

Planning Committee Report

Committee Date: 8th February 2022

Application Number: WNN/2021/0993

Location: 113 Lutterworth Road, Northampton

Development: Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 5 occupants, including single storey rear extension

Applicant: Mr I Bhatti

Agent: Design Board Architectural Services

Case Officer: Kanchan Sharma

Ward: Abington and Phippsville Unitary Ward

Referred by: Councillor Z Smith

Reason for Referral: Overdevelopment and impact on parking

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

Proposal

Permission is sought for a change of use from a dwellinghouse (Use Class C3) to a house in multiple occupation (HIMO) (Use Class C4) for 5 people, including a single storey rear extension.

Consultations

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

- Councillor Z Smith
- Northampton Town Council

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

- Private Sector Housing
- Environmental Health
- Highways

3 Letters of objection have been received.

The key issues arising from the application details are:

- Principle of Development

- Concentration
- Amenity
- Highway Safety

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 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 mid-terraced, three bedroom property on Lutterworth Road located in a residential area with similar terraced properties on the either side of the street.
- 1.2 The site is located in a close proximity to Wellingborough Road, which has a parade of retail and commercial units and bus routes to different parts of the town.
- 1.3 The application site lies in Flood Zone 1, which means very low risk of flooding.

2. CONSTRAINTS

- 2.1. The application site is subject to an Article 4 Direction which removes permitted development rights in relation to a change of use to a House in Multiple Occupation (HIMOs).

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. Permission is sought for a change of use from a dwellinghouse (Use Class C3) to a house in multiple occupation (HIMO) (Use Class C4) for 5 people. Parking would be on-street.
- 3.2. The proposal also includes a single storey rear extension.

4. RELEVANT PLANNING HISTORY

- 4.1. None.

5. RELEVANT PLANNING POLICY AND GUIDANCE

Statutory Duty

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

Development Plan

- 5.2. The Development Plan comprises the West Northamptonshire Joint Core Strategy Local Plan (Part 1) which was formally adopted by the Joint Strategic Planning Committee on 15th December 2014 and which provides the strategic planning policy framework for the District to 2029, the adopted Local Plan (Part 1 – saved policies) and adopted Neighbourhood Plans. The relevant planning policies of the statutory Development Plan are set out below:

West Northamptonshire Joint Core Strategy Local Plan (Part 1) (LPP1)

- 5.3. The relevant policies of the LPP1 are:

- H1 - Housing Density & Mix & Type of Dwellings
- H5 - Managing the Existing Housing Stock
- S10 - Sustainable Development Principles
- BN7 - Flood Risk

Northampton Local Plan 1997 (Saved Policies)

- 5.4. The relevant policies of the NLP 1 are:

- Policy E20 – Design for new development
- Policy H30 – Multi-occupation with a single dwelling

Material Considerations

- 5.5. Below is a list of the relevant Material Planning Considerations

- **National Planning Policy Framework (NPPF)** sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system. The NPPF should be read as one complete document. However, the following sections are of particular relevance to this application:
 - Paragraphs 72 (c) - ensure that a variety of homes to meet the needs of different groups in the community will be provided.
 - Paragraph 127 (f) - seeks to create safe and healthy places with a high standard of amenity for existing and future users.
- Northampton Local Plan Part 2 (2011-2029) (Emerging)

Following the decision at the Full Council on 18 January 2021, the former Northampton Borough Council submitted the Northampton Local Plan Part 2 (2011 – 2029) and supporting documents to the Secretary of State for Housing, Communities and Local Government (now Secretary of State for Levelling Up, Housing and Communities) on 4 February 2021 for examination. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

In line with Paragraph 48 of the National Planning Policy Framework, the policies contained within the emerging Northampton Local Plan Part 2 are therefore a material consideration in the determination of planning applications. The weight afforded to the policies relevant to this application are set out below:

- 1 – Presumption in favour of sustainable development (Significant weight)
- 2 – Placemaking (Moderate weight)
- 3 – Design (Moderate weight)
- 4 – Amenity and layout (Moderate weight)
- 5 – Carbon reduction, sustainable design etc (Moderate weight)
- 6 – Health and wellbeing (Significant weight)
- 15 – Delivering houses in multiple occupation (Significant weight)
- 33 – Highway network and safety (Significant weight)
- 35 – Parking standards (Significant weight)

- Northamptonshire County Parking Standards (November 2016)
- Northampton Parking Standards Supplementary Planning Document (November 2019)
- Houses in Multiple Occupation Supplementary Planning Document (November 2019). The HIMO SPD details that proposals for HIMOs 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 HIMOs 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.

6. RESPONSE TO CONSULTATION

- 6.1 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	Comment
Private Sector Housing	The property is suitable for 5 households as requested. The kitchen/diner size is adequate subject to the provision of adequate kitchen facilities. Sanitary facilities are adequate. The scheme will require licensing under the mandatory licensing scheme.
Environmental Health	No comments to make other than the recommended informative note covering construction times.
Northampton Town Council	The Northampton Town Council object to this application. The development of the property as a HMO for 5 occupants is overdevelopment of the site. In addition, there is insufficient parking for the number of proposed occupants.
Cllr. Z Smith	Calls in the application on the grounds of impact on parking, refuse and overdevelopment. 5 bedrooms is too many and inappropriate to have bedroom off kitchen.

Highways	No comments to make.
----------	----------------------

7. RESPONSE TO PUBLICITY

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

7.1. Objections have been received from 3 local residents raising the following comments in summary:

- Would increase pressure on on-street parking.
- Increase in refuse
- Will cause noise and disruption to residents.
- Increase in anti-social behaviour
- Property is too small for 5 adults.
- Loss of a family dwelling
- Sewer drainage is a problem – HiMO will exacerbate this

8. APPRAISAL

Principle of Development

8.1 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. Policy H5 of the JCS allows for HiMOs where the proposal would not adversely impact on the character of the area and amenity of residential areas. These matters are discussed below.

Concentration of HiMO uses in the area

8.2 Council records evidence that there are 4 other HiMOs within a 50m radius of the application site. The use of this property as a HiMO would equate to 8.9% concentration, which would fall within the 10% maximum threshold recommended by the Council's adopted SPD in relation to HiMOs. It is considered therefore that there would still be a reasonable mixture of house types within the area. As referred to by some objectors, the density map provided by the applicants is indeed inaccurate. The density has been calculated independently of this by officers and based on Council records available.

Size of the property and facilities for future occupiers

8.3 Policy H30 of the Local Plan, although dated, 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. The property is considered to be of sufficient size, providing room sizes in accordance with the Council's HiMO Facilities and Amenities Guidance and appropriate kitchen/dining, WC and wash facilities. A condition restricting the use of the property to a maximum of 5 people would ensure over-development does not occur.

8.4 Private Sector Housing have confirmed that the room sizes, amenities and facilities indicated on the submitted plans indicate that the proposals would meet the requirements for a 5 occupant HiMO. All bedrooms would be served by adequate outlook and light.

Flood Risk

- 8.5 The site lies in a low risk Flood Zone (Zone 1) where there is limited risk from flooding.

Highways/Parking

- 8.6 Parking for existing properties on Lutterworth Road is on-street. The application proposes no onsite parking to serve the property and there is not the opportunity to do so. The Houses in Multiple Occupation SPD sets out clearly that where limited or no parking provision is proposed, the site 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. Only outside such locations is parking required to be provided.
- 8.7 No parking beat survey was submitted with the application. Nevertheless, it is considered that the application site is in a sustainable location within 200 metres of the nearest bus stops into and out of the town centre, with buses stopping at least every 30 minutes on Mondays to Fridays, with a less frequent service at weekends. The site is also 200m from local shopping facilities on Wellingborough Road. In this regard, the proposal is considered to be in accordance with the requirements of the SPD in respect of parking considerations. It also complies with Principle 5 of the Northampton Parking Standards SPD (2019). It can be noted also that no objection has been received from the Local Highway Authority in this case.
- 8.8 Within such areas, the HIMO SPD recommends that storage space should be provided which is accessible to cycle users. Details of cycle storage have accompanied the application, but not in detail, therefore a condition is recommended to provide further details to ensure an appropriate level of secure cycle storage is available on site.
- 8.9 A further consideration in respect of parking is the Northamptonshire Parking Standards, which states that a HIMO should provide on plot parking at the ratio of one parking space per bedroom. The proposed development would produce a demand for 5 parking spaces, which is an increase of 3 compared to the existing use, as parking requirement for a 3-bed dwelling is 2 spaces.
- 8.10 However, there is no evidence to support that all the residents would own cars. Furthermore, regard must be 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 parking is provided, considerable weight has been given to the sustainable location of the site, and the appeals concerned have been allowed. 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.
- 8.11 Overall, in view of the recent appeal decisions, and the weight the Inspectors have given to the sustainability of locations, and having regard to the sustainable location of the application site, the number of occupants proposed, and that there is sufficient room within the site to provide secure bicycle storage, in accordance with the requirements of the HIMO SPD and the Parking SPD, it is not considered that a refusal on highway grounds could be upheld at appeal.

Refuse Storage

- 8.12 The submitted plans indicate refuse storage in the rear garden area, a condition is therefore recommended requiring full details to be submitted to ensure appropriate provision.

Amenity

- 8.13 The proposed use falls within Use Class C4, which in effect categorises this as a residential use. There is no evidence to demonstrate that the proposal would generate adverse amenity impacts such as noise or anti-social behaviour over and above those created by a more conventional C3 dwelling. Consequently, it is not considered that a refusal of planning permission, or the imposition of conditions in relation to amenity issues would be reasonable or sustainable at appeal.

Impact of proposed rear extension.

- 8.14 The proposed single storey rear extension would be screened behind the main dwelling and therefore would have a minimal impact on the character of the area. The extension would replace the existing 1m deep single storey element and would project 2.8m from the rear elevation with a flat roof.
- 8.15 The neighbouring property, No.111, has an existing lean-to and the proposed extension would sit adjacent to this existing structure which has no habitable windows and as such, would have minimal impact on this property. The neighbouring property, No.115, has habitable windows on the side elevation overlooking the application site. However, due to the siting of the proposed extension towards the rear end of the building, it would have minimal impact on the residential amenity of this property in terms of overbearing or loss of light. Moreover, a similar extension could be erected under the provisions of the permitted development rights and would not require planning permission.
- 8.16 There are no dwellings to the immediate rear of the site and it is considered that the proposed single storey rear extension would not result in any undue impact on the residential amenity of the neighbouring properties to the sides and would comply with saved policy E20 of the Northampton Local Plan, Policy S10 of the JCS and advice contained in NPPF.

9 FINANCIAL CONSIDERATIONS

- 9.1 The development is not CIL liable.

10 PLANNING BALANCE AND CONCLUSION

- 10.1 The proposed change of use and extension would not lead to an unacceptable concentration of HMOs within the locality and would not adversely affect the character of the local area, street scene, neighbouring amenity or parking provision. The property as extended would be of sufficient size to accommodate the level of accommodation as proposed.
- 10.2 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, saved Policies E20 and H30 of the Northampton Local Plan and the Council's Houses in Multiple Occupation SPD.

11 RECOMMENDATION / CONDITIONS AND REASONS

11.1 The proposed development is recommended for approval subject to the conditions as set out below with delegated authority to the Assistant Director for Place and Economy to approve any amendments to those conditions as deemed necessary.

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: A21-129-01 & A22-129-02.

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 five 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. Notwithstanding the submitted details, 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 of the building for the use hereby permitted and thereafter retained.

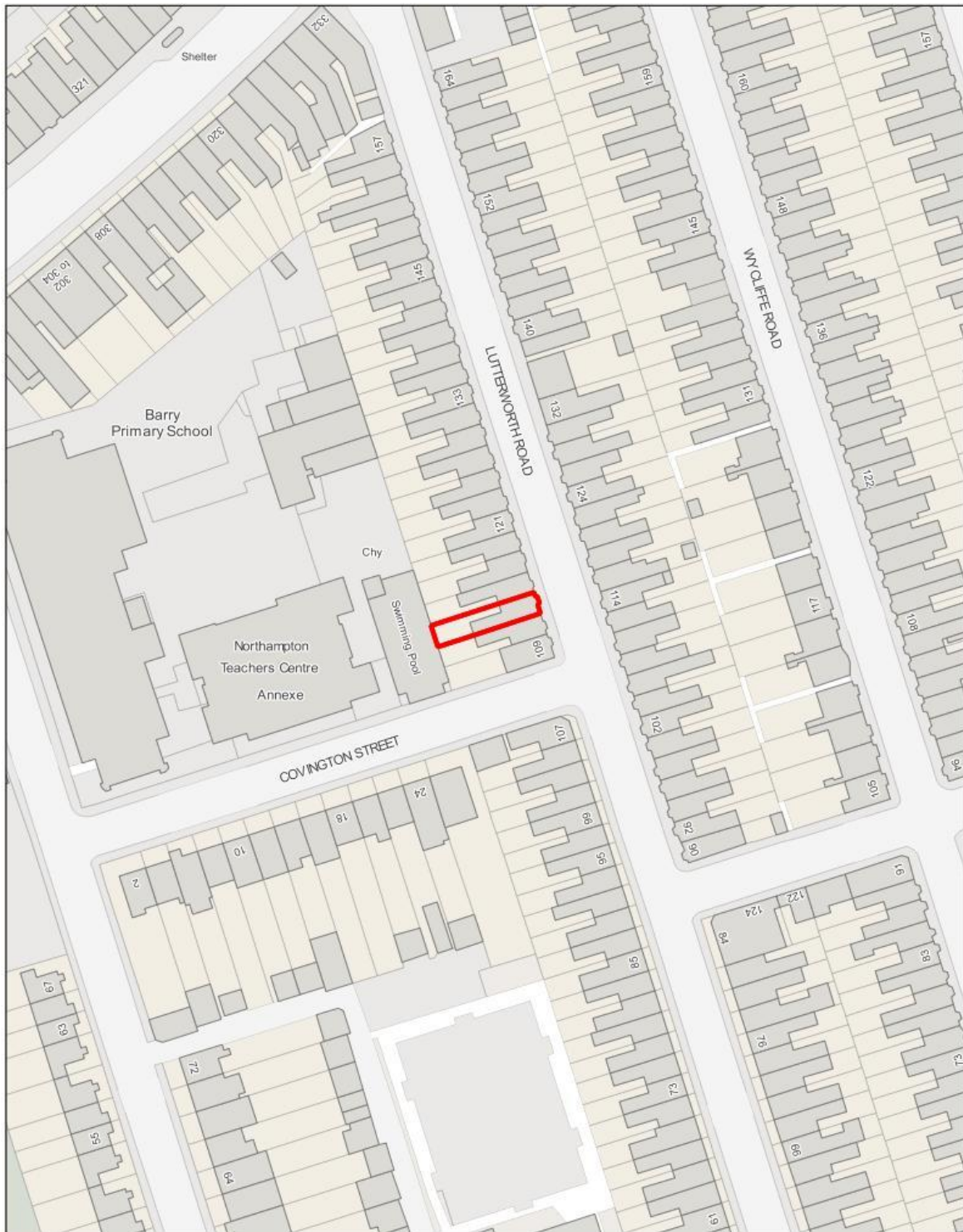
Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

5. Notwithstanding the submitted plans, details for the provision of secure cycle storage shall be first submitted to and approved in writing by the Local Planning Authority fully implemented prior to the development being first brought into use and retained thereafter.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

6. The external walls of the extension shall be constructed with materials of the same type, texture and colour as the external walls 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 E20 of the Northampton Local Plan.



**West
Northamptonshire
Council**

Title: **113 Lutterworth Road.**

© Crown copyright and database rights 2022 Ordnance Survey licence no. 100063706

Date: 27-01-2022

Scale: 1:1,000 @ A4

Drawn: M Johnson