



Planning Committee Report

Application Number: 2024/2237/FULL

Location: 102 Ashburnham Road, Northampton, NN1 4RB

Development: Change of use from dwelling (C3) to 6No person House in Multiple Occupancy (C4) to include new window opening to side (West) elevation

Applicant: Mr M McBean

Agent: Patrick Dooley

Case Officer: Andrew Holden

Ward: Abington and Phippsville Unitary Ward

Reason for Referral: Call in by Councillor Zoe Smith : Overdevelopment, too many residents, impact on neighbouring residential amenity, exacerbate existing parking and refuse problems.

Committee Date: 10th July 2024

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: THAT THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT BE GIVEN DELEGATED POWERS TO GRANT PERMISSION FOR THE DEVELOPMENT SUBJECT TO CONDITIONS

Proposal

Change of use from dwelling (C3) to 6 No. person House in Multiple Occupancy (C4) to include new window opening to side (West) elevation.

Consultations

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

- Councillor Zoe Smith

The following consultees have made **comments** on the application:

- Local Highway Authority, Private Sector Housing.

Letters of objection have been received from 24 addresses; no letters of support 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 8 of the report.

The key issues arising from the application details are:

- Principle of Development
- Compliance With The Four Principles Of The Houses In Multiple Occupation SPD
- Impact on the Character and Appearance of the Area
- Impact on Neighbour Amenity
- Nature Conservation Impact
- Comments from objectors

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 comprises a two storey Victorian style end of terrace house in a street of similar properties.

2 DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1 The application seeks permission for a change of use to a House in Multiple Occupation (Himo) for six occupants.

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 (LPP1)

Policy SA - Presumption in Favour of Sustainable Development

Policy S10 - Sustainable Development Principles

Policy H1 - Housing Density & Mix & Type of Dwellings.

Policy H5 – Managing the Existing Housing Stock

Northampton Local Plan Part 2

Policy SD1 – Presumption in favour of sustainable development

Policy Q1- Placemaking and design

Policy Q2 – Amenity and layout

Policy Q3 – Carbon reduction, community energy networks, sustainable design and construction, and water use

Policy Q4 – Health and wellbeing

Policy Q5 – Flood risk and water management

Policy HO1 – Residential and other residential led allocation

Policy HO2 – Type and mix of housing

Policy HO3 – Delivering houses in multiple occupation

Emerging Local Plan

A Regulation 18 version of a local plan for the whole of West Northamptonshire was published for consultation between 8th April and 2nd June 2024. Paragraph 48 of the NPPF states that weight may be given to relevant policies in emerging plans subject to the following three considerations:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

As the local plan is still in the early stages of preparation, policies in it can be a material consideration, but its policies can only be afforded limited weight at this stage.

The policies of particular relevance to this application are:

S1 – Spatial Strategy

PL1 – Sustainable Design and Construction

PL7 – Design and Amenity

HO9 PSID – Houses in Multiple Occupation

4.3 Material Considerations

National Planning Policy Framework (NPPF)

Houses in Multiple Occupation Supplementary Planning Document (SPD)

Local Highway Authority (LHA) Standing Advice

Local Highway Authority (LHA) Parking Standards

Upper Nene Valley Gravel Pits Special Protection Area SPD November 2021.

Upper Nene Valley Gravel Pits Special Protection Area SPD Addendum: Mitigation Strategy March 2022.

The West Northamptonshire Local Plan to 2041 is a newly emerging document and as such, carries very limited weight.

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
Local Highway Authority	Comment	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.
Private Sector Housing	Comment	<p>The room sizes, amenities and facilities indicated on the submitted plans indicate that the proposed HMO would meet the requirements for a six (6) occupant HMO.</p> <p>As the occupant of Bedroom 3 (Ground Floor Rear Bedroom) must pass through the kitchen ("risk room") to access the means of escape (hallway) to exit the property via the front door/final exit they require an alternative means of escape if the kitchen is compromised e.g. by fire. It is noted that there is a door accessing the rear garden from this bedroom. It should be established that this leads to a place of safety and can be used as an alternative means of escape.</p>
Councillor Zoe Smith	Objection	Please could I object to this application and call it in to the Planning Committee? This represents overdevelopment of a standard three bedroom property with too many residents. This will negatively impact

		on the residential amenity for neighbours and is likely to exacerbate existing parking and refuse problems in the area. If officers were minded to refuse the application, I would be happy for it to be dealt with under delegated powers.
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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 objections from 24 mainly neighbouring properties, raising the following comments:

- Already a significant number / too many Himos on Ashburnham Road
- Should be limited to a few per street
- Cannot have a Himo next to a family home – every home nearby are family homes.
- The addition of another will exacerbate the problem of parking
- Concerned not just about parking but also the environment and clean air.
- A family is likely to have one car but six people could bring six cars
- Struggle already to find parking - have to park several streets away.
- Vehicles often obstruct side roads.
- Already have issues with noise and parking for the church, cricket ground and shops.
- Concerned about the breaking up of family homes.
- Problem with affordable rented properties for families.
- Will not enhance or benefit the community
- Will cause problems with refuse
- Concerned about noise from 6 people in a terraced house
- Concerned about possibility of crime / anti-social behaviour
- Will affect mental health of existing residents
- Will affect property values
- Transient residents do not contribute to community and have led to a noticeable decline in care and respect for the area.
- Provision of cycle racks is at best a naive solution.
- Just because the property is close to a bus stop does not mean the people living there will choose not to own a car
- At odds with WNC housing strategy which states “deliver homes people need and can afford” and “support residents to live healthy, safe, independent and active lives”
- Six en-suites and two kitchens will add pressure to the drainage system
- Increased use of energy due to separate heating and cooking

7 APPRAISAL

The Principle of Development

7.1 The conversion of the existing dwelling to a Himo 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 allows for Himos where the proposal would not adversely impact on the character of the area and amenity of residential areas, whilst Policy HO3 of the Northampton Local Plan Part 2 sets out the criteria against which applications for Houses in Multiple Occupation will be assessed. Whilst it can be given little weight at this stage, emerging Policy HO9 PSID in the draft West Northamptonshire Local Plan sets out similar criteria to the current policy. The Houses in Multiple Occupation Supplementary Planning Document (Himo SPD) expands on Policy HO3 and sets out the four principles against which Himo applications are assessed, as considered below.

Principle 1: To Create, Support And Maintain A Balanced, Mixed And Inclusive Community And To Protect The Neighbourhood And Streetscene Character

- 7.2 This principle sets out that a proposed Himo should not result in more than 10% of the total number of HMO dwellings, regardless of whether licensed or not, within a 50m radius of the application site, being Himos.
- 7.3 For this application, council records have been investigated (including enforcement complaints) and the evidence indicates that there are two other HMOs within a 50m radius of the application site, albeit that one of these has an expired licence. The use of the application property as a HMO would therefore equate to 6.1% concentration and would therefore fall within the 10% maximum threshold recommended by the Council's adopted SPD in relation to Himos and would comply with Policy HO3 in the Northampton Local Plan Part 2.
- 7.4 Comments from objectors refer to a large number of HMOs in the street. Whilst only those within a 50m radius can be considered, it can be noted that in fact records show only five in the street as a whole. It is considered therefore that there would still be a reasonable mixture of house types within the area.

Principle 2: To Secure The Provision Of Adequate Facilities And Amenities

- 7.5 The property is of sufficient size, providing room sizes in accordance with the Council's HIMO SPD and an appropriately sized kitchen and adequate sanitary facilities.
- 7.6 Comments from Private Sector Housing indicate that the property meets their standards. They also raise concerns about the means of escape from one of the rooms, in the event of a fire. In response to this it can be noted that the room in question has a door leading to the garden, which in turn has a rear access onto the street.
- 7.7 A condition restricting the use of the property to a maximum of 6 people will ensure over-development does not occur.
- 7.8 Refuse Storage is stated as to be provided in the existing garage, but no detail has been provided. A condition requiring full details is, therefore, recommended.

Principle 3: To Minimise Flood Risk

- 7.9 The site is located outside the areas at risk of flooding.

Principle 4: To Secure The Provision Of Adequate Parking

- 7.10 No on-site parking spaces are proposed nor available. Given the lack of dedicated parking, reference must be made to Principle 4 of the HIMO SPD.
- 7.11 This states firstly that a parking beat survey should be produced. No survey has been produced, however given the evidence on the ground (and comments of the LHA) it can reasonably be assumed that a parking beat survey would have shown inadequate levels of available parking.
- 7.12 Reference should therefore again be made to Principle 4, which goes on to state If the beat survey reveals that there is insufficient on-street car parking capacity, the application will need to satisfy the following criteria:
- a. Be located within 400m of a bus stop served by bus route(s) providing a service of at least one bus every 30 minutes between 0700 and 1900 Mondays to Saturdays;
 - b. Be located within 400m of facilities and services contained in the town centre, a district centre, local centre or neighbourhood parade.
- 7.13 In this case, the site is within 240m of the nearest bus stops on Park Avenue North where the service provided is at least every 30 minutes, and 200m from the centre of a local shopping parade on Collingwood Road, containing a range of shops. Whilst comments from objectors and the Local Highway Authority are noted, given this clear compliance with this principle of the SPD the proposal must be accepted as being in a sustainable location.
- 7.14 Reference must also be made to the Northamptonshire Parking Standards which state that HMOs shall provide on plot parking at the ratio of one parking space per bedroom. The proposed development will produce a demand for 6 parking spaces, (One per bedroom) which is an increase of 3 compared to the requirements for the current 3 bedroom dwellinghouse use.
- 7.15 In regard to this, it can be noted that in previous appeal decisions, inspectors have consistently taken the view that where a site is close to local amenities and no parking is provided, occupiers would choose the location for this reason and would be unlikely to wish to have cars. It would, therefore, be very difficult to sustain a refusal on the grounds of lack of parking provision or impact on parking availability in streets in the area. Furthermore, there is no evidence to support that all proposed residents would own cars.
- 7.16 Cycle storage is stated as to be provided in the existing garage, but no detail has been provided. A condition requiring full details of such provision is recommended.

Impact on the Character and Appearance of the Area

- 7.17 The proposal includes the insertion of an additional window to the side elevation. This has been designed to be in keeping with the host property and therefore would not affect the character of the area.
- 7.18 It is furthermore considered that the use as a HMO would not in itself have an adverse effect on the character of the area because it is a residential use in a residential area.

Impact on Neighbour Amenity

- 7.19 The proposed additional window would face onto a side street. On the opposite side of this is the front door and a window serving the neighbour at no. 100 Ashburnham Road. Given that there is an existing side window to the house also facing this neighbour, which would now be obscure glazed, it is not considered that this would result in any significant additional impact on this neighbour.
- 7.20 The proposal is for a residential use and whilst comments from objectors are noted, there is no evidence to suggest that the occupiers of a HMO would create any more impact than other residential occupiers in terms of noise, anti-social behaviour, etc. A refusal for such a reason could not therefore be sustained at appeal.

Nature Conservation Impact.

- 7.21 The site is within the buffer zone of the Upper Nene Valley Gravel Pits SPA and therefore there will be a future impact on this, from recreational visits to this site by future residents.
- 7.22 However, it is considered that a full Habitats Regulations Assessment (HRA) is not necessary, as Policy ENV5 of the adopted Northampton Local Plan Part 2 states that an HRA will only be required where there is a “significant” effect on the Upper Nene Valley Gravel Pits SPA. In this case it is considered that the effect of possible recreational visits to the site from future occupants of the HMO, at a distance from the SPA of over 2km, would be minimal in comparison to that likely to result from the existing three bedroom dwelling. A financial contribution towards Strategic Access Management and Monitoring (SAMM) is furthermore not considered to be justified in this case.
- 7.23 Comments from objectors
- 7.24 In addition to the matters, covered above, comments from one objector state that they do not consider the proposal is compliant with the WNC Housing Strategy. This document is in fact housing rather than planning policy, but nevertheless it is considered that the proposal does in fact both “deliver homes people need and can afford” and “support residents to live healthy, safe, independent and active lives”
- 7.25 Some objectors have also referred to pressure on the drainage and water systems due to the number of en-suites and kitchens. In response to this it can be noted that if only one bathroom and kitchen had been provided, the use of water and drainage by the six residents would have been the same.

8 FINANCIAL CONSIDERATIONS

- 8.1 CIL is not payable

9 PLANNING BALANCE AND CONCLUSION

- 9.1 The proposed development is considered acceptable without having an undue adverse impact on highway safety, residential amenity or flood risk and would not result in an overconcentration of similar uses to comply with Policies Q1, Q5 and HO3 of the Northampton Local Plan, Policies H1 and H5 of the West Northamptonshire Joint Core Strategy, the Council's Houses in Multiple Occupation Supplementary Planning Document and the National Planning Policy Framework.

10 RECOMMENDATION

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

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: ASM-24-M14-002, ASM-24-M14-003.

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

Maximum Occupancy

3. The development hereby permitted shall be occupied by a maximum of 6 residents at any one time.

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

Cycle Storage

4. Full details of facilities for the secure and covered parking of bicycles shall be 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 Policies H1 and H5 of the West Northamptonshire Joint Core Strategy.

Refuse Storage

5. 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 for the use hereby permitted and thereafter retained.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policies Q2 and HO3 of the Northampton Local Plan Part 2
