

**Planning and Rights of Way Panel 10<sup>th</sup> December 2024**  
**Planning Application Report of the Head of Transport and Planning**

<b>Application address:</b> 3 English Road, Southampton			
<b>Proposed development:</b> Change of Use from Dwellinghouse (Use Class C3) to a 5 bed House in Multiple Occupation (Use Class C4) with associated storage			
<b>Application number:</b>	24/01152/FUL	<b>Application type:</b>	FUL
<b>Case officer:</b>	Anna Coombes	<b>Public speaking time:</b>	5 minutes
<b>Last date for determination:</b>	Extension of time: 17.12.2024	<b>Ward:</b>	Freemantle
<b>Reason for Panel Referral:</b>	Five or more letters of objection have been received	<b>Ward Councillors:</b>	Cllr Christine Lambert Cllr Pam Kenny Cllr David Shields
<b>Referred to Panel by:</b>	N/A	<b>Reason:</b>	N/A
<b>Applicant:</b> Ancy Ltd		<b>Agent:</b> Planners & Architects	

<b>Recommendation Summary</b>	<b>Conditionally approve</b>
-------------------------------	------------------------------

<b>Community Infrastructure Levy Liable</b>	<b>Not applicable</b>
<b>Biodiversity Net Gain Applicable</b>	<b>Not applicable</b>

**Reason for granting Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39-42 and 46 of the National Planning Policy Framework (revised 2023). Policies – CS13, CS16 and CS19 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP5, SDP7, SDP16, H4 and H7 of the City of Southampton Local Plan Review (Amended 2015).

<b>Appendix attached</b>			
1	Development Plan Policies	2	40m Radius map
3	Parking Survey extract		

**Recommendation in Full**

Conditionally approve

## **1. The site and its context**

- 1.1 The application site contains a 3-bedroom, 2-storey, semi-detached dwelling with rear garden. There is a small garage with 'up and over' door on the rear garden boundary, which is reached by a shared access along the western side boundary.
- 1.2 The property lies within a predominantly residential area with similar semi-detached and terraced properties. Directly opposite the site is Foundry Lane Primary School. The site is within the high accessibility radius of Shirley Road bus corridor, only approximately 250m from Shirley Town Centre, and within the medium accessibility radius of Millbrook Railway Station.

## **2. Proposal**

- 2.1 This application proposes the change of use of the existing 3-bedroom single dwelling (Use Class C3) into a 5-bedroom/person house in multiple occupation (HMO) (Use Class C4).
- 2.2 The proposal does not include any external extensions or alterations to the existing building. Internal changes to the layout of accommodation are proposed, to increase the number of bedrooms from 3 to 5 and to provide en-suite bathrooms. The internal alterations will use existing windows. No new external doors or windows are proposed.
- 2.3 The proposal includes the provision of bin and cycle stores within the rear garden and a car parking space within the existing rear garage structure.

## **3. Relevant Planning Policy**

- 3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) was revised in 2023. Paragraph 225 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.
- 3.3 Policies H4 (Houses in Multiple Occupation) and CS16 (Housing Mix and Type) support the creation of mixed and balanced communities and require an assessment of how the introduction of HMOs affect the character and amenity of the local area. The Council's Houses in Multiple Occupation Supplementary Planning Document (HMO SPD) sets a maximum HMO concentration threshold of 10% (surveyed over a 40m radius from the front door of the property), in order to avoid over-concentrations of HMOs leading to an imbalance in the mix of households within a local neighbourhood.
- 3.4 The Council's Houses in Multiple Occupation Supplementary Planning Document (HMO SPD) indicates:

*"1.1 Houses in Multiple Occupation (HMOs) provide much-needed housing accommodation. However, a large number of HMOs in one area can change the physical character of that residential area and this can lead to conflict with the existing*

community.

1.2 *The planning system can assist in achieving a mix of households within the city's neighbourhoods, meeting different housing needs whilst protecting the interests of other residents, landlords and businesses. This can best be delivered by preventing the development of excessive concentrations of HMOs and thus encouraging a more even distribution across the city."*

- 3.5 Saved Policy SDP1 (Quality of development) of the Local Plan Review allows development, providing that it does not unacceptably affect the health, safety and amenity of the city and its citizens. Policy SDP7 (Context) allows development which respects the context of the local area. Policy H7 (The Residential Environment) expects residential development to provide attractive living environments. Policy CS13 (Fundamentals of Design) assesses the development against the principles of good design. These policies are supplemented by design guidance and standards set out in the Residential Design Guide SPD. This sets the Council's vision for high quality housing and how it seeks to maintain the character and amenity of the local neighbourhood.
- 3.6 Saved policy SDP5 (Parking) of the Local Plan Review and policy CS19 (Car and Cycle Parking) of the Core Strategy both seek to discourage reliance on cars and encourage alternative, more sustainable modes of transport by setting maximum standards for car parking and minimum standards for secure cycle storage, which are detailed in the Parking Standards SPD.

#### **4. Relevant Planning History**

- 4.1 There is no planning history for this site. The property appears to have been a single dwelling since it first appeared on historic OS maps in 1909-1910.

#### **5. Consultation Responses and Notification Representations**

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice **11.10.2024**. At the time of writing the report, **6 representations** have been received from surrounding residents. The following is a summary of the points raised:

- 5.2 *There are too many HMOs nearby, in addition to flats. This is a family area and with an older community that should be protected. The current balance is about right; the proposal would alter the demographic.*

##### **Response**

Impacts on the character of the area and mix and balance of the local community are discussed in the Planning Considerations section of this report below.

- 5.3 *The proposal will harm the amenity of neighbours and enjoyment of their gardens.*

##### **Response**

Impact on neighbour amenity is discussed in the Planning Considerations section of this report below.

- 5.4 *HMOs on are not well cared for. Problems with vermin, waste, noise and anti-social behaviour evident on Foundry Lane, Wilton Avenue, Howard Road etc.*

##### **Response**

Impact on the character of the area in the Planning Considerations section of this report below.

5.5 *The proposal would encourage more HMOs, increasing problems.*

**Response**

This application would not set a precedent. Each application for a new HMO use is assessed against the 10% threshold and according to the individual planning merits of the application.

5.6 *The Parking Survey uses a 3 minute walking distance. This is too far, particularly late at night.*

**Response**

The Council's Highways Development Management Officer has no objection to the survey methodology. Parking is discussed further in the Planning Considerations section of this report below.

5.7 *Impact on the safety of school children. The junction is closed at school run times for safety. This will exacerbate existing problems with on-street parking and obstruction near the junction. English Road is used as an overflow from other streets. Kingsley Road is nearly full from 5 o'clock. Access to the rear parking space is too narrow, so is only suitable for small cars.*

**Response**

The Council's Highways Development Management Officer has no objection to the proposal. Parking impacts are discussed further in the Planning Considerations section of this report below.

5.8 *Impact on the value of family homes nearby*

**Response**

Impact on the market value of property is not a material planning consideration.

5.9 *The property is too small for 5 tenants and their guests. The kitchen / lounge is not suitable for 5 plus people and all the white goods required.*

**Response**

The proposal meets the minimum size standards for bedrooms and communal space given in our adopted HMO Licensing standards. This is discussed further in the Planning Considerations section of this report below.

5.10 *Bins are left out on bin day, causing problems for disabled people. Who is responsible for managing the bins?*

**Response**

A planning condition has been recommended regarding bin storage, including a provision to ensure bins are only left out on collection days only.

**Consultation Responses**

5.11

Consultee	Summary of comments
SCC HMO Licensing	<p>No objection. The layout poses no atypical risks regards fire safety.</p> <ul style="list-style-type: none"> <li>- Each bedroom meets the minimum size for a single occupant in our 'Guidance on Standards for Houses in Multiple Occupation')</li> <li>- Insufficient detail on fittings to comment on kitchen / en-suites. Each en-suite requires mechanical ventilation.</li> <li>- The HMO Licensing process requires specific fire safety equipment to be provided, based on the tenancy type.</li> <li>- Sufficient bin storage is required to comply with the Council's Waste Management Scheme &amp; sufficient parking.</li> </ul>
SCC Highways Development Management	<p>No objection – <i>initial comments as follows:</i></p> <p>The maximum parking standards for both existing and proposed are the same, therefore the parking demand is the same regardless of development. There is no change to access/car parking layout, so whether the rear parking is usable or not is irrelevant as the development has no impact in this regard.</p> <p>The parking survey's methodology does have some small errors such as the distances - although measuring 200m from the site does just about reach Waterhouse Lane. Lambeth methodology does suggest that instead of stopping the survey at 200m, we can extend it, so it doesn't end mid road. Here in this case, we could consider a small extension considering the relatively easy access to this area on foot. Even if we do not consider Waterhouse Lane, there appears to be ample parking to absorb 1-2 parking spaces. It would be good to get clarification on the dates and times for completeness.</p> <p>Recommend a condition to secure one long stay cycle parking space per resident.</p> <p><i>Updated comments following updated parking survey photos:</i></p> <p>The survey can still be material consideration as it's only a year old, plus the new photos show an updated view showing spaces that echo that to a degree. The maximum parking standards for existing and proposed developments remain the same and, therefore, it would be somewhat unreasonable to assess overspill parking of the proposed development too differently to the existing/previous use.</p>

**6.0 Planning Consideration Key Issues**

6.1 The key issues for consideration in the determination of this planning application are:

- The principle of development
- Design and effect on character
- Residential amenity
- Parking highways and transport

6.2 Principle of Development

6.2.1 The permitted development right to change the use of a property from a C3 single dwelling to a C4 small HMO for up to 6 persons was removed by Southampton City Council on 23rd March 2012; when the Council enacted a citywide Article 4 Direction to prevent high concentrations of HMOs in local communities. Any new HMO uses that

have begun since this date require planning permission.

6.2.2 Policy H4 acknowledges the need to maintain the supply of housing whilst balancing this against maintaining a sustainable mix of households within the community. A condition can be applied to allow a flexible use that can flip between a C3 single dwelling and a C4 HMO use, depending on market demands, without requiring planning permission for a period of 10 years. As such, the proposal will continue to provide family accommodation if the market demands this. The proposal would not be contrary to policy CS16 given that the property can be converted back into use as a family dwelling.

6.2.3 Given the above, the principle of development to convert the property into a C4 HMO can be supported, subject to an assessment of the planning merits in relation to the relevant policies and guidance.

### 6.3 Design and effect on character

6.3.1 The internal works to facilitate the change of use do not visually impact on the appearance of the street scene.

6.3.2 The threshold test set out in section 1.1 of the Council's HMO SPD states the maximum concentration of HMOs should not exceed 10% of the surrounding residential properties within a 40m radius. 17 eligible residential properties were identified for this assessment. Commercial properties and flats or houses were discounted where they have less than 3 bedrooms.

6.3.3 This proposed HMO use would be the only one within a 40m radius. The previous HMO use at 242 Foundry Lane is no longer in operation, having been converted into bedsit units. The HMO concentration as a result of this application would be, therefore, only **6%** (1 HMO out of 17 eligible residential properties) which is well within the 10% maximum limit for the 40m radius survey area.

6.3.4 This survey has reviewed the Planning Register, Licensing Register, and Council Tax records available. Although the Council does not have a complete database on the location of all HMOs in the city, these sources provide the Council's best-known evidence. A copy of the 40m radius map surveyed, and the properties included, is attached as **Appendix 2**.

6.3.5 The strategy of the Council is to support balanced communities by using the 10% maximum threshold to maintain a sustainable mix of residential properties. The character of the local area is predominantly family housing within this suburban street. This would be the first HMO within the 40m radius area, so it will retain a strong mix of 93% family homes of the residential properties in the local neighbourhood.

6.3.6 Given the above, and considering the generally busy character of the local area, being opposite the school and close to Shirley Town Centre, the proposal for a 5 bed C4 small HMO use is not considered to materially change the character of the area.

### 6.4 Residential amenity

6.4.1 There are no new side-facing windows proposed, nor any external alterations to the existing building, so the proposal does not raise concerns for creating overbearing, overshadowing or overlooking impacts for neighbouring residents.

6.4.2 Officers recognise that neighbours have concerns about the impact of HMO properties in terms of noise and disturbance, however the comings and goings generally associated with a 5 bedroom C4 small HMO use are not considered to be significantly

harmful to neighbouring amenity given the context of the generally busy local area opposite the school and close to Shirley Town Centre. The impact of the proposed HMO use can also be controlled further via planning conditions, such as restricting the number of occupiers.

6.4.3 Furthermore, there are additional safeguards via the HMO mandatory licensing regime for HMOs with 5 or more occupiers whereby the management and standards of the property would be monitored. The Council's Environmental Health team also have powers to serve a noise abatement notice where it considers that any noise nuisance caused by the residents is deemed as statutory noise nuisance.

6.4.4 In terms of the quality of residential living standards for the occupants, the HMO licensing minimum room size standards are complied with as follows:-

Room	Location	Size	Minimum Standard
Bedroom 1	Ground floor front	10.5 sqm	6.51 sqm
Bedroom 2	Ground floor rear	7.8 sqm	
Bedroom 3	First floor front	13.5 sqm	
Bedroom 4	First floor middle	9.9 sqm	
Bedroom 5	First floor rear	10.2 sqm	
Shared WC	Ground floor	---	1 bathroom for up to 5 persons
Individual en-suites	Both floors	---	
Kitchen / Lounge	Ground floor	12.8 sqm	11.5 sqm for up to 5 persons

6.4.5 Bedroom sizes shown above are measured excluding the ensuite bathrooms. The layout of the kitchen / lounge communal area is acknowledged to be somewhat restricted, however on balance, given it exceeds the minimum size standard above, and given the large size of most of the bedrooms, the living accommodation is considered to provide a reasonable standard of living environment for prospective occupiers.

#### 6.5 Parking highways and transport

6.5.1 The proposed site plan indicates a car parking space measuring approximately 3m x 5m within the existing garage to the rear of the property, however this is not considered to provide a parking space for the purposes of this assessment, as it falls below our minimum size standard of 6m length for a garage parking space, and the access road width appears restricted with limited space for turning, so vehicles are unlikely to be able to enter and exit the site in a forward gear. That said, a 'car free' HMO can still be considered as acceptable, noting that tenants may wish to own a car and park it on the public highway.

6.5.2 Policies SDP5 and CS19 seek to encourage residents to use alternative, more sustainable modes of transport and discourage reliance on cars. The Council's maximum car parking standard in a high accessibility area is 2 parking spaces for both the proposed use as a 5 bed C4 HMO (as set out in the HMO SPD) and the existing use as a 3 bed dwelling (as set out in the Parking Standards SPD). The level of parking demand to be considered for the proposed development is therefore the same as for the existing use.

- 6.5.3 Parking may be provided by way of either on-street or off-street parking spaces. If the proposal is to rely on on-street parking, then a parking survey is required to demonstrate sufficient parking capacity in surrounding roads to absorb the potential parking overspill of the development. In this case the potential overspill is 2 parking spaces.
- 6.5.4 A parking survey has been provided by the applicant, which demonstrates that between 52 and 71 available parking spaces were available over 2 survey nights: Wednesday 8<sup>th</sup> November and Friday 10<sup>th</sup> November 2023 (equating to between 19% and 26% available spaces). An update was also provided in the form of a basic photo survey that was undertaken on Friday 8<sup>th</sup> November 2024 (a year later), showing available parking spaces on English Road, Heysham Road and Imperial Avenue. An extract of the original survey findings is included at **Appendix 3**.
- 6.5.5 Whilst the original survey was undertaken in 2023, the recent updated photo survey on 8<sup>th</sup> November 2024 shows multiple parking spaces available, generally supporting the original findings. The original survey therefore remains a material consideration. Similarly, whilst the survey distance of 250m used by the applicant differs from the 200m distance recommended in the standard Lambeth Model, it is noted that the Lambeth Model does also allow for extending the survey area to the end of a road, rather than ending it in the middle of the road at 200m. Given the relatively small additional distance involved, the Highways Development Management Officer has no objection to the survey area used in the applicant's parking survey, nor the age of the survey, given there has been an update to support the original findings.
- 6.5.6 Given the significant number of available spaces demonstrated by the applicant's original parking survey, and the number of spaces shown available on the updated photo survey, there is sufficient parking capacity in the local area to absorb the potential overspill of 2 parking spaces for this proposal. It is also worth reiterating that there is no difference between the existing and proposed parking demand. Furthermore, the Council's Highways Development Management Officer has no objection to the proposal in terms of parking and highway safety and the site is in a highly accessible location. As such, no objection is raised by officers on this basis.
- 6.5.7 There is space in the rear garden to accommodate a bin storage location and secure and covered cycle storage for 5 cycle spaces, 1 per bedroom, meeting the design guidance given in the Parking Standards SPD. Further details of the size, layout and appearance of these structures can be secured by condition.

## **7. Summary**

- 7.1 The proposal is acceptable in principle and, on balance, is not considered to result in any significant adverse impacts on the character or amenity of the area, on parking amenity, or the function and safety of the highway. There remains a need for all forms of housing in the city; including shared HMOs. This would be the only HMO use within a 40m radius and so complies with our current policy and guidance. The comings and goings associated with an HMO use are not considered to be detrimental to the amenity and safety of local residents. A new C4 HMO use would not imbalance the mix of households locally, as 94% of properties within the 40m radius would remain as family homes. Furthermore, a C4 HMO use would contribute positively towards the availability of lower cost, flexible accommodation to benefit the local community.

## **8. Conclusion**



8.1 It is recommended that planning permission be granted subject to the conditions set out below.

**Local Government (Access to Information) Act 1985**

**Documents used in the preparation of this report Background Papers**

1. (a) (b) (c) (d) 2. (b) (c) (d) (f) 4.(f) (qq) (vv) 6. (a) (b)

Case Officer **Anna Coombes** for 10/12/24 PROW Panel

---

**PLANNING CONDITIONS to include:**

01. Full Permission Timing (Performance)

The development hereby permitted shall begin no later than three years from the date on which this planning permission was granted.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

02. Approved Plans (Performance)

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below.

Reason: For the avoidance of doubt and in the interests of proper planning

03. Cycle storage facilities (Pre-Occupation)

Before the development hereby approved first comes into occupation/use, secure and covered storage for bicycles shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The storage shall be thereafter retained as approved for the lifetime of the development.

Reason: To encourage cycling as an alternative form of transport.

04. Refuse & Recycling (Pre-Occupation)

Prior to the commencement of development, details of storage for refuse and recycling, together with the access to it, shall be submitted to and approved in writing by the Local Planning Authority. The storage shall be provided in accordance with the agreed details before the development is first occupied and thereafter retained as approved. Except for collection days only, no refuse shall be stored to the front of the development hereby approved.

Reason: In the interests of visual amenity, the amenities of future occupiers of the development and the occupiers of nearby properties and in the interests of highway safety.

05. Retention of communal spaces & numbers of occupiers (Performance Condition)

The room labelled kitchen/lounge on the approved floor plans, together with the external amenity areas, shall be retained and made available for communal purposes at all times. No more than 5 residents shall occupy the premises the subject of this permission at any time.

Reason: To ensure that suitable communal facilities are provided for the residents, and in the interests of protecting the amenities of local residents.

06. Dwelling House and House in Multiple Occupation Dual Use (Performance)

The dual Use Class C3 (dwelling house) and/or Use Class C4 (House in Multiple Occupation) use hereby permitted shall be for a limited period of 10 years only from the date of this Decision Notice. The use that is in operation on the tenth anniversary of this Decision Notice shall thereafter remain as the permitted use of the property.

Reason: In order to provide greater flexibility to the development and to clarify the lawful use hereby permitted and the specific criteria relating to this use

Note to Applicant:

Before the building can be occupied as a single dwelling any HMO license may need to

be revoked/reissued.

**POLICY CONTEXT**

Core Strategy – (as amended 2015)

CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS19	Car & Cycle Parking

City of Southampton Local Plan Review – (as amended 2015)

SDP1	Quality of Development
SDP5	Parking
SDP7	Urban Design Context
SDP16	Noise
H4	Houses in Multiple Occupation
H7	The Residential Environment

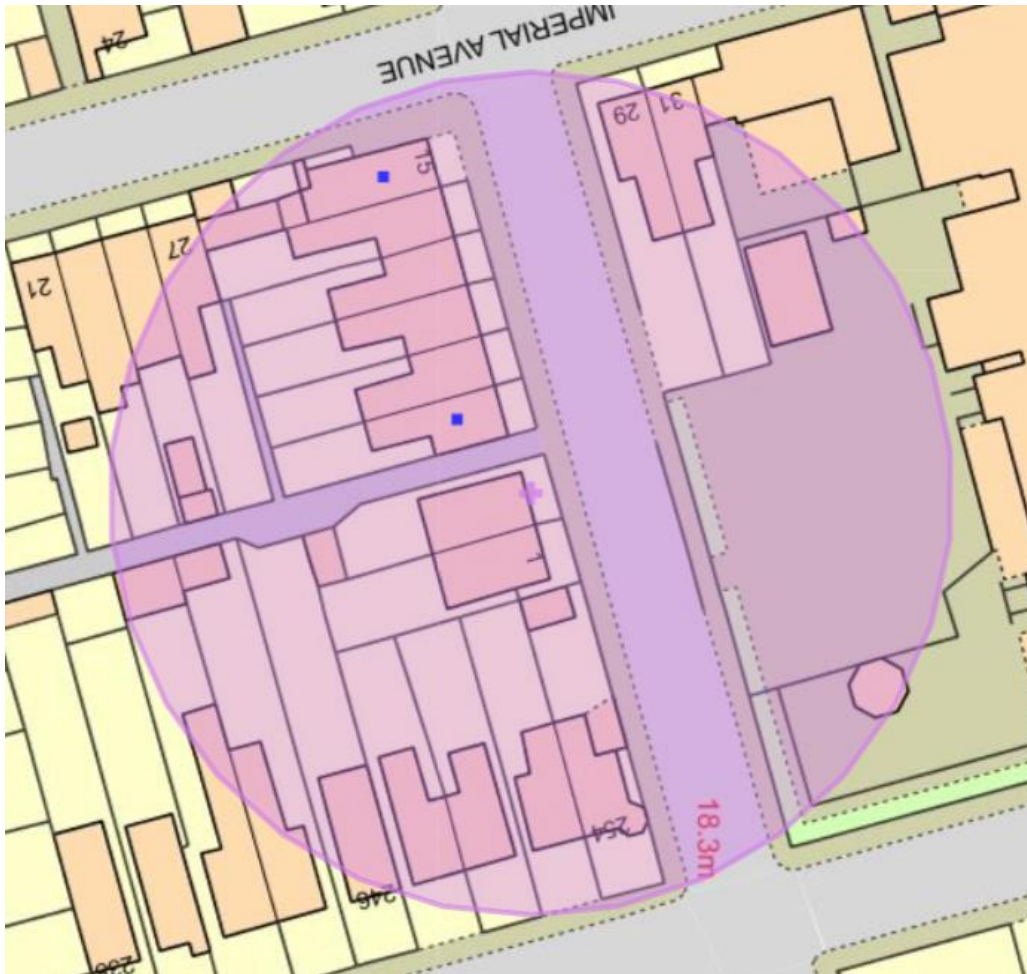
Supplementary Planning Guidance

Residential Design Guide (2006)  
Houses in Multiple Occupation SPD (Revised 2016)  
Parking Standards SPD (2011)

Other Relevant Guidance

The National Planning Policy Framework (Revised 2023)

40m Radius and checklist



3 English Road - HMO check			
	Property type	C3 / C4	Counted at Step 2?
	1 3 bed House	C3	Yes
	3 3 bed House	C3	Yes
	5 3 bed House	C3	Yes
	7 3 bed House	C3	Yes
	9 3 bed House	C3	Yes
	11 3 bed House	C3	Yes
	13 3 bed House	C3	Yes
	15 Commercial	---	No
	15A 1 bed Flat	C3	No
<b>English Road</b>			
	21 3 bed House	C3	Yes
	23 3 bed House	C3	Yes
	25 3 bed House	C3	Yes
	27 2 bed House	C3	No
	29 1 bed Flat	C3	No
	29a Flat (< 3 beds)	C3	No
	31 3 bed House	C3	Yes
<b>Imperial Avenue</b>			
	242 Bedbits	C3	No
	244 4 bed House	C3	Yes
	246 3 bed House	C3	Yes
	248 3 bed House	C3	Yes
	250 House	C3	Yes
	252 3 bed House	C3	Yes
	254 House	C3	Yes
<b>Foundry Lane</b>			
<b>Existing HMOs</b>		<b>0%</b>	<b>17</b>
<b>Proposed HMOs</b>		<b>6%</b>	<b>17</b>

**Parking Survey - extract of survey area and results**

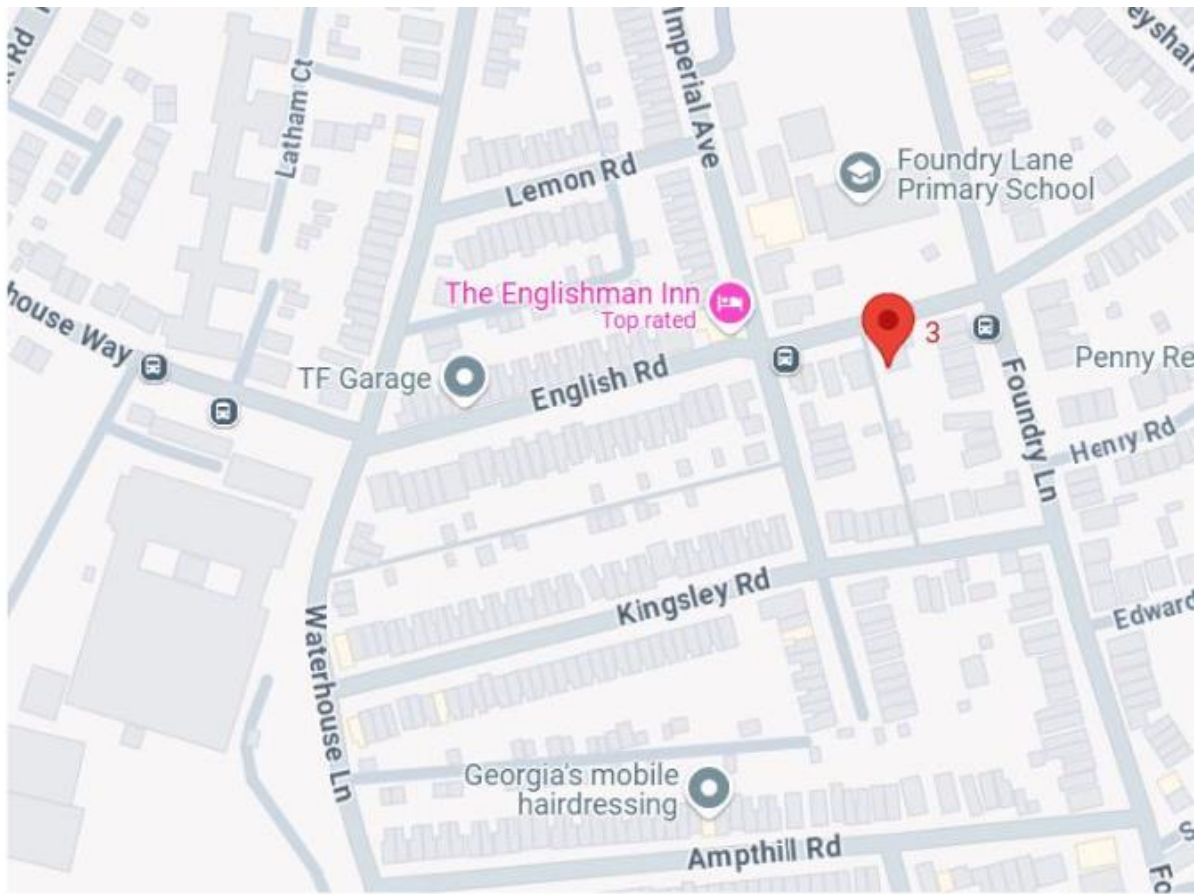


Figure 2 – Parking Survey Extent - Based on and adapted from Google Maps

Roads under consideration at 0.145miles away from subject postcode

1	Kingsley Road (whole length)
2	English Road (whole length)
3	Imperial Avenue (from interception with Lemon Road)
4	Foundry Lane (between interception with Kingsley Road English Road)
5	Waterhouse Lane (between interception with Kingsley Road and English Road)

Day 1 (Wednesday 8<sup>th</sup> November 2023)

Area Summary (5.5 metre parking length)							
Area Capacity	270						
Survey day	Average Occupancy (%)	23:00	00:00	01:00	02:00	03:00	04:00
		76.3	74.82	77.04	74.45	73.71	74.45
	Available Spaces (%)	23.70	25.18	22.96	25.55	26.29	25.55

Table 1 – Summary of Results

Day 2 (10<sup>th</sup> November 2023)

Area Summary (5.5 metre parking length)							
Area Capacity	270						
Survey day	Average Occupancy (%)	23:00	00:00	01:00	02:00	03:00	04:00
		81.90	82.21	81.90	80.98	80.37	80.37