

PLANNING COMMITTEE: 22nd November 2016
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2016/1093

LOCATION: 6 Stimpson Avenue

DESCRIPTION: Change of use from dwelling (Use Class C3) to a House In Multiple Occupation (Use Class C4) for 6 residents - retrospective

WARD: Abington Ward

APPLICANT: Mr Jonathan Curtis
AGENT: Mr Jonathan Curtis

REFERRED BY: Councillor Z Smith
REASON: Parking difficulties in the area

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 APPROVAL subject to the conditions as set out below and for the following reason:

The proposed development for change of use from a C3 dwelling to a house in multiple occupation (HIMO) would not lead to an unacceptable concentration of HIMOs within the locality that would adversely impact upon the character of the street scene, nor would the development have significant adverse impacts on neighbouring amenity or parking provision. The property is of sufficient size to accommodate the level of accommodation as proposed and is in accordance with the requirements of Policies H1, H5, and S10 of the West Northamptonshire Joint Core Strategy, saved Policies E20 and H30 of the Northampton Local Plan, the Council's 'Houses in Multiple Occupation Interim Planning Policy Statement' and the aims and objectives of the National Planning Policy Framework.

2. THE PROPOSAL

2.1 Permission is sought for a change of use from a residential dwelling (Use Class C3) to a house in multiple occupation (HIMO) (Use Class C4) for 6 people. No external alterations are proposed to the property. Parking would be on-street.

2.2 The site lies within the Article 4 Direction area which removes permitted development rights for change of use from a dwelling to a HIMO.

3. SITE DESCRIPTION

- 3.1 The application site comprises a two storey, mid-terraced, six-bedroom property on Stimpson Avenue, located in a residential area with similar terraced properties on both sides of the street.
- 3.2 The property has a kitchen/dining, lounge and one bedroom on the ground floor, three bedrooms and a bathroom on the first floor, and a bedroom in the basement and converted loft.
- 3.3 The property is currently in use as an unauthorised HIMO for four occupants.

4. PLANNING HISTORY

- 4.1 None.

5. PLANNING POLICY

5.1 Statutory Duty

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014), Northampton Local Plan (1997) saved policies.

5.2 National Policies

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:

- 5.3 Paragraph 17 seeks to secure high quality design and good standard of amenity for existing and proposed occupiers.
- 5.4 Paragraph 49 requires that housing applications are considered with presumption in favour of sustainable development.
- 5.5 Paragraph 50 states that planning should deliver a wide choice of high quality homes; widen opportunities for home ownership and create sustainable, inclusive, and mixed communities; should plan for a mix of housing based on current and future demographic trends, market trends, and the needs of different groups in the community.

Paragraph 56 - Good design is a key aspect of sustainable development.

5.6 West Northamptonshire Joint Core Strategy (2014)

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:

- 5.7 Policy H1 - Housing Density & Mix & Type of Dwellings - States that development should provide for a mix of house types, sizes and tenures to cater for different accommodation needs. Housing developments will be expected to make the most efficient use of land having regard to the location and setting of the site, the existing character and density of the local area, accessibility to

services and facilities, proximity to public transport routes, the implications of density for affordability and viability, the living conditions provided for future residents, and the impact on the amenities of occupiers of neighbouring properties.

- 5.8 Policy H5 – Managing the existing housing stock - seeks to manage and safeguard existing housing stock, including through HIMOs, where they would not adversely impact upon the character and amenity of residential areas.
- 5.9 Policy S10 – Sustainable Development Principles - requires development to satisfy a range of sustainable development principles including through achieving the highest standards of sustainable design; maximising opportunities for reuse and recycling; and promoting walking and cycling and protecting, conserving and enhancing the natural and built environment and heritage assets and their settings

5.10 **Northampton Local Plan 1997 (Saved Policies)**

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:

- 5.11 Policy E20 – new development should adequately reflect the character of surroundings and ensure adequate standards of privacy, daylight and sunlight.
- 5.12 Policy H30 – requires HIMOs to be of sufficient size to accommodate the proposed use and not result in an over concentration to the detriment of the character and amenity of the area or result in a substantial demand for on street parking in areas judged to be experiencing difficulties.

5.13 **Supplementary Planning Documents**

Northamptonshire Parking Standards (September 2016)
Planning out Crime in Northamptonshire SPG 2004

5.14 **Other Material Considerations**

[Houses in Multiple Occupation \(HIMO\) Interim Planning Policy Statement \(IPPS\) \(November 2014\)](#)

Proposals for HIMOs 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 15% of HIMOs within a 50m radius.
- Secure the provision of adequate facilities, amenities and minimise flood risk; promote use of public transport, cycling and walking and secure provision of adequate parking;
- Ensure provision of adequate storage for refuse and materials for recycling.

6. CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 6.1 **NCC Highways** – advise that previous parking surveys have demonstrated that there is no residual parking capacity for vehicles in the area. Therefore, it can be reasonably assumed that the potential increase in parking demand generated by this development is likely to result in increased parking on double yellow lines, across dropped kerbs, on the corners of junctions and double parking. This will result in a greater risk to both motorists and pedestrians and, for this

reason, the LHA must object to the proposed development on the grounds of highway safety. The increase in parking demand will have a negative amenity impact on neighbouring residents.

After consulting with Northamptonshire Highways parking enforcement department, it was confirmed that this is an area of high ticketing, reflecting that there is a lack of parking spaces, resulting in vehicles being parked on double yellow lines. It should also be noted that this is an area where the LHA receives a high level of complaints from residents with regards to the lack of parking for residents.

6.2 **Private Sector Housing** - The property has a current HMO licence valid from 27 July 2016 to 26 July 2021, for 6 occupants in 6 households.

6.3 **Councillor Zoe Smith** – raises concerns regarding impacts on existing parking difficulties in the area and the recent changes to Highway Authority parking standards requiring that new or altered properties must provide one parking space per individual resident/couple.

7. APPRAISAL

Principle of the development

7.1 The conversion of an existing dwelling to a HIMO is considered to be in accordance with national policy requirements to deliver a wide choice of homes to create sustainable and mixed communities. Policy H5 of the Joint Core Strategy allows for HIMOs where they would not adversely affect the character and residential amenity of an area. In principle, houses in multiple occupation are considered to be acceptable in a residential area.

Size of property

7.2 The submitted plans show provision of six letting bedrooms, with a lounge, kitchen, shower room and toilet on the ground floor and a bathroom on the first floor. The response from Private Sector Housing indicates that the property is licensed and can accommodate up to 6 people satisfactorily.

Area concentration

7.3 Council records evidence that there are no other confirmed HIMOs within a 50m radius of the application site and, therefore, no over-concentration exists. The use of this property as a HIMO would equate to less than 2% concentration in the area. This would clearly fall within the 15% recommended by the Council's adopted Interim Planning Policy Statement in relation to HIMOs.

Parking

7.4 Parking within the vicinity of the site is on-street. The nearest bus routes are within 200m of the property, located on Wellingborough Road.

7.5 The Local Highway Authority (LHA) has objected on the potential additional on-street parking that may arise from the proposed use and potential adverse highway impacts, in an area where it has been demonstrated by previous parking surveys carried out within the vicinity of the site, that there is no residual parking capacity for vehicles in the area.

7.6 The property is currently a six bedroom property with on-street parking. Whilst the Highway Authority's concerns are noted, the existing property is a six bedroom property with no provision for on-site parking. Furthermore, the property is in a sustainable location within close proximity to facilities on Wellingborough Road and public transport. Given the potential number of occupants arising from the existing use and the sustainable location of the property, it is not considered that

a refusal on highway grounds could be upheld at appeal. This view has been upheld by recent appeal decisions which are a material consideration.

- 7.7 An appeal decision to form an additional apartment to comprise of a total of 5 apartments at 133 Colwyn Road (N/2016/0112), refused due to lack of parking, was allowed at appeal. The Inspector concluded that the appeal site was located in a sustainable location within easy walking distance of local services and facilities and public transport services. The Inspector considered that with no off-site parking provision, the development was more likely to be more attractive for occupation by people who do not use cars than those who do. Consequently, in view of the scale of development and, on the basis of the evidence, the Planning Inspector concluded that extra demand for on-street parking generated by the development is relatively small in the context of the overall supply and availability of parking in the area.
- 7.8 In appeal decision APP/V2825/W/16/3152553, at 26 Burns Street for a change of use to a HIMO for up to 4 people, the appeal was dismissed on the basis of over concentration, however the Inspector emphasized and concluded that the sustainable location of the HIMO cannot be disregarded.
- 7.9 In another appeal decision, APP/V2825/W/16/3154685 at 343 Wellingborough Road, for a change of use from office to a house in multiple occupation for 5 occupants, refused due to parking concerns, the Inspector allowed the appeal on the same conclusion that the appeal site is located in a sustainable location, within easy walking distance of the local services and facilities and public transport services.
- 7.10 It is considered that in view of the recent appeal decisions, the Inspectors have given considerable weight to the sustainability of locations, while considering the impact on parking. As such, in view of the sustainable location of the application site, and number of occupants proposed, and that there is sufficient room within the site to require secure bicycle storage by condition, it is not considered that highway impacts would be so adverse as to recommend refusal on this basis.

Refuse storage

- 7.11 No details have been submitted for the storage of refuse and materials for recycling. However, owing to the size of the rear garden, it is considered that the bin storage can be provided on site. A condition should be attached to any planning permission to submit the details for bin storage.

7.12 Amenity

The proposed use falls within Use Class C4 of the Use Classes Order, which in effect categorises this as a residential use which would not generate amenity impacts such as noise or anti-social behaviour on local residents over and above those created by a more conventional C3 dwelling. Indeed, without the Article 4 Direction, planning permission would not be required for the change of use. Consequently, it is not considered that any refusal of planning permission or the imposition of conditions, in relation to amenity issues would be reasonable or sustainable at appeal.

8. CONCLUSION

- 8.1 The proposed change of use to an HIMO would not lead to an over concentration of HIMOs within the locality or lead to any unacceptable significant impact on the character and amenity of the surrounding area or existing parking conditions. The property is of sufficient size to accommodate the level of accommodation as proposed, and hence would not conflict with national and local planning policy and guidance and is therefore recommended for approval.

9. CONDITIONS

(1) The development hereby permitted shall be occupied by a maximum of six residents at any one time.

Reason: In the interest's amenity of the proposed occupiers and the surrounding area in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy.

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Basement, First Floor Plan, Second Floor Plan, Third Floor Plan.

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

(3) Within the 1 month of this approval, full details for the provision of storage for refuse and materials for recycling shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, be fully implemented prior to the first occupation of the development hereby permitted and shall be retained thereafter.

Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy

(4) Within the 1 month of the date of this approval, full details for the provision of secure storage for bicycles shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, be fully implemented prior to the first occupation of the development hereby permitted and shall be retained thereafter.

Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy.

10. BACKGROUND PAPERS

10.1 N/2016/1093

11. LEGAL IMPLICATIONS

11.1 The development is CIL liable but not chargeable.

12. SUMMARY AND LINKS TO CORPORATE PLAN

12.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.



Title: **6 Stimpson Avenue**

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Date: 07-11-2016

Scale: 1:1,250

Drawn by: