



**NORTHAMPTON**  
**BOROUGH COUNCIL**  
Planning Committee

**PLANNING COMMITTEE:** 13<sup>th</sup> June 2017  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2017/0496

**LOCATION:** 32 Pitstone Road

**DESCRIPTION:** Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation for 7 occupants (Sui Generis) - Retrospective

**WARD:** Delapre & Briar Ward

**APPLICANT:** Mr Amjud Khiaq  
**AGENT:** Mr Amjud Khiaq

**REFERRED BY:** Councillor V Culbard  
**REASON:** Parking and refuse concerns

**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 bus stops 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, 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 the dwelling to a house in multiple occupation for seven occupants. This is a retrospective application, the use having already commenced. The premises is not in an area covered by an Article 4 Direction and planning permission is only required in this case as the proposal is for seven occupants, which would create a Sui Generis use. A change of use to a six person HIMO would not require permission.

### **3. SITE DESCRIPTION**

- 3.1 The site consists of a six bedroom, three storey house, located within an area of varying house styles.

### **4. PLANNING HISTORY**

- 4.1 None since approval of the estate by the Northampton Development Corporation in 1972 / 73.

### **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) and 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 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**

Comments received are summarised as follows:

- 6.1 **Private Sector Housing** - The plans submitted suggest that the room sizes and amenities are suitable for use as a seven person, six household HIMO.

- 6.2 **Local Highway Authority** - The proposed development does not meet the Northamptonshire Highways Parking Standards 2016. Based upon observations made although there is a lack of residual parking capacity on Pitstone Road, satisfied that the potential increase resulting from this development can be accommodated without compromising highway safety.
- 6.3 **Councillor V. Culbard** - The property already has issues with parking and rubbish disposal that any further development would exacerbate. Called in the application for consideration by the Planning Committee.

## 7. APPRAISAL

### Principle of the 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 Council records evidence that there are no licensed HIMOs within a 50m radius of the application site. The use of this property as a HIMO would therefore equate to 2.5% concentration in the area. This would clearly fall within the 15% maximum threshold recommended by the Council's adopted Interim Planning Policy Statement in relation to HIMOs. It is considered that there would still be a reasonable mixture of house types within the vicinity in order to meet the differing needs of residents.

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

- 7.3 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. A condition restricting the use of the property to a maximum of 7 people would ensure over-development does not occur. All bedrooms would be served by adequate outlook and light. Private Sector Housing confirm that the accommodation proposed would be acceptable for 7 residents within 6 households.

### Flood risk

- 7.4 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

- 7.5 The Interim Planning Policy Statement for HIMOs (IPPS) sets out clearly 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.
- 7.6 The application property is 250m from the nearest bus stops on Hunsbarrow Road and 750m away from the nearest local shopping centre at Briar Hill, which has a

convenience store and a takeaway. This equates to approximately a 15 minute walk and whilst this is considered to be within a reasonable walking distance, the IPPS in fact only requires either a bus stop or local facilities and not both.

- 7.7 Where parking is not provided in accordance with the above, the IPPS recommends that storage space should be provided which is accessible to cycle users. In this case this is indicated at the rear of the house, and a condition is therefore recommended requiring that this should be provided and made accessible to all residents.
- 7.8 On this basis, 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.
- 7.9 These standards indicate that the property should provide a minimum of five on plot parking spaces, whereas in fact none are provided. However, comments from the Local Highway Authority indicate a view that the development can be accommodated without compromising highway safety.
- 7.10 Consideration must be given also to the “fall-back” position in that the property could be converted from its current lawful use to a smaller HIMO for six persons under Use Class C4, the property not being in an area covered by an Article 4 direction.
- 7.11 Alternatively, the lawful use of the premises as a C3 dwellinghouse with six bedrooms, which could be occupied by a large extended family, could be recommended. In either situation it is considered that the additional impact of the current proposal, in terms of demand for parking, would be marginal. It would thereby be difficult to justify a refusal of planning permission on this basis.

#### **Refuse storage**

- 7.12 As bin storage area is included within the original design of the house and a condition is proposed requiring that this is made available to residents.

#### **Amenity**

- 7.13 The proposed use is classed as Sui Generis, i.e. outside of any Use Class, but is in effect a residential use. As referred to above, permission would not have been require for a change of use to Use Class C4, for six residents, and on this basis is not considered that the proposal would generate adverse amenity impacts such as noise or anti-social behaviour over and above those which could be created by either a more conventional C3 dwelling or a C4 HIMO for six residents.

### **8. CONCLUSION**

- 8.1 The proposed change of use would comply with the requirements of the Interim Planning Policy Statement on HIMOs, would not result in an over concentration of HIMOs within the locality and would provide suitable accommodation for the number of occupants proposed.
- 8.2 The site is outside any Article 4 direction area and therefore a change of use to a HIMO for six residents could take place without the need for planning permission. On this basis it is considered that the impact of the one additional resident would be marginal, in terms of both parking demand and general impact on the amenities of the area. 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: Location Plan, Proposed Ground Floor, Proposed First Floor, Proposed Second Floor.

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

3. Storage facilities for refuse and materials for recycling shall be provided within one month of the date of the permission hereby granted in accordance with the approved plans and thereafter retained for the use of all occupants of the building.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

6. Facilities for the secure and covered parking of bicycles shall be provided within one month of the date of the permission hereby granted in accordance with the approved plans and retained thereafter and made available for all occupants of the building.

Reason: To ensure the provision of adequate facilities in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

7. The development hereby permitted shall be occupied by a maximum of seven 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.

## **10. BACKGROUND PAPERS**

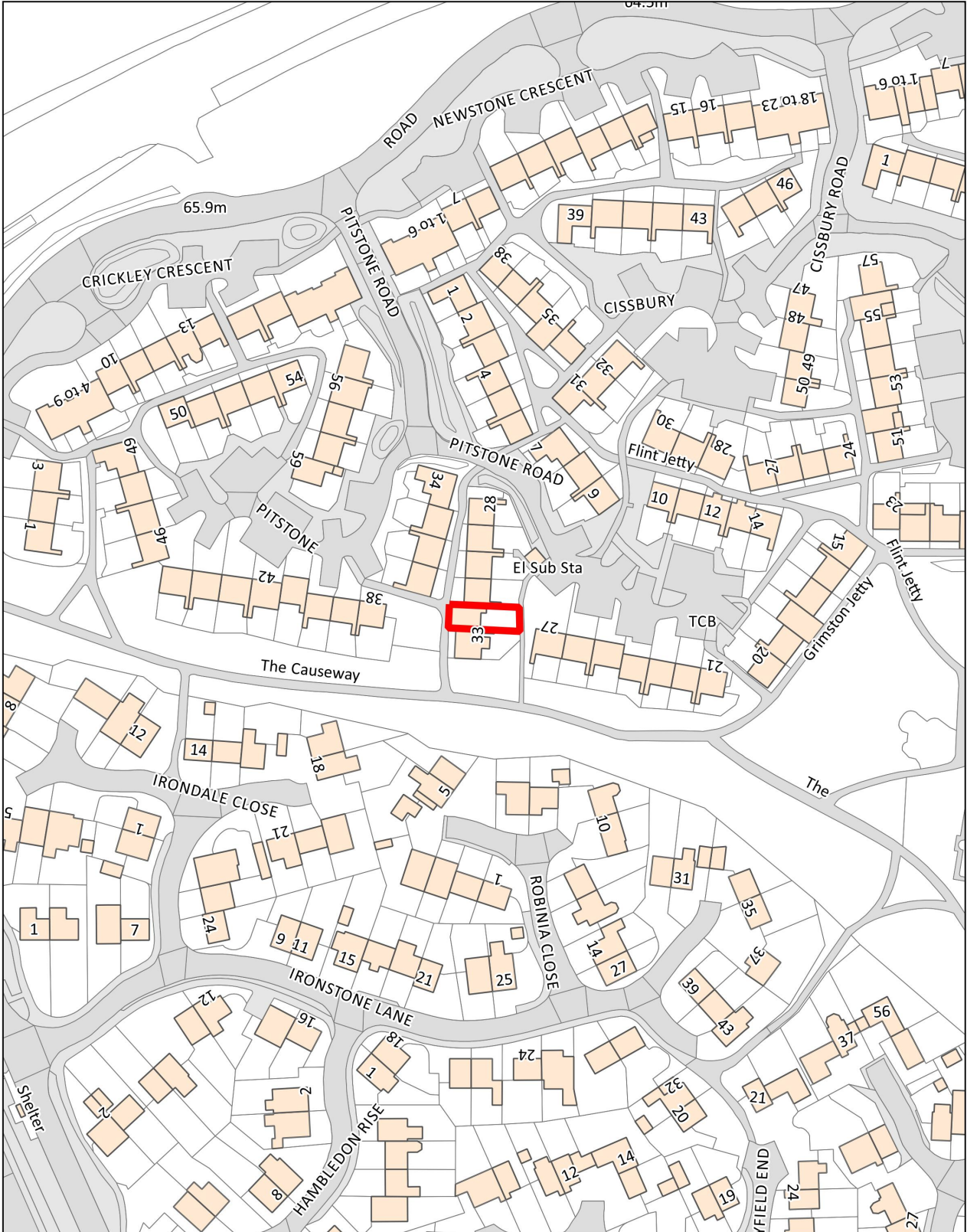
- 10.1 Application file N/2017/0496.

## **11. LEGAL IMPLICATIONS**

- 11.1 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: **32 Pitstone Road**

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Date: 01-06-2017

Scale: 1:1,250

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