



Planning Committee Report

Committee Date: 7th June 2022

Application Number: WNN/2022/0392

Location: 63 Holly Road, Northampton, NN1 4QN

Development: Change of Use from 6-bedroom House in Multiple Occupation (Use Class C4) to 7-bedroom House in Multiple Occupation (Sui Generis) for 7 occupants

Applicant: Kim Opszala

Agent: Arcvelop Ltd

Case Officer: Adam Walker

Ward: Abington and Phippsville Unitary Ward

Referred By: Councillor Z Smith and Councillor B Purser

Reason for Referral: Overdevelopment of the property. Concerns with the standard of living conditions for occupiers (presence of the living room in the basement and the size of some of the bedrooms) and the impact on existing parking and refuse issues.

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

The proposal is for the change of use from a 6-bedroom House in Multiple Occupation to a 7-bedroom House in Multiple Occupation (for 7 people). Internal layout changes are proposed to provide an additional bedroom along with some other minor alterations to the property.

Consultations

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

- Local Highway Authority
- Councillor Zoe Smith
- Councillor Bob Purser

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

- Private Sector Housing
- Northampton Town Council

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

- Conservation Section
- Northamptonshire Police

No public representations 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:

- The living environment of the occupiers
- Parking and 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 site comprises of a mid-terrace dwelling which is in use as a six person House in Multiple Occupation (HMO).
- 1.2 The property is two storeys in height but has a basement and a bedroom within the roof space, providing a total of four storeys. There is an outrigger to the rear along with a lean-to conservatory which leads to an area of outdoor amenity space and a garage/outbuilding at the back of the site.
- 1.3 The site is located within a residential street of similar type properties, a short distance to the east of The Racecourse recreation ground.

2. CONSTRAINTS

- 2.1 The site is not within a Conservation Area, but the boundary of the Kingsley Conservation Area lies to the rear of the site, on the opposite side of an access road that runs to the back of the property.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1 The proposal is for the change of use from a 6-bedroom House in Multiple Occupation (Use Class C4) to a 7-bedroom House in Multiple Occupation (Sui Generis). There would be a total of seven occupants.
- 3.2 The additional bedroom would be created by converting the ground floor living room into a bedroom (with en-suite) and relocating the living room to the basement.
- 3.3 Some additional alterations to the internal layout are included as part of the scheme. The existing kitchen and conservatory would become an open plan kitchen-diner and two of the first floor bedrooms would be provided with an en-suite bathroom.
- 3.4 The only proposed external alterations are the addition of two rooflights to the lean-to conservatory at the rear of the property.

4. RELEVANT PLANNING HISTORY

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

Application Ref.	Proposal	Decision
N/2019/0130	Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 6 occupants (retrospective)	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 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention to preserving or enhancing the character or appearance of a conservation area.

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 15th 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) (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)

5.5 The relevant policies of the NLP1 are:

- Policy E20 – Design for new development
- 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)

The 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	Position	Comment
Local Highway Authority	Raise concerns	<p>If the site meets the criteria for being in a sustainable location then this may reduce the number of car trips, however, it is highly unlikely that all transport needs of residents would be met through sustainable transport means and as such residents would bring vehicles into the area. Parking for HMOs should ideally be provided on site at the rate of 1 parking space per bedroom and it is not possible to increase parking provision in this instance. The safety and amenity of local residents would suffer if further vehicles are brought into the area and the LHA has serious concerns with the proposal.</p> <p>Parking beat surveys may provide information to assist the decision-making process, however, the limitations of these surveys are such they can only provide a snapshot of what is observed</p>

		on a few given days.
Private Sector Housing	Comment	<p>The room sizes and sanitary facilities meet the requirements for a 7 occupant HMO.</p> <p>Additional kitchen facilities are necessary for 7 people; two sinks and two 4 ring hobs should be provided or alternatively a dish washer can be provided instead of a second sink and a combination microwave oven provided instead of a second cooker. Consideration should be given to suitable mechanical ventilation in the kitchen.</p> <p>The staircase to the attic bedroom should not open over a staircase or be located directly adjacent to the top step without an intervening landing. The staircase giving access to this room should be of equal dimensions to those provided for access to the main floors and windows should meet the requirements of Building Regulations.</p> <p>The plans show no provision for fire protection, detection and alarm systems, although the level of fire protection is a matter to be determined by a separate fire safety assessment.</p>
Conservation Section	No objection	No objection on conservation grounds. The increase in the number of occupiers is unlikely to harm the character or appearance of the adjacent Kingsley Conservation Area.
Northamptonshire Police	No objection	No objection. The precedent is set for no parking to be associated with this property and therefore the internal alterations necessary to provide an additional bedroom are unlikely to impact on crime, disorder or nuisance in the area.
Northampton Town Council	Comment	Highway issues and parking issues are present in the area, however, the en-suite facilities and the sizes of the bedrooms on the proposed floor plans are welcomed.
Councillor Zoe Smith	Object	Please could I call this application into the Planning Committee on the grounds

		that it represents overdevelopment of the property. There are concerns about the presence of a living room in the basement, some of the bedrooms appear extremely small (particularly where the en-suites have been put in) and it is likely to exacerbate existing parking and refuse issues.
Councillor Bob Purser	Object	Please could I call this application into the Planning Committee on the grounds that it represents overdevelopment of the property. There are concerns about the presence of a living room in the basement, some of the bedrooms appear extremely small (particularly where the en-suites have been put in) and it is likely to exacerbate existing parking and refuse issues.

7. RESPONSE TO PUBLICITY

- 7.1 There have been no public comments received in response to the publicity of the application.

8. APPRAISAL

Principle of Development

- 8.1 Planning permission for the change of use of the property to a six person HMO was approved under application N/2019/0130 and the property is currently being occupied as such.
- 8.2 The principle of the property being occupied as a HMO is already established. The main issues are the impact of the internal layout changes on the living environment of the occupiers and the impact of an additional occupier on parking demand and highway safety.

Living environment

- 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 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.
- 8.4 The proposed seventh bedroom would be formed within the existing living room, with the living room being relocated to the basement. The submitted plans indicate that the basement is not currently used as habitable accommodation.

- 8.5 The main issue with the proposed internal rearrangement of the property is the use of the basement as habitable accommodation. The basement is served by a lightwell at the front of the property, however outlook and natural light to this room would be quite heavily restricted.
- 8.6 For this size of property and the proposed number of occupants, the minimum requirement is for 24m² of combined kitchen/living/dining room space. This would be met by the existing kitchen and conservatory, which is proposed to be reconfigured slightly to create an open plan area of some 27m² and with rooflights added to the conservatory. As such, the living room within the basement represents communal living space that is over and above the minimum requirement for the property. Whilst the proposed living room would have very limited outlook and would not benefit from a substantial amount of natural light, which is different to the existing living room, it is not considered that this would result in any significant and demonstrable harm to the living conditions of the occupiers and could thus be substantiated as a reason for refusal because the application does not conflict with the space standards within the HMO SPD. The applicant has indicated that the size of the lightwell could be increased, although the benefit of such works is likely to be limited and on balance officers do not consider that this is a necessary requirement. It is to be noted that the size of the living room is relatively generous, being 21m² in size, and it therefore provides a substantial amount of communal space that is in addition to the minimum standards.
- 8.7 The size of the proposed new bedroom significantly exceeds the minimum requirement and would also have an en-suite. The scheme also involves the provision of en-suite bathrooms within two of the existing first floor bedrooms and in these instances the bedrooms would remain of an acceptable size with regards to the HMO SPD space standard. The remaining four bedrooms would be unchanged and would have access to the two existing bathrooms within the property. Private Sector Housing have advised that the room sizes and sanitary facilities are adequate, and officers have no objection to the proposed bedroom and bathroom facilities.
- 8.8 Private Sector Housing have indicated that there is a need for additional cooking and washing facilities to be provided within the kitchen. Whilst this is a matter for licensing, the applicant has submitted a revised plan indicating the provision of relevant facilities.
- 8.9 The property benefits from some outdoor amenity space and this would remain acceptable for the increased number of occupants.
- 8.10 To conclude, the proposed seven person HMO satisfies the space standards as set out within the HMO SPD and as such it is considered that the property would provide an acceptable living environment for the occupiers. The application therefore accords with Policy H30 of the Northampton Local Plan, Policy 15 of the emerging Local Plan Part 2 and guidance within the NPPF.

Parking and highway safety

- 8.11 The property does not have any on-site parking and there is no scope for any to be provided. Under the previous application it was accepted that the site is in a sustainable location, having regard to the criteria set out in the HMO SPD with regards to proximity to bus stops and facilities in a local or district centre, and it was concluded that the absence of on-site parking was not unacceptable.

- 8.12 The presence of an additional occupier within the property has the potential to increase demand for parking on the local highway network. However, any increase in demand for parking would be extremely modest and it is not considered that it would be at a level that would result in any substantial harm to highway safety, such that it would justify a refusal of planning permission. Moreover, the application site is within a sustainable location and therefore satisfies the second part of Principle 4 of the HMO SPD.
- 8.13 Whilst the concerns of the Local Highway Authority are acknowledged, for the reasons set out above it is considered that the application is acceptable in highway safety terms and is in accordance with Policy H5 of the Joint Core Strategy, saved Policy H30 of the Northampton Local Plan and guidance in the NPPF.
- 8.14 The existing outbuilding at the rear of the property provides ample space for cycle storage (as demonstrated through the previous application) and it is considered that it can readily accommodate an additional bicycle. This would support the use of sustainable modes of transport and help to reduce the potential demand for vehicle parking. A condition requiring that provision is made within the outbuilding for 7 cycle spaces is recommended.

Impact on the character of the area

- 8.15 The established use of the property falls within Use Class C4, that being a HMO for 3-6 residents. The proposal would take the property outside of the C4 Use Class with the proposed use being classed as *sui generis*. Notwithstanding this change in classification, the fundamental characteristics of the occupation of the property would not be altered substantially as a consequence of there being one additional resident. As such, officers consider that the proposal would not result in any material change to the character of the surrounding area. Furthermore, as the property is already in use as a HMO and the increase in the number of residents would be very small, it is not deemed necessary to consider the concentration of HMOs in this area.
- 8.16 The property has ample space for refuse storage (as demonstrated through the previous application) and it is considered that the extra waste generated by the additional occupier could be accommodated within the existing arrangements, and without resulting in any adverse impact on the amenities of the area.
- 8.17 The only external alterations proposed are the addition of two rooflights within the lean-to conservatory at the rear of the property. The rooflights would not have any significant impact on the appearance of the host building or the visual amenity of the surrounding area.

Other matters

- 8.18 The scale and nature of the proposal are such that it would not have any material impact on the setting of the adjacent Kingsley Conservation Area.
- 8.19 Private Sector Housing advised that the staircase to the existing attic bedroom should not open over a staircase or be located directly adjacent to the top step without an intervening landing. The applicant has submitted a revised layout for the bedroom which addresses this matter.
- 8.20 No objections have been raised by Northamptonshire Police.
- 8.21 Fire safety matters would be addressed through a separate process (HMO licensing).

8.22 There are no flood risk issues with the proposal.

9. FINANCIAL CONSIDERATIONS

9.1 The development is not CIL liable.

10. PLANNING BALANCE AND CONCLUSION

10.1 The existing property is an established HMO for 6 people and it is proposed to increase the number of occupiers to 7. The proposed additional bedroom can be accommodated through the reconfiguration of the internal layout whilst ensuring that there is adequate communal space and sanitary facilities for all residents, and it is considered that any extra demand for on-street parking generated by the additional resident could be accommodated on the local network without resulting in any significant harm to highway safety. Furthermore, the proposal would not have any material impact on the character of the surrounding area given the very limited increase in occupancy and the development would also provide a benefit by facilitating the refurbishment of existing housing stock.

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. The application is therefore recommended for approval.

11. RECOMMENDATION / CONDITIONS AND REASONS

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

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: P0 Rev 1, P01 Rev 1, P0B Rev 1, P101 Rev 1, P201 Rev 1.

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 seven 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.

Cycle Storage

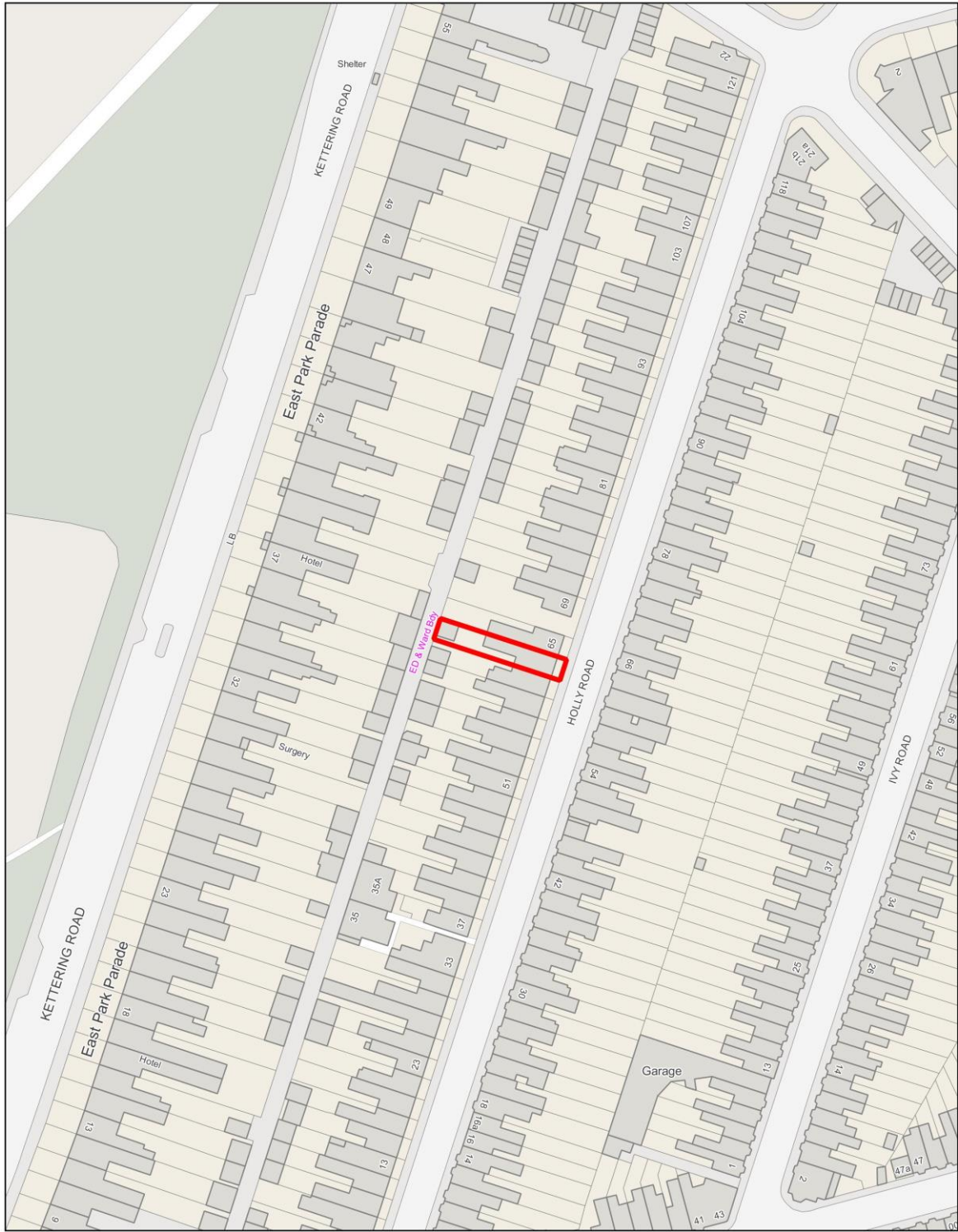
4. The existing outbuilding to the rear of the property shall make provision for the secure storage of at least 7 bicycles before the development hereby permitted is first brought into use. The cycle spaces shall thereafter be retained as such.

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.

Basement Use

5. The approved living room within the basement of the property shall not be occupied as a bedroom.

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: **63 Holly Road**

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