



Planning Committee Report

Committee Date: 5th April 2022
Application Number: WNN/2021/1189
Location: 92 Lower Thrift Street, Northampton
Development: Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 4 occupants

Applicant: Mr Richard Nugent
Agent: Mr Richard Nugent
Case Officer: Adam Walker

Ward: Abington and Phippsville Unitary Ward

Referred By: Councillor Z Smith

Reason for Referral: Overconcentration of HMOs, impact on parking and amenity

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO 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.

Proposal

Permission is sought for a change of use from dwellinghouse (Use Class C3) to a house in multiple occupation (Use Class C4) for 4 occupants. No external alterations are proposed.

Consultations

The following consultees have raised **objections or concerns** with the application:

- Local Highway Authority
- Northampton Town Council
- Cllr Zoe Smith

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

- Northamptonshire Police
- Private Sector Housing

Three 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 8 of the report.

The key issues arising from the application details are:

- Principle of Development
- Amenity
- Highway Safety

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 property comprises a mid-terrace dwelling that is two storeys in height and also includes a basement and a bedroom in the attic. The property has been extended to the rear with the addition of a two storey extension that provides a kitchen and bathroom. There is garden area to the rear of the dwelling that backs onto a garage (the garage is not part of the application property).
- 1.2 The local area is predominantly residential and has terraced properties on either side of Lower Thrift Street.
- 1.3 The application site lies in Flood Zone 1, which means it is of 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 Planning permission is sought for change of use from dwellinghouse (Use Class C3) to a house in multiple occupation (Use Class C4) for 4 occupants.
- 3.2 The proposal would provide a living room, kitchen and a bedroom on the ground floor, two bedrooms and a bathroom on the first floor and a bedroom in the existing attic. The basement is not proposed to be converted into habitable accommodation.

4 RELEVANT PLANNING HISTORY

- 4.1 There is no planning history that relates to the application site. The following applications relate to other applications for changes of use to HMOs within 50m of the application site:

Application Ref.	Proposal	Decision
N/2020/0036 104 Lower Thrift St	Change of Use of Dwellinghouse (Use Class C3) to House in Multiple Occupation (Sui Generis) for 7 occupants	Refused
N/2020/0119 108 Lower Thrift St	Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 4 occupants	Approved
N/2020/0535 103 Lower Thrift St	Part Retrospective Application for Change the use of the property from 6 occupants HiMO (C4) to 8 occupants HiMO (Sui Generis) by converting the garage	Refused
N/2020/0738 79 Lower Thrift Street	Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 4 occupants	Approved

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

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

- 5.2 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) (NLP1)

- 5.3 The relevant policies of the NLP1 are:

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

Material Considerations

- 5.4 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:

- Policy 1 – Presumption in favour of sustainable development (Significant weight)
 - Policy 2 – Placemaking (Moderate weight)
 - Policy 4 – Amenity and layout (Moderate weight)
 - Policy 5 – Carbon reduction, sustainable design etc (Moderate weight)
 - Policy 6 – Health and wellbeing (Significant weight)
 - Policy 15 – Delivering houses in multiple occupation (Significant weight)
 - Policy 33 – Highway network and safety (Significant weight)
 - Policy 35 – Parking standards (Significant weight)
- **Residential Extensions and Alterations Design Guide 2011**
 - **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.

6 RESPONSE TO CONSULTATION

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
Local Highway Authority	<p>The local area is known to be heavily parked, with little to no residual parking capacity. The proposed development is likely to increase parking demand when compared to the existing use. This may be considered a minor increase, but the cumulative impact of multiple HiMO developments in a localised area can have a significant impact. This can lead to increases in double parking, parking on double yellow lines and other unsafe parking practices.</p> <p>The likely impact of an increase in parking demand from the proposed development cannot be determined without a parking beat survey. However, it is recognised that Principle 4 of the 'Houses in Multiple Occupation Supplementary Planning Document indicates that even if a parking beat survey showed parking to be insufficient, it is only possible to consider the sustainability of the site's location when assessing the highway impacts. Nevertheless, the LHA cannot make informed comments on this application due to a lack of information.</p>
Private Sector Housing	None of the bedrooms should be below 6.51sqm and the kitchen facilities and living room should comply with the HMO amenities guide. The proposed sanitary facilities are adequate.
Northampton Town Council	Object to the application on the grounds that a family house will be lost, the proposal represents overdevelopment in the area and the size of the rooms are too small to accommodate four occupants.
Northamptonshire Police	No objection but it is recommended that the bike storage area is upgraded to provide a secure covered storage solution.
Northamptonshire Fire & Rescue Service	With reference to the submitted Fire Evacuation Plan, the only comment to be made at this stage would be to emphasise that, once occupied, the premises will be subject to the provisions of the Fire Safety Order.
Cllr Zoe Smith	There are already a large number of HMOs in the area and a further HMO would be detrimental to the area and would reduce local amenity.

	<p>One bathroom is insufficient for a house with four unrelated occupants.</p> <p>An additional HMO would exacerbate existing parking and refuse problems in the area.</p> <p>If the application is recommended for approval, please ensure that a condition is imposed restricting the use of the basement as a bedroom or other living space.</p>
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7 RESPONSE TO PUBLICITY

7.1 Three representations have been received, all raising objections to the application. A summary of the comments is provided below.

- Too many HMOs in this area plus other properties that have been subdivided into flats and apartments. This creates a high concentration of people in a small area.
- Proposal would add to the over concentration of HMOs in this area.
- Presence of multiple HMOs on Lower Thrift Street results in an unbalanced mix of housing which is detrimental to the local area and community.
- Multiple HMOs erodes local character and distinctiveness and sense of community in areas such as Lower Thrift Street.
- Loss of family housing.
- The application building makes a positive contribution to the streetscene and Lower Thrift Street provides a contemporary context to the nearby Billing Road Conservation Area.
- It is recognised that the property is now being actively managed after a period of neglect and reassurances provided by the new owner regarding its future management as a HMO are welcomed, however, they do not overcome the longer-term harm that would result from the presence of an additional HMO on parking and maintaining a balanced population.
- There are already parking issues on Lower Thrift Street as a result of use by existing residents and hospital staff. Additional parking demand from the proposal would exacerbate existing problems.
- There are noise issues associated with existing properties on Lower Thrift Street, including HMOs.
- Increase in bedsits can have an impact on antisocial behaviour.
- No provision for collection or storage of waste. Excess waste may be stored outside which could lead to the introduction of rats and other vermin.
- Concerns that if permission is given it would be easier to increase the occupancy in the future.

8 APPRAISAL

Principle of Development

8.1 The conversion of the existing dwelling to a 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 on the character of the area and the amenity of residential areas.

8.2 The principle of development is therefore considered to be acceptable, subject to assessment of the matters set out below.

Area concentration

- 8.3 The Houses in Multiple Occupation SPD sets out the Council's approach to managing the growth of HMOs. 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.
- 8.4 Policy 15 of the emerging Local Plan 2 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. Emerging Policy 15 is considered to carry significant weight. It is to be noted that there have not been any proposed main modifications to this policy as part of the Local Plan 2 examination process.
- 8.5 Council records have been investigated and the evidence indicates that there are four existing licenced HMOs 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 a HMO concentration of 9.6% within a 50m radius of the application site.
- 8.6 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.
- 8.7 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 H30 of the Northampton Local Plan, the HMO SPD and Policy 15 of the emerging Local Plan Part 2.

Size of the property and facilities for future occupiers

- 8.8 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 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. Policy 15 of the emerging Local Plan 2 states that schemes should be compliant to the Council's existing space standards for houses in multiple occupation.
- 8.9 The property is considered to be of sufficient size to provide an acceptable standard of amenity for future occupiers. All the bedrooms comfortably exceed the minimum requirements for single occupancy, including the attic bedroom which has been proven to provide ample headroom. The kitchen exceeds the minimum size requirement by over 4 square metres. The living room falls very marginally below the minimum size requirement by approximately 0.2 square metres, although this room includes two areas of built-in storage which, when included within the overall floor space, would mean the size of the living room exceeds the minimum requirement. In any event, it is considered that the living room is of an acceptable size and the marginal shortfall in floor area is more than adequately compensated for by the larger

sized kitchen and bedrooms. A single bathroom would be provided, and Private Sector Housing have confirmed that the sanitary facilities are adequate.

- 8.10 All habitable rooms as well as the kitchen would be served by windows which would afford adequate natural light, ventilation and an acceptable outlook. This includes the attic bedroom, which has previously been used as a bedroom and has a large rooflight.
- 8.11 The property would require a mandatory HMO licence and a condition restricting the use of the property to a maximum of 4 people would be necessary in the event of any approval to ensure that the size and level of facilities remained appropriate for the number of occupiers.
- 8.12 The property has a basement, and it is not proposed to use this as habitable accommodation. It is however considered necessary to impose a condition preventing the use of the basement as a bedroom in the future.

Flood Risk

- 8.13 The site lies in Flood Zone 1 and is therefore classified as being at the lowest risk of flooding.

Highways/Parking

- 8.14 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. Only outside such locations is parking required to be provided.
- 8.15 No parking beat survey has been submitted with the application although supporting information seeks to highlight the sustainable location of the site. This states that the site is close to the centre of Northampton, the General Hospital and the University of Northampton and there are bus stops within 100 metres of the site. Furthermore, the Wellingborough Road District Centre is also situated within 400 metres of the application site.
- 8.16 Officers concur that the site is in a sustainable location, with access to several bus stops that provide a regular service providing connections in different directions. The site is also within walking distance of a range of facilities and amenities on Wellingborough Road, including convenience stores. In addition, the site is within realistic walking distance of Northampton town centre, which includes a bus interchange and the town's train station.
- 8.17 The Local Highway Authority (LHA) has raised concerns with the application and have commented that the local area is known to be heavily parked, with limited residual parking capacity. The LHA considers that the proposed development is likely to increase parking demand and have highlighted that the cumulative

impact of multiple HMO developments in a localised area can have a significant impact, leading to increases in double parking, parking on double yellow lines and other unsafe parking practices.

- 8.18 Notwithstanding the comments from the LHA, 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.
- 8.19 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. Cycle storage is indicated within the rear garden area, although this is not shown as being secure storage. A condition is recommended requiring details of arrangements for the secure storage of four bicycles. The provision of appropriate cycle storage would help to mitigate the potential impact on parking and would also address comments made by Northamptonshire Police.
- 8.20 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 JCS, saved Policy H30 of the Northampton Local Plan, 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

- 8.21 HMOs are required to provide suitable refuse storage. The submitted plan indicates an area to the rear of the dwelling that is to be used for bin storage and this is considered acceptable. Bins would need to be transferred through the building for collection in a very similar fashion to the established arrangement.

Amenity

- 8.22 The proposal is for a residential use of 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. Consequently, it is not considered that a refusal of planning permission, or the imposition of conditions in relation to amenity issues, could be justified.

Other matters

- 8.23 No external alterations are proposed as part of the application and in this regard the proposal would not have any material impact on the visual amenity or character of the streetscene, nor would it impact on the setting of the Billing Road Conservation Area which lies a short distance to the south.
- 8.24 The objections raised within the third party representations as well as the concerns of Northampton Town Council are acknowledged, however, for the reasons set out in this appraisal it is not considered that the issues raised could be substantiated as reasons for refusal.
- 8.25 Northamptonshire Fire & Rescue Service have not raised any issues with the planning application.

9 FINANCIAL CONSIDERATIONS

- 9.1 The development is not CIL liable.

10 PLANNING BALANCE AND CONCLUSION

- 10.1 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 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.
- 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, Policy 15 of the emerging Local Plan Part 2 and the Council's Houses in Multiple Occupation SPD.

11 RECOMMENDATION / CONDITIONS AND REASONS

Time Limit

- 11.1 The proposed development is recommended for approval subject to the following 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.

Plans

2. The development hereby permitted shall be carried out in accordance with the following approved plan: GA Plans Rev F04.

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

Occupancy

3. The development hereby permitted shall be occupied by a maximum of four 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.

Refuse Storage

4. The refuse storage shall be provided as shown on the approved plans prior to the first use of the property hereby permitted 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.

Cycle Storage

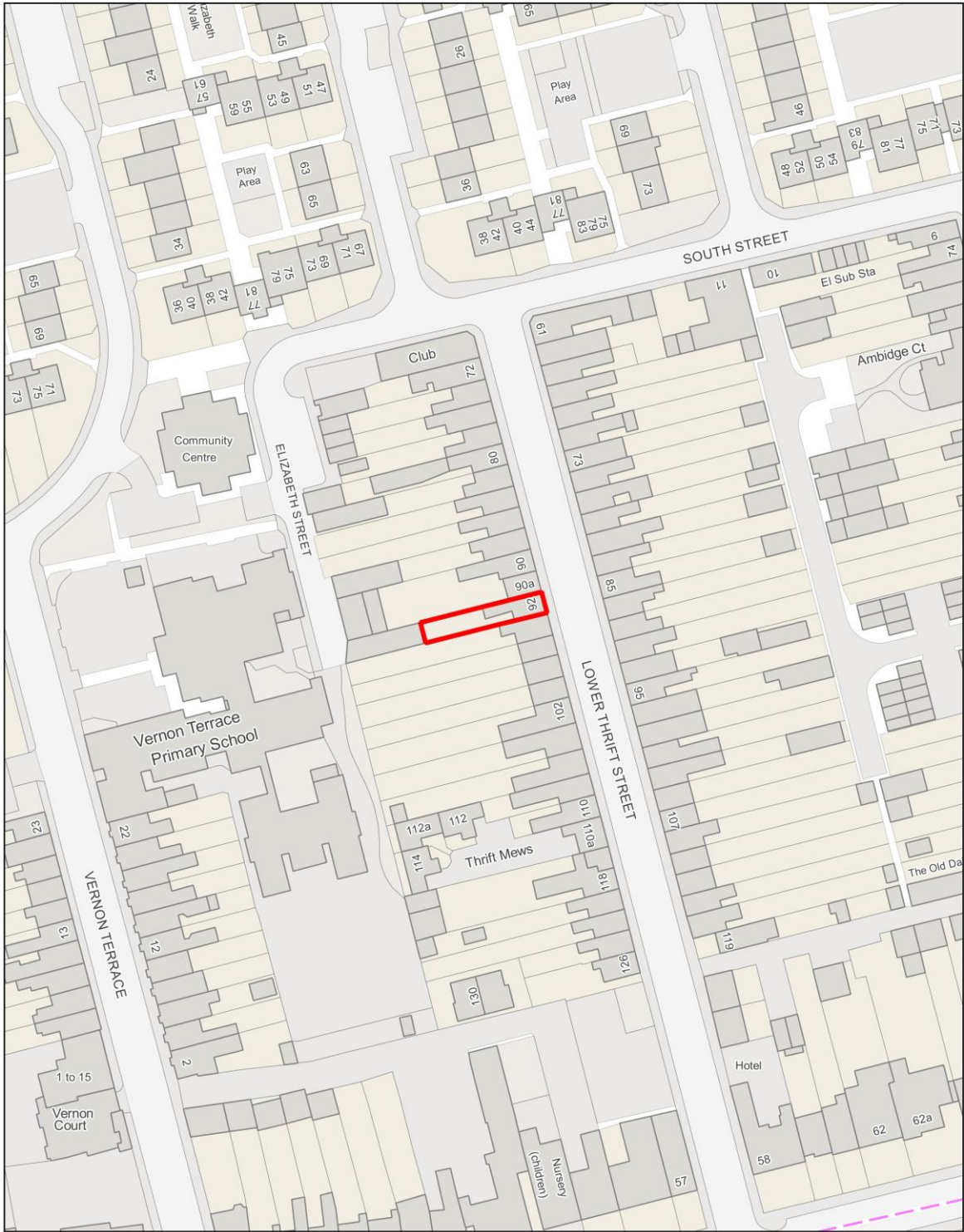
5. Notwithstanding the submitted information, full details for the provision of secure cycle storage for a minimum of four bicycles shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use. The approved cycle storage facilities shall be provided before the development is occupied and thereafter retained as such.

Reason: To promote sustainable modes of transport and in the interests of crime prevention and to accord with Policies H1, H5 and S10 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

Use of Basement

6. The basement within the dwellinghouse shall not be occupied as a bedroom at any 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.



**West
Northamptonshire
Council**

Title: **92 Lower Thrift Street**

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Date: 23-03-2022

Scale: 1:1,000 @A4

Drawn: M Johnson