

**PLANNING COMMITTEE:** 10<sup>th</sup> April 2018  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2017/1538

**LOCATION:** 70 Ivy Road

**DESCRIPTION:** Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 5 occupants

**WARD:** Abington Ward

**APPLICANT:** Mrs Danielle Knights  
**AGENT:** N/A

**REFERRED BY:** Councillor Z Smith  
**REASON:** Parking 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, would not be at risk from flooding or have significant adverse impacts on parking provision in this sustainable location. The proposal thereby complies with Policies H1, H5, BN7 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 Planning permission is sought for a change of use from a dwellinghouse (Use Class C3) to a house in multiple occupation (HIMO) (Use Class C4) for 5 people. No external alterations are proposed to the property. 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 2.5 storey, terraced property on Ivy Road, located in a predominantly residential area with similar terraced properties on both sides of the street. The neighbouring property to the northern side however comprises a small single storey car repair business, although this neighbouring commercial unit benefits from planning permission under reference N/2017/0126 for its replacement with a two storey dwellinghouse.
- 3.2 The application property presently benefits from 4 bedrooms (one of which is in the roof space and served by a dormer window), an open plan lounge-dining room, a kitchen-diner and a ground floor toilet and a first floor bathroom. The property also benefits from a cellar.
- 3.3 The site is in close proximity to Abington Grove (A5095), which includes bus stops and a number of local facilities such as a doctor's surgery, hairdressers and day-care nursery, and only some 290 metres from Kingsley Park Terrace on Kettering Road, which contains retail units and other local facilities as well as further bus stops.
- 3.4 The application site does not fall within Flood Zones 2 or 3.

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

- 4.1 None relevant.

#### **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:

- 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 or 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:

Policy H1 - Housing Density and Mix and Type of Dwellings

Policy H5 - Managing the existing housing stock

Policy S10 - Sustainable Development Principles

Policy BN7 - Flood Risk

## 5.7 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 (Design)

Policy H30 - Multi-occupation with a single dwelling

## 5.8 Supplementary Planning Documents

Northamptonshire Parking Standards (September 2016)

Planning out Crime in Northamptonshire SPG (2004)

## 5.9 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 50metre 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 follows:

6.1 **Councillor Zoe Smith** – Called this application into the Planning Committee on the basis that it is likely to exacerbate parking problems in this area.

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 there 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)** – The room sizes, amenities and facilities indicated on the submitted plans indicate that the proposed HMO would meet the requirements for a five occupant

HIMO. The applicant should be advised that the premises will require licensing under the mandatory licensing scheme and particular attention should be paid the level of fire protection.

- 6.4 **One representation** has been received from occupiers of neighbouring properties. The representation comments that there is very limited parking in Ivy Road and surrounding streets and a new HIMO will only add to that problem.

## **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 indicate that there are 7 confirmed HIMOs on Ivy Road, Abington Grove, and Abington Avenue within a 50m radius of the application site. The use of this property as a HIMO would equate to 9.2% 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, therefore, 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 bedroom sizes in accordance with the Council's HIMO Facilities and Amenities Guidance and appropriate kitchen, living room, and bathroom facilities. In addition, Private Sector Housing has assessed the planning application and raised no objections. Conditions restricting the use of the property to a maximum of 5 people and preventing the use of the cellar as a bedroom would ensure overdevelopment does not occur and a good standard of amenity for future occupiers.
- 7.4 No details have been submitted for bin or 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.

### **Flood Risk**

- 7.5 The application site falls outside Flood Zones 2 and 3 and, as such, the proposal has no flood risk implications.

### **Highways/Parking**

- 7.6 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.
- 7.7 The application property does not benefit from any on plot parking, but is in a sustainable location within easy walking distance to facilities and bus stops in the Kingsley Park Terrace local centre, which is only 290 metres from the site. In addition, there are bus stop along Abington Grove only

85 metres away from the site. The proposal is therefore considered to be in accordance with the requirements of the IPPS in respect of parking considerations.

- 7.8 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.
- 7.9 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.
- 7.10 The Northamptonshire Parking Standards state that Houses in Multiple Occupation shall provide on plot parking at the ratio of one parking space per bedroom. The Parking Standard for the proposed development is therefore 5 parking spaces, which is an increase of 2 parking spaces compared to the previous use of the property as a 4-bed dwelling on the basis that a 4 bed house requires 3 parking spaces under the Parking Standards.
- 7.11 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.
- 7.12 Notwithstanding the Highway Authority’s objection, there is no evidence to support that all 5 residents would own cars. Furthermore, given the number of occupants that could potentially arise from the lawful use of the property as a 4 bed dwelling and also the sustainable location of the site, it is considered that a refusal on highway grounds could not be upheld at appeal.
- 7.13 In any addition, 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 public transport, 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.
- 7.14 In view of the recent appeal decisions, and the weight the Inspectors have given to the sustainability of locations, and having regard to the sustainable location of the application site, the number of occupants proposed, and that there is sufficient room within the site to provide secure bicycle storage, in accordance with the requirements of the IPPS, it is considered that a refusal on highway grounds could not be upheld.

### **Refuse storage**

- 7.15 No details have been submitted for refuse storage or bin locations. There is sufficient space to the rear of the property for bin storage, a condition is recommended to agree the details of refuse storage for the property to ensure it is of an appropriate size.

### **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.

- 7.17 Although there is an existing commercial garage adjoining the application site, it is not considered that the garage use would have any additional impact on this proposed HIMO over and above the existing situation.

## **8. CONCLUSION**

- 8.1 The proposed development would not lead to an unacceptable concentration of HIMOs within the locality that would adversely affect upon the character of the local area, nor would the development have significant adverse impacts on neighbouring amenity or parking provision. The property is also of sufficient size to accommodate the level of accommodation as proposed.
- 8.2 The proposed development would be in accordance with the requirements of Policies H1, H5, BN7 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 and the aims and objectives of the National Planning Policy Framework.
- 8.3 The proposed development is recommended for approval subject to the following conditions.

## **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 1:1250: and Drawing Number 1.

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

3. Prior to the first use of the development hereby permitted, full details of facilities for the storage of refuse and materials to be recycled shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the first use of the development hereby permitted and 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.

4. Prior to the first use of the development hereby permitted, full details of facilities for the secure and covered parking of bicycles shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the first use of the development hereby permitted and 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 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

6. The existing basement shall not be used as a bedroom at any time.

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**

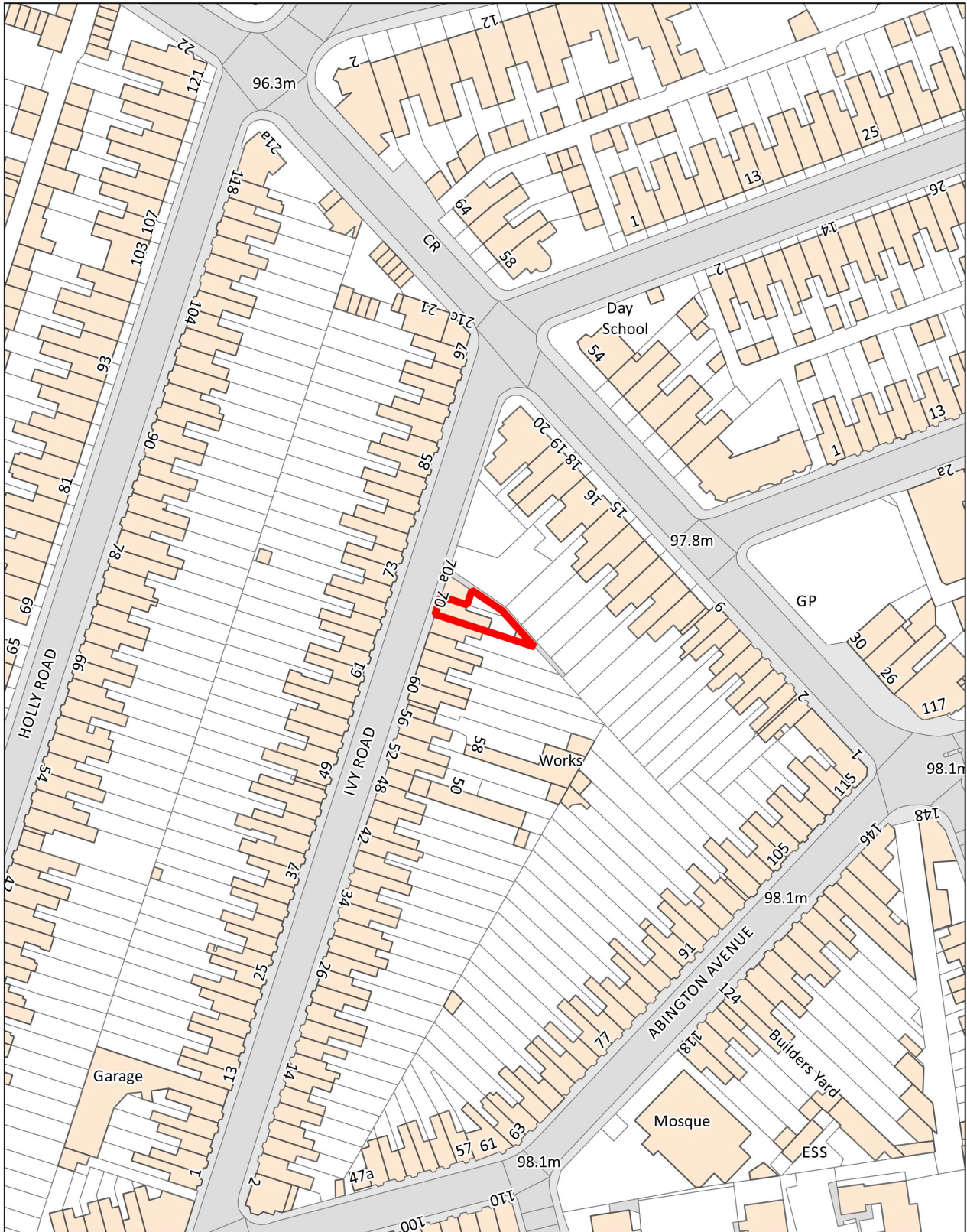
- 10.1 None.

## **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: **70 Ivy Road**

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Date: 20-03-2018

Scale: 1:1,250

Drawn by: -----