



Planning Committee Report

Application Number: WNN/2023/0422

Location: 107 Birchfield Road, Northampton, NN1 4RG

Development: Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 5 occupants

Applicant: Adcock Property Investments Ltd

Agent: Adcock Property Investments Ltd

Case Officer: Sukhjeevan Bains

Ward: Abington and Phippsville Unitary Ward

Reason for Referral: Call in by Councillor Bob Purser – Over-concentration of Houses in Multiple Occupation in the locality, Loss of a family house and Serious issue with parking

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

Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 5 occupants

Consultations

The following consultees have raised **objections** to the application:

- West Northants Police

The following consultees have raised **no objections** to the application:

- Private Sector Housing

The following consultees are **in support** of the application: None

23 letters of objection have been received.

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 4 of the report.

The key issues arising from the application details are:

- Principle of Development
- Concentration of HMOs within the area
- On-street parking provision
- Appropriate storage provision for bicycles and refuse

The report looks into the key planning issues in detail, 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 is a two-storey mid-terrace dwellinghouse on the northern side of Birchfield Road. There is a garage to the rear of the site which can be accessed both from the rear garden and via an access road on Oakwood Road.
- 1.2 The site is not within a conservation area nor is it a listed building.

2 DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1 The development is for the change of use of the existing 3-bedroom dwellinghouse to a house in multiple occupation for up to 5 occupants.
- 2.2 No external alterations are proposed. The internal layout of the property would be altered and comprise 2 bedrooms, a kitchen, a lounge and WC on the ground floor as well as 3 bedrooms, a bathroom and a storage room on the first floor.
- 2.3 The existing garage would be used to store refuse bins and up to 5 bicycles.

3 RELEVANT PLANNING HISTORY

- 3.1 There is no planning history directly relevant to the 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.

4.2 Development Plan

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

Policy H1 – Housing Density & Mix & Type of Dwellings

Policy H5 – Managing Existing Housing Stock

Policy S10 – Sustainable Development Principles

Policy BN7 – Flood Risk

- Northampton Local Plan Part 2 (2023)

Policy Q1 – Presumption in favour of sustainable development

Policy Q2 – Amenity and Layout

Policy Q3 - Carbon reduction, sustainable design etc

Policy Q4 – Health and Wellbeing

Policy HO3 – Delivering houses in multiple occupation

Policy MO2 – Highway Network and Safety

Policy MO4 – 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)

The HMO SPD details that proposals for HMOs should:

- Result in a balanced and mixed community and protect the physical character of the street and neighbourhood as a whole, by not resulting in a concentration of similar uses, a material change or adverse impact on the character of the area, or more than 10% of HMOs within a 50 metre radius.
- Secure the provision of adequate facilities and amenities
- Provide adequate waste and recycling facilities and sufficient refuse storage
- Minimise flood risk
- Secure provision of adequate parking
- Provide adequate secure cycle storage in accordance with relevant parking standards documents and SPDs.

5 RESPONSE TO CONSULTATION

- 5.1 Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website.

Consultee Name	Position	Comment
West Northants Police	Crime Prevention Design Advisor	Although the applicant provides a rationale for parking to be on street on the day of my site visit it was not possible to park anywhere near the property. Regardless of whether, in theory, a resident of this HMO will not need to use a car the reality is that a proportion of the new residents will expect to use a vehicle and park it close to the site. Too few parking spaces in any setting can lead to neighbour nuisance issues, inconsiderate parking and congestion problems which inevitably Northants Police are asked to deal with. The lack of any designated parking for potentially 5 new residents should be taken into account when determining this application.
Private Sector Housing		<p>Rooms Sizes The property is suitable for 5 people in 5 households, subject to the rooms being of adequate sizes of a minimum of 6.51m² for a single person or a minimum of 10.22m² for two people, where there is a living room of at least 11m² or a combined living room and kitchen space of 18m². Where there is no provision of an adequate size living room, the room sizes would have to be at least 10m² for a single person and 15m² for two people.</p> <p>Kitchen Facilities Subject to adequate provision of kitchen facilities (see HMO amenities guide), the kitchen is of adequate size. Consideration should also be given to ensuring there is sufficient mechanical ventilation in the kitchen with an extract rate of 60 litres / second or 30 litres / second if the fan is sited within 300mm of the centre of the hob. This is in addition to any windows.</p> <p>Sanitary Facilities The sanitary facilities as shown on the proposed plan would be adequate.</p>

6 RESPONSE 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 23 objections raising the following concerns:

- Over concentration of HMOs in the area.

- Proximity of proposed HMO to existing HMO next door.
- Increased parking pressure
- Loss of family home
- Impact on character of the area
- Refuse and litter issues
- Anti-social behaviour

7 APPRAISAL

Principle of Development

- 7.1 The conversion of the existing dwelling to an HMO is considered to be in line with national policy requirements to deliver a wide choice of homes to create sustainable and mixed communities. In addition, Policy H5 of the Joint Core Strategy (JCS) allows for HMOs where the proposal would not adversely impact the character of the area and the amenity of residential areas.
- 7.2 The principle of development is therefore considered to be acceptable, subject to assessment of the matters set out below.

Concentration of HMOs in the local area

- 7.3 The Houses in Multiple Occupation SPD sets out the Council's approach to managing the growth of HMO's. 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 HMOs within a 50m radius of any other HMO (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.
- 7.4 Policy HO3 of the Local Plan relates to the delivery of HMOs and reflects the HMO SPD in terms of consideration of the concentration of HMOs in a locality. It states that all planning applications for change of use from dwellinghouses to HMOs will be supported provided that less than 10% of the dwellings within a 50m radius of the application site are houses in multiple occupation.
- 7.5 Council records have been investigated and the evidence indicates that there is one existing licenced HMO within a 50m radius of the application site. Based on the methodology for the calculation of concentration as set out on the HMO SPD, the proposed development would result in an HMO concentration of less than 3.6% within a 50m radius of the application site.
- 7.6 It is noted that planning permission was granted for the change of use to a HMO for No.50 Cedar Road, which would fall within a 50m radius of the application site. However, even if this were licenced, the overall concentration percentage would still be below the 10% threshold.
- 7.7 During the public consultation, concern has been raised about the proposed HMO being next door to an existing HMO (No.109 Birchfield Road). However, the methodology of the concentration test as set out in the SPD does not make allowance for the proximity of HMOs to each other, it is solely a test for concentration within a 50m radius of the application site. Therefore, it would not be appropriate to treat this proposal differently.

- 7.8 Given that the proposal is below the 10% threshold set out in the Council's adopted SPD in relation to the concentration of HMOs, it is considered that the mixture of property types in this locality would maintain an acceptable balance.
- 7.9 Based on the above, the application is considered to accord with the aims of the National Planning Policy Framework, Policies H1 and H5 of the West Northamptonshire Joint Core Strategy, Policy HO3 of the Local Plan and the HMO SPD.

Size of the property and facilities for future occupiers

- 7.10 Policy HO3 of the Local Plan, is in line with the aims of NPPF in respect of the provision of adequate amenity for proposed occupiers and requires HMOs to be of sufficient size to accommodate the proposed use. The HMO 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.
- 7.11 The proposal is considered to be in accordance with the space standards stated in the HMO SPD. Each bedroom exceeds the 6.51sqm minimum, with the proposed bedrooms ranging from 10.98sqm to 22.25sqm. The ground floor would comprise two bedrooms, a lounge, a kitchen and a WC. There is also direct access to the rear garden. The first floor would comprise of three bedrooms, a bathroom and a storage room. The HMO SPD states the size of a HMO living space for 5 people has to be a minimum of 11sqm. The proposal includes a 13.3sqm living space. In addition to this, the HMO SPD states that for 5 people the kitchen provided in the HMO has to be at least 7sqm, the proposal is in accordance as it provides a kitchen with an area of 13.49sqm.
- 7.12 All habitable rooms would be served by sufficiently sized windows which offer adequate natural light, ventilation, and outlook.
- 7.13 The property will require a mandatory HMO licence and a condition will be placed on the property restricting the number of occupants to 5 to ensure sufficient space is provided for future occupants.

Amenity

- 7.14 The proposal is for a residential use of the property. The existing three-bedroom dwellinghouse could be occupied by up to 5 residents which is the maximum that would be permitted within the proposed HMO. While it is accepted that the use may differ given the number of different households within the property, based on the reasonable use of the property, it is not considered that the proposed use would result in any specific adverse amenity impacts, such as noise or anti-social behaviour, over and above those created by a conventional C3 dwellinghouse.
- 7.15 Comments received during the public consultation point toward issues at No.109 Birchfield Road which is in use as an HMO. While this may be the case, there is no evidence to demonstrate that this proposal would result in similar impacts. Consequently, no weight can be afforded to the proposal having an adverse impact on neighbouring amenity.

Flood risk

- 7.16 The site is located within Flood Zone 1 and therefore the property is at the lowest risk of flooding.

Highways/ Parking

- 7.17 The property does not have any dedicated off-street parking space. The HMO SPD sets out a starting point of one on-plot car parking space per bedroom. This is consistent with the standard specified in the Northamptonshire Parking Standards (September 2016) and the Parking Standards Supplementary Planning Document (November 2019). The Houses in Multiple Occupation SPD sets out that where limited or no parking provision is proposed, the developer must provide a parking beat survey. Should a parking beat survey reveal that there is insufficient on-street 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 Sundays and be located within 400m of facilities and services contained in a town centre, district centre, local centre or neighbourhood parade.
- 7.18 As no parking beat survey has been submitted despite policy stating one “must” be submitted alongside an HMO application, it is reasonable to infer that parking within the area is either insufficient or at best minimal. Consequently, the only way for the property to be deemed acceptable is if the property is sustainably located.
- 7.19 The applicant has submitted a summary of the local facilities and bus routes within the local area. Officers have also undertaken an assessment of the local area in order to ascertain the suitability of the site.
- 7.20 The property is located 260m from bus stops on Park Avenue North served by the No.16 bus which runs every 15 minutes. It is 320m from bus stops on the Broadway served by the No.10 bus route which runs every hour. It is also 520m from bus stops on Kettering Road which is served by 7 bus routes. While the latter two options are not in line with the above requirement, the overall provision and access to public transport links is considered on balance to be good.
- 7.21 The second part of principle 4 of the HMO SPD states the proposal site needs to be located within 400m of facilities and services contained in a town centre, district centre, local centre or neighbourhood parade.
- 7.22 The site is deemed to be within 430m of St Matthews Parade on Kettering Road which has a variety of shops, eateries and other services. While it is marginally over the 400m limit outlined above, it is noted that a previous application refused by WNC on the basis of being marginally over the 400m limit was overturned by the Planning Inspectorate. Therefore, it is considered that in this case, it would not be reasonable to recommend refusal based on the marginal distance the limit is exceeded by.
- 7.23 It is acknowledged that the area is heavily parked and residual parking capacity is likely to be very limited, especially in the evenings. It is also recognised that the proposal has the potential to increase parking demand over and above that generated by the existing three-bedroom dwellinghouse and that the cumulative impact of other HMO development and existing dwellings and flats can have a significant impact on a local area.
- 7.24 Notwithstanding the above, the site is within a sustainable location and the concentration of HMOs in this locality is within acceptable limits. As such, the

application is in accordance with the HMO SPD. Furthermore, previous planning applications for houses in multiple occupation within Northampton Borough have accepted that there is no evidence to support that all the residents would own cars. Under these previous applications, regard has been paid to recent appeal decisions where Planning Inspectors have consistently taken the view that where a site is close to local amenities and public transport and no or very limited parking is provided, considerable weight has been given to the sustainable location of the site. Indeed, some Inspectors have taken the view that proposed occupiers, in recognising the lack of parking provision and proximity to amenities, may choose the location for this purpose and not wish to have cars.

- 7.25 The HMO SPD recommends that storage space should be provided which is accessible to cycle users. The Northamptonshire Parking Standards document (2016) indicates that for houses in multiple occupation, one cycle space should be provided per bedroom. Storage for 5 bicycles is indicated within the ground floor garage. A condition securing details of the cycle stand proposed providing secure storage within the garage is required and recommended.
- 7.26 In summary, whilst it is likely that some future occupiers would own a car, the site's sustainable location and the on-site availability of secure cycle storage are factors that would be anticipated to appeal to persons dependent upon sustainable modes of transportation. When also factoring in that the property's use as a single dwellinghouse would generate its own parking demands, it is considered that the parking arrangements for the development are acceptable. The application therefore accords with Policy H5 of the WNJCS, Policy HO3 of the Local Plan Part 2, the NPPF and the HMO 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

- 7.27 HMOs are required to provide suitable refuse storage. The submitted plans show that there is space within the garage for refuse bins. However, there is also space within the existing front garden and this would provide a more accessible and convenient location for refuse to be stored. A condition will be applied to any permission requiring details of the proposed refuse storage to ensure sufficient storage is provided and that it is easily accessible.

Other considerations and response to consultation comments

Loss of family home & impact on character of the area

- 7.28 The Local Plan does not set out any specific policy to restrict the loss of family sized housing. It is accepted that HMOs will play an important role in providing a suitable mix of housing types within the borough. Further, due to the nature and scale of the works, it would not require much work to revert the property back to a single dwelling in the future should ownership change.
- 7.29 There are no external changes proposed and the property would still be in residential use with a similar number of occupants as the existing dwelling could accommodate. Based on the reasonable use of the property, it is not envisaged to have an adverse impact on the character of the area.

Occupancy levels

- 7.30 Concern has been raised with the proposed occupancy level of the HMO. The application is for a HMO for up to 5 occupants. It is noted that there is a small room on the first floor, denoted on the proposed floor plan as a 'storage room'. Given that it has a gross internal floor area of 4.52sqm, which is much less than the 6.51sqm minimum requirement, it is not considered to be of a sufficient size to provide an additional bedroom. The additional storage space is welcomed. In any case, a condition will be added restricting the occupancy of the property to a maximum of five.

8 FINANCIAL CONSIDERATIONS

- 8.1 The development does not result in the creation of new residential floorspace, as the works are contained within the existing footprint. As such, the development would not be CIL liable.

9 PLANNING BALANCE AND CONCLUSION

- 9.1 The proposed development would not lead to an unacceptable concentration of HMOs within the locality and would not adversely affect the character of the local area and streetscene. Furthermore, the development would not have any significant and demonstrable adverse impact on highway safety or result in any undue detriment to the amenity of neighbouring property. The property is of sufficient size to accommodate the level of occupancy as proposed.
- 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, Policy HO3 of the emerging Local Plan Part 2 and the Council's Houses in Multiple Occupation SPD.

10 RECOMMENDATION / CONDITIONS AND REASONS

- 10.1 It is recommended that planning permission is granted subject to conditions as set out below.

11 CONDITIONS

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.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan

Current floorplan A3 – scale 50:1 19/04/2023

Proposed floorplan A3 – scale 50:1 19/04/2023

Garage floorplan showing bicycle and refuse storage A3 - Scale 50:1 19/04/2023

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

3. The development hereby permitted shall be occupied by a maximum of 5 residents at any one time.

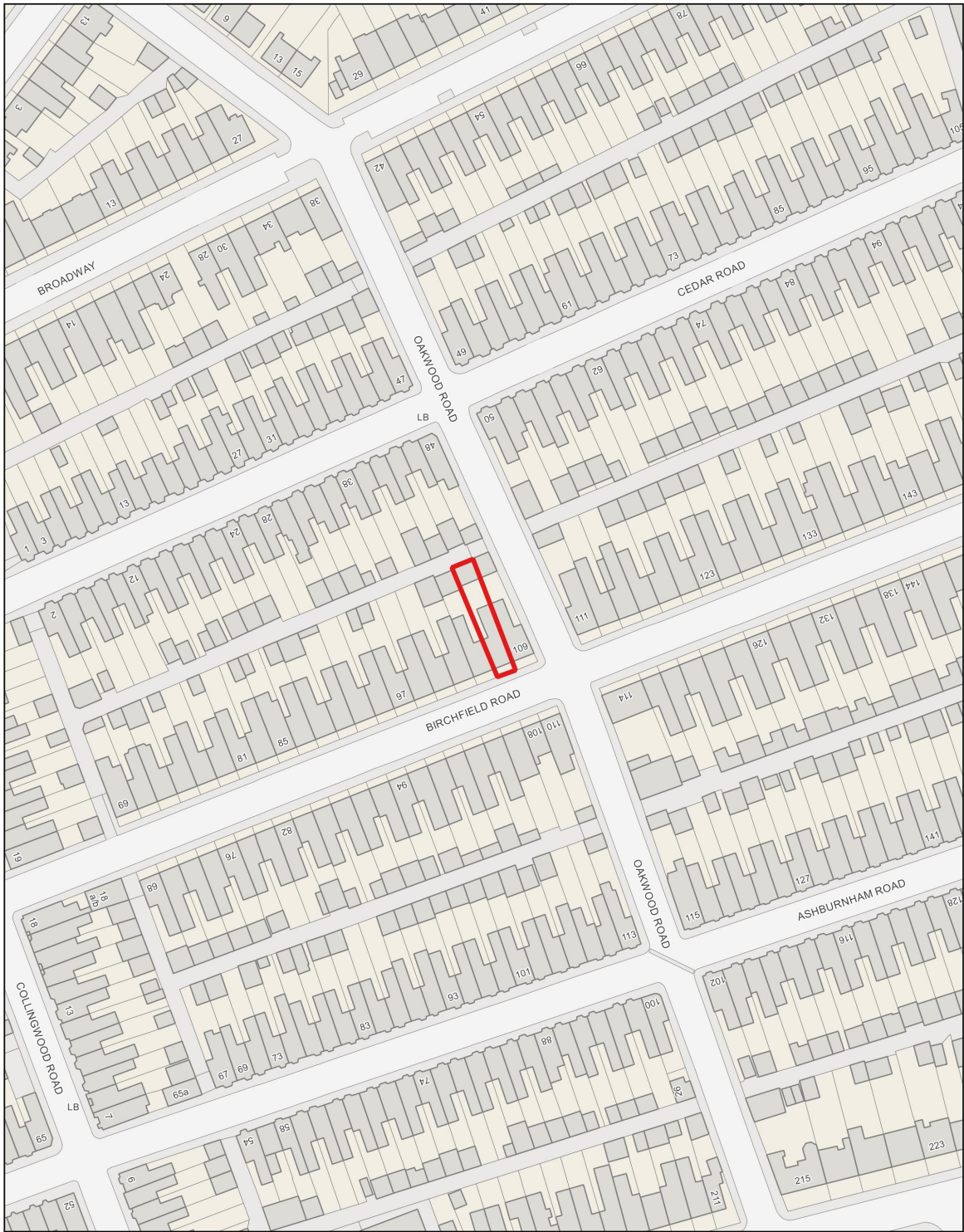
Reason: In the interests of amenity of the proposed occupiers and the surrounding area in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy.

4. Full details of the provision for the storage of refuse and materials for recycling shall be first submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation or bringing into use of the building(s) hereby permitted and thereafter retained.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy Q2 of the Local Plan Part 2.

5. Full details of facilities for the secure and covered parking of 5 bicycles shall be first submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and fully implemented prior to the development being first brought into use and retained thereafter.

Reason: To ensure the provision of adequate facilities in accordance with Policy Q2 of the Local Plan Part 2.



**West
Northamptonshire
Council**

Title: **107 Birchfield Road, Northampton**

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