



**NORTH NORTHAMPTONSHIRE COUNCIL AREA PLANNING COMMITTEE
(CORBY AREA)
Wednesday 16th November 2022.**

Application Number:	NC/22/00332/DPA
Case Officer:	Fernando Barber-Martinez
Location:	23 Sutherland Road, Corby, NN18 9LU.
Development:	Change of use from Use Class C4 HMO (House in Multiple Occupation) 6 persons- to Sui Generis HMO 9 Persons.
Applicant:	Mr Amar Sadarangani
Agent:	Mr Leonard Hawkins
Ward:	Kingswood Ward.
Overall Expiry Date:	Agreed extension of time until 25th November 2022.

List of Appendices

None.

Scheme of Delegation:

This application is brought to Committee because a material written objection has been received from a statutory consultee (Corby Town Council) that is contrary to the Officer recommendation and cannot be resolved through negotiation.

1. Recommendation:

1.1 That Planning Permission be GRANTED subject to planning conditions.

2. The Proposal

2.1.1 The proposal is for the proposed change of use from the present Use Class C4 6 person HMO (House in Multiple Occupation) to a 9 Person (6 bedroom) Sui Generis HMO within the fabric of the existing property namely involving the following internal accommodation arrangements which have already been implemented for a 6 bed roomed property. The proposal in essence is to increase the occupancy of the property from 6 residents to 9 residents. As of 05.10.2022 the agent advises that there are 2 residents in-situ.

[Sui Generis means 'in a class of its own'.]

2.1.2 The proposed internal layout is detailed on drawings as:

Ground floor: Communal Eating Area/Kitchen with a 4-chair table, 2 cookers, 2 sinks, large fridge, worktops/storage.

10.8 sq. m [corrected figure] bedroom (2 person) with ensuite shower/toilet (this does not meet the recommended space standard of a minimum 11.5 sq. metres for a 2-person bedroom by approximately 0.7 sq. metres).

12.4 sq.m bedroom (2 person) with ensuite shower/toilet.

First Floor:

9.8 sq.m bedroom (1 person) no ensuite toilet/shower.

8.9 sq.m bedroom (1 person) with ensuite shower/toilet.

10.0 sq.m bedroom (1 person) with ensuite shower.

Shared 2x washing machines.

Shared Toilet/ Shower room.

Attic Space:

17.5 sq.m bedroom (2 person) with ensuite shower and toilet.

2.1.2 This Council's Private Sector Housing Team advised on 7th September 2022 that there are 2 HMOs on Sutherland Road [Nos 17,44], 2 on Blake Road [Nos 21,25] and no HMOs on Stokes Road.

2.1.3 The planning application has been accompanied by a design and access statement and parking stress table (a spreadsheet of available car-parking in the vicinity of the proposal). Additional drawings indicating the siting of outdoor bins and car-parking has also subsequently been received.

2.1.4 The agent advises that the present 6 person C4 use commenced on 15 January 2022 (which is permitted in planning law). There are two off road parking spaces available for use by residents. Also proposed are 3 cycle storage sheds to the side of the property, along with a 9 'wheelie' bin storage area to the side of the rear garden area.

2.1.5 The agent also advises that the relevant Building Control certification has been obtained along with the relevant fire safety inspections.

3. Site Description

3.1.1 The site is located along Sutherland Road, being accessed from the busy Gainsborough Road (to the north) via Blake Road. Sutherland Road is a one-way road which for the greater part comprises a 2-carriageway width (one of which is used for on street car-parking for residents). Approaching the application site by car, the carriageway width decreases to a single carriageway width with narrow pavements either side - with residents using off road parking availability within their property.

3.1.2 The application site itself is a semi-detached former dwellinghouse (C3) of brick and tile construction on a residential estate from around c1950's era. The site already has a vehicle access from Sutherland Road leading onto a hardstand area with an amenity area to the side of the property, and a garden area to the rear. This is due south of Corby town centre and is within walking distance.

3.1.3 The adjoining dwelling (of the pair) is No.21 Sutherland Road, while a block of dwellings/flats lies to the eastern boundary of the application site namely No4-14 (evens) on Stokes Road (which is found at the end of Sutherland Road).

4. Relevant Planning History

4.1.1 No recent or relevant planning history.

5. Statutory Consultation Responses

Internal

5.1.1 Highway Engineer

In respect of the above planning application, the local highway authority (LHA) has the following observations, comments, and recommendations: -

Observations: 1. Revision B of the Proposed Block Plan is noted. The car parking spaces are required to be a minimum of 2.5m wide by 5m long. It is thought therefore two vehicles may be able to park off street with the remaining **four** on-street.

2. The Parking Beat Survey results are now viewable. Whilst the cul-de-sac of Sutherland Road shows excessive stress, the rest of Sutherland Road and Blake Road is likely able to take the parking requirements associated with the increase in bedrooms, bearing in mind also the proposed off-street parking.

The application site is not affected by a Public Right of Way.

Planning Permission does not give or imply permission for adoption of new highway or to implement any works within the highway and / or a Public Right of Way.

[Typo corrected in email from Highway Engineer dated 03/10/2022]

5.1.2 Environmental Health

Thank you for consulting me on this application, on behalf of Environmental Services I have no objection to make but would recommend the following be attached as an informative, should consent be given;

Acoustic separation (all domestic dwellings) - informative

The applicant should have regard to the Building Regulations Approved Document E 'resistance to the passage of sound' in order to ensure the acoustic insulation is adequate to minimise airborne and structure borne noise to occupants. Where the development is flats or houses in multiple occupation, this shall include individual units and shared amenity spaces.

Reason: In the interest of residential amenity.

5.1.3 Private Sector Housing (HMO Team)

Notified.

Advertisement/ Representation

5.2.1 The Case Officer visited the site on Friday 19th August 2022 and again on Wednesday 14th September 2022. A Site Notice was posted on Friday 19th August 2022.

5.2.2 Neighbours were consulted on 17th August 2022, and to date no letters of objection have been received.

The following is a link to representations made online:

<https://publicaccess.corby.gov.uk/publicaccess/simpleSearchResults.do?action=firstPage>

5.2 3 Corby Town Council

Objection. At a meeting of Corby Town Council, it was RESOLVED to OBJECT to the application as follows: 'The impact of the parking opportunities in the area, particularly at the front of the property. We would also ask that any fire safety concerns are addressed by Building Control. We are also concerned regarding the environmental impact on surrounding properties e.g., increased refuse.

5.2.4 Crime Prevention Officer (Police):

Thank you for consulting Northamptonshire Police with this Change of Use application to Sui Generis, HMO for 9 Persons.

I have read and studied the submitted documents for this application and in relation to designing out crime and whilst being commensurate with risk make the following comment:

Northamptonshire Police have no objection or comment to make with the application in its present form.

5.2.5 Fire Protection Officer (Fire and Rescue Service)

As of October 2006, with the introduction of the Regulatory Reform (Fire Safety) Order, fire certificates are no longer issued.

Emergency escape windows can only be located where the floor which the window serves is a maximum of 4.5m above ground level, as stated in section 2.2 of Approved Document B Volume 1.

6. Relevant Planning Policies and Material Considerations

6.1.1 Statutory Duty

Section 38(6) of the Planning and Compulsory Act 2004 requires Local Planning Authorities to determine planning applications in accordance with the Development Plan unless material planning considerations are considered to outweigh it. The 'development plan' comprises the North Northamptonshire Joint Core Strategy 2016 and Part 2 Corby Local Plan 2021. The National Planning Policy Framework 2021 is a material consideration.

6.1.2 National Planning Policy Framework (NPPF) (2021)

Of relevance within the NPPF can be found: -

Paragraph 130: *“Planning policies and decisions should ensure that developments:*

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”***

Chapter 2 Achieving Sustainable Development;

Chapter 9 (Promoting Sustainable Transport);

Chapter 12 Well Designed Places.

6.1.3 North Northamptonshire Joint Core Strategy (adopted 2016)

Policies 1 (sustainability), Policy 8 (place shaping principles) and Policy 11 (network of urban and rural areas).

6.1.4 Part 2 Corby Local Plan (adopted 2021)

No relevant planning policies or planning constraints.

6.1.5 Neighbourhood Development Plan

There is no emerging neighbourhood development plan of any material weight in decision making.

6.1.6. DCLG (2015): Technical Housing Standards- nationally described space standard

This document contains internal space standards (requirements) for new dwellings and new flats (namely a minimum space per room of 7.5 sq.m metres for a 1-person bedroom, and 11.5 sq.m metres for a 2-person bedroom).

7. Evaluation

Key Determining Issues:

- Principle of Development;
- Impact on the Character of the Area;
- Neighbouring Amenity and Amenity of Occupants;
- Highway Safety;
- Other Matters.

7.1 Principle of Development

7.1.1 Policy 8 of the Core Strategy is concerned with place shaping principles for new development such as creating pleasant streets and spaces, distinctive local character. Plus ensuring quality of life and safe and healthier communities by protecting amenity and designing out crime and anti-social behaviour. Policy 11 of the Core Strategy directs new residential development to within existing urban and rural settlements in the interests of sustainable development.

7.2. Impact on the Character of the Area

7.2.1 There are no design changes to the existing elevations of the building which means that the appearance of the semi-detached property is retained. In terms of the use, it involves a change from a 6 person HMO (which is allowed under Class C4) to a 9 person HMO- this being 'in keeping' with the wider residential character of Sutherland Road. The present parking arrangement would remain as is (the third parking space identified by the applicant in practice being unusable due to the alignment of that space). This former dwellinghouse is being used as a 6-person unit of accommodation without the need for planning permission as that use (C4) is already permitted in planning law. Two residents are currently in occupation (as of 5.10.2022).

7.2.1 The resulting activity associated with of up to 9 occupants (residents) from the site is unlikely be overly discernible in the street in terms of noise and disturbance (amenity) when

compared with a single family dwellinghouse used at capacity. Therefore, it is considered that the impact on the relatively quiet character of the area in Sutherland Road and immediate environs is likely to be neutral rather than adverse.

7.3 Neighbouring Amenity and Amenity of Occupants

7.3.1 The proposal will allow for up to 9 occupants using the property (in that occupancy can be variable) compared with up to 6 residents in a C3 (dwelling) or C4 use. This needs to be balanced against the fact that the occupiers will have adequate internal amenity, plus access to a good-sized rear garden area. There will be two parking spaces (at the front of the property), and nearby on road parking for residential purposes. Therefore, the use is unlikely to give rise to an adverse impact on neighbouring amenity through additional noise. Plus, there is no new external building work proposed so there will be no change to current levels of daylight, sunlight, or privacy to immediate neighbours. There is an intensification of the residential use of the property when compared to former single family dwellinghouse and consequently more associated activity. However, in this instance the impact upon local residential amenity would not be substantive (nor adverse) in this case.

7.3.2 In terms of the amenities of the occupants - a communal kitchen/dining area is being provided and the bedrooms have ensuite or shared toilet and bathing facilities. One 2-bedroom room (on the ground floor) is only slightly below the threshold standard (by 0.7 sq.m m) and the acceptability of this is based upon a separate license (issued by the Private Sector Housing Team) There is also reasonably sized rear garden area for outdoor use by residents when needed. Plus, there is no objection to the proposal by this Council's Environmental Health in respect of noise and insulation. The proposed HMO is considered to comply with Paragraph 130 of the National Planning Policy Framework in terms of both quality of design and amenity (for neighbours and residents) over the lifetime of the development, and Core Strategy Policy 8.

7.4 Highway Safety

7.4.1 The roads and pavements leading to the site are to a relatively modern standard in terms of road width, and provision of footpaths for pedestrians. In that respect access to the site on foot and by bicycle or car is safe, particularly from the nearby Corby town centre.

7.4.2 In terms of technical requirements (highways) – to meet the parking standard the proposal would require 6 car parking spaces to be provided (one for each bedroom not person). Two car parking spaces can be provided within the existing curtilage and there are no on-street parking restrictions nearby. A Parking Stress Survey undertaken for the applicant (Wednesday 4th May 2022) indicates that there is satisfactory on road parking availability - in that the additional 4 on road parking space capacity could be found within easy walking distance of the application site. On this point this Council's Highway Engineer raises no objection to the proposal on highway safety and parking provision (car and bicycle).

7.5 Other Matters

7.5.1 HMOs in general can result in environmental issues, whilst there is national HMO guidance, there is presently no specific development plan policy and no supplementary planning guidance specific to this type of proposal which would thereby give a specific criterion for the assessment of HMOs. If permission is to be granted there are safeguarding conditions and separate housing licensing procedures to ensure proper HMO management. On this basis, the amenities of both prospective occupiers and neighbours' amenities who may reside in the locality will accordingly be protected. HMO planning policy is being considered as part of the ongoing Core Strategy Review. The planning application remains to be determined on its merits.

7.5.1 Corby Town Council raises matters regarding bin storage, and on this matter the agent has identified an area to side of the property for up to 9 'wheelie' bins comprising 3x recycling, non-recycling, and garden waste. This is acceptable, and a planning condition will require the precise siting of the bins when not out for collection.

7.5.2 The relevant non planning Building Regulation approvals for internal partitioning have been obtained along with fire safety inspections recently undertaken.

8. Conclusion

8.0.1 The proposal will provide small units of residential accommodation with shared kitchen and other essential facilities within the property. Subject to safeguarding planning conditions and the separate licensing management it is not considered that there would be any substantive adverse amenity, highway safety or local character concerns. The proposal accords with National Planning Policy Framework (2021) and the relevant policies of the North Northamptonshire Joint Core Strategy (adopted 2016).

9. Recommendation

9.1 For all the reasons considered above and weighing up the policies of the North Northamptonshire Joint Core Strategy (2016) and other material considerations it is recommended that planning permission is granted subject to the conditions set out below.

10. Conditions

1. The development hereby permitted shall begin before the expiration of three years from the date of this application.

Reason: As required by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall conform in all aspects with the plans and details shown in the application as listed below, unless variations are agreed by the Local Planning Authority in writing to discharge other conditions attached to this decision.

Reason: For the avoidance of doubt and to ensure a suitable form of development in accordance with Policy 8 of the North Northampton Joint Core Strategy.

3. The cycle storage area (detailed on Drawing PL.01 Revision B received 13th September 2022) shall be provided on site within 3 months from the date of this planning permission, and thereafter retained for the storage of cycles.

Reason: In the interests of promoting alternative forms of travel in accordance with Policies 1 and 8 of the North Northamptonshire Joint Core Strategy (adopted 2016).

4. The bin storage area (detailed on Drawing PL.01 Revision B received 13th September 2022) shall be provided on site within 3 months from the date of this planning permission, and thereafter retained for the storage of bins.

Reason: In the interests of promoting alternative forms of travel in accordance with Policies 1 and 8 of the North Northamptonshire Joint Core Strategy (adopted 2016).

INFORMATIVE NOTE:

1. Acoustic separation (all domestic dwellings) - informative

The applicant should have regard to the Building Regulations Approved Document E 'resistance to the passage of sound' in order to ensure the acoustic insulation is adequate to minimise airborne and structure borne noise to occupants. Where the development is flats or houses in multiple occupation, this shall include individual units and shared amenity spaces.