

**PLANNING COMMITTEE:** 13<sup>th</sup> March 2018  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2018/0029

**LOCATION:** 150 Southampton Road

**DESCRIPTION:** Variation of Condition 3 of Planning Permission N/2017/0908 (Change of Use from Dwelling (Use Class C3) to House in Multiple Occupation (Use Class C4) for 3 occupants) to increase number of occupants from 3 to 4

**WARD:** Delapre & Briar Ward

**APPLICANT:** Mrs Macdonald  
**AGENT:** N/A

**REFERRED BY:** Councillor V Culbard  
**REASON:** Parking, noise 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 for variation in number of occupants will intensify the use of the property, however, it is considered that the increase in the number of residents by one is acceptable 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 N/2017/0908, which currently limits the number of residents to three. It is proposed that this condition be amended so that the house in multiple occupation (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 HIMO for three residents. The permission has been implemented and the current use of the property is a HIMO.

### **4. PLANNING HISTORY**

- 4.1 N/2017/0908 - Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 3 occupants. Approved by Planning Committee.

### **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 - 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 - 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  
Policy H5 - Managing the Existing Housing Stock  
Policy S10 - Sustainable Development Principles

#### 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  
Policy H30 – Multi occupation with a single dwelling.

#### 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 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**

Comments received are summarised as follow:

#### 6.1 **Environment Agency** – No comments.

#### 6.2 **Highway Authority (NCC)** – Object. The LHA have received a number of parking beat surveys submitted as part of numerous planning applications and this demonstrates that is no residual parking capacity on-street. Furthermore, the cumulative impact from the high concentration of HIMOs 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. This development will increase the demand further and any development impact that compromises the safety of motorists and pedestrians on the highway network is considered severe. Although in isolation one might consider the increase in demand generated by this development to be minimal or negligible, the LHA would argue that the cumulative impact of “minor” developments such as this need to be considered as a whole and that the impact on highway safety is severe.

#### 6.3 **Private Sector Housing (NBC)** – given that the minimum room sizes required will be 6.52 sqm for each single occupancy room and assuming that the kitchen has a floor area of at least 7 sqm and the shared living room 11 sqm, it appears likely that the proposal will meet the requirements for a four occupant HIMO.

- 6.4 **Councillor 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.

## 7. APPRAISAL

### Principle of the development

- 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 The difference between this application and the previous planning approval is that the ground floor lounge previously approved will be used as a bedroom and the bigger dining room will be used as a lounge.
- 7.3 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.

### Size of the property/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 and the development would provide room of 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.

### Area concentration

- 7.5 As the property is currently in use as a HIMO as previously planning permission was granted, the area concentration is no longer a material consideration.

### Flood Risk

- 7.6 It is acknowledged that there would be one bedroom on the ground floor and that the site is within a flood zone 2, however, the Environment Agency did not raise any objection. It is considered that the proposal is acceptable in terms of flood risk.

### Highways/Parking

- 7.7 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.
- 7.8 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 close proximity to bus stops within 300m and facilities along St Leonards Road. In this regard, the proposal is

considered to be in accordance with the requirements of the IPPS in respect of parking considerations.

- 7.9 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, and its previous use as a dwelling house with potentially more than four residents, it is considered that, notwithstanding the sustainable location, the increased demand for car parking spaces would not have a significant adverse impact on highway safety.
- 7.10 Details were submitted for cycle storage with the original planning permission, which were implemented on site. A condition has been recommended to retain the cycle storage
- 7.11 The current application for a variation of condition for the number of occupants will increase the parking requirement of 1 space. However, considering the sustainable location of the site and parking demand resulting from this development, it is considered that any refusal will not be sustained at the appeal.
- 7.12 In this case, the Highway Authority objects to the proposal on the basis that there is no residual parking capacity in the locality of the site and the proposal would increase the parking demand further. Furthermore, the Highway Authority suggests that although in isolation one might consider the increase in demand generated by this development to be minimal or negligible, the cumulative impact of “minor” developments such as this need to be considered as a whole and that the impact on highway safety is severe.
- 7.13 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.
- 7.14 It should also be noted that in the most recent appeal decision issued on 30<sup>th</sup> January 2018, the Inspector, in taking the view that the IPPS is consistent with one of the core principles of the National Planning Policy Framework, which is to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, attached significantly more weight to the IPPS than to the Northamptonshire Parking Standards in determining the appeal.

#### **Refuse storage**

- 7.15 The submitted details indicate sufficient space to the rear of the property for bin storage. Details had been already agreed under the original permission and adequate refuse storage has been implemented on the site. A condition is recommended to secure appropriate provision.

#### **Amenity**

- 7.16 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 variation of condition for number of occupants from 3 to 4, will not lead to significant adverse impacts on neighbouring amenity or parking provision and the property is of sufficient size to accommodate the level of accommodation as proposed. The proposal will accord with the relevant requirements of both national and local planning policy and guidance.

8.2 The proposed development is recommended for approval subject to the following conditions.

## **9. CONDITIONS**

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 002 received on 8th January 2018.

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

2. The development hereby permitted shall be occupied by a maximum of 4 residents at any one time.

Reason: In the interests of the amenity of the proposed occupiers and the surrounding area in accordance with Policy H1 and H5 of the West Northamptonshire Joint Core Strategy.

3. The refuse/recycling storage and cycle storage on-site shall be retained and available to be used by the occupants of the site at all times.

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.

## **10. BACKGROUND PAPERS**

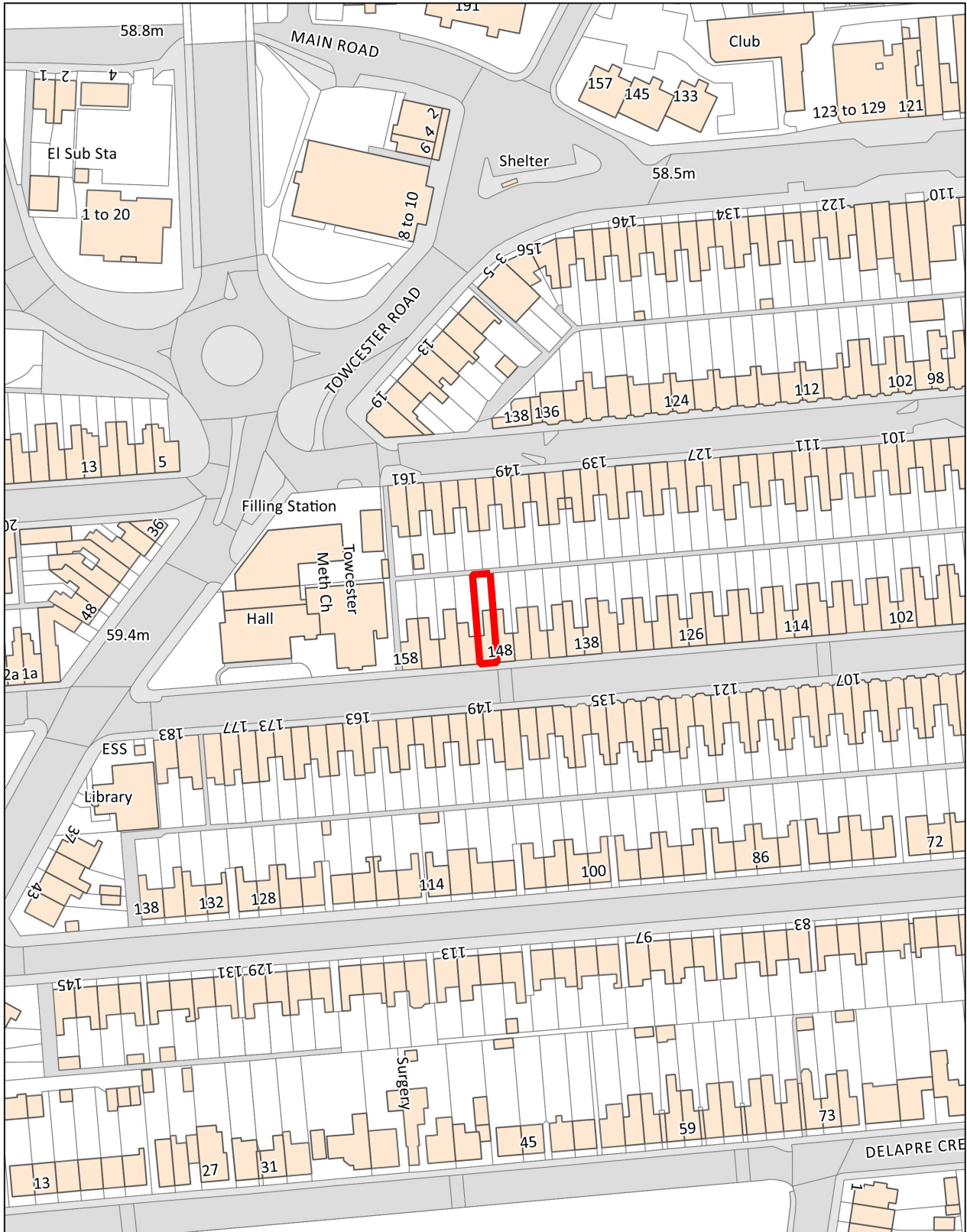
10.1 N/2018/0029.

## **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: **150 Southampton Road**

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Date: 27-02-2018

Scale: 1:1,250

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