



Planning Committee Report

Committee Date: 1st November 2022

Application Number: WNN/2022/0756

Location: 218 Abington Avenue, Northampton, NN1 4PR

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

Applicant: Mads Jensen

Agent: Mads Jensen

Case Officer: Samantha Taylor

Ward: Abington and Phippsville Unitary Ward

Referred by: Councillor B Purser

Reason for Referral: Overdevelopment, parking, refuse disposal and the provision of health care

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 application seeks full planning permission for the change of use of the existing 6 bedroom house in multiple occupation, to a 7 bedroom house in multiple occupation.

Consultations

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

- Cllr Purser

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

- Housing

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

- Northampton Town Council

One letter of objection has 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 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 site is an existing house in multiple occupation located along Abington Avenue. The property is part of a terrace, with residential properties attached to one side and a public house attached to the other. The property benefits from a small area to the front of the property, currently used for bin storage, a rear garden and garage.

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. There are no other site-specific constraints related to the consideration of this proposal.

3 DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1 The application seeks full planning permission for the change of use of the property from a 6 bedroom house in multiple occupation to a 7 bedroom house in multiple occupation, with bin storage and cycle parking. The proposal does not include any extensions, instead, an existing room used for storage is proposed to change use and the boiler relocated.

4 RELEVANT PLANNING HISTORY

- 4.1 The site has been subject to a Planning Enforcement assessment regarding the House in Multiple Occupancy status. The Enforcement assessment confirmed that the property, on the balance of probability, would have been in use as a house in multiple occupation since before the adoption of the Article 4 Direction. As such, at the time of the original change of use from a single C3 residential dwellinghouse to a C4 6-bedroom house in multiple occupation, planning permission was not required. Therefore, the property has been lawfully operating a 6-bedroom house in multiple occupation.

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 15th December 2014 and which provides the strategic planning policy framework for the District to 2029, the adopted Local Plan (Part 1 – saved policies) and adopted Neighbourhood Plans. The relevant planning policies of the statutory Development Plan are set out below:

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

- 5.3 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)

- 5.4 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 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 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)
- 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
Cllr Purser	Objection	Call in request made, concerns regarding impact on healthcare, parking and highway safety and overdevelopment
Housing	No objection	Bedroom size is adequate for a HMO, amended plans should be requested to show kitchen facilities and sanitary facilities, comments made that fire protection measures would need to be installed following a fire safety assessment
Northampton Town Council	Comments	Unsure of the position and impact of the new boiler location, prefer to see ensuite facilities, existing high concentration of HMOs in the area

7 RESPONSE TO PUBLICITY

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

7.1 There has been one objection received raising the following comments:

- Overdevelopment, through over concentration
- Highway Safety concerns through inadequate parking
- Refuse disposal is an existing issue in the local area
- Neighbour consultation should be wider

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 The principle of the property being used as a house in multiple occupation (HMO) has been established through the earlier lawful change of use to a 6-bedroom HMO. As such, the property can continue to be used for the purposes of a 6-bedroom HMO, without requiring further planning permission.

8.3 As such, this appraisal assesses the impact of providing a further lettable bedroom within the footprint of the existing property. Therefore, consideration of relevant planning matters can only be given to the additional impacts of the additional one bedroom.

Impact on Character of Area

8.3 It is noted that concerns have been raised within the representations received that the proposal would have an unacceptable impact on the character of the area through

overdevelopment caused by the existing high concentration of HMO properties within the local area.

- 8.4 In terms of the impact of the proposal, the application does not seek any extension to the property, only internal alterations are proposed to reconfigure the layout. As the property is an existing lawful HMO, the concentration calculation in this case is not relevant.

Impact on Highway Safety

- 8.5 Concerns have been raised regarding the impact of the proposal on highway safety with additional pressure placed on existing car parking problems.
- 8.6 As the proposal is for one additional bedroom, Officers consider that there would not be an additional significant demand for on-street parking arising from the proposal. Whilst it is acknowledge that there is an existing parking deficit within the local area, the application site is located within close proximity to a well serviced bus stop and a parade of shops is located within walking distance to the west of the site.
- 8.7 The proposal shows that one on plot parking space can be provided within the existing garage as well as sufficient space for cycle parking stands for all occupants. A condition has been recommended which would secure the installation of the cycle parking stands.
- 8.8 Overall, Officers consider that the proposal, to increase the existing HMO by one bedroom, would not give rise to an unacceptable impact upon the

Amenity and Space standards

- 8.9 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.
- 8.10 The House in Multiple Occupation SPD sets out minimum standards for kitchen, living and bedroom spaces depending on the number of occupants. In this case, the proposal would be for 7 occupants, and as such, the standards for 6-10 people as set out in the SPD would apply.
- 8.11 The new bedroom created shows a floor space of 11.5sqm, which is above the larger room size of 10sqm where no additional communal space is required. As confirmed by the Housing Officer, the proposed bedroom size is adequate for a room within a HMO. The other bedrooms within the property, have a great floorspace above this larger room standard. Therefore, the property is not required to provide additional communal living space other than a kitchen measuring a minimum of 10sqm. In this case, the floor plans show the existing kitchen space would measure 17.8sqm, in excess of the minimum space requirement. Therefore, in terms of the bedroom size and provision of kitchen/communal space, the proposal meets the space standards required.

- 8.12 The HMO SPD also sets out the number of bathrooms required to serve the occupants of a HMO. In this case the minimum provision required would be 2 bathrooms containing either a bath or shower, 2 toilets with wash hand basins. Whilst the comments made in the representations are noted, amended plans have been received which show the provision within the bathrooms. The property includes the provision of 3 bathrooms, each with their own toilet, shower and hand basin. This is provision above that required as a minimum and therefore, the proposal adequately provided bathroom space to meet the requirements of the HMO SPD.
- 8.13 The plans show the location of the existing bin store at the front of the site, behind the wall and hedge serving the property, when accessed from Abington Avenue. The HMO SPD requires the bin store to be enclosed, however, as the property is already within a HMO use prior to the adoption of the SPD and Article 4 Direction, it is considered unreasonable to retrospectively require enclosed storage to be provided. As the proposal would be for one additional bedroom, the bin storage location as existing is considered adequate.

Refuse

- 8.14 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

- 8.15 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

- 8.16 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.

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:

Floor Site Plan

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. 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.



Planning Committee Report

