



Planning Committee Report

Committee Date: 1st November 2022

Application Number: WNN/2022/0797

Location: 48 Hazelwood Road, Northampton

Development: Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4)

Applicant: Dr Tariq Muhammad

Agent: Mr Sanaa Lateef

Case Officer: Adam Walker

Ward: Castle Unitary Ward

Referred by: Councillor D Stone

Reason for Referral: Overdevelopment, inappropriate development and pressure on services

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 a change of use from dwellinghouse (Use Class C3) to a house in multiple occupation (Use Class C4) for up to 8 occupants. No external alterations are proposed.

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

- Town Centre Conservation Areas Advisory Committee
- Councillor Danielle Stone
- Northampton Town Council

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

- Northampton Town Council
- Private Sector Housing

1 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
- Amenity issues
- Highway matters

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 dwellinghouse located on the eastern side of Hazelwood Road within Northampton town centre. The property extends over four floors and provides four bedrooms. At the back of the house is an area of amenity space.
- 1.2 Hazelwood Road is largely residential in character but does include some commercial uses. The site is very close to St Giles Street which forms a secondary shopping frontage.

2 CONSTRAINTS

- 2.1 The application site is within the Derngate Conservation Area.
- 2.2 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 (HIMOs).
- 2.3 The site forms part of a wider safeguarded employment area in the Northampton Central Area Action Plan.

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). The proposal is for up to 8 occupants.
- 3.2 There would be a total of 6 bedrooms across the ground, first and second floors. Three of the bedrooms would have an en-suite and there would be a shared shower room with WC and a separate WC.

- 3.3 The lower ground floor would contain a kitchen and dining area with a sitting room to the rear that would open out into back yard. The lower ground floor also has a self-contained utility room.

4 RELEVANT PLANNING HISTORY

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

Application Ref	Proposal	Decision
N/2019/0513	Conversion of existing dwelling into 4no flats with internal alterations, rear extension and conversion of attic and rear roof extension	Refused on the grounds of the impact of the proposed rear extension and external alterations on the character and appearance of the host dwelling and Derrnigate Conservation Area and the impact on the privacy of neighbour amenity
N/2018/1677	Conversion of existing dwelling to 5no one bedroom flats with rear extension and conversion of existing loft space with roof extension and rooflights	Withdrawn following Officer advice that the recommendation would be for refusal
N/2000/0023	Change of use to a single dwelling (from accountants)	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, 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) (LLP1)

- 5.4 The relevant policies of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) are:

- SA - Presumption in favour of sustainable development
- H1 - Housing Density & Mix & Type of Dwellings
- H5 - Managing the Existing Housing Stock
- S10 - Sustainable Development Principles
- BN7 - Flood Risk

Northampton Central Area Action Plan (CAAP) (2013)

5.5 The Central Area Action Plan (CAAP) provides specific planning policy and guidance for the town centre and adjoining areas where significant regeneration and investment is proposed in the period up to 2026 and is in conformity with the objectives of the NPPF. Relevant policies include:

- Policy 16 – Central Area Living

Northampton Local Plan 1997 (Saved Policies) (NLP1)

5.5 Given the age of the Northampton Local Plan the weight to be afforded to its policies is diminished, however the following policies are relevant to the application:

- Policy E20 – Design for new development
- Policy H30 – Multi-occupation with a single dwelling

Material Considerations

5.5 Below is a list of the relevant Material Planning Considerations:

- **National Planning Policy Framework (NPPF)**

The National Planning Policy Framework (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 5 – Carbon reduction, sustainable design etc (Moderate weight)
- Policy 6 – Health and wellbeing (Significant weight)
- Policy 7 – Flood risk (Significant weight)
- Policy 8 – Supporting Northampton town centre’s role (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)

Houses in Multiple Occupation Supplementary Planning Document (November 2019)

5.6 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.
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- Northamptonshire County Parking Standards (November 2016)
- Northampton Parking Standards Supplementary Planning Document (November 2019)

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
Town Centre Conservation Areas Advisory Committee	Object	Regrets the loss of a dwellinghouse. Overconcentration of HMOs can encourage a transient population and a less diverse community which can in turn affect the vitality and character of the conservation area. Parking and waste management problems can also affect the appearance of the conservation area. There are already a high number of HMOs

		<p>in the area and concentration should be assessed in line with the HMO SPD. The existing use of the property needs to be clarified.</p> <p>Many original features have been removed from the building, including external features. The Derngate Conservation Area has Article 4 protection for windows so there is a need for a check that no unauthorised works have been done to the windows. The original windows contribute greatly to the appearance and historic significance of the conservation area.</p>
Private Sector Housing	Observation	<p>Bedroom sizes meet requirements. The kitchen facilities and amenities as shown would only be sufficient for 5 people. Additional kitchen amenities and facilities will be required to meet the standards for more than 5 people. The sanitary facilities as shown are adequate.</p> <p>The proposed plan shows provisions for fire protection, detection and alarm systems which meets the appropriate standards. The level of fire protection is a matter to be determined by a fire safety assessment commissioned or undertaken by the owner. A higher degree of fire protection would be necessary if the HMO is to be let on the basis of individual tenancies for each letting room.</p>
Northampton Town Council	Observation	The proposed use as a HMO would result in the loss of large single family home that is in close proximity to the Town Centre.
Cllr Danielle Stone	Object	Call this in the grounds of overdevelopment, inappropriate development, pressure on services
Conservation Officer	-	No comments received at time of writing
Local Highway Authority	-	No comments received at time of writing

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 representation received, which raises an objection. A summary of the concerns raised is provided as follows:

- Occupation by regular tenants rather than on the basis of short-term lettings offers the potential to be an improvement on the existing situation. However, the scale of development and certain features of the property raises concerns.
- Privacy - The balcony on the ground floor level (indicated as a 'terrace' on the proposed plans) was built without permission when the application property and an adjoining property operated as offices. The change of both properties back to residential means that occupiers of 48 Hazelwood Road have unrestricted views of an adjoining property (dining room, garden including the sunken courtyard, and shower room). It has also caused issues with noise and smoke.
- Overdevelopment – Plans have been approved to create 127 independent residences (i.e. house, flat or HMO) facing onto Hazelwood Road, St Giles Street, and Dergate. The volume of work and regeneration within the Dergate Conservation Area should outweigh any need to lose another single-dwelling home. It would also reduce risk of further loss of the property's original features.
- Loss of a dwelling on Hazelwood Road which would encourage a more transient residential population. It would leave behind only four single-dwellings on a street of 56 properties.
- Waste Management – Lack of suitable waste storage means that waste will likely be left outside attracting pests and generating odours.
- Pressures on Services - The property has suffered from issues with overflowing sewerage. The proposal is likely to increase pressure on the existing utilities and likely lead to further issues. There will also be additional pressure on local services such as GPs.
- Accessibility - The building has no rear access to the garden (which is one level below the ground floor entrance). As a result, bikes or similar items will likely be stored in the entrance hallway presenting a fire hazard.
- Quality of Living – Concerns raised with the size of the proposed sitting room and kitchen facilities provided

8 APPRAISAL

Principle of Development

- 8.1 The conversion of the existing dwelling to a HMO is considered to be in line with national policy requirements to deliver a wide choice of homes to create sustainable and mixed communities. It is also consistent with Policy 16 of the Central Area Action Plan which promotes a mix of dwelling types, sizes and tenures within the town centre. In addition, Policy H5 of the Joint Core Strategy (JCS) and Policy 15 of the emerging Local Plan Part 2 allow for HMOs subject to the assessment of a specific set of considerations. The principle of development is therefore considered to be acceptable, subject to consideration of the matters detailed in the remainder of this appraisal.

Area concentration

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

- 8.3 Policy 15 of the emerging Local Plan 2 relates to the delivery of HMOs and reflects the HMO SPD in terms of consideration of the concentration of HMOs in a locality. It states that all planning applications for change of use from dwellinghouses to HMOs will be supported provided that less than 10% of the dwellings within a 50m radius of the application site are houses in multiple occupation. Emerging Policy 15 is considered to carry significant weight.
- 8.4 Council records have been investigated and the evidence indicates that there are 7 existing licenced HMOs within a 50m radius of the application site. Based on the methodology for the calculation of concentration as set out on the HMO SPD, the proposed development would result in a HMO concentration of 8.6% within a 50m radius of the application site.
- 8.5 Given that the proposal is below the 10% threshold in relation to the concentration of HMOs it is considered that the mixture of property types in this locality would maintain an acceptable balance.
- 8.6 Based on the above, the application is considered to accord with the aims of the National Planning Policy Framework, Policies H1 and H5 of the West Northamptonshire Joint Core Strategy, Policy H30 of the Northampton Local Plan, the HMO SPD and Policy 15 of the emerging Local Plan Part 2.

Size of the property and facilities for future occupiers

- 8.7 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.
- 8.8 The property would provide 6 bedrooms and the applicant has stated that the maximum number of occupiers would be 8.
- 8.9 The bedrooms range in size from approximately 10.75m² to 18.75m² (excluding en-suites). Two of the bedrooms exceed the minimum size requirement for two-person occupancy and the remaining four bedrooms exceed the minimum size requirement for single occupancy. The property therefore provides sufficient bedroom space for the proposed number of occupiers.
- 8.10 A kitchen-diner would be provided on the lower ground floor and this would link to a separate sitting room at the back of the property. The amount of communal floorspace significantly exceeds the minimum requirement and is therefore considered acceptable. Private Sector Housing commented that the level of facilities and amenities within the kitchen-diner would only be suitable for 5 people. The applicant has responded to this and has provided a revised plan showing additional cooking and washing facilities in line with published guidance (HMO Amenities Facilities and Management Standards). For the purposes of this planning application, officers are satisfied that the kitchen-diner provides adequate space for the required facilities and amenities. The provision of specific kitchen facilities and amenities would be controlled through the HMO licensing process.

8.11 Sanitary facilities are also considered to be acceptable. Three of the bedrooms would have their own en-suite, including the two bedrooms that are suitable for double occupancy. A shared shower room (with WC) and a separate WC would be available for the occupants of the other three bedrooms. These would be located on the ground and first floors respectively, on the same level as the bedrooms.

8.12 All the bedrooms would be served by windows that would afford adequate natural light, ventilation and an acceptable outlook. The kitchen-diner is located on the lower ground floor and this is the same as the arrangement for the existing dwellinghouse. There is a lightwell to the front of the kitchen-diner and this room would connect through to a small sitting room which in turn opens out onto the back yard. The communal space is also considered to provide adequate window openings.

8.13 All of the future occupiers would have access to the existing amenity space at the rear of the property. One of the occupiers would also benefit from access to an existing private balcony/terrace.

8.14 The property would require a mandatory HMO licence and a condition restricting the use of the property to a maximum of 8 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. For completeness, a condition restricting the use of any part of the lower ground floor for use as a bedroom is also recommended.

Flood risk

8.15 The site lies in Flood Zone 1 and is therefore classified as being at the lowest risk of flooding. As such there are no significant concerns with the continued residential use of the lower ground floor.

Highways/Parking

8.16 The site is within a highly town centre sustainable location close to a range of facilities, amenities and transport connections.

8.17 The property does not have any off-street parking and there are parking restrictions on Hazelwood Road.

8.18 Nil parking provision is considered acceptable in this instance given the highly sustainable location of the site.

8.19 It is appropriate for cycle storage to be provided for the future occupiers although it is acknowledged that there are likely to be some difficulties with manoeuvring bikes in and out of the property because of layout constraints. Nevertheless, this is not materially different to the situation for the existing dwellinghouse and a condition requiring details of cycle storage is recommended to help promote cycle usage.

Refuse

8.20 The application site is in an area where black bags are collected from the street. With the front of the property being one storey higher than the rear, it is not possible to provide refuse bins within the rear garden for bin storage. The plans do not indicate where refuse would be stored but there is some scope to provide storage on the lower ground floor, such as within the utility room. It is likely that bags would need to be transferred from the lower ground floor or from the rear of the property for collection. There are similar constraints for the established dwellinghouse. To ensure that refuse storage is

managed appropriately, a condition is recommended requiring details of the proposed refuse storage arrangements.

Residential amenity

8.21 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.

8.22 Concerns have been raised within a neighbour objection regarding the use of the existing ground floor balcony/terrace at the rear of the property. The balcony/terrace is part of the established residential use and is currently accessed from the existing lounge. The use of the balcony/terrace in connection with the occupation of one of the bedrooms would not therefore result in any material change in circumstances and as such it is difficult to substantiate this objection. Whilst there is no planning history for the erection of the balcony/terrace, given the length of time that it has been in situ it would be deemed lawful development.

Other matters

8.23 No external alterations are proposed as part of the application and in this regard the proposal would not have any material impact on the visual amenity of the streetscene or the character and appearance of the Derngate Conservation Area.

8.24 The comments made by the Town Centre Conservation Areas Advisory Committee (TCCAAC) are acknowledged, however, any external alterations that may have been made to the windows fall outside of the scope of this application.

8.25 Concerns have been raised by the TCCAAC, Northampton Town Council and a third party regarding the loss of a family dwellinghouse. There is no planning policy basis to justify the retention of the dwelling as a traditional C3 dwellinghouse and the application must be assessed having regard to the policies and guidance set out within this report. Officers have concluded that the proposal accords with relevant planning policy and as such there would not be grounds to object to the change of use.

8.26 Concerns have also been raised regarding additional pressure on services. The concern with the impact of the proposed development on drainage infrastructure is not material to the assessment of this particular planning application because it is solely for a change of use from one type of residential usage to another. This would be a matter between the landowner and Anglian Water. The impact on health services is also not a material consideration in this case because the scale and nature of the proposal are such that it falls outside the scope of requiring a healthcare contribution.

8.27 The requisite level of fire protection measures would be determined through a separate fire safety assessment.

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 HMOs within the locality and would not adversely affect the character of the local area and streetscene, as well as the character or appearance of the Derngate Conservation Area. Furthermore, the development would not have any significant adverse impact on highway safety or result in any undue detriment to the amenity of neighbouring properties. The application 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 16 of the Central Area Action 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 following conditions:

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: HR21A.

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 8 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. Details of the proposed refuse storage for the property shall be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted is first occupied. The refuse storage shall be provided in accordance with the approved details before the development is first occupied and shall be retained as such thereafter.

Reason: In the interests of amenity and to preserve the significance of the Derngate Conservation Area and to secure a satisfactory standard of development. This is to accord with Policies H1, H5 and BN5 of the West Northamptonshire Joint Core

Strategy, Policies 15 and 31 of the emerging Local Plan Part 2 and the National Planning Policy Framework.

Cycle Storage

5. Details for the provision of secure cycle storage to serve the development 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, Policy 15 of the emerging Local Plan Part 2 and the National Planning Policy Framework.

Use of lower ground floor

6. No part of the lower ground floor within the property shall be occupied as a bedroom at any 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, Policy 15 of the emerging Local Plan Part 2 and the National Planning Policy Framework.



Planning Committee Report



Title: **48 Hazelwood Road**

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Scale: 1:1,000 @A4

Drawn: M Johnson