

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

**APPLICATION REF:** N/2017/0874

**LOCATION:** 17 Overstone Road

**DESCRIPTION:** Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 4 occupants

**WARD:** Castle Ward

**APPLICANT:** Ms Hobley  
**AGENT:** Architectural Solutions

**REFERRED BY:** Councillor D Stone  
**REASON:** Over concentration and parking concern

**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 unduly impact on the character of the street scene or conservation area. Notwithstanding existing parking conditions in the local area, the site is in a sustainable location close to Kettering Road, the town centre, bus services and amenities and would provide adequate facilities for cycle and refuse storage. The proposal thereby complies with Policies H1, H5, BN5 and S10 of the West Northamptonshire Joint Core Strategy, saved Policies E20, E26 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 Change of use from a dwellinghouse (Use Class C3) to house in multiple occupation (Use Class C4) for 4 persons. No external alterations are proposed.
- 2.2 The site lies within an Article 4 Direction Area which removes permitted development rights for a change of use from a dwelling to a house in multiple occupation (HIMO).

**3. SITE DESCRIPTION**

3.1 The application site is located in Overstone Road which consists of a traditional late 19<sup>th</sup> Century mid-terrace house, within the Boot and Shoe Quarter Conservation Area. The property has a small rear garden and parking is provided on-street along Overstone Road.

#### **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.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

##### **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 – Core Principles – seeks to secure high quality design and a good standard of amenity for existing and proposed occupiers.

Paragraph 49 – Housing applications should be considered with a presumption in favour of sustainable development.

Paragraph 50 - To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, Local Planning Authorities are advised to 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 132 - In considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.

##### **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: 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: 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.

Policy E26: Development in Conservation Areas - requires developments to preserve or enhance the character and appearance of the area, and not to demolish buildings which make a contribution to the character and appearance of the conservation area, where they are capable of an alternative use.

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

Northamptonshire Parking Standards (September 2016)

Planning out Crime in Northamptonshire SPG 2004

Boot and Shoe Quarter Conservation Area Appraisal

#### **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 **NCC Highways** - Objected to the proposed change of use. The area has been the subject of a number of parking beat survey which have identified that there is limited parking available in the area. The cumulative impact from the high concentration of HMOs in the immediate vicinity is contributing to the excessive demand. This demand is resulting in parking on double yellow lines, across dropped kerbs, on the corners of junctions and double parking. The conversion of a residential dwelling to a house in multiple occupancy for 4 residents would further exacerbate the already serve impact on the HMO properties in the area.
- 6.2 **NBC Private Sector Housing** - The room sizes and facilities shown on the plans are sufficient to meet the requirements for a four person HMO.
- 6.3 **NBC Conservation Section** - No objection on conservation grounds. No external alterations are proposed and the use will have a neutral impact on the historic character and appearance of the Boot and Shoe Quarter Conservation Area, which derives from the juxtaposition of factories, houses and commercial, social and religious buildings and illustrates the development of Northampton's footwear industry.
- 6.4 **Councillor D. Stone** – concerned about the concentration of HMOs in this area, parking and refuse. Called in the application.

## 7. APPRAISAL

### Principle of Use

- 7.1 The conversion of the existing dwelling to a HMO 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 HMOs where the proposal would not adversely impact on the character of the area and amenity of residential areas.

### Area Concentration

- 7.2 The surrounding area is predominantly residential in character. It would appear from Council records that there are six other HMOs within a 50m radius of the application site that either are existing or have consents (in addition to this application). The addition of a further HMO as proposed would lead to a concentration of 12.5%, this would fall within the 15% maximum threshold recommended by the Council's HMO Interim Policy Statement. As such, the HMO proposed would not lead to any significant impact on the character and amenity of the surrounding area as a result and the principle is therefore considered acceptable.

### 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 HMOs 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 HMO Facilities and Amenities Guidance and appropriate kitchen/dining, WC and wash facilities. A condition restricting the use of the property to a maximum of 4 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 4 residents, subject to the proposed basement lounge being suitable for that purpose. The proposed lounge would have an adequate level of natural lighting which is provided by a high level window, sited to the south-east.

- 7.4 Details have been submitted for cycle storage and bin storage which will be located at the rear of the property, within the communal garden area, which is accessed via the kitchen located on the ground floor.

### **Highways/Parking**

- 7.5 The Interim Planning Policy Statement for HIMO's (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 sites does not benefit from any on-site parking. The nearest bus stops on Kettering Road are approximately 321m from the property and the property is within approximately a 1 minute walk to the Local Convenience store and 6 minute walk from the Northampton Town Centre. In this regard, the proposal is considered to be in accordance with the requirements of the IPPS in respect of parking considerations.
- 7.7 Within such area, the IPPS recommends that storage space should be provided which is accessible to cycle users. The plans indicate that two secured cycle sheds will be provided in the rear garden area.
- 7.8 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 The Northamptonshire Parking Standards state that HIMO's shall provide on plot parking at the ratio of one parking space per bedroom and where the proposal is less than this requirement, the Local Highway Authority (LHA) 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.
- 7.10 The proposed development will produce a demand for 4 parking spaces, which is an increase of 2 compared to the previous dwelling, as the parking requirement for a 2-bed dwelling is 2 spaces. In this case, no on-site parking is proposed. The LHA did not request a parking beat survey be carried out as a number had been carried out recently in the area, which indicated that parking was at 85-90% capacity. Inspections were also carried out by the LHA during the early morning period (1am – 4am) where it was identified that there were no parking spaces available in the area.
- 7.11 The LHA has provided a very detailed analysis of the parking situation in this area, which demonstrates that there is no residual parking capacity on-street. Furthermore, the cumulative impact from the high concentration of HIMO in the immediate vicinity is contributing to the excessive demand. This demand is resulting in parking on double yellow lines, across dropped kerbs, on the corners of junctions and double parking.
- 7.12 Notwithstanding the Highway Authority's objection, there is no evidence to support that all 4 residents would own cars. Given the 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.

### **Amenity**

- 7.13 All the bedrooms are of reasonable sizes and would meet the requirements for a HIMO. The bedrooms measure between approximately 8m<sup>2</sup> and 13m<sup>2</sup> in floor area. Where there is a

separate lounge and kitchen the standards require at least 6.5m<sup>2</sup> floor area. In this instance the kitchen is 8m<sup>2</sup> and the lounge is 14m<sup>2</sup>. On this basis, the space standards would be acceptable.

- 7.14 The HIMO is intended to provide accommodation for four persons. Anti-social behaviour and impact on quality of life of surrounding residents are often concerns raised by local residents, no neighbour objections were received. It is not considered that there is a significant adverse impact on the surrounding area.
- 7.15 The Local Planning Authority has an obligation to determine planning applications submitted for consideration. Unless it can be demonstrated that there would be significant harm on the character of an area or its residents. In this instance harm cannot be demonstrated.

### **Impact on the Conservation Area**

- 7.16 The proposal does not involve any external alterations to the building and the use is not considered to have an adverse impact on the character of the area. It is therefore concluded that there is no demonstrable adverse impact on the setting and appearance of the Boot and Shoe Quarter Conservation Area.

## **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.
- 8.2 The issues in relation to parking and highway safety are a concern, 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.
- 8.3 There are no external alterations proposed to the building and it is therefore considered there are no adverse impacts on the Boot and Shoe Quarter Conservation Area.
- 8.4 The proposal is therefore recommended for approval.

## **9. CONDITIONS**

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 17/H236/3, 17/H236/2.

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

2. 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.

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.

## **10. BACKGROUND PAPERS**

10.1 None

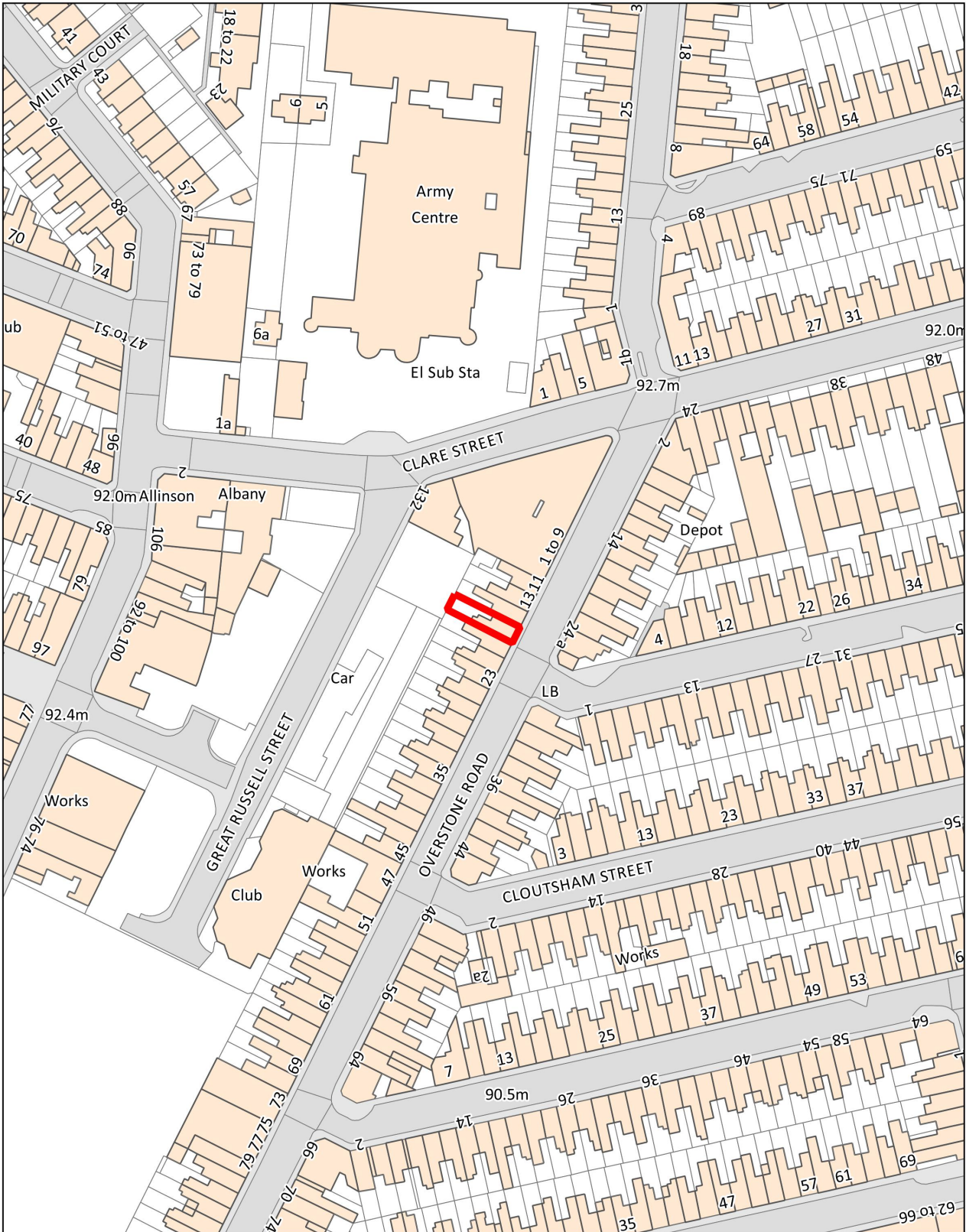
**11. LEGAL IMPLICATIONS**

11.1 The development is not CIL liable as the proposal does not result in an increase in floor area of the property.

**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: **17 Overstone Road**

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Date: 23-08-2017

Scale: 1:1,250

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