



# Planning Committee Report

**Committee Date:** 5<sup>th</sup> April 2022

**Application Number:** WNN/2022/0053

**Location:** 70 Birchfield Road, Northampton

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

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**Applicant:** Mr Lee Adcock

**Agent:** Mr Lee Adcock

**Case Officer:** Dilly Brieton

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**Ward:** Abington and Phippsville Unitary Ward

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**Referred By:** Councillor Z Smith

**Reason for Referral:** Overdevelopment, impact on parking and amenity

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## **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 a dwellinghouse (Use Class C3) to house in multiple occupation (Use Class C4) for 5 occupants. Parking would be on-street.

### **Consultations**

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

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

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

- Private Sector Housing
- 23 objections 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
- Highways/ Parking

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, mid-terraced, 3 bedroom, brick and render dwelling house. The property has a small courtyard style front garden enclosed by dwarf boundary wall. A gated service road leads to a detached double garage to the rear and enclosed rear garden.
- 1.2 The property is located in a residential area with predominantly terraced properties in the immediate area and is in close proximity to Kingsley Park Terrace, which has a parade of retail and commercial units and bus routes serving the wider area.
- 1.3 The application site is located within Flood Zone 1, which means very low risk of flooding.

### **2. CONSTRAINTS**

- 2.1 Northampton North & Central Non Immediate Article 4 Direction

### **3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1. Permission is sought for a change of use from a dwellinghouse (Use Class C3) to house in multiple occupation (Use Class C4) for 5 occupants

### **4. RELEVANT PLANNING HISTORY**

- 4.1. The following planning history is considered relevant to the current proposal:

| <b>Ref</b>      | <b>Proposal</b>   | <b>Decision</b>  | <b>Dec Date</b> |
|-----------------|---|------------------|-----------------|
| N/1954/0127     | THE ERECTION OF A GARAGE AT 70 BIRCHFIELD ROAD, NORTHAMPTON   | (PA)<br>APPROVED | 09/04/1954      |
| WNNPA/2021/0205 | PROPOSED CHANGE OF USE FROM DWELLINGHOUSE (USE CLASS C3) TO HOUSE IN MULTIPLE OCCUPATION (USE CLASS C4) FOR 4 OCCUPANTS | COMPLETED        | 24/12/2021      |

Permitted Development Rights remain intact

## **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 15<sup>th</sup> December 2014 and which provides the strategic planning policy framework for the District to 2029, the adopted Local Plan (Part 1) and adopted Neighbourhood Plans.
- 5.3. The relevant planning policies of the statutory Development Plan are set out below:

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

- 5.4. 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)**

- 5.5. The relevant policies of the NLP1 are:

- E20 – New development
- H30 – Multi occupation within a single dwelling

### **Material Considerations**

- 5.6 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 62 – size, type and tenure of housing need for different groups in the community should be assessed and reflected in planning policies.
  - Paragraph 130 (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 with 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)
- **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.

| <b>Consultee Name</b>         | <b>Comment</b>   |
|-------------------------------|--|
| <b>Councillor Zoe Smith</b>   | Calls the application to Committee raising objections in respect of overdevelopment of a family home, the negative impact on the residential amenity of the area, one bathroom being insufficient for five occupant and pressure on parking in the area. |
| <b>Private Sector Housing</b> | Advise that the applicant will require licensing under the mandatory licensing scheme. The plans show no provision for fire protection, detection and alarm systems which will be  |

|                                       |  |
|---------------------------------------|--|
|                                       | <p>required to meet the appropriate standards (see HMO amenities guide). The property is suitable for the 5 people in 5 households and the amenities and facilities are adequate.</p>  |
| <p><b>Local Highway Authority</b></p> | <p>The 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. Although this may be considered a minor increase, the cumulative impact of multiple HMO developments being approved in a localised area can have a significant impact on local residential amenity. This can lead to an increase in double parking, parking on double yellow lines and other unsafe parking practices.</p> <p>If the proposed development site falls within 400m of a local centre with general facilities, and or a bus stop with half hourly 7.00am to 9.00pm service then the site may be considered sustainable in terms of transport. However, whilst this may reduce the number of car trips, in reality it is highly unlikely that all transport needs of residents will be met in this way, which inevitably results in residents bringing their necessary vehicles into the area, along with the associated issues above.</p> <p>Parking for houses in multiple occupation should ideally be provided on site at a rate of 1 parking space per bedroom, however it is not possible to increase the parking provision in this instance. Given all of the above, the LHA have serious concerns that this development proposal can be considered acceptable, given the in practice, and resulting scenarios detailed above.</p> <p>Parking beat surveys may be undertaken to provide information that may assist the LPA in their decision-making process, however these surveys are not taken over a long enough time period, and so at best provide a snapshot of what is observed on a few given days.</p> <p>The LPA should consider all of the matters detailed 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> |

## 7. RESPONSE TO PUBLICITY

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

7.2. 23 objections have been received and the comments are summarised as follows:

- Loss of family home.
- Overdevelopment
- Parking issues in the area including diminishing bus services and future electric charging points

- Over concentration of HMOs in the area and the backlog of properties reported as being used as HMO and not investigated/registered which should affect the concentration
- Noise
- Rubbish collection issues and fly tipping
- Infrastructure of the area cannot support the increased number of conversions and HMOs
- Anti-social behaviour
- Impact on the character and historic value of the street and of the area
- Devaluing of house prices in the area
- Lack of detail regarding refuse storage

## **8. APPRAISAL**

### Principle of the 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 The number of HMOs is calculated from a number of data sources, including previous planning permissions, licences granted under the Housing Act, other data held by the Council and survey work. Within the 50m radius, there are currently 4 other HMOs (established or with planning approvals) situated on surrounding roads.
- 8.6 Council records evidence that the proposal would not lead to an over-concentration of authorised and licensed HMOs within a 50m radius of the application site. There are 53 properties within a 50m radius of the application site therefore, 10% would equal 5.3 properties. The inclusion of the proposed HMO would result in a 9.4%

concentration of HIMO properties within a 50m radius. The proposed concentration is therefore within the threshold of 10% as described in the adopted SPD.

#### Size of property and facilities for future occupiers

- 8.7 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 Supplementary Planning Document (SPD) and appropriate kitchen, 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. All bedrooms and habitable rooms would be served by adequate outlook and light. The application property has a basement and a condition has been recommended to ensure that it would not be used as a habitable room.

#### Flood Risk

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

#### Highways / Parking

- 8.9 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.
- 8.10 No parking beat survey was submitted with the application, however, the applicant did provide a Sustainability Statement. It is considered that the application site is in a sustainable location within 400 metres of bus stop with buses stopping, on average, every 30 minutes. The site is also located within 300m of the nearest bus stops on Abington Grove and Abington Avenue with a regular service to the surrounding area. 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 Parking Standards SPD (2019).
- 8.11 Within such areas, the SPD recommends that storage space should be provided which is accessible to cycle users. Full details have been submitted for cycle storage located within the garage to the rear of the property, which would be secured by condition. The proposal is, therefore, in compliance with this principle of the SPD.
- 8.12 A further consideration in respect of parking is the Northamptonshire Parking Standards, which states that HIMOs shall provide on plot parking at the ratio of 1 parking space per bedroom. The proposed development would produce a demand for 5 parking spaces which is an increase of 2 compared to the use as a 3-bed dwelling.
- 8.13 Whilst the proposal represents an increase in parking demand compared to the existing use, 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.

- 8.14 The site is located within 400m from local convenience stores on Abington Avenue and Kingsley Park Terrace is located approximately 5 minutes' walk from the site which offers a variety of shops and services as a local centre/neighbourhood parade.
- 8.15 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

- 8.16 Details have been submitted for refuse storage within the garage to the rear which is easily accessible to all residents and within close proximity to the road to enable curb side collection, removing the need to store unsightly bins to the front of the property which is deemed acceptable. A condition has been recommended to secure the arrangement and provision as proposed.

#### Amenity

- 8.17 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 in relation to amenity issues would be reasonable or sustainable at appeal.

### **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 HIMOs within the locality that would adversely affect the character of the local area, street scene, nor would the development have significant adverse impacts on neighbouring amenity or parking provision. The property is 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, Policy 15 of the emerging Local Plan Part 2 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 listed below (and any amendments to those 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.

**Plans**

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed floorplan received 22/03/2022 and the Proposed Garage Plan

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

**Occupancy**

- 3) The maximum number of occupiers shall not exceed 5 at any one time.

Reason: In order to prevent over-development to accord with Policy H5 of the West Northamptonshire Joint Core Strategy and H30 of the Northampton Local Plan.

**Refuse Storage**

- 4) Facilities for the refuse and recycling storage as shown on the proposed garage plan shall be implemented prior to the use hereby permitted commencing and retained thereafter.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy and E20 of the Northampton Local Plan.

**Cycle Storage**

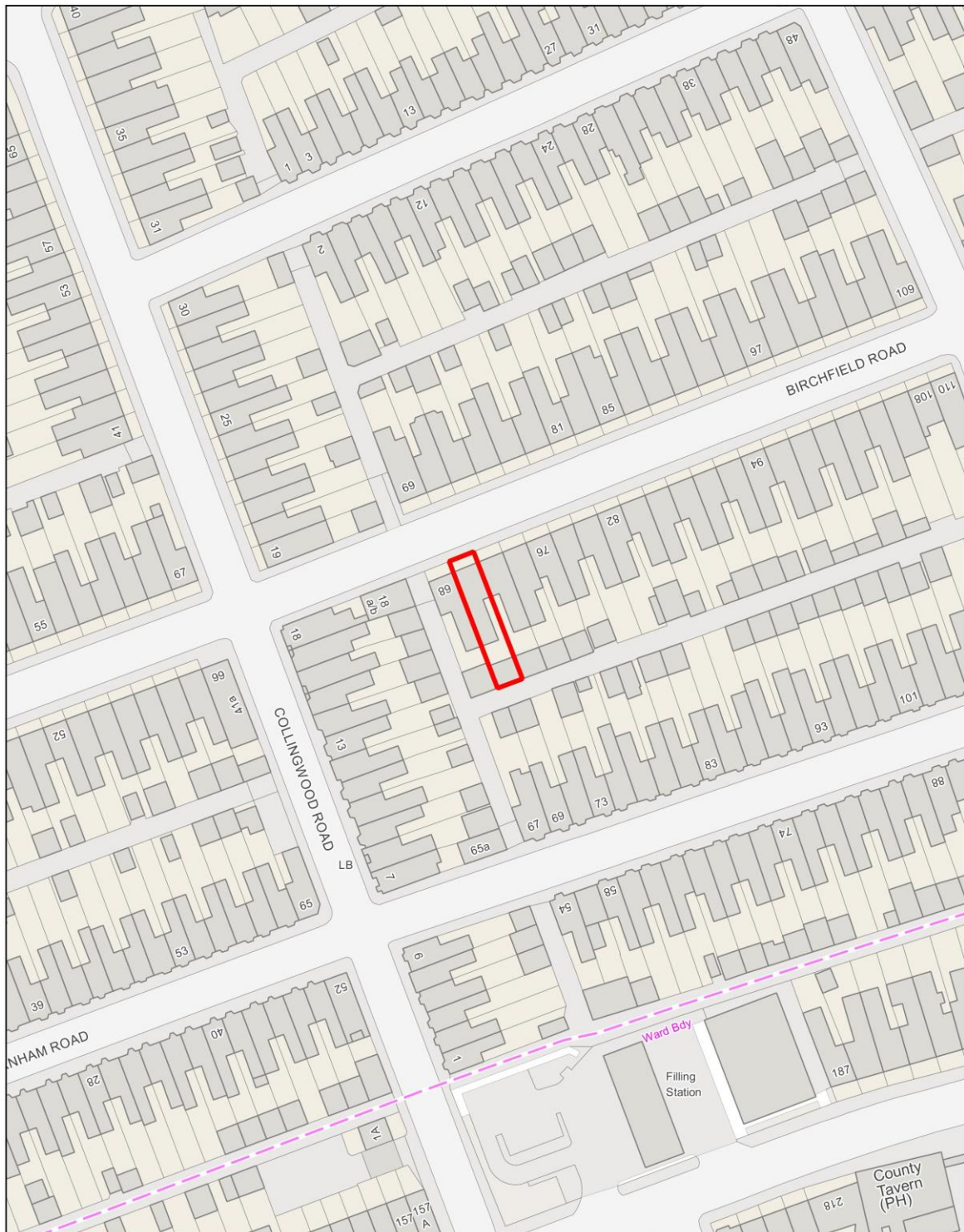
- 5) Facilities for the secure and storage of bicycles as shown on drawing the proposed garage plan shall be implemented prior to the use hereby permitted commencing and retained thereafter.

Reason: To ensure the provision of adequate facilities in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy and E20 of the Northampton Local Plan.

**Use of Basement**

- 6) The basement room shall be used as a 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 at any time.

Reason: In the interests of residential amenity to comply with Policy H1 of the West Northamptonshire Joint Core Strategy



**West  
Northamptonshire  
Council**

Title: **70 Birchfield Road**

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