

**PLANNING COMMITTEE:** 8<sup>th</sup> May 2018  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2017/1356

**LOCATION:** 28 Byron Street

**DESCRIPTION:** Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 5 occupants, together with creation of lightwell and enlarged cellar window to front elevation

**WARD:** Kingsley Ward

**APPLICANT:** Miss Ausra Uzukauskaitė  
**AGENT:** N/A

**REFERRED BY:** Councillor C Russell  
**REASON:** Parking and amenity 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 an existing dwelling to a house in multiple occupation (HIMO) for five residents. Parking would be on-street. A light well is also proposed to the front of the property.
- 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 premises consists of a two storey, three bedroom terraced house. This is located within a street comprising similar properties.

#### **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) 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.

Paragraphs 49 has a presumption in favour of sustainable housing development.

Paragraph 50 seeks to deliver a wide choice of high quality homes to meet a wide range of differing housing needs.

##### **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 (Design).

Policy H30 – Multi-Occupation With A Single Dwelling

#### **6. CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

6.1 **Private Sector Housing – Comments on amended plans:** The room sizes, amenities and facilities indicated on the submitted plans show that the proposed HIMO would meet the requirements for

five occupants. The inner aperture on the basement window should be increased in depth to ensure that the distribution of light to the room is not restricted.

6.2 **Local Highway Authority – 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. The LHA considers any impact that will compromise the safety of motorists and pedestrians to be severe.

6.3 **Councillor Catherine Russell – Wish to call in this application on the following grounds:**

- Inadequate parking in this street that comprises solely of terraced houses and where parking is already competitive. Residents are often forced to park some distance from their homes and on occasion, in another street due to the number of cars parked on Byron Street.
- This is a three bedroomed property and may not have sufficient living space for up to 5 individuals.
- Residents do not wish to see this application succeed, turning a much needed family home and accommodation into a commercial concern.
- HIMOs change the nature, dynamic and character of an environment that is currently family accommodation.

6.4 Representations received from and on behalf of four neighbouring occupiers, making the following points in summary:

- Would like reassurance that the clients are well vetted and respectful of the surrounding residents.
- Already unable to park, feel the area is unsuitable for multi-occupancy for this reason alone.
- Concerned about noise from the five residents.
- Never had any previous problems with neighbours as these have up to now been only families, or couples. Now feel threatened by the unknown nature of the proposed occupants.
- May be subjected to unknown noise at any time of the day or night.
- Other proposals will soon follow and this will become a bed-sit area.
- The nature of the road would change completely.
- These are family homes without space for multi-occupancy.
- Concerns are heightened by the proposal for turning the cellar into living/ sleeping accommodation.

## 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 3 existing HIMOs within a 50m radius of the application site. The use of this property as a HIMO would equate to 5.5% 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 Interim Planning Policy Statement for HIMOs (IPPS) also includes minimum sizes for all rooms within a HIMO.
- 7.4 The originally submitted plans did not provide an appropriate level of floorspace within shared living areas. Amendments were therefore sought and these now indicate a living room in the basement area, which would entail the creation of a lightwell in the front garden area. This room would be of adequate size meaning that the property overall would comply with the standards in terms of floorspace. Whilst the comments from Private Sector Housing do refer to further amendments to maximise the level of light, it is considered that an appropriate environment would be created.
- 7.5 A condition restricting the use of the property to a maximum of 5 people would ensure over-development does not occur.

### **Flood risk**

- 7.6 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**

- 7.7 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 property is located within 180m of the nearest bus stops on Kettering Road. The property is also within easy walking distance of the Kingsley Park Local Centre which provides a wide range of facilities. In this regard, the proposal is considered to be in accordance with the requirements of the IPPS in respect of parking considerations.
- 7.9 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 should be submitted for the secured cycle storage. There is scope for this to be provided within the existing lean-to structure at the rear of the premises.
- 7.10 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.
- 7.11 The Northamptonshire Parking Standards state that HIMOs shall provide on plot parking at the ratio of one parking space per bedroom. The proposed development will produce a demand for 5 parking spaces, which is an increase of 2 compared to the existing use.
- 7.12 In this case, the LHA requested a parking beat survey to assess the level of parking availability in the area. Upon receipt of this the LHA has objected to the proposal, due to the lack of available parking in the area and the likelihood of inappropriate and illegal parking resulting from the use.
- 7.13 Notwithstanding the LHA position, there is no evidence to support that all 5 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 Furthermore, 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 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.
- 7.15 In view of the recent appeal decisions, the Inspectors have given considerable weight to the sustainability of locations, while considering the impact on parking. As such, in view of the sustainable location of the application site, and number of occupants proposed, and that there is sufficient room within the site to provide secure bicycle storage, it is not considered that highway impacts would be so adverse as to recommend refusal on this basis.
- 7.16 The 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.

### **Refuse storage**

- 7.17 As with cycle storage, it would be possible to provide refuse storage within the rear garden area and a condition requiring details of such provision is recommended.

### **Amenity**

- 7.18 The proposed use falls within Use Class C4, which in effect categorises this as a residential use. It is not considered 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. Indeed, without the Article 4 Direction, planning permission would not be required for the change of use. Consequently, it is not considered that any refusal of planning permission or the imposition of conditions, in relation to amenity issues would be reasonable or sustainable at appeal.

### **Impact on the street scene and on the character and appearance of the area**

- 7.19 The proposal includes the creation of a lightwell to the front of the property and a new window opening facing into this, to provide light to the basement living room. The small front garden area is separated from the road by a low wall of typical design and as such it is considered that the proposed works would not therefore have any detrimental visual impact on the street scene.

## **8. CONCLUSION**

- 8.1 The proposed change of use would comply with the requirements of the Interim Planning Policy Statement on HIMO's, and would not result in an over concentration of HIMO's within the locality and would provide suitable accommodation for the number of occupants proposed. The issues in relation to parking and highway safety are finely balanced, 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. 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: S.01, S.02.

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

3. Prior to the bringing into use of the building for the approved use, details of the provision for the storage of refuse and materials for recycling shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation or bringing into use of the building hereby permitted and thereafter retained.

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 bringing into use of the building for the approved use, 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 and fully implemented prior to the development being first brought into use and retained thereafter.

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.

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 proposed lightwell shall be implemented in accordance with the approved plan prior to the use hereby permitted commences and retained thereafter.

Reason: In the interests of amenity and to ensure satisfactory accommodation is provided in accordance with Policy H1 of the West Northamptonshire Joint Core Strategy.

## **10. BACKGROUND PAPERS**

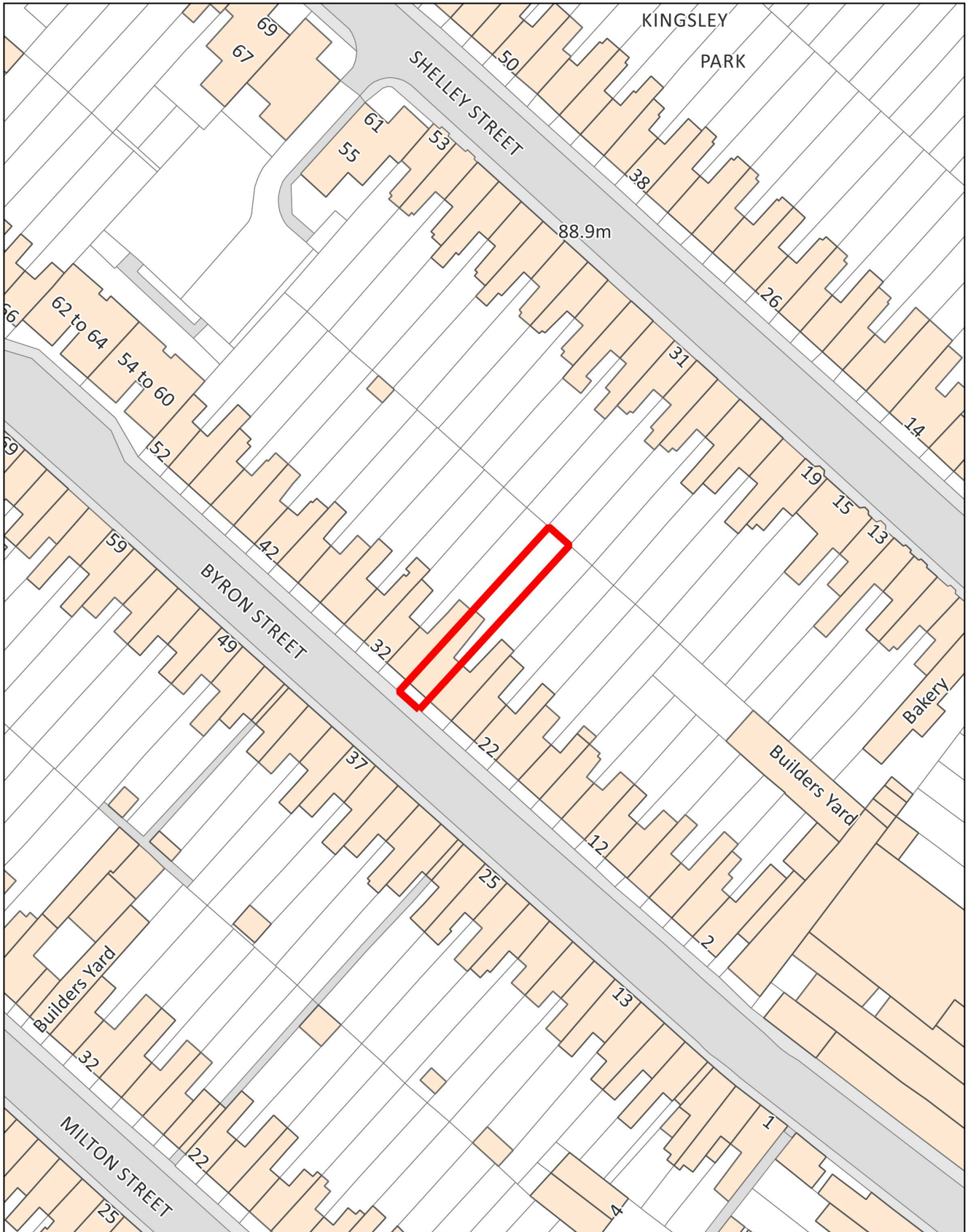
- 10.1 Application file N/2017/1356.

## **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.



**NORTHAMPTON**  
BOROUGH COUNCIL

Title: **28 Byron Street**

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