



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

**PLANNING COMMITTEE:** 5<sup>th</sup> September 2017  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2017/0781

**LOCATION:** 75 Euston Road

**DESCRIPTION:** Variation of Condition 3 of Planning Permission N/2017/0362 (Change of Use from Dwelling (Use Class C3) to House in Multiple Occupation (Use Class C4) for 3 occupants) to increase to a maximum of 4 occupants

**WARD:** Delapre & Briar Ward

**APPLICANT:** Mr Maxwell Smart  
**AGENT:** Mr Maxwell Smart

**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 over concentration 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 the National Planning Policy Framework; Policies H1, H5, BN7 and S10 of the West Northamptonshire Joint Core Strategy; Policies E20 and H30 of the Northampton Local Plan; and the Council's Houses in Multiple Occupation Interim Planning Policy Statement (IPPS)

**2. THE PROPOSAL**

2.1 The applicant seeks to vary Condition 3 of planning permission reference N/2017/0362, which currently limits the number of residents to three. It is proposed that this condition be amended so that the House in Multiple Occupation (hereafter referred to as HIMO) be occupied by four people. Car parking would be on street.

- 2.2 The site lies within an 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 mid-terraced, two storey dwelling located in a predominantly residential area. Car parking demand is generally met through on-street provision. The site is in close proximity to the St Leonards Road, which is an allocated local centre and therefore contains a number of retail units and other services. Public transport routes operate in St Leonards Road and also, the nearby Towcester Road and London Road.
- 3.2 The site benefits from planning permission (granted earlier in 2017) to change the use of the property from a single dwelling to a House in Multiple Occupation for three residents.

### **4. PLANNING HISTORY**

- 4.1 N/2017/0362 – Change of Use from Dwelling (Use Class C3) to House in Multiple Occupation (Use Class C4) for 3 occupants – Approved.

### **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 - Core Principles seeks to secure high quality design and a good standard of amenity for existing and proposed occupiers.
- 5.4 Paragraph 49 - Housing applications should be considered with a 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.

#### **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 Policy BN7 - Flood Risk – relates to flood risk as a consideration in the determination of this planning application.

5.11 **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:

- 5.12 Policy E20 – new development should adequately reflect the character of surroundings and ensure adequate standards of privacy, daylight and sunlight.
- 5.13 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.

5.14 **Supplementary Planning Documents**

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

5.15 **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 50 metre 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**

- 6.1 **Environment Agency** – No objections.
- 6.2 **Highway Authority (NCC)** – object to the application for the conversion of a residential dwelling to a house in multiple occupancy, as it would further exacerbate the existing parking problems. 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 in the area. There are very few available spaces in the area and it is therefore considered at capacity.
- 6.3 **Lead Local Flood Authority (NCC)** – No observations.
- 6.4 **Private Sector Housing (NBC)** – The room sizes and facilities are suitable to meet the requirements for licencing.
- 6.5 **Cllr. V. Culbard** – Requesting that the application be determined by planning committee on the grounds that residents experience problems both with parking, noise and rubbish disposal.
- 6.6 Two letters of objection received. Comments can be summarised:
- There is an over concentration of HIMOs within the vicinity
  - Car parking is already limited in the area

## 7. APPRAISAL

### **Principle of the development and size of the property/facilities for future occupiers**

- 7.1 Given that planning permission has previously been granted for the operation of a HIMO in this location, it is considered that the primary consideration is whether the intensification in the use of the property from three to four people would provide a satisfactory standard of accommodation for future occupiers of the development, and whether this increase would harm the amenities of the surrounding properties and the highway system.
- 7.2 In any event, it is considered that 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.
- 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 and the development would provide room sizes that would be in accordance with the Council's HIMO Facilities and Amenities Guidance and appropriate kitchen/dining, toilet and washing facilities. A condition restricting the use of the property to a maximum of four people would ensure over-development does not occur. All bedrooms would be served by adequate outlook and light. Private Sector Housing has advised that they will be satisfied with the accommodation proposed.
- 7.4 No details have been submitted for cycle storage, but there is adequate space to the rear of the property that can be used for the storage of bins and cycles, the details of which would be required by conditions.

### **Area concentration**

- 7.5 The site benefits from a valid planning permission that means that it could be used as a HIMO for occupation by a maximum of three people. Therefore, should this application be refused, the previous permission could still be implemented. As a consequence, this point should carry significant weight in the determination of this application.

- 7.6 Notwithstanding this conclusion, within the 50m radius, there is currently one other HIMO, whilst planning permission was granted at the committee meeting held on July 25<sup>th</sup> 2017 for a second. Therefore, within the 50m radius, 2.3% of dwellings are currently in use as a HIMO. Should the application site change to a HIMO, this figure would increase to 3.5%. The Council is also in receipt of a further, undetermined, application for a HIMO within this radius, which if it were to be approved would increase the concentration to 4.7%. In either scenario, the figure is significantly below the 15% maximum and as a result, 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.

### **Flood Risk**

- 7.7 It is acknowledged that there would be one bedroom on the ground floor and that the site is within a flood zone. A Flood Risk Assessment has been submitted with this planning application, which outlines the mitigation measures to reduce the impact on the future occupants of this HIMO. The Environment Agency has raised no objection and in order to secure the implementation of the mitigation measures, a condition is recommended.

### **Highways/Parking**

- 7.8 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.
- 7.9 The application site is located within easy walking distance to facilities along St. Leonards Road. It is considered that the application site is in a sustainable location within 105 metres of St Leonards Road and bus stops within 155m. In this regard, the proposal is considered to be in accordance with the requirements of the IPPS in respect of parking considerations.
- 7.10 Within such areas, the IPPS recommends that storage space should be provided which is accessible to cycle users. Space is available to the rear of the house, and a condition is recommended requiring details to be submitted for approval for secure cycle storage.
- 7.11 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. The Parking Standards state that Houses in Multiple Occupation shall provide on plot parking at the ratio of one parking space per bedroom. The proposed development will produce a demand for four parking spaces, however, given that a planning permission already exists for the property to be used as a HIMO for up to three people, it is considered that, notwithstanding the sustainable location, it is considered that the increased demand for car parking spaces would not have a significant adverse impact on highway safety
- 7.12 In addition, regard must be paid to previous appeal decisions over the past few months where Planning Inspectors have consistently taken the view that in instances where a site that is close to local amenities and public transport links, 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.

### **Refuse storage**

- 7.13 No details have been submitted for refuse storage or bin location. There is sufficient space to the rear of the property for bin storage and a condition is recommended to agree the details of refuse storage for the property to ensure it is of an appropriate size and its retention.

### **Amenity**

- 7.14 The proposed use falls within Use Class C4, which in effect categorises this as a residential use. There is no evidence to demonstrate that the proposal would generate adverse amenity impacts such as noise or anti-social behaviour over and above those created by a more conventional C3 dwelling. Consequently, it is not considered that a 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 development would not lead to an unacceptable concentration of HIMO's within the locality that would adversely affect upon the character of the local area, street scene, nor would the development have significant adverse impacts on neighbouring amenity or parking provision and the property is of sufficient size to accommodate the level of accommodation as proposed.

## **9. CONDITIONS**

- 9.1 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 and Floor Layout 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 four 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. Notwithstanding the details submitted, full details of refuse and cycle storage 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 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.

5. The development hereby permitted shall be carried out in accordance with requirements of the revised flood risk assessment (as received by the Council on the 26<sup>th</sup> July 2017), which shall be fully implemented prior to the first occupation of the development hereby permitted and retained thereafter.

Reason: In the interests of minimising flood risk in accordance with the requirements of the National Planning Policy Framework.

**10. BACKGROUND PAPERS**

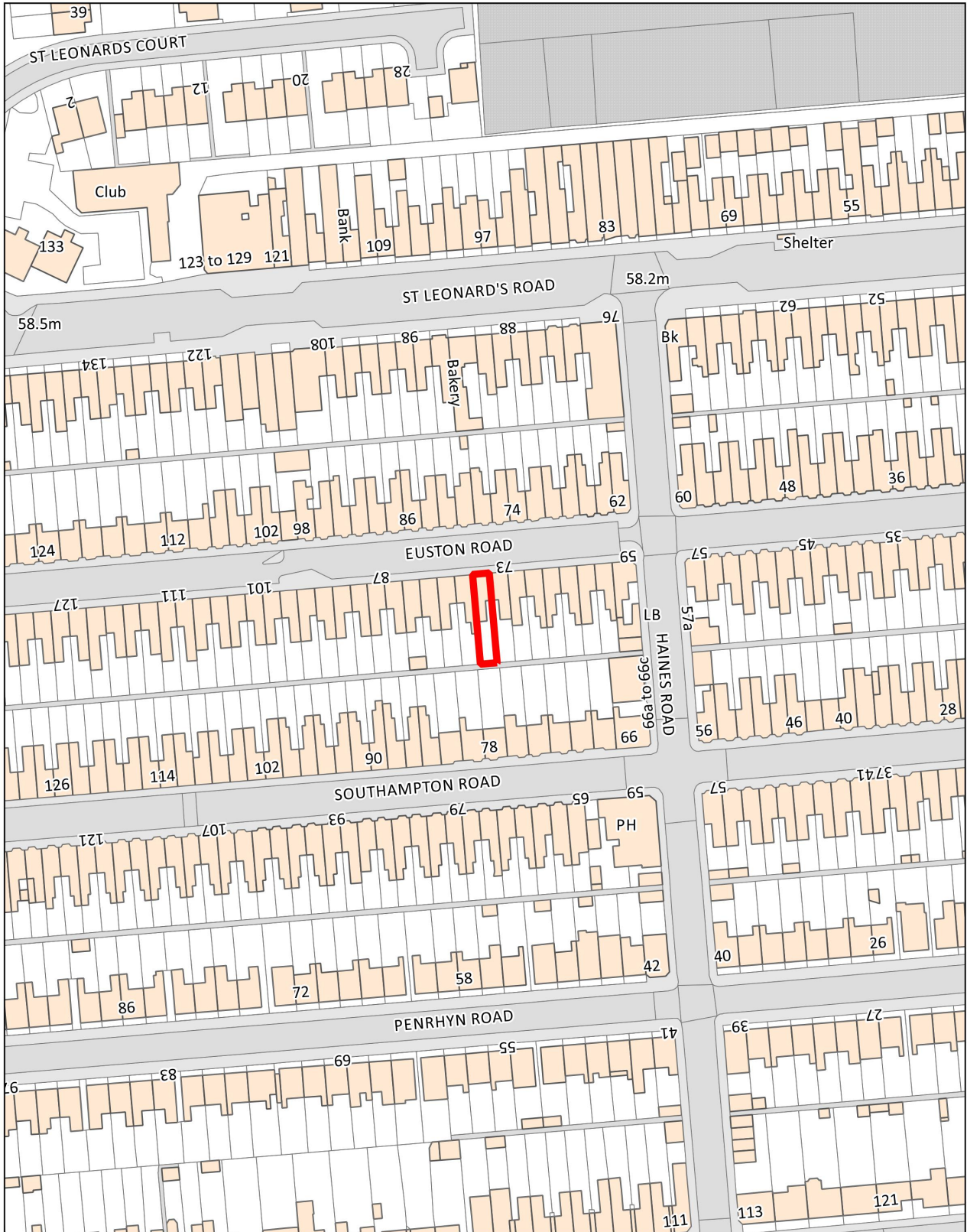
10.1 N/2017/0362

**11. LEGAL IMPLICATIONS**

11.1 The development is 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 Euston Road**

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Date: 23-08-2017

Scale: 1:1,250

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