

**PLANNING COMMITTEE:** 11<sup>th</sup> April 2017  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2016/1553

**LOCATION:** 75 Abington Avenue

**DESCRIPTION:** Change of use of dwelling (Use Class C3) to a house in multiple occupation (Use Class C4) for 5 residents  
**WARD:** Abington Ward

**APPLICANT:** Mr William Dunne  
**AGENT:** Mr Michael Dunne

**REFERRED BY:** Head of Planning  
**REASON:** Agent is a NBC employee

**DEPARTURE:** No

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#### **APPLICATION FOR DETERMINATION:**

##### **1. RECOMMENDATION**

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

The proposed development is considered acceptable in principle as it would not result in an overconcentration of similar uses within the vicinity of the site, would provide adequate facilities for future occupants and would not be at risk from flooding. Notwithstanding existing parking conditions in the local area, the site is in a sustainable location close to a Local Centre, bus services and amenities and would provide adequate facilities for cycle storage and refuse storage. The proposal thereby complies with 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 (IPPS) and the aims and objectives of the National Planning Policy Framework.

##### **2. THE PROPOSAL**

2.1 The proposal is for the change of use of an existing 4-bed dwelling to a house in multiple occupation for 5 persons.

##### **3. SITE DESCRIPTION**

3.1 The application premises consists of an existing 4-bed terraced house along a residential street of similar properties. The surrounding area consists largely of terraced houses, with some business units in the area and also a mosque opposite the site. The site is not in a conservation area. Parking is available on street along the length of Abington Avenue.

#### **4. PLANNING HISTORY**

##### **4.1 No recent applications for this site.**

A similar planning application for a 6 person HIMO was refused at 61 Abington Avenue at March Planning Committee meeting on parking grounds.

#### **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:

Paragraph 17 seeks to secure high quality design and good standard of amenity for existing and proposed occupiers.

Paragraph 32 seeks to ensure safe access for all.

Paragraph 49 requires that housing applications be considered with presumption in favour of sustainable development.

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.

##### **5.3 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:

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, the impact on the amenities of occupiers of neighbouring properties.

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.

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.

#### 5.4 **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:

Policy E20 – new development should adequately reflect the character of surroundings and ensure adequate standards of privacy, daylight and sunlight.

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

#### 5.5 **Supplementary Planning Documents**

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

#### 5.6 **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 refuse and recycling storage.

### 6. **CONSULTATIONS/ REPRESENTATIONS**

6.1 **Councillor Zoe Smith** - on impact on parking and loss of family housing.

6.2 **Private Sector Housing (NBC)** - no objections.

6.3 **Highway Authority (NCC)** - object on highway safety. The LHA have received a number of parking surveys submitted as part of numerous planning applications. After analysing the data it has become apparent that when on-street parking is at 85% to 90% of capacity, there are very few available spaces in the area and it is therefore considered at capacity. This is because any fluctuation in demand could result in highway safety and amenity problems arising. When the capacity exceeds 90%, the area is over saturated with parked vehicles and which will result in highway safety and amenity issues arising on a regular basis. Any increase in demand will further

exacerbate the problems, resulting in a much greater chance of dangerous parking and conflict between residents due to a lack of parking amenity.

A recent parking beat survey part of a nearby application shows there is no residual parking capacity for vehicles within the survey area.

It should also be considered that parking levels will fluctuate to some degree. This means that at times, demand will be greater than the levels shown during the survey period.

The LHA acknowledge that there is a good chance that not all the residents of an HIMO will have a car. However, as all residents will be of driving age, there is the real possibility the property could produce a demand for 5 vehicles.

The LHA therefore considers that the 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, all of which are already evident. The application will therefore 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. Furthermore, the increase in parking demand will have a negative amenity impact on neighbouring residents.

## **7. APPRAISAL**

### **Principle of development**

- 7.1 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. Policy H5 of the JCS allows for HIMOs where the proposal would not adversely impact on the character of the area and amenity of residential areas.

### **Area concentration**

- 7.2 The concentration of HIMO uses in the area is assessed by reference to records held by the Council. The IPPS states that there should be no more than 15% of properties in this use within a 50m radius. In this case, records indicate that within a 50m radius of the application site 5 of the 66 residential properties are houses in multiple occupation, resulting in a concentration of under 10 %. With the proposed change of use this would bring the percentage to less than 10 %. As this does not exceed 15% this would comply with the policy guidance.
- 7.3 It must therefore be concluded that the proposal would not adversely affect the character of the area.

### **Size of property and facilities for future occupiers.**

- 7.4 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 property is considered to be of sufficient size, providing room sizes in accordance with the Council's HIMO Facilities and Amenities Guidance and appropriate kitchen/dining, WC and wash facilities. Private Sector Housing are satisfied with the accommodation proposed which would be subject to a requirement for a license.
- 7.5 The location for the cycle stand has been specified but there are no details for the cycle stand and these could be sought through a planning condition.

### **Flood risk**

- 7.6 In respect of flood risk the application site is outside of the areas of the town identified as being at risk from flooding.

### **Highways / Parking**

- 7.7 The adopted IPPS sets out that where limited or no parking provision is proposed, the site must be either within 400m of a bus stop, or within walking distance of a district centre, local centre or neighbourhood parade. Only outside such locations is parking required to be provided.
- 7.8 In this case, there is a bus stop opposite the site in Stimpson Avenue, within 65m of the property. Additionally, the site is within 100m from a small local shopping centre at the junction of Abington Avenue and Abington Grove, and within approximately 400m of the edge of the Kettering Road Local Centre.
- 7.9 Within such areas the IPPS goes on to say that storage space should be provided which is accessible to cycle users, which is available in this case. This would be secured by condition on the grant of planning permission.
- 7.10 The proposal is, therefore, in compliance with this principle of the IPPS. However, a further consideration in respect of parking is the Northamptonshire Parking Standards. This document was adopted in September 2016, after the IPPS.
- 7.11 The Northamptonshire Parking Standards state that Houses in Multiple Occupation shall provide on plot parking at the ratio of one parking space per bedroom and where less this is proposed that the Highway Authority will require a parking beat survey of the surrounding streets, to ascertain whether the additional parking demand resulting from the change of use can be accommodated.
- 7.12 In this case no on-site parking is proposed and the Local Highway Authority duly requested that a parking beat survey be carried out. This survey was requested but the applicant did not produce one. An objection has therefore been raised by the LHA in terms of highway and pedestrian safety.
- 7.13 The current use of the property is as a 4 bedroom dwelling, with a potential occupancy of up to 4 car driving adults. The proposed change of use would, therefore, result in a potential increase to 5 car driving adults. The difference between the lawful and proposed use is minimal in parking terms and the impact on highway condition is not considered to be significant.
- 7.14 Furthermore, regard must be paid to previous appeal decisions over the past few months where Planning Inspectors have consistently taken the view that where a site is close to local amenities, and no parking is provided, considerable weight has been given to the sustainable location of the site, and the appeals concerned have been allowed. 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. It is considered that a refusal of the application on highway safety ground would not be sustained on appeal.

### **Refuse storage**

- 7.15 The rear garden of the property is shown on the submitted plans as to be used for refuse storage and there is adequate space for this, which would be secured by condition.

## **8. CONCLUSION**

- 8.1 The proposed change of use would comply with the requirements of the Interim Planning Policy Statement on HIMOs, and would not result in an over concentration of HIMOs within the locality

and would provide suitable accommodation for the number of occupants proposed. The issues in relation to parking and highway safety are finely balanced, however, it is considered that the proposal complies with the IPPS in relation to parking considerations and, in view of recent appeal decisions and the potential number of people that could occupy the property under the existing use, it would be difficult to uphold a refusal at appeal. The proposal is therefore recommended for approval.

## **9. CONDITIONS**

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.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Layout received 7 March 2017, Existing Layout, Location Plan.

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

3. The development hereby permitted shall be occupied by a maximum of five 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.

4. Full details for the provision of secure storage for bicycles and refuse /recycling shall be submitted to and approved in writing by the Local Planning Authority. The details shall be implemented prior to the first occupation of the property for the permitted purpose 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**

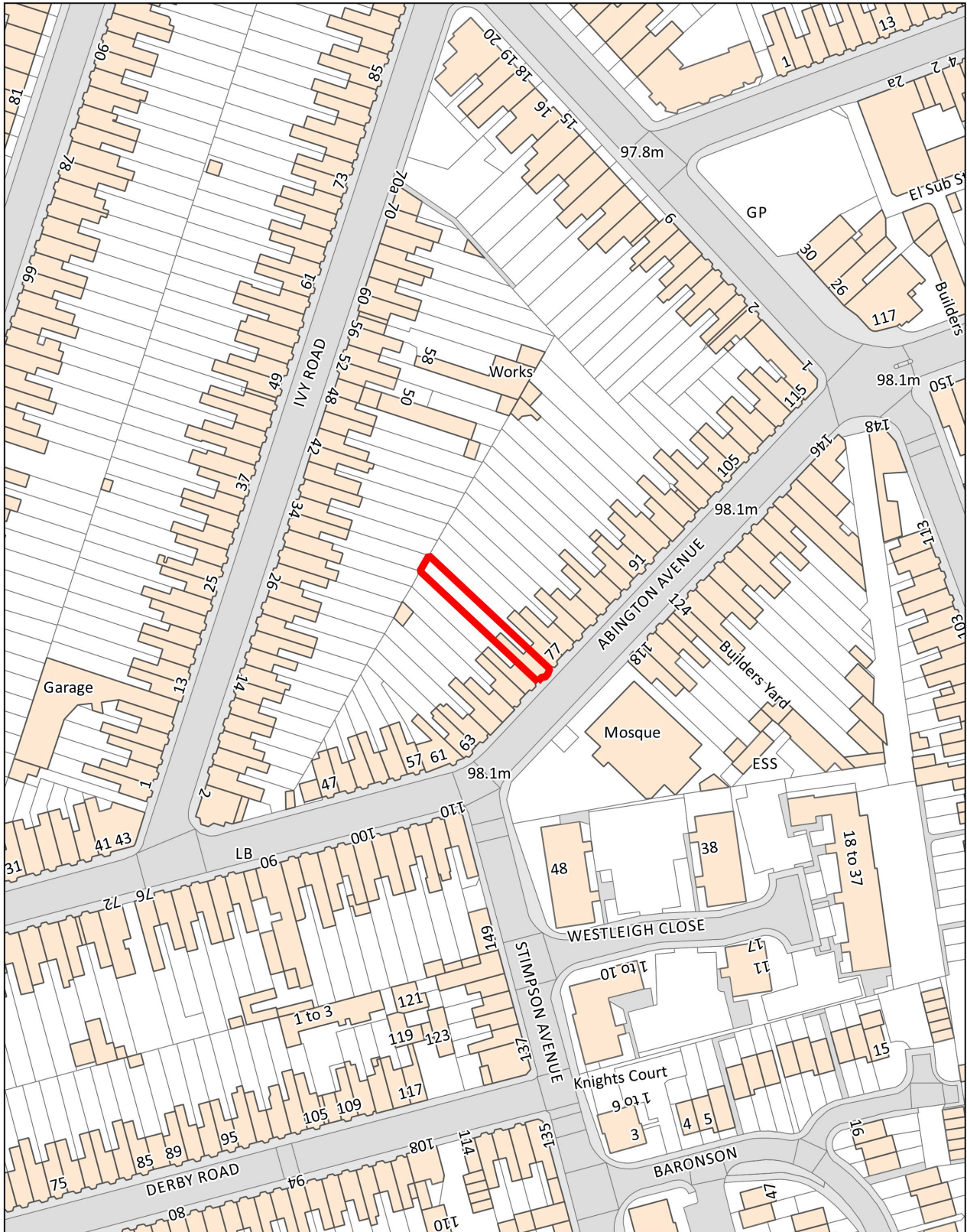
- 9.1 N/2016/1553.

## **11. LEGAL IMPLICATIONS**

The development is not CIL liable.

## **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: **75 Abington Avenue**

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Date: 28-03-2017

Scale: 1:1,250

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