

# Planning Committee Report

**Committee Date:** 6<sup>th</sup> September 2022

**Application Number:** WNN/2022/0707

**Location:** 68 Bostock Avenue, 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 Convey

**Agent:** Archi-tec Architectural Design

**Case Officer:** Adam Walker

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**Ward:** Abington and Phippsville Unitary Ward

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**Referred By:** Councillor B Purser

**Reason for Referral:** Overdevelopment of the site, impact on parking, detrimental to the local community

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

### **Consultations**

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

- Northamptonshire Police
- Northampton Town Council
- Councillor Bob Purser

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

- Private Sector Housing

Five 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
- Standard of living conditions and neighbour 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 relates to a two storey, mid-terrace dwellinghouse. There is a two storey outrigger to the rear that has a single storey, lean-to element on the back. The property comprises of a living room, dining room, kitchen and WC on the ground floor with three bedrooms and a bathroom provided on the first floor. The property has an enclosed garden area to the rear.
- 1.2 The site lies within a residential street of similar type properties and is within easy walking distance of the Local Centre on Wellingborough Road.

### **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 (HMOs).

### **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 5 occupants.
- 3.2 The existing living room and the dining room would be converted into bedrooms. The three existing bedrooms on the first floor would be retained.
- 3.3 A shower room would be formed on the ground floor (replacing a pantry) and the downstairs WC would be retained. The existing bathroom on the first floor would be

made smaller to enable an adjoining bedroom to be enlarged slightly and the bath would be replaced with a shower.

- 3.4 Shared communal space would be provided within the kitchen area only.
- 3.5 A cycle store is proposed within the rear garden, which would provide space for 5 bicycles. A bin storage area would also be provided within the rear garden.
- 3.6 It is also proposed to make an alteration to a ground floor window in the rear elevation. The existing large dining room window would be removed, and the opening walled up and a smaller window formed in its place.

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

- 4.1 The proposal was subject to a formal pre-application enquiry (WNN/2022/0043). This sought advice on the concentration of HiMOs within a 50m radius of the site. The advice provided at pre-application stage was that the proposal would not exceed the 10% maximum threshold for concentration of HiMOs within a 50m radius of the site (as of April 2022).

#### **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 West Northamptonshire Joint Core Strategy (JCS) provides an up-to-date evidence base and considers the current Government requirements for plan making as it has been prepared in full conformity with the NPPF. Policies of particular relevance 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 Due to the age of the plan, the amount of weight that can be attributed to the aims and objectives of this document are diminished, however, the following policies are material to this application:
  - Policy E20 – Design for new development
  - Policy H30 – Multi-occupation within a single dwelling

##### **Material Considerations**

- 5.4 Below is a list of the relevant Material Planning Considerations:

- **National Policies**

The NPF 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 and Design (Moderate weight)
- Policy 4 – Amenity and layout (Moderate weight)
- Policy 6 – Health and wellbeing (Significant weight)
- Policy 7 – Flood risk and water management (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)

Supplementary Planning Documents

- 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

6.1 Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website.

Consultee Name	Position	Comment
Local Highway Authority	-	No comments received
Private Sector Housing	No objection	The bedroom sizes and kitchen facilities meet the required standard, and the proposed sanitary facilities are adequate. Suitable fire safety measures will need to be provided, with the level of fire protection to be determined by a separate fire safety assessment.
Northamptonshire Police	Concerns	It is likely that residents of the HiMO would have to park some distance from the property because of a lack of available on-street parking. Vehicles not under direct supervision from the dwelling they relate to are far more vulnerable to vehicle crime and parking overcrowding gives rise to neighbour disputes due to inconsiderate and boorish behaviour.
Northamptonshire Fire & Rescue Service	No objection	NFRS have no comments to make at this stage.
Northampton Town Council	Object	Highway concerns due to the close proximity to a school, the Wellingborough Road and insufficient parking already in the vicinity. Proposed HMO will have a considerable impact on parking in the vicinity and will also lead to the loss of a family house. All rooms within proposed HMOs should have their own toilet and shower room as standard, which this does not.
Refuse (Veolia)	-	No comments received
Cllr Bob Purser	Object	Please could I call this application into the Planning Committee on the grounds that it represents overdevelopment of this site and will add to parking problems in this area as well as being to the detriment of the local community.

## 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 5 representations received, which raise objections to the proposed development. A summary of the comments received is provided as follows:
- Parking is already a problem, particularly in the evenings when it is difficult to find a space to park and resulting in unsafe parking practices such as double parking and parking on corners.
  - There are too many HiMOs in the area as it is. Overconcentration of HiMOs leading to a loss of local character.
  - Not all HiMOs in the street are shown on the HiMO register, including No.44 which was granted planning permission for a 10 bed HiMO and is currently occupied as a HiMO.
  - A number of properties in the street are being converted into flats.
  - Existing HiMOs and flats place excess pressure on local infrastructure, particularly parking.
  - Existing HiMOs create issues with refuse/litter and noise nuisance and are associated with antisocial behaviour, which places a strain on the local community.
  - Loss of a family dwelling

## **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.
- 8.2 Policy H5 of the West Northamptonshire Joint Core Strategy (WNJCS) allows for HiMOs where the proposal would not adversely impact on the character of the area and the amenity of residential areas. Policy 15 of the emerging Local Plan Part 2 allows for new HiMOs provided the proposal does not result in an over-concentration of this type of housing, adequate space is provided for the occupiers, appropriate provision is made for refuse, cycle storage and parking and ground floor bedrooms are protected from flood risk. The Council's Houses in Multiple Occupation Supplementary Planning Document also sets out a series of principles for determining planning applications for HiMOs.
- 8.3 The principle of development is therefore considered to be acceptable, subject to assessment of the application against the aforementioned policies and guidance as set out below.

### Area concentration

- 8.4 The Houses in Multiple Occupation SPD sets out the Council's approach to managing the growth of HiMOs. 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 HiMOs within a 50m radius of any other HiMO (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.

- 8.5 Policy 15 of the emerging Local Plan 2 relates to the delivery of HiMOs and reflects the HiMO SPD in terms of consideration of the concentration of HiMOs in a locality. It states that all planning applications for change of use from dwellinghouses to HiMOs will be supported provided that less than 10% of the dwellings within a 50m radius of the application site are houses in multiple occupation. There have not been any proposed main modifications to this policy as part of the Local Plan 2 examination process and it is considered to carry significant weight.
- 8.6 Council records indicate that there are six existing licenced HiMOs within a 50m radius of the application site, although address records also indicate that one of these licensed HiMOs (83 Stimpson Avenue) has now been converted into flats under planning permission N/2019/0341.
- 8.7 Based on the methodology for the calculation of concentration as set out on the HiMO SPD, the proposed development would result in a HiMO concentration of 9.45% within a 50m radius of the application site. This calculation includes No.83 Stimpson Avenue as a registered HiMO, and therefore represents a very robust assessment.
- 8.8 One of the representations received states that not all HiMOs in the street are shown on the HiMO register, including No.44 Bostock Avenue which is currently occupied as a 10 bed HiMO. This particular property is identified on Council records as having planning permission for use as a HiMO and so would be included within area concentration calculations when assessing applications for new HiMOs. However, in this instance, No.44 falls outside of the 50m radius of the application site. There is no other evidence to suggest that there are any additional properties that should be included within the area concentration calculation for the proposal.
- 8.9 Given that the proposal is below the 10% threshold set out in the Council's adopted SPD in relation to the concentration of HiMOs, it is considered that the mixture of property types in this locality would maintain an acceptable balance. The application is therefore considered to accord with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy, Policy H30 of the Northampton Local Plan, Policy 15 of the emerging Local Plan Part 2, the HiMO SPD and the aims of the National Planning Policy Framework.

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

- 8.10 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 HiMO 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.
- 8.11 The property is considered to be of sufficient size to provide an acceptable standard of amenity for future occupiers having regard to the standards set out in the HiMO SPD.
- 8.12 All the bedrooms exceed the minimum requirements for single occupancy, with the bedroom sizes falling within the upper bracket of the space standards (minimum 10 square metres). The bedrooms range in size from 10.8 square metres to 15.84 square metres. The size of the proposed kitchen facilities is more than double the minimum requirement for a two storey property with the size of bedrooms proposed.

The bathroom facilities also meet the required standards. Private Sector Housing have confirmed that the room sizes and facilities are adequate.

- 8.13 All habitable rooms as well as the kitchen would be served by windows which would afford adequate natural light, ventilation and an acceptable outlook.
- 8.14 The property would require a mandatory HMO licence and a condition restricting the use of the property to a maximum of 5 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.

#### Highways/Parking

- 8.15 The property does not have any dedicated off-street parking space. The HiMO 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.
- 8.16 No parking beat survey has been submitted with the application however the site is within a sustainable location, being within 400m of the Wellingborough Road Local Centre and several bus stops that provide a regular service providing connections in different directions.
- 8.17 It is acknowledged that the area is heavily parked and residual parking capacity is likely to be very limited, especially in the evenings. This is confirmed by comments made within third party representations. It is also recognised that the proposal has the potential to increase parking demand over and above that generated by the existing three bedroom dwellinghouse and that the cumulative impact of other HiMO development and dwellings that have been converted to flats can have a significant impact on a local area.
- 8.18 Notwithstanding the above, the site is within a sustainable location and the concentration of HiMOs in this locality is within acceptable limits. As such, the application is in accordance with the HiMO 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 HiMO 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. Storage for 5 bicycles is indicated within the rear garden area. A condition requiring full details of the proposed cycle storage would be necessary to ensure that appropriate provision is made for the secure storage of bicycles. The provision of appropriate cycle storage would also help to mitigate the potential impact on parking.

- 8.20 In summary, 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 WNJCS, saved Policy H30 of the Northampton Local Plan, the NPPF and the HiMO 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 HiMOs 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, which is the same arrangement for the existing dwellinghouse.

#### 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 The site lies in Flood Zone 1 and is therefore classified as being at the lowest risk of flooding. As such, there are not any significant concerns with flooding to the proposed ground floor bedrooms.
- 8.24 Northamptonshire Police have raised a concern with residents being forced to park some distance away from the property because of the high demand for on-street parking. The Police have commented that vehicles not under direct supervision from the dwelling they relate to are far more vulnerable to vehicle crime and parking overcrowding can give rise to neighbour disputes.
- 8.25 Whilst it is accepted that there may be instances where residents are forced to park some distance away from the property, this is no different to the established situation and it is not considered that this issue could be substantiated as a reason for refusal of planning permission.
- 8.26 Some minor external alterations are proposed which involve replacing a ground floor window in the rear elevation. The proposed works are very minor and would not have any significant impact on the appearance of the host building or the character of the surrounding area. A condition is recommended requiring the external materials to match the existing dwellinghouse.

- 8.27 The objections raised within the third party representations as well as the concerns of Northampton Town Council and the ward councillor 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.
- 8.28 Northamptonshire Fire & Rescue Service have confirmed that they do not wish to raise any issues at this stage. Fire safety measures would be covered through a separate process outside of this 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 HiMOs within the locality and would not adversely affect the character of the local area and streetscene. Furthermore, the development would not have any significant and demonstrable 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**

- 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 plan:

C121 – 2.

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 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.

#### Refuse Storage

4. The refuse storage shall be provided as shown on the approved plan 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 five 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.

#### Materials

6. The facing materials used for the proposed alteration to the ground floor window in the rear elevation shall in all respects match the materials found on the existing dwellinghouse.

Reason: In the interests of visual amenity and to accord with Policy E20 of the Northampton Local Plan, Policy 2 of the emerging Local Plan Part 2 and guidance in the National Planning Policy Framework.

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**West  
Northamptonshire  
Council**

Title: **68 Bostock Avenue**

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Date: 24-08-2022

Scale: 1:1,000 @A4

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