converted from a dwelling into a six bedroomed HMO, which 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 certificate of lawfulness (LDC/23/95675) and the rear extension has received prior approval (PN/24/97032).

The current planning application is to allow the building to be used as a seven bedroomed HMO, which involves converting the proposed ground floor living room in the centre of the building into an extra bedroom. The planning application involves no other changes to the floor layout and no additional construction work is 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 residential character of the locality.

Living Conditions

The additional bedroom is 2.9m wide by 4m depth and has a floor area of 10.78m², which meets the nationally described internal space standards. The bedroom will receive some daylight and outlook from its north west rear facing window, albeit somewhat overshadowed by existing buildings. The concrete yard provides some private outdoor amenity space for the new residents and the site is within a few minutes' walk of Lakeside Country Park.

The property is located on a main approach road into Eastleigh and could be impacted by road noise as set out within the Environmental Health Officer's comments. However, the building can be converted into a 6 bedroomed HMO without requiring planning permission. The extra bedroom (bedroom 7) is in the middle of the HMO, 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. It is, however, noted that the developer intends to install a mechanical ventilation system and it is recommended that the inlet be positioned at the rear away from Southampton Road.

On balance, the converted HMO 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 reasonably sustainable location (within 15 minutes walk of Southampton Parkway Train Station to the south and Eastleigh Town Centre, bus & train station to the north). The site

is within a residents parking zone and therefore the proposal will not result in overspill car parking onto the public highway. Cycle storage will be provided via a cycle store in the rear garden (as shown on plan -1-) and will be secured via condition.

Impact of SPA:

For planning purposes, the HMO will continue to function as a single dwelling. As such the proposal is unlikely 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 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 ...