

**PLANNING COMMITTEE:** 23<sup>rd</sup> October 2018  
**DEPARTMENT:** Planning Service  
**HEAD OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2018/1149

**LOCATION:** 109 Lea Road

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

**WARD:** Abington Ward

**APPLICANT:** VK Property Stream Limited  
**AGENT:** Architectural Solutions

**REFERRED BY:** Head of Planning  
**REASON:** Objector is a member of staff

**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 Shopping centre, bus services and amenities and would provide adequate facilities for cycle storage and refuse storage. 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 Permission is sought for a change of use from a 4 bedroom dwelling house (Use Class C3) to a house in multiple occupation (HIMO) (Use Class C4) for 5 people in 5 bedrooms. No external alterations are proposed to the property. Parking would be on-street.

### **3 SITE DESCRIPTION**

- 3.1 The application site comprises a terraced property on Lea Road, located in a residential area with similar terraced properties on both sides of the street. The property has a small private rear amenity space enclosed on 3 sides. The site is not in a conservation area or flood zone.

## **4 PLANNING HISTORY**

- 4.1 No recent planning applications.

## **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 8 – sets out that to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations.

### **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 and Mix and Type of dwellings  
Policy H5 - Managing Existing Housing Stock  
Policy S10 - Sustainable Development Principles  
Policy BN7 - Flood Risk

### **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

### **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 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**

6.1 Comments received and summarised as follows:

6.2 **Private Sector Housing** the room sizes, amenities and facilities indicate that the proposed HIMO would meet the requirements of a 5 person HIMO.

6.3 **Northamptonshire Highways** Object. Based upon Northamptonshire Parking standards, the proposal would generate a demand for 5 vehicles as opposed to 3 for the existing. As there is no residual parking capacity in the area and any increase in demand will increase the instances of illegal parking. The LHA considers that any impact will compromise highway safety to be a severe developmental impact. Although in isolation, it is argued that the cumulative impact of minor developments such as this need to be considered as a whole. In conclusion, raise objection due to lack of residual parking capacity, the increase in parking demand will increase dangerous parking, putting all road users at risk and is seen as a severe developmental impact.

6.4 Objections received from 6 separate addresses on the following grounds:

- Parking
- Over-concentration
- Impact on character of area
- Litter and fly-tipping concerns
- Noise and effects from HIMOs
- Impact on community
- Highway concerns
- Too many HIMOs already on street

## **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 Joint Core Strategy 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 8 other HIMOs within a 50m radius of the application site. The use of this property as a HIMO would equate to 11.5% concentration in the area out of 78 properties. This would clearly fall within the 15% maximum threshold recommended by the Council's adopted Interim Planning Policy Statement in relation to HIMOs.

### **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

room sizes in accordance with the Council's HIMO Interim Planning Policy. A condition restricting the use of the property to a maximum of 5 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 as it meets their requirements. The basement would be used purely as storage and a condition secured that it does not become a habitable room.

### **Flood Risk**

- 7.4 As the site is not in a flood zone, there would not be any concern over the effect on local flooding.

### **Highways/Parking**

- 7.5 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.
- 7.6 The application property is located within easy walking distance to facilities along Abington Avenue and Wellingborough Road. It is considered that the application site is in a sustainable location within 120 metres of the nearest bus stop. 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 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. 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.
- 7.8 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 proposed development will produce a demand for 5 parking spaces, which is an increase of 2 compared to the existing use, as parking requirement for a 4-bed dwelling is 3 spaces.
- 7.9 In this case, the Highway Authority object to the proposal because the potential impacts on highway safety are considered severe, and concern is raised regarding the potential negative impacts of an increase in parking demand on the amenity of neighbouring residents.
- 7.10 However, 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. It is considered that a refusal on highway grounds would not be sustainable on appeal.

### **Refuse storage**

- 7.11 Some details have been submitted for refuse storage. There is sufficient space to the rear of the property for bin storage, a condition is recommended to secure refuse provision.

### **Amenity**

- 7.12 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 the character of the local area, street scene, nor would the development have significant adverse impacts on neighbouring amenity or parking provision. The property is of sufficient size to accommodate the level of accommodation as proposed and would not impact adversely on flood risk. 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.

## **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 18/K81/2c and 3a.

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

- 3) The bin storage area shall be implemented in accordance with the details on the approved plan prior to first occupation and retained thereafter.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy H1 and H5 of the West Northamptonshire Joint Core Strategy.

- 4) Notwithstanding the submitted plans and prior to the occupation of development, further 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: 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 the amenity of the proposed occupiers and the surrounding area in accordance with Policy H1 and H5 of the West Northamptonshire Joint Core Strategy.

- 6) The existing cellar shall not be used as a bedroom at any time throughout the lifetime of the development as a house in multiple occupation.

Reason: In the interests of residential amenity to comply with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy.

## **10 BACKGROUND PAPERS**

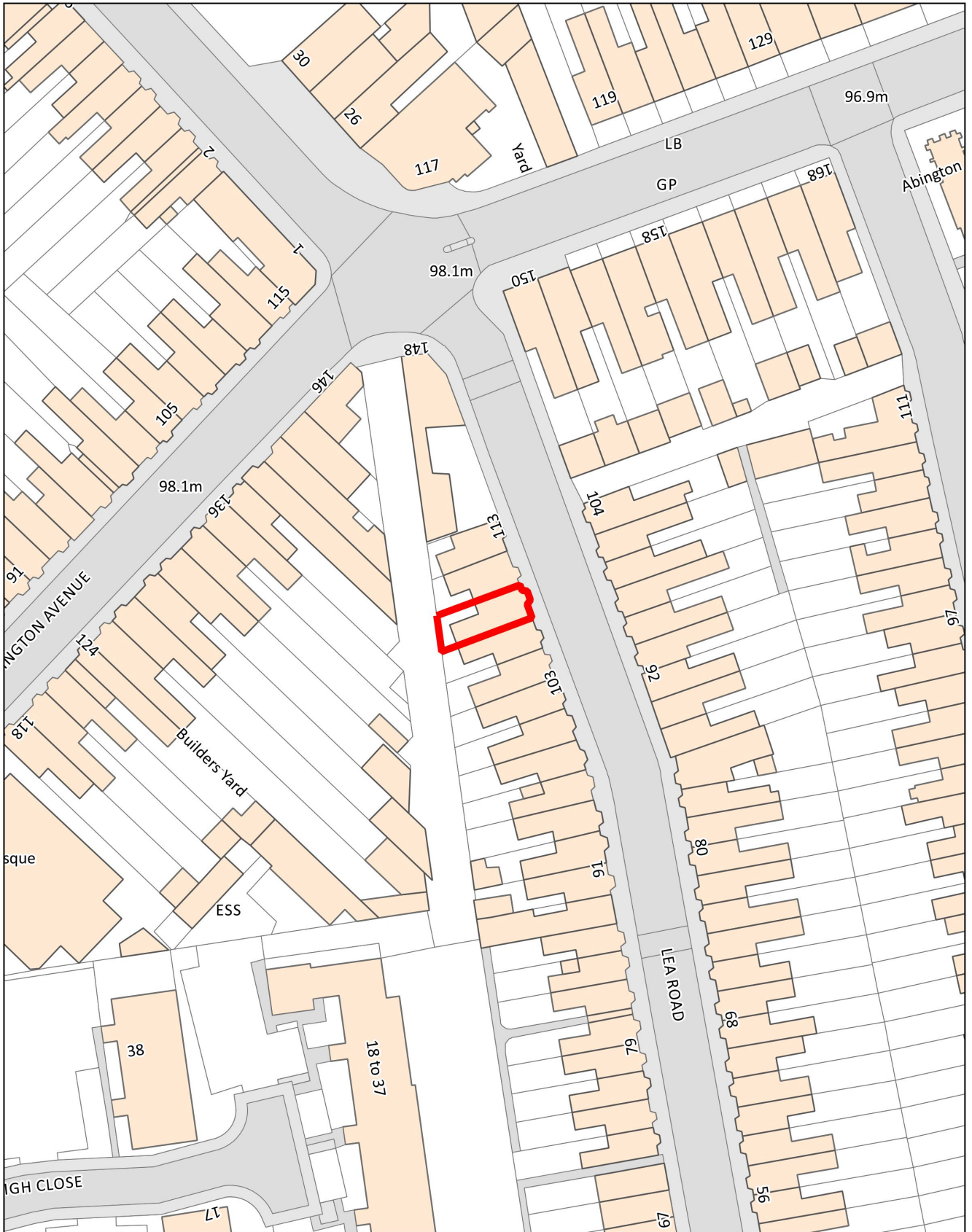
- 10.1 N/2018/ 1149.

## **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: **109 Lea Road**

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Date: 04-10-2018

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