

DELEGATED OFFICER REPORT

Application Ref: F/24/97598

Site Address: 4 Archers Road, Eastleigh, SO50 9AR

Case Officer: David Huckfield

Description: Change of use from House in Multiple Occupation (Class C4 Use) to 7-bedroom House in Multiple Occupation for more than 6 unrelated persons (Sui Generis Use)

Particular Site Constraints?	Yes ☒	No ☐
Within the Urban Edge Established Residential Area Controlled Parking Zone Within HRA Screening Area		

Relevant Planning History?	Yes ☒	No ☐
Z/34005 – Construction of replacement garage and conservatory – PERMIT (16 October 1996) LDC/23/95523 – Lawful Development for proposed change of use from C3 Residential to C4 HMO. Loft conversion with rear dormer and front facing rooflights. Changes to wall and roof of existing conservatory. Alterations to fenestration – CERTIFICATE ISSUED (21 August 2023)		

Site Visit:	Yes ☒	No ☐	
Publicity:	Letters ☒	Site Notice ☒	Newspaper ☐
Representations Received:			
Two letters of representation have been received in relation to the application, with the following comments being made in objection to the proposals: <u>11 Archers Road, Eastleigh:</u> The parking in Archers Road and the surrounding Newtown Road area is already at saturation point, we cannot sustain this level of occupation in a small, densely used parking area. 4 Archers Road is a tiny mid-terraced house that was designed for a small family. While we are cognizant of the requirement for affordable housing, the housing density being proposed by the landlords here is unreasonable. Should we as a society advocate the stacking of humans like battery chickens for individual profit? The area is mainly populated with young families. Encouraging the use of the area for densely populated groups of young single people will change its character and possibly invite antisocial behaviour. <u>5 Archers Road, Eastleigh:</u> Objection on the grounds of the impact on parking provision in the local area.			
Consultation Responses (Summarised):			

Eastleigh Town Council	No objection.
Hampshire County Council Highways	Having reviewed the information contained within the application pack, there would be no objection to the proposals from a highway perspective. However, as a converted development, the applicants (and future residents) should be made aware that they will not be entitled to join the Controlled Parking Zone permit scheme, within which the application site sits. As such, the development will essentially need to be car free given no on-site parking is provided. Given the location however, in close proximity to Eastleigh Town Centre and its retail and employment opportunities, along with good bus and train links to destinations further afield, this scenario would be acceptable from a highway perspective. In this regard, cycle parking requirements are key, and whilst a cycle store has been provided, no details of capacity or style of lockable security (such as Sheffield Stands) is shown. It is recommended that the Case Officer requests further clarification on this to ensure the EBC Parking Standards are fully adhered to.
Environmental Health	<u>Air Quality and Contaminated Land:</u> The planning statement (Applecore, June 2024) specifies that no building works are proposed as part of this application. With regard to contaminated land, we have no objections. The site is located in close proximity of an Air Quality Management Area; however, the addition of one occupant at the property does not represent any impacts on air quality. We have no objections in this regard. <u>Noise:</u> No comments to make.
Housing Standards Officer (HMO Licensing)	The property meets the amenity standards, room sizes and kitchen size. The smoke alarm and fire doors meet all the requirements, and we have no concerns with the layout of the property. It is currently licensed for 6 persons and the license holder meets the F&P person criteria.

Policy:

Legislative Background:

Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise.

The Development Plan:

The Development Plan is comprised of the policies of the adopted Eastleigh Borough Local Plan 2016-2036. The following policies are of relevance to the application: DM1 (General criteria for new development), DM2 (Environmentally sustainable development), DM3 (Adaption to climate change), DM8 (Pollution), DM11 (Nature conservation), DM13 (General development criteria – transport), DM14 (Parking), DM23 (Residential development in urban areas), DM30 (Internal space standards for new residential development).

Other material considerations:

Supplementary Planning Documents (SPDs):

The following SPDs and Background Papers are of relevance to the proposals:

- Quality Places (adopted 2011)
- Residential Parking Standards (adopted 2009)

National Planning Policy and Guidance:

The latest iteration of the National Planning Policy Framework (the NPPF or Framework) was published in December 2023 and, as set out within paragraph 224, the policies contained within it are material considerations which should be taken into account in dealing with applications from the day of its publication. The Planning Practice Guidance provides additional guidance in support of the policies within the Framework and is also a material consideration in the determination of the application.

Assessment:

Principle of development:

The site lies within the urban edge and falls within an established residential area. The property is also already in use as a House in Multiple Occupation (HMO), albeit one which has a lower level of occupancy than that for which permission is now sought. The basic principle of development is therefore considered to be acceptable. Any planning approval is however subject to the particular development proposal put forward being deemed to be appropriate and according with the criteria of the relevant local and national planning policies and associated supplementary planning guidance. This includes in respect of its impacts on the character of the area, amenity, highway safety, and ecology. These matters are covered in the sections below.

Layout, design and impact on the character of the area:

Policy DM1 of the Local Plan states that all new development should not have an unacceptable impact on, and where possible should enhance, the character and appearance of the area. In this respect it requires that development takes full and proper account of the context of the site including the character, appearance and land uses of the locality or neighbourhood, and that it is compatible with adjoining uses and well-integrated with these in terms of mass, scale, materials, layout, density, design and siting, both in itself and in relation to adjoining buildings, spaces and views.

No. 4 Archers Road is a mid-terrace property which lies to the eastern side of the Road. The building was originally constructed as a three-bedroom, two-storey dwellinghouse but was recently converted to a 6-bedroom / 6-person House in Multiple Occupation (HMO) which incorporated a loft conversion with the addition of a rear box dormer and the insertion of Velux windows to the front roof slope. A Certificate of Lawfulness was issued in relation to these works in August 2023 (see application ref: LDC/23/95523) and, as noted from the Case Officer's site visit, they have subsequently been completed and the property occupied, with it being licensed by the Council as an HMO for 6 people.

The application now seeks to increase the property to a 7-bedroom HMO, thereby changing it from a C4 to a *sui generis* use, by way of the conversion of a room which had previously been identified as a communal study space into an additional bedroom. The physical works to facilitate this are limited to the change of use of this room and the creation of an en-suite bathroom for its occupier. These works are wholly internal with there being no alterations proposed to the exterior of the building as part of the application. As such, the appearance of the property within the street scene and as seen from its immediate surroundings would be unaltered.

In terms of the matter of the impacts of the use itself, on balance and whilst noting that the proposals would represent an intensification of occupation of the building, it is considered that it would be difficult to argue that a single additional bedroom would, in planning terms, result in a such detrimental impact upon the character of the area as to justify the refusal of planning permission in this particular case. This is, however, strictly on the basis that the additional bedroom would be for single occupation only and thereby the number of residents would increase from the 6 currently allowed under the authorised C4 use to a maximum of 7. This is something that can be restricted as a condition of the planning permission, with this being considered necessary to ensure both that the approved use is clear and enforceable, as well as to prevent what could otherwise be a much more significant intensification of use (for example, if bedrooms were dual occupancy) which would have a notably greater material planning impact on the character of the area, on amenity, and in highway terms.

On this basis and with the imposition of this condition, there is considered to be no unacceptable conflict with the requirements of Policy DM1 of the Local Plan in respect of the matters of layout, design and the impact of the proposals on the character of the area.

Residential amenity:

Policy DM1 of the Local Plan requires that new development should not have an unacceptable impact on, and where possible should enhance, residential amenities of both new and existing residents. Policy DM8 states that development will not be permitted if, amongst other things, it is likely to cause a loss of amenity through noise or disturbance. The Council's adopted Quality Places SPD provides additional guidance in relation to amenity in support of Local Plan policy.

When assessing a development proposal in relation to amenity, there are two main considerations. These are the impacts of the scheme on the amenity of the occupiers of neighbouring properties, as well as the quality of the residential environment that would be provided for the future occupiers of the development itself.

In respect of the latter of these first of all and with regards to internal space, whilst the Nationally Described Space Standards do not specifically refer to HMOs, the floor space within the property would exceed the stipulated requirement for a 7-person, 3-storey dwelling. In addition, and notably, all rooms conform to the required HMO licensing standards as confirmed by the Council's Housing Standards Officer and the additional ground floor bedroom space, which is ultimately what the application is seeking consent for, would enjoy reasonable levels of light and outlook.

In terms of amenity space, the proposals incorporate an external area to the eastern/northern side of the property. This space is particularly modest in size and narrow in nature and is likely to experience a significant degree of shading for much of the day given its relative orientation and the structures that surround it. Whilst the Council's Quality Places SPD does not include a specific standard for HMOs in respect of the amount of amenity space that should be provided, the requirement for houses (which is for an area equivalent to a minimum of 60% of the floor area of the property) provides a useful quantitative guide. In addition, and in qualitative terms, the SPD sets out that amenity space should be suitable for normal domestic activities which can be taken to include such things as sitting out, drying clothes etc.

The amenity area in this case would fall notably short of the standard that would normally be required for a development of this nature and given the overall level of occupancy proposed. The Quality Places SPD does, however, allow for a reduction in the aforementioned standards in urban areas where residential properties are within 100m of good quality open space. In this regard, there is a large area of open space within central Eastleigh just to the south of the site which falls within the distance specified and which is within a short and relatively convenient walk away. It is also a material consideration that the property is already a 6-bedroom / 6-person HMO and therefore the proposals are in

effect seeking consent only for one additional bedroom. It may be argued therefore that the application should be considered in the context of the additional amenity space requirement arising from one extra resident with the current situation providing a baseline in this respect.

Whilst acknowledging therefore that the level of amenity space available is certainly not ideal, taking account of these factors and that there is at least some on-site garden area provided which, whilst very modest, does at least allow residents a degree of external space where they can sit out and access the outdoor environment, it is considered that the refusal of the application on lack of amenity space would not be justifiable in this particular instance.

Turning to the impacts on the occupiers of adjacent properties, the proposals would not result in any notable material increase in overlooking with the additional bedroom proposed already being a habitable area and being situated at ground floor level with its windows looking out onto the street. As there are no physical extensions or alterations proposed to the building, there will also be no additional impacts on the light received to, or the outlook available from, neighbouring dwellings or their respective amenity areas. Finally, it is not considered that a change from 6 to 7 residents would result in an unacceptable material increase in noise or disturbance and no objections have been raised in this respect by the Council's Environmental Health team.

The application is therefore in sufficient compliance with the requirements of Policies DM1 and DM8 of the Local Plan and the guidance contained within the Council's Quality Places SPD such that the proposals are considered to be acceptable in relation to the matter of residential amenity.

Highway matters:

Policy DM13 of the Local Plan requires that all new development has safe and convenient access to the highway network and makes provision for access to, and by, other transport modes including public transport and cycle and pedestrian routes as appropriate. Access arrangements to the highway network must meet national and local guidance and standards, not cause or increase danger to road users or impact detrimentally on highway safety, and be provided without unacceptable environmental impact. Policy DM14 requires that an appropriate level of car parking be provided in accordance with the Council's adopted Residential Parking Standards SPD.

No car parking provision is proposed as part of the planning application which, it is acknowledged, represents a shortfall relative to the requirements set out within the Council's Residential Parking Standards SPD. The site is, however, situated in particularly close proximity to Eastleigh Town Centre which has a range of facilities and public transport options and is considered to be the most sustainable part of the Borough. Taking account of this and the ease of access to these facilities by way of a particularly short walk or cycle, as well as the fact that the proposals will only increase the number of bedrooms and residents within the property by one, the lack of parking is not considered to be unacceptable in this instance, particularly given that the potential for any overspill into surrounding streets is largely negated by the controlled parking zones within these roads, which, as noted by the Highway Authority, the residents of this development would not be eligible for permits for in line with Council policy.

The property also has secure cycle storage available which is contained within the rearmost element of the single storey projection to the building's eastern side. This storage is accessible from both the property's rear amenity area, as well as from the service road to the rear of the plot. There is also overflow storage available within the adjoining store which, again, can be accessed directly from the service road. Whilst no detail as to how bicycles would be stored (for example by way of a cycle stand etc.) has been provided and the comments of the highway authority are noted in this respect, it is considered that the areas available are sufficient in size to provide suitable capacity for

the number of residents within the development. Similarly, adequate bin storage is also provided for at the rear of the premises.

Taking account of the above, there is deemed to be no undue conflict with the provisions of Policies DM13 and DM14 of the Local Plan or the Council's Residential Parking Standards SPD in respect of the highway related impacts of the development.

Ecology:

Policy DM11 of the Local Plan states that the Council will determine planning applications to protect, conserve and enhance all international, national and local nature conservation designations and networks of natural habitats and features, and facilitate their adaptation to climate change wherever possible. It sets out that development will not be permitted where it is likely to have a direct or indirect adverse effect on protected or priority species unless there are no alternative solutions, the adverse effects are unavoidable, measures are taken to mitigate or, as a last resort, compensate for the adverse effects, there is overall biodiversity net gain, and the benefits of the development clearly outweigh the adverse effects.

The proposals would be exempt from the mandatory 10% Biodiversity Net Gain requirement as they would impact upon less than the stipulated 25 square metres threshold of on-site habitat. Similarly, as the development involves no physical works to the property, there are considered to be no likely impacts upon protected species. In terms of offsite impacts and whilst acknowledging that the site falls within the zone of impact of the New Forest, River Itchen and Solent European protected sites, in this case as the property is already in use as an HMO and the proposals would only result in one additional bed space / resident, it is not considered that the development would adversely impact upon these designated areas and, as such, HRA (Habitats Regulations Assessment) screening is not deemed to be required.

This application therefore complies with the provisions of Policy DM11 of the adopted Local Plan.

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. Neither the NPPF nor the adopted Local Plan 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, Policies S1, DM2 and DM3 of the Local Plan and the 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. In this particular instance and when considering the impact of climate change, the proposed development would be expected to be resilient to its potential effects.

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.

Recommendation:

PERMIT ☒

REFUSE ☐