



Planning Committee Report

Application Number: WNN/2023/0317

Location: 12 Cedar Road, Northampton, NN1 4RN

Development: Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 5 persons & rear ground floor extension

Applicant: IB Property Ltd

Agent: Design Board Architectural Services

Case Officer: Andrew White

Ward: Abington and Phippsville Unitary Ward

Reason for Referral: Councillor Zoe Smith called in the application to Committee for reasons set out in the report

Committee Date: 7th June 2023

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS as set out below with delegated authority to the Assistant Director – Planning and Development to approve any amendments to conditions as deemed necessary.

Proposal

The application seeks the Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 5 persons & rear ground floor extension

Consultations

The following consultees **commented** on the application:

- WNC Private Sector Housing Team

The following consultee **raised concerns** about this application:

- WNC Local Highways Authority

The following consultees **objected** to the application:

- Cllr Zoe Smith
- Northampton Town Council

Conclusion

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

The key issues arising from the application details are:

- Principle of Development
- Area Concentration
- Size of the property and facilities for future occupiers
- Highways/Parking
- Refuse and Recycling Storage
- Neighbour Amenity
- Flood Risk
- Consideration of Single Storey Rear Extension

The report looks into the key planning issues relating to the application and Officers conclude that the proposal is acceptable subject to conditions.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1 APPLICATION SITE AND LOCALITY

- 1.1 The application site comprises a mid-terrace residential dwelling on Cedar Road which is in an established residential street located. The properties in the road have no front garden areas or off-street parking. The parking in Cedar Road is not restricted. There is access to the rear of the property and other properties on this side of Cedar Road via a private access track. The rear garden contains an outbuilding structure that is in poor condition.

2 DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1 The application seeks planning permission for the change of use from a dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) with 5 occupiers. A single storey rear extension is proposed as well as cycle and bin storage in the rear amenity space.

3 RELEVANT PLANNING HISTORY

- 3.1 The property has no planning history relevant to the current proposal.

4 RELEVANT PLANNING POLICY AND GUIDANCE

Statutory Duty

4.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Development Plan.

4.2 Development Plan

- West Northamptonshire Joint Core Strategy (Local Plan Part 1)

Policy H1 – Housing Density & Mix & Type of Dwellings

Policy H5 – Managing the Existing Housing Stock

Policy S10 – Sustainable Development Principles

Policy BN7 – Flood Risk

- Northampton Local Plan Part 2 (2023)

Policy SD1 Presumption in favour of sustainable development

Policy Q1 Placemaking and Design

Policy Q2 Amenity and layout

Policy Q4 Health and wellbeing

Policy Q5 Flood risk and water management

Policy H03 Delivering houses in multiple occupation Policy

M02 Highway network and safety Policy

M04 Parking standards

4.3 Material Considerations

- National Planning Policy Framework (NPPF)
- Northamptonshire County Parking Standards (November 2016)
- Northampton Parking Standards Supplementary Planning Document (November 2019)
- Houses in Multiple Occupation Supplementary Planning Document (November 2019)

5 RESPONSE TO CONSULTATION

5.1 Below is a summary of the consultation responses received

Consultee Name	Comment
Councillor Zoe Smith	Calls the application to Committee. It represents overdevelopment of the property, will have a detrimental impact on the residential amenity in the area and will exacerbate existing refuse and parking problems in this area? The proposed floorplan is poor, creating far too small a kitchen for five residents to utilise and the inclusion of the en-suites would make the rooms too small.
Northampton Town Council	Object. Further detrimental impact on local residents. Already HMOs registered at 4, 6 and 8 Cedar Road meaning road is at saturation for HMOs. Impacts on parking which for residents is already difficult. Another 5-bed HMO will add more vehicles.

		<p>Environmental issues related to the concentration of HMOs, they are terraced houses, and the amount of rubbish and difficulties in getting rubbish to kerbside. Loss of family home. Committee regard the proposal as overdevelopment and combined with existing HMOs in the vicinity, the further HMO will effect the area negatively. Application should be refused.</p>
Private Housing	Sector	<p>Advise that the applicant will require licensing under the mandatory licensing scheme.</p> <p>Rooms Sizes The property is suitable for 5 people in 5 households,</p> <p>Kitchen Facilities Subject to adequate provision of kitchen facilities (see HMO amenities guide), the kitchen is of adequate size.</p> <p>Sanitary Facilities The sanitary facilities as shown on the proposed plan would be suitable.</p> <p>Fire Safety Measures The proposed plan shows no provisions for fire protection, detection and alarm systems , which would be required to meet the appropriate standards (see HMO amenities guide).</p> <p>The level of fire protection is a matter to be determined by a fire safety assessment commissioned or undertaken by the owner</p>
WNC Highways Authority	Local	<p>The area local area is known to be heavily parked, with little to no residual parking capacity available on street. The proposed development is likely to increase the parking demand when compared to the existing use in the evening, when parking demand is at its highest. This can lead to increases in double parking, parking on double yellow lines and other unsafe parking practices. The LPA should consider the above in respect of safety and safe practice along with the residential amenity of the local residents, which will inevitably suffer if further vehicles are brought into the area.</p>

6 RESPONSES TO PUBLICITY

Below is a summary of the third party and neighbour responses received at the time of writing this report.

6.1 There have been 22 objections raising the following comments:

- This road and immediate surrounding roads are already well past saturation point for HMO properties.
- Demand for on-street parking spaces is terrible with people having to park 2 or 3 streets away on occasions. The parking is already difficult additional HMO will make it worse.
- Traffic congestion on some roads.

- Lack of interaction between social groups.
- Noise nuisance and unrest.
- High levels of population transience and high turnover of different occupants in HMOs.
- Loss of family home and the opportunity for a settled family which would deny access for families to place their children in the local schools, one of the reasons families move into the area.
- There is already limited family housing available for rent in this area and it's only making it harder with more HMOs.
- Loss of attachment and sense of belonging to a neighbourhood.
- Overspill from refuse and more pressures on refuse teams, the proposed refuse arrangements being a 3 x wheelie bin store is inadequate for 4 separate tenants and would have to be managed at the rear of the property, thus increasing the risk of fly tipping in the service road.
- Fly-tipping of white goods and unwanted furniture in streets.
- Breakdown of longer-term community cohesion.
- Disputes and conflicts between neighbours.
- Loss of affordable housing as local people cannot financially compete against developers who purchase properties for HMOs.
- If this is approved it will be over the 10 per cent in 50 meters of other HMOs (Nos 4, 6, & 8 are already on the HMO register).
- Blocking Access to Alleyways.
- The extension would cause the decked area to the rear of the neighbouring property be in permanent shade during the summer evenings. As a south facing garden sunlight is a premium and can be seen as a selling point to the house, however with an extension 1.2m from our boundary wall this is going to impact the sunlight coming into the kitchen on the side return and also the light coming into the lounge room. the outlook from the lounge will be a brick extension.
- The extension isn't in keeping with the local area and isn't about providing accommodation it is more about revenue income.
- Neighbours are talking of having to move due to the frustrations of having to park 2-3 streets away due to the amount of vehicles. If granted, there is potential for another 5 cars to be parked in the street this compounding the parking issue.
- Sewage/water pipes. The property is of Victorian age with the sewers being from the same era. How will they cope with the constant use of 5 showers/toilets and the extra use these bring. Having had issues with these pipes in the past, we have been informed by Anglia water that there is a connect pipe from 12 Cedar Road which comes into our garden. Should there be an issue with the pipes we are liable for the repairs as they fall our side of the boundary. [Officer Note: The drainage is subject to Building Regulations approval. Drainage not identified as constraint and the property already feeds into the system.

7 APPRAISAL

Principle of Development

- 7.1 The conversion of the existing dwelling to an HiMO is considered to accord with national policy requirements to deliver a wide choice of homes to create sustainable and mixed communities.

- 7.2 Policy H5 of the West Northamptonshire Joint Core Strategy (WNJCS) allows for HiMOs where the proposal would not adversely impact on the character of the area and the amenity of residential areas. Policy H03 of the Local Plan Part 2 allows for new HiMOs where the proposal would not result in an over-concentration of this type of housing; adequate space is provided for the occupiers; appropriate provision is made for refuse, cycle storage and parking; and ground floor bedrooms are protected from flood risk. The Council's Houses in Multiple Occupation Supplementary Planning Document also sets out a series of principles for determining planning applications for HiMOs.
- 7.3 The principle of development is therefore considered to be acceptable, subject to assessment of the application against the aforementioned policies and guidance.

Area concentration

- 7.4 The Houses in Multiple Occupation SPD sets out the Council's approach to managing the growth of HiMOs. Principle 1 of the SPD seeks to create, support and maintain a balanced, mixed and inclusive community and protect the neighbourhood and streetscene character. To help achieve this objective, it aims to avoid an over-concentration of similar uses in one locality and sets a maximum threshold of 10% of HiMOs within a 50m radius of any other HiMO (regardless of whether licensed or not). The SPD is up to date, having been adopted in November 2019, and it can therefore be afforded substantial weight in decision-making.
- 7.5 Policy H03 the NLPP2 relates to the delivery of HiMOs and reflects Principle 1 of the HiMO SPD in the consideration of the concentration of HiMOs in a defined area. It states that all planning applications for change of use from dwellinghouses to HiMOs will be supported provided that less than 10% of the dwellings within a 50m radius of the application site are houses in multiple occupation. The purpose of the area concentration assessment is to retain a balance of dwelling types within an area, to support community cohesion, prevent conflict between neighbours and anti-social behaviour
- 7.6 Council records indicate that there are 4 licenced HiMOs within a 50m radius of the application site, at 4,6 and 8 Cedar Road and 33 Collingwood Road. There are 63 properties that fall within the 50 metre radius of the property. Consequently, if the application property were granted permission the percentage of dwellings in the area that would be HiMOs would be 7.9%.
- 7.7 Given that the proposal is below the 10% threshold referred to above, it is considered that the mixture of property types in this locality would maintain an acceptable balance of dwellings. As such having regard to the comment regarding community cohesion the proposed area concentration falls within the limits of the balance of dwelling types that the SPD identifies as being appropriate. The 10% limit was also adopted to produce a concentration level that is not considered to lead to other anti-social behaviour or activity. The application is therefore considered to accord with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy, Policy HO3 of the NLPP2, Principle 1 of the HiMO SPD and the aims of the National Planning Policy Framework. In this regard the concerns of local residents regarding fly-tipping anti-social behaviour, loss of community cohesion are noted but a refusal based on these issues is not supported by the area concentration assessment.
- 7.8 The adopted policy does not allow for the calculation to be based on the number of immediately neighbouring properties that are HiMOs. So the fact that Nos 4, 6 and 8

Cedar Road together with No.12 would mean that 4 out of 5 dwellings would be HiMOs is not a factor that assists in the area concentration assessment. There is no policy basis for determining an application on the basis of a radius of less than 50 metres and therefore a refusal on the basis of a high concentration of HiMOs within 20 metres of the site could not be justified. The application is therefore considered to accord with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy, Policy H03 of the NLPP2, Principle 1 of the HiMO SPD and the aims of the National Planning Policy Framework.

Size of the property and facilities for future occupiers

- 7.9 Policy H03 of the NLPP2 is in line with the aims of NPPF in respect of the provision of adequate amenity for proposed occupiers and requires HiMOs to be of sufficient size to accommodate the proposed use. Principle 2 of the HiMO SPD seeks to ensure acceptable standards for a range of space and facilities and sets out minimum space standards for bedrooms, kitchens, living and dining space as well as a minimum number of bathroom facilities for the intended occupiers. Policy H03 of the NLPP2 states that schemes should be compliant with the Council's existing space standards for HiMOs.
- 7.10 The property is considered to be of sufficient size to provide an acceptable standard of amenity for future occupiers having regard to the standards set out in the HiMO SPD.
- 7.11 All 5 bedrooms exceed the minimum requirements for single occupancy, all contain at least 7.5 sq.m of useable floorspace. The bathroom facilities also meet the required standards.
- 7.12 Given the size of the bedrooms, there is a need for a communal area which exceeds 11 sq.m. The communal lounge is 13 sq.m The kitchen and lounge would be served by a window which would afford adequate natural light, ventilation and an acceptable outlook.
- 7.14 The property would require an HMO licence and a condition restricting the use of the property to a maximum of 5 people would be necessary in the event of any approval to ensure that the size and level of facilities remains appropriate for the number of occupiers.

Highways/Parking

- 7.15 The property has no off-street parking and on-street parking is not subject to a permit scheme. Principle 4 of the HiMO SPD sets out a starting point of one on-plot car parking space per bedroom in accordance with the Northamptonshire Parking Standards (September 2016) and the Parking Standards Supplementary Planning Document (November 2019).
- 7.16 The HiMO SPD clarifies that where limited or no parking provision is proposed, the developer should provide a parking beat survey. The applicant did not provide the survey but provided information regarding the sustainability of the site. The Highways Authority comment raised concerns as to whether there would be sufficient parking capacity. The HiMO SPD notes that where there is insufficient parking capacity, the application site should be within 400m of a bus stop (with at least one bus every 30 minutes between 0700 and 1900 Mondays to Saturdays) and be located within 400m of facilities and services contained in a town centre, district centre, local centre or

neighbourhood parade. Only outside such locations is parking required to be provided.

- 7.17 No.12 Cedar Road is within 400m (330m) walking distance of the retail and other service facilities at Kingsley parade on Kettering Road. Bus stops on Kettering Road provide services Mondays to Saturdays on a 30-minute basis to the Town Centre (there are other bus stops much closer to the property). On this basis the address is considered to be sustainably located and as such parking is not required to be provided.
- 7.18 Principle 4 of the HiMO SPD recommends that secure cycle storage space should be provided. The Northamptonshire Parking Standards document (2016) indicates that for houses in multiple occupation, one cycle space should be provided per bedroom. Storage for bicycles is indicated within the rear garden amenity area. A condition requiring the implementation of the proposed cycle storage would be necessary to ensure that appropriate provision is made prior to the use commencing. The provision of appropriate cycle storage would also help to mitigate any impact on parking.
- 7.19 The property's use as a single dwellinghouse would generate its own parking demands and therefore it is considered that the parking arrangements for the development are acceptable. The application therefore accords with Policy H5 of the WNJCS, Policy H03 of the NLPP2, the NPPF and the HiMO SPD in so far as these policies and guidance indicate that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Refuse and Recycling Storage

- 7.20 Under Principle 2 of the HiMOs SPD HiMOs are required to provide suitable refuse storage to accommodate waste and recycling within the site curtilage. A refuse storage area is shown on the submitted plans and a condition requiring this to be provided is recommended. Objections note that 3 bins are provided and that there will be 5 occupants. The level of provision is considered to be appropriate for the level of occupation and would enable the refuse and recycling to be taken to the road side either through the house or via the service road to the rear.

Neighbour Amenity

- 7.21 The proposal is for a residential use within the property. There is no evidence to demonstrate that the proposal would generate any specific adverse amenity impacts, such as noise or anti-social behaviour, over and above those created by a conventional C3 dwellinghouse. The property will have refuse storage in the rear amenity space which will be required to be constructed by condition. It is acknowledged that objections to the proposal raise concerns that occupants will add to forms of anti-social behaviour that is cited as already taking place. The SPD assessment regarding area concentration has identified the proportion of properties in a 50 metre radius above which there would be likely to be impacts on community cohesion, conflict and anti-social outcomes. The area concentration is below the 10% limit and it is not considered that a refusal of planning permission, or the imposition of conditions in relation to amenity issues, would be justified in this instance.

Flood Risk

- 7.22 The site lies outside Flood Zones 2 and 3 and consequently is not at high risk of flooding. Principle 3 of the HiMO SPD requires that planning applications for HMOs which include conversion of the ground floor or basement to living accommodation

located within flood zone 2 or 3 must be accompanied by a site-specific flood risk assessment demonstrating that the development is safe from the risk of flooding from all sources and includes safe refuge. Consequently, the proposal does not raise any concerns having regard to Principle 3.

The single storey rear extension

- 7.23 The single storey rear extension would be 3.5 metres depth, 3.3 metres width and with a flat roof 2.8 metres in height. The extension cannot be seen within the street. It would extend beyond the single storey storage building at No10 by 1.8 metres. As a residential dwelling an extension of up to 3 metres in depth would be permitted without requiring planning permission. Having regard to the depth beyond the neighbouring single storey structure, the extension would not be considered to be harmful to the amenity of the occupant of No.10.
- 7.24 The occupant of No.14 has commented that the extension would be harmful to the amenity of the occupiers of that dwelling. However, the extension is set 1.2 metres away from the boundary with No.14, is single storey and has no windows in the side elevation. There is a wall and wooden fence on the shared boundary. Being to the west of No.14 it is considered that the scale of the building would not result in loss of daylight to habitable room windows or undue shadowing of the amenity space. Consequently, the extension is not considered to be harmful to the amenity of either neighbour and is considered to accord with the requirements of Policies Q1 and Q2 of the NLPP2. A condition is proposed to require the demolition of the outbuilding in the rear garden prior to the first occupation of the extension. This would ensure that there is adequate amenity space.

8 FINANCIAL CONSIDERATIONS

- 8.1 The development is not CIL liable.

9 PLANNING BALANCE AND CONCLUSION

- 9.1 The proposed development would not lead to an unacceptable concentration of HiMOs within the locality and would not adversely affect the character of the local area and streetscene. Furthermore, the development would be within a sustainable location having regard to access to shops, public transport and other everyday service. The use of the property as an HiMO is not considered to cause significant harm to the amenity of residents of neighbouring properties. The property is of sufficient size to accommodate the level of occupancy as proposed. The proposed extension would not be significantly harmful to neighbour amenity
- 9.2 The proposed development would be in accordance with the aims and objectives of the National Planning Policy Framework, Policies H1, H5, and S10 of the West Northamptonshire Joint Core Strategy, Policies Q1, Q2, H03 of the Northampton Local Plan Part 2 and the Council's Houses in Multiple Occupation SPD.

10 RECOMMENDATION / CONDITIONS AND REASONS

- 10.1 The proposed development is recommended for approval subject to the conditions listed below.

Time limit

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

Approved plans

2. The development hereby permitted shall be carried out in accordance with the following approved plans: A23-10-01a and A23-10-02a

Reason: For the avoidance of doubt and to accord with the terms of the planning application.

Matching materials

3. The external walls of the extension shall be constructed with materials of the same type, texture and colour as the external walls and roof of the existing building.

Reason: In the interests of visual amenity to ensure that the extension harmonises with the existing building in accordance with Policy H1 of the Joint Core Strategy, Policy Q2 of the Northampton Local Plan Part 2 and the information provided to support the application.

Restriction on Use

4. The maximum number of occupiers of the property shall not exceed 5 at any one time.

Reason: To prevent over-development to accord with Policy H1 of the West Northamptonshire Joint Core Strategy and Policy H03 of the Northampton Local Plan Part 2.

Bicycle parking

5. The secure and covered parking of bicycles for 5 cycles as shown on the proposed floor plan as '2 x Bicycle store' shall be implemented prior to the first use of the premises as a house in multiple occupation and shall be retained thereafter.

Reason: To ensure the provision of adequate facilities in accordance with Policies H1, S10 of the West Northamptonshire Joint Core Strategy and Policy H03 of the Northampton Local Plan Part 2.

Limit use of basement

6. The basement room shall be used as storage room only and shall be maintained as such for the duration of the use hereby permitted and shall not be used as a bedroom or habitable room at any time.

Reason: In the interests of residential amenity to comply with Policy H1 of the Joint Core Strategy, Policy H03 of the Northampton Local Plan Part 2 and the information provided to support the application.

Refuse storage

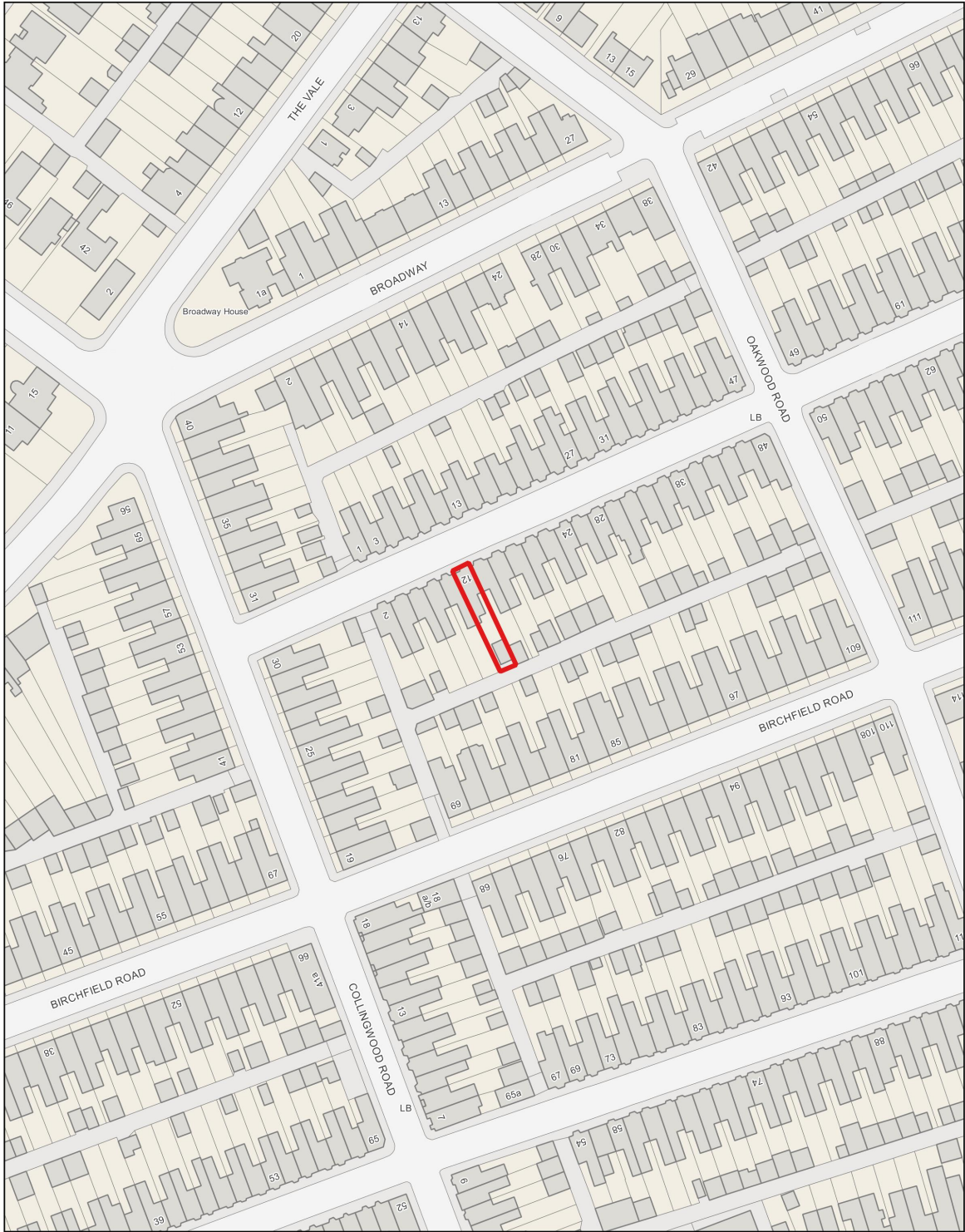
7. Facilities for refuse and recycling storage as shown as 'Triple Bin Store' on the proposed floor plans shall be implemented prior to the first use of the premises as a house in multiple occupation and shall be retained thereafter.

Reason: To ensure the provision of adequate facilities in accordance with Policies H1, S10 of the West Northamptonshire Joint Core Strategy and Policy H03 of the Northampton Local Plan Part 2

Removal of outbuilding

8. Prior to the first occupation of the extension hereby approved the outbuilding identified on the Site Plan A23-10-01a shall be taken down and removed from the site.

Reason: In the interests of residential amenity to comply with Policy H1 of the Joint Core Strategy, Policy Q2 of the Northampton Local Plan Part 2 and the information provided to support the application.



**West
Northamptonshire
Council**

Title: **12 Cedar Road, Northampton**

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Scale: 1:1,250 @A4

Drawn: M Johnson