



# Planning Committee Report

Committee Date: 7<sup>th</sup> June 2022

Application Number: WNN/2022/0225

Location: 78 Derby 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 Volodymyr Olshansky

Agent: Samrai Associates

Case Officer: Chris Wentworth

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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 residential amenity and the exacerbation of existing parking and refuse issues

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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**

This application seeks planning consent for the change of use of an existing three-bedroom dwellinghouse to a five-bedroom house in multiple occupation (HiMO) for 5 no. occupants. A single storey rear extension to the ground floor outrigger is proposed to provide a ground floor shower room. The property was previously granted consent in early 2020 to be used as a HiMO for 4 no. occupants. This consent is still valid. The current proposal seeks to increase the no. of occupants to 5 no. within the property, an increase of 1 no. occupant,

### **Consultations**

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

- Highways
- Cllr Zoe Smith

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

- Environmental Health

Three no. 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
- Highway Safety
- Residential Amenity
- Concentration of Similar Uses
- Neighbour Amenity

The report investigates 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 consists of a 3-bedroom, mid-terraced house located in a predominantly residential area, with the majority of properties being used as domestic dwellings. There is a general reliance upon on-street provision of car parking spaces. The application site is within close proximity of Kettering Road, which is an allocated centre and contains a number of commercial and leisure facilities and also a public transport route.
- 1.2 Internally, the dwelling as it is currently laid out comprises of a hallway, dining room (with conservatory), lounge, kitchen and separate W/C. Stairs up to the first-floor lead to three bedrooms and a bathroom. The property also benefits from a cellar and attic space for storage and a rear garden accessed from the kitchen.

### **2. CONSTRAINTS**

- 2.1 Article 4 direction – Changes of use to Houses in Multiple Occupation (Use Class C4).

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

- 3.1 This application seeks planning consent for the change of use of an existing three-bedroom dwellinghouse to a five-bedroom house in multiple occupation for 5 no. occupants. A single storey rear extension to the ground floor outrigger is proposed to provide a ground floor shower room.

## 4 RELEVANT PLANNING HISTORY

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

Application Ref.	Proposal	Decision
N/2019/1519	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.
- 5.2 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities in considering whether to grant listed building consent for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

### Development Plan

- 5.3 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 and the adopted Northampton Local Plan. The relevant planning policies of the statutory Development Plan are set out below:

### West Northamptonshire Joint Core Strategy - Local Plan (Part 1) (LLP1)

- 5.4 The relevant policies of the LPP1 are:
- Policy H1 - Housing Density & Mix & Type of Dwellings
  - Policy H5 – Managing the Existing Housing Stock

### Northampton Local Plan (Part 2) (LPP2)

- 5.5 The relevant Saved Policies of the LPP2 are:
- Policy E20 – Design
  - Policy H30 – Multi-occupation with a single dwelling

### Material Considerations

- 5.6 Below is a list of the relevant Material Planning Considerations
- National Planning Policy Framework (NPPF) (2021)

- 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 3 – Design (Moderate weight)
    - Policy 4 – Amenity and layout (Moderate weight)
    - Policy 15 – Delivering houses in multiple occupation (Significant weight)
    - Policy 33 – Highway network and safety (Significant weight)
    - Policy 35 – Parking standards (Significant weight)
- Houses in Multiple Occupation Supplementary Planning Document (SPD).
- Northampton Parking Standards Supplementary Planning Document (SPD).

## 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	Position	Comment
Highways	Observations/concerns made.	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 HiMO developments being approved in a localised area can have a significant impact on local residential amenity. This can lead to increases in double parking, parking on double yellow lines and other unsafe parking practices. If the proposed development site

		<p>falls within 400m of a local centre with general facilities, and or a bus stop with a 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 trip, 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 outlined above.</p> <p>Parking for houses in multiple occupation should ideally be provided on site parking at the 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>
Environmental Health	No objection.	<p>We note the proposal to store refuse in a basement area, where possible refuse should be stored at ground floor level, to allow conveyance to kerbside easily for collection and also externally (or in a ventilated area) in order to prevent odours. Refuse arrangements should be reconsidered with these matters in mind.</p>
Cllr Zoe Smith	Objection.	<p>Refer this application to the Planning Committee on the following points.</p> <ul style="list-style-type: none"> <li>- Represents over-development of the property (five occupants is excessive for an ordinary three-bedroom property in a street where the bedrooms do not exceed three/four).</li> <li>- It would impact on residential amenity.</li> <li>- There is no proposed shared living space or eating space.</li> <li>- Four bedrooms sharing one small shower-room is insufficient.</li> <li>- Storage of bins in the cellar is unhygienic and an inappropriate use of space.</li> <li>- A five-bedroom HIMO is likely to exacerbate existing severe parking</li> </ul>

		and refuse issues on this street.
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## 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 There have three number objections from two residents raising the following comments:
- Too many HMO's in the area
  - Parking is already at capacity
  - Storage of refuse in the basement is not appropriate

## 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 and would not result in the loss of existing residential accommodation. In addition, Policy H5 of the Joint Core Strategy and draft Policy 5 within the Northampton Local Plan Part 2 allows for HIMOs where the proposal would not adversely impact on the character of the area and amenity of residential areas. Such an assessment is undertaken below.
- 8.2 Furthermore, it is noted that the property has previously been the subject of a change of use planning application from a dwellinghouse to a HiMO for 4 no. occupants which was approved in early 2020. The current proposal seeks to increase the no. of occupants to 5 no. within the property, an increase of 1 no. occupant along with a small rear extension to provide new shower room facilities. On this basis, it is considered that the principle of the use has already been established for a HiMO use at the site and that the proposed application merely seeks to assess the acceptability of 1 no. additional occupant/bedroom.

### Area Concentration

- 8.3 West Northamptonshire Council (previously Northampton Borough Council) records indicate that there are 3 no. existing HiMOs within 50m radius of the application site (not including the application site itself). The use of this property as a HiMO would equate to 5.7% concentration in the area. This would fall within the 10% maximum threshold recommended by the Council's adopted HiMO SPD and would comply with emerging Policy 15 in the Local Plan Part 2. It is considered therefore that there would still be a reasonable mixture of house types within the locality.

### Size of property and facilities for future occupiers

- 8.4 Saved 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 a sufficient size, providing bedroom sizes, shared open plan kitchen/dining/living space at ground floor level and the requisite provision of bathroom and toilet facilities for the number of occupants on site and accords with the authorities HIMO SPD.

- 8.5 It is noted that all bedrooms are double bedrooms capable of accommodating 2 no. occupants in each, therefore resulting in a potential 10 no. occupants on site. However, the overall dwelling would fail to provide sufficient communal space and bathrooms/toilet provision for that level of occupancy and therefore a condition restricting the use of the property to a maximum of 5 no. occupants (as applied for) will ensure that over-development does not occur (a concern raised in objections received) and a sufficient standard of residential amenity for occupier is maintained.
- 8.6 It is noted that refuse storage on the submitted plans is shown to be located within the cellar. However, refuse should be stored at ground floor level, to allow conveyance to kerbside easily for collection should also be stored externally in order to prevent odours for future occupants, a concern noted by Environmental Health and Cllr Smith. As such, it is considered appropriate to attach a condition to secure full details are provided to secure refuses storage within the rear garden area and implemented on site prior to first occupation.

#### Design and Appearance

- 8.7 The proposal seeks consent for a single storey rear extension to provide a shower room to the rear of the kitchen. The proposed extension would extend 1.5m off the existing rear outrigger and mirror the outriggers existing width of 2.9m. the extension would be small scale in nature and erected to a height of ?m with a mono-pitched roof. A small window facing into the rear garden, serving the shower room is also proposed. Given the small scale of the proposed extension, it would not adversely impact upon neighbouring residential amenity and would not result in an incongruous addition to the existing property where a variety of rear extension are observed in the locality. Subject to the imposition of a condition to secure matching materials for the extension's external appearance, no objections are raised to the proposal in this regard.

#### Flood Risk

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

#### Highways and Parking

- 8.9 Due to the terraced nature of the property no on-site parking is proposed. In this respect reference must be made to Principle 4 of the HIMO SPD. This states that a parking beat survey should be produced, and where this shows insufficient parking the site must be located within 400m of a bus stop providing an adequate service, and within 400m of the town centre or local facilities. Furthermore, Northamptonshire Parking Standards 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 5 no. parking spaces, which is an increase of 1 compared to the previous approved HiMO for 4 no. occupants.
- 8.10 In this case a parking survey has been produced and has been assessed by the authority's highway officer who has stated that *'a survey was carried out on the roads in the immediate vicinity on the 1st March 2016. It shows there is no residual parking capacity for vehicles in the surrounding streets that are representative. This demonstrated that stress values on the roads exceeded 100% and were up to 117% overnight on Derby Road. The stress values exceed 100% due to a combination of vehicles being parked inappropriately and the fact that the density at which vehicles varies greatly, with spaces being observed between 5.2m and 5.9m. If the proposed development site falls within 400m of a local centre with general facilities, and or a*

*bus stop with a 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 trip, 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 outlined above”.*

- 8.11 In this case, it is considered that the application site is in a sustainable location within 400m of 12 no. bus stops, some of which are located on Kettering Road and is within walking distance of local facilities which are also located on Kettering Road which is a designated local centre. Furthermore, the LPA is assessing the increase upon the existing authorised use of the site by 1 no. occupant/1 bedroom rather than the principle of 5 no. new bedrooms in this location. In this regard, whilst the concerns outlined above are noted, the proposal is considered to be an acceptable addition based upon the small increase in occupants (the total number of which is to be secured by planning condition) in a highly sustainable location, and on balance is considered to be in accordance with the requirements of the HIMO SPD in respect of parking considerations.
- 8.12 No details in terms of cycle storage are shown on the submitted plans. However, the property does benefit from a rear garden that would be available for use by all occupants for the storage of cycles. A condition requiring such detail is recommended to provide, secure, covered storage for all occupants.
- 8.13 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.

#### Neighbour Amenity

- 8.14 The proposal is for a residential use and there is no evidence to suggest that the occupiers of a HiMO would create any more impact than other residential occupiers with no concerns raised by Environmental Health.

### **9. FINANCIAL CONSIDERATIONS**

- 9.1 The development is not CIL liable.

### **10. PLANNING BALANCE AND CONCLUSION**

- 10.1 The principle of the use has already been established for a HiMO use at the site and that the proposed application merely seeks to assess the acceptability of 1 no. additional occupant.
- 10.2 The property would be a sufficient size, providing bedroom sizes, shared open plan kitchen/dining/living space at ground floor level and the requisite provision of bathroom and toilet facilities for the number of occupants on site and accords with the authorities HIMO SPD.
- 10.3 The application site is in a sustainable location within 400m of 12 no. bus stops, some of which are located on Kettering Road and within walking distance of local facilities which are also located on Kettering Road which is a designated local centre. Furthermore, the LPA is assessing the increase upon the existing authorised use of

the site by 1 no. occupant/1 bedroom rather than the principle of 5 no. new bedrooms in this location. In this regard, the proposal is considered to be an acceptable addition, and on balance considered to be in accordance with the requirements of the HIMO SPD in respect of parking considerations in a highly sustainable location.

- 10.4 On balance, subject to the imposition of planning conditions, it is considered that the increase in occupants from 4 no. to 5 no. at the property is considered to be acceptable in this regard.

## **11. RECOMMENDATION / CONDITIONS AND REASONS**

- 11.1 Approve, subject to conditions as outlined below.

### Time

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: 101, 103, 201.

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

### Cycle Storage

3. Notwithstanding the submitted details, full details of facilities for the secure and covered storage of bicycles within the rear garden area 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 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 Policies H1 and H5 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

### Refuse Storage

4. Notwithstanding the submitted details, full details of facilities for the provision of storage of refuse and materials for recycling within the rear garden area 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 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 Policies H1 and H5 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

### Occupancy

5. The development hereby permitted shall be occupied by a maximum of five residents

at any one time.

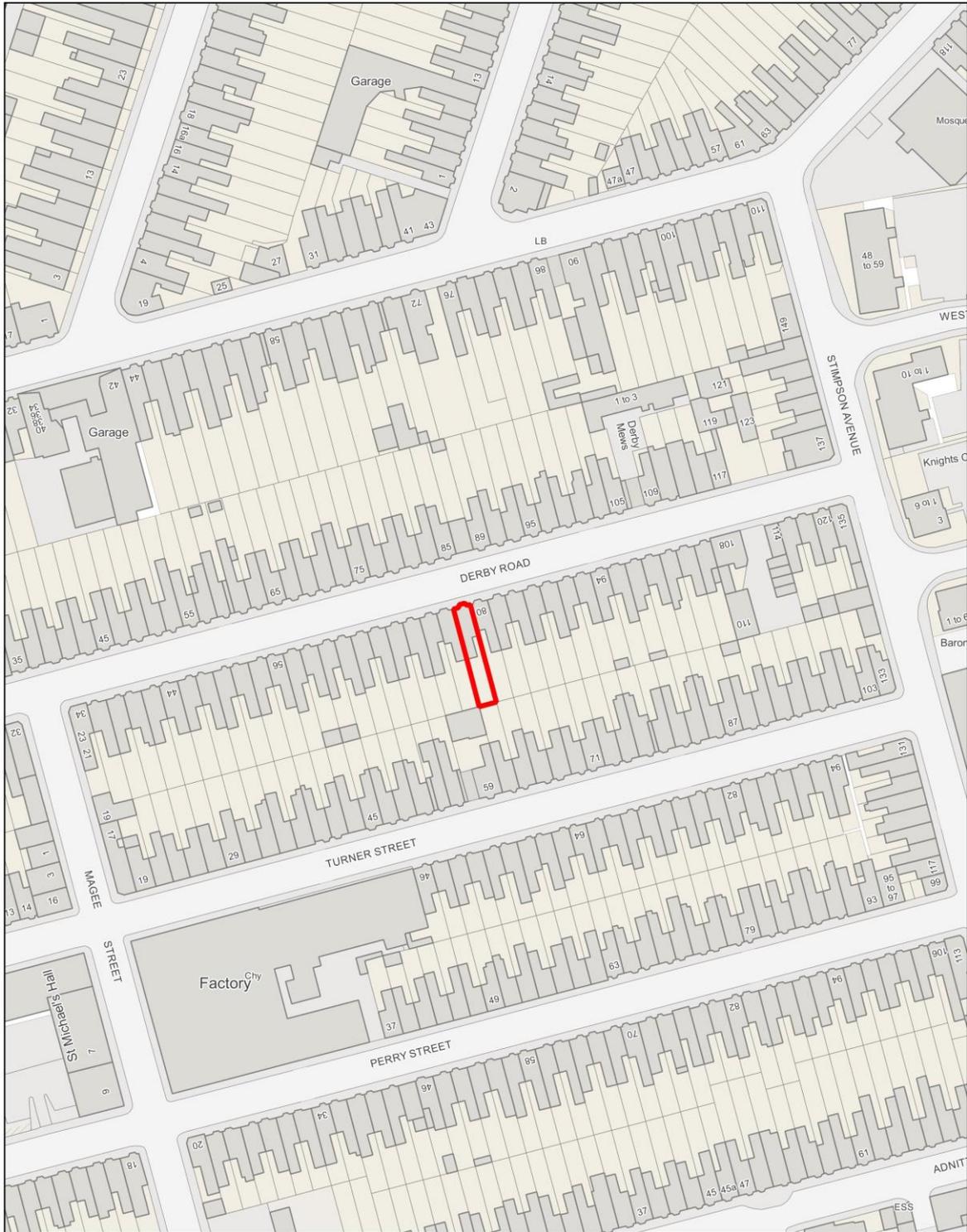
Reason: In the interests of amenity of the proposed occupiers and the surrounding area in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy.

Materials

6. The external walls and roof of the extension shall be constructed with materials of the same type, texture and colour as the external walls and roof of the existing building.

Reason: In the interests of visual amenity to ensure that the extension harmonises with the existing building in accordance with saved policy E20 of the Northampton Local Plan.

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**West  
Northamptonshire  
Council**

**Title: 76 Derby Road**

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