



Planning Committee Report

Committee Date: 1st November 2022

Application Number: WNN/2022/0903

Location: 12 Henry Bird Court, Northampton, NN4 8GP

Development: Change of use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 5 occupants, including conversion of garage to habitable room

Applicant: Mr M McGuire

Agent: Mr Patrick Dooley

Case Officer: Samantha Taylor

Ward: Delapre and Rushmere Unitary Ward

Referred by: Councillor E Roberts

Reason for Referral: Overdevelopment, parking issues, refuse disposal, inappropriate conversion in a flood risk area and the provision of healthcare.

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 planning permission for the change of use of the existing 3 bedroom dwellinghouse to a 5 occupant house in multiple occupation (HMO).

Consultations

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

- Far Cotton and Delapre Community Council, Cllr Stone

The following consultees are **in support** of the application:

- Housing Standards

Letters of objection have been received from 6 properties.

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
- Area Concentration
- Size of Property and Facilities for Future Occupants
- Highways and Parking
- Refuse
- Amenity
- Design
- Flood Risk

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1 APPLICATION SITE AND LOCALITY

- 1.1 The application site comprises a residential dwelling in an established residential street. The site is not in a Conservation Area but is in Flood Zone 2 – medium risk.

2 CONSTRAINTS

- 2.1 The application site is within Flood Zone 2 and an Article 4 Direction is in place restricting the change of use of C4 Houses in Multiple Occupation (HiMO).

3 DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1 The application seeks planning permission for the change of use from a dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) with 5 occupiers. There are no external works proposed other than a new front ground floor window to the proposed communal kitchen/living space.

4 RELEVANT PLANNING HISTORY

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

Application Ref.	Proposal	Decision
WNN/2021/0923	Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 5 occupants. 1 Smiths Court.	Approved
N/2018/0251	Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation	Approved

	(Use Class C4) for 3 occupants. 35 Henry Bird Way	
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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

- 5.5 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 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)
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- 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
Far Cotton and Delapre Community Council	Objection	The Council has asked for the concentration calculation, which has recently been provided to them. Raises concerns that there may be other unlicensed HiMOs in the area.
Cllr Roberts	Objection	Call the application to committee. Considers the proposal is overdevelopment, the property is not suitable for this type of development. There are already existing parking issues within the area. Fly tipping and waste disposal problems which exist will be added to. Occupants would need to share bathrooms facilities. The proposal would result in the loss of a family dwelling. There is no rear entrance and the garage conversion would result in an unacceptable flood risk.
Private Sector Housing	Supports	The proposed rooms sizes as shown on the plans meet the requirements for a 5 occupant HiMO. The kitchen facilities are adequate. The sanitary facilities are adequate. The fire safety provisions are adequate.

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 have 6 number of objections received raising the following comments:

- Other properties are thought to be in use as unlicensed HiMOs
- Existing bin/refuse issues within the local area
- Highway Safety and Lack of Parking
- Loss of a Family Dwelling
- The area has too many HiMOs

8 APPRAISAL

Principle of Development

8.1 Whilst it is noted that objections have been raised regarding the loss of a family dwelling, the property would remain in a residential use. 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 two existing licenced HiMOs within a 50m radius of the application site, and 97 standard C3 residential properties.
- 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 3% within a 50m radius of the application site.
- 8.8 It is noted that objections have been received raising concerns that there are 3 unlicensed HiMOs operating within close proximity to the site. The Planning Enforcement Team have been contacted to investigate these properties. However, even if these properties were to be within a HiMO use, the concentration would be are 6% which is still below the threshold set out in the Council's adopted SPD.
- 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 6.53 to 14 square metres. The bathroom facilities also meet the required standards. Private Sector Housing have confirmed that the room sizes and facilities are adequate to meet the needs of future occupants.
- 8.13 All habitable rooms as well as the kitchen/living space 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 has one 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 located in close proximity to the services within Far Cotton and Northampton Town Centre. The site is located within a sustainable location.
- 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 existing dwellings and 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 plans show that there is a communal bin store for the wider development in close proximity to the site. Bins would need to be transferred through the building for collection, which is the same arrangement for the existing dwellinghouse. However, it is considered reasonable and necessary for an area for collecting bins to be accommodated within the site, before these are transferred to the central communal bin store. A similar approach has been undertaken at adjacent approved HiMOs, such as 1 Smith's Court.

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.

Design

- 8.23 The proposed blocking up of the garage is considered acceptable subject to the use of matching materials. This can be conditioned. The proposal includes a window into the communal living space at ground floor level, which is an appropriate design feature. As such, the proposal is considered to accord with Policy E20 of the Northampton Local Plan.

Flood Risk

- 8.24 The site lies in a medium risk Flood Zone (Zone 2) where the EA comment that there should be no ground floor sleeping accommodation which can be conditioned, therefore there is limited risk from flooding to the proposed use. The proposed plans do not show the provision of sleeping accommodation on the ground floor. This accords with Policy BN7 of the JCS.

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.

Approved Plans

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location and Block Plan ASM-22-M25-001a
Block Plan ASM-22-M25-004

Proposed Floor Plans and Front Elevation, ASM-22-M25-003a

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

Maximum Occupants

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

Reason: To prevent over-development to accord with Policy H1 of the West Northamptonshire Joint Core Strategy.

Cycle Parking

4. Full details of facilities for the secure and covered parking of bicycles 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 and fully implemented prior to the development being first brought into use and retained thereafter.

Reason: To ensure the provision of adequate facilities in accordance with Policy H1 of the West Northamptonshire Joint Core Strategy.

Bin Storage

5. Full details of the provision for the storage of refuse and materials for recycling shall be first submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation or bringing into use of the building hereby permitted and thereafter retained.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy H1 of the West Northamptonshire Joint Core Strategy.

No Ground Floor Sleeping Accommodation

6. No bedroom sleeping accommodation shall be provided on the ground floor of the property.

Reason: To reduce the risk of flooding to the proposed development and future occupants to comply with Policy BN7 of the Joint Core Strategy.

7. Matching Materials

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 Policy E20 of the West Northamptonshire Joint Core Strategy.



Planning Committee Report

