

**PLANNING COMMITTEE:** 24<sup>th</sup> November 2020  
**DEPARTMENT:** Planning Service  
**DIRECTOR OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2020/0866

**LOCATION:** 70 Victoria Road

**DESCRIPTION:** Variation of Conditions 1 and 5 of Planning Permission N/2018/0011 (Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation for 4 occupants (Use Class C4) including single storey extensions to the rear, a loft conversion with rear dormer window & internal alterations) to allow the property to be occupied by a maximum of 5 occupants

**WARD:** Castle Ward

**APPLICANT:** Ms Liang Zong  
**AGENT:** N/A

**REFERRED BY:** Councillor D Stone  
**REASON:** Overdevelopment and 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 and would provide adequate facilities for future occupants. Notwithstanding existing parking conditions in the local area, the site is in a sustainable location close to the town centre, bus services and amenities and would provide adequate facilities for cycle storage and refuse storage and have an acceptable effect on the conservation area. The proposal thereby complies with Policies H1, H5, BN5, BN7 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 SPD and the aims and objectives of the National Planning Policy Framework.

### **2 THE PROPOSAL**

#### **2.1** Permission is sought for a variation of Condition 5 of Planning Permission N/2018/0011 to allow the property to change from a 4-persons to a 5-persons house in multiple occupation (HIMO).

- 2.2 The proposal also includes amendments to the rear extension, which was approved in 2018, that the applicant admits was not represented correctly on the original drawings. This element and the rear dormer are retrospective. The rear dormer is small and was accepted and built as part of the previous planning permission.
- 2.3 Members will recall that the application was deferred at the last Planning Committee meeting on 27 October 2020, in order to allow further discussion with the applicant to seek an alternative layout to accommodate the ground floor Bedroom 1, as Members have significant concerns that the bedroom is likely to be affected by noise and disturbance as the full length of the room would be adjoined by the existing kitchen, including worktops and sink. A revised layout has now been received and the ground floor rear bedroom has been moved to the front of the property, with the kitchen area only adjoining the rear wall of the bedroom.

### **3 SITE DESCRIPTION**

- 3.1 The site consists of a terraced property along a street of similar properties and is currently used as a 4 person HIMO as approved under planning permission N/2018/0011. There is a private garden to rear enclosed on 3 sides. Parking is provided on street on Permit Basis. The site is in a low risk flood zone (flood zone 1) and is in a designated conservation area. The property is not listed.

### **4 PLANNING HISTORY**

- 4.1 N/2020/0479 - Planning application refused for a change to 6 person HIMO in July 2020.
- 4.2 N/2018/0011 – Planning permission granted for a 4-persons HIMO with rear dormer and single storey extension to rear in March 2018.

### **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 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.

### **6 National Policies**

- 6.1 **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 61 - housing should be provided for different groups including families, older people, students and disabled
- Paragraph 117 - decisions should promote an effective use of land in meeting the need for new homes
- Paragraph 127 - should provide adequate levels of residential amenity for future occupiers
- Paragraph 192 - Heritage assets

## 6.2 **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 BN5 - Heritage  
Policy S10 - Sustainable Development Principles  
Policy BN7 - Planning and Flood Risk

## 6.3 **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 E26 - Development in Conservation areas  
Policy H30 - Multi occupation with a single dwelling

## 6.4 **Supplementary Planning Documents**

Planning out Crime in Northamptonshire SPG 2004  
Residential Extensions and Alterations Design Guide SPD 2011  
Northamptonshire County Parking Standards 2016  
Northampton Parking Standards 2019

## 6.5 **Other Material Considerations**

Houses in Multiple Occupation (HIMO) SPD 2019

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

## 7 **CONSULTATIONS/ REPRESENTATIONS**

Comment received are summarised as follows:

- 7.1 **NBC Private Sector Housing** - no objection; property suitable for 5 persons, comments on fire safety and protection.
- 7.2 **NCC Highways** - no comments received.
- 7.3 **NBC Conservation** - No objection. On the basis that the principle of the use of the property as a HIMO has been established, then an increase in the number of occupiers from four to five is unlikely to have a negative impact on the character or appearance of the Conservation Area.
- 7.4 **Town Centre Conservation Area Committee** object to over-development; number of HIMOs and increased pressure on services and refuse/ conservation area.

- 7.5 **Councillor D Stone** - objects and called in on grounds of over-development, pressure on services, parking, loss of community and spread of disease/ health concerns.
- 7.6 2 neighbour comments/objections - lack of consultation and strain on area and too many HIMOs.

## **8 APPRAISAL**

### **Principle of the development**

- 8.1 The application property is an established HIMO for 4 occupants. The primary consideration, therefore, is whether the intensification in the use of the property from 4 to 5 people would provide a satisfactory standard of accommodation for future occupiers, and whether this increase would harm the amenities of the surrounding properties, the conservation area and the highway system.

### **Area concentration**

- 8.2 As the property is an existing HIMO, the area concentration is no longer a material consideration.

### **Size of property and amenity for future occupiers**

- 8.2 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 SPD. NBC Private Sector Housing have confirmed that the room sizes, amenities and facilities indicated on the submitted plans demonstrate that the proposals would meet the requirements for a 5 occupant HIMO. In this case, all bedrooms are over the required 6.51 square metres. The revised living room, diner and kitchen layout will have a floor area of 24.37 square metres which is over the required 18 square metres as set down in the HIMO Policy.
- 8.3 The proposed Bedroom 1 has now been moved to the front of the property. This bedroom has a floor area of 21.98 square metres. Although the rear wall will adjoin the kitchen, as the bedroom is comparatively spacious, it is considered that this layout would provide a satisfactory living condition for the future occupant of this bedroom.

### **Development and Flood Risk**

- 8.4 The application site is located in Flood Zone 1 and with very low risk of flooding to accord with Policy BN7 of the Joint Core Strategy.

### **Highways/Parking**

- 8.5 The HIMO SPD 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 400m distance of a district centre, local centre or neighbourhood parade. The site must also be accessible by a bus with a frequency of every half an hour which it is within 300m of the site on Billing Road.
- 8.6 The application property is located within easy walking distance to facilities in the town centre. It is considered that the application site is in a sustainable location within easy walking distance of local facilities. Within such areas, the SPD recommends that storage space should be provided which is accessible to cycle users. Cycle storage can be agreed by condition.
- 8.7 In terms of NCC Parking standards, this was adopted in September 2016, after the previous IPPS. The Northamptonshire Parking Standards state that HIMOs shall provide on plot parking at the ratio of 1 parking space per bedroom. The proposed development will produce a demand for 1 additional space than the current approved use as a 4 persons HIMO. In this case, the Highway Authority did not object as the site is served by Permit Parking, but advised that permits will be controlled.

- 8.8 In addition, there is no evidence to support that all the residents would own cars. Given that only one additional occupant is proposed and the sustainable location of the property, it is not considered that a refusal on highway grounds could be upheld at appeal. Furthermore, regard must be paid to recent 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.

### **Refuse storage**

- 8.9 No details have been submitted for refuse storage on the current proposal, though there is space at the rear for bins to serve existing occupants. This is to be conditioned on the grant of permission.

### **Impact on the appearance and character of the conservation area**

- 8.10 Given that the proposal is mainly for an increase in the number of occupants, the impact on the conservation area is considered to be neutral. This is a view supported by NBC Conservation. Comments on the single storey rear extension and rear dormer are addressed directly below.

### **Single Storey rear extension and dormer to rear**

- 8.11 The submitted plans show an amended rear extension different from that approved in 2018, projecting off only one of the original rear walls as compared to two on the 2018 plans. The single storey rear extension is 7.1 m deep, given that it would not be conspicuous from the front, the impact on street scene and the conservation area is minimal. The design with sloping roof and matching materials is considered reasonably in keeping with the host building.
- 8.12 In terms of neighbour effects, the extension is set back from the boundary with property no. 72 by 2 metres and therefore the effect is limited in terms of loss of light, outlook and overbearing. In terms of the effect on no. 68, the extension would be on the boundary line but would project less than 3 metres beyond the rear wall of that property, which has what appears to be a non-habitable rear facing room next to the boundary, the impact is considered to be acceptable too. In terms of the rear dormer, again this is retrospective and of minor nature, this was approved and constructed as part of the previous planning approval.

### **Public Health**

- 8.13 Public health matters, including the spread of infectious diseases are subject to separate Government guidance and not material planning considerations to this application.

## **9 CONCLUSION**

- 9.1 The proposed increase in the number of occupants from 4 to 5 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 provide sufficient residential amenity and is recommended for approval.

## **10 CONDITIONS**

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed floor plans and site location plan.

Reason: For the avoidance of doubt and to accord with the terms of the planning application. Proposed elevations and floor plans.

2) Notwithstanding the submitted plans and prior to the occupation of the development as a 5 persons House in Multiple Occupation, further 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 Policy H1 and H5 of the West Northamptonshire Joint Core Strategy.

4) Notwithstanding the submitted plans and prior to the occupation of development as a 5 persons House in Multiple Occupation, 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 5 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.

## **11 BACKGROUND PAPERS**

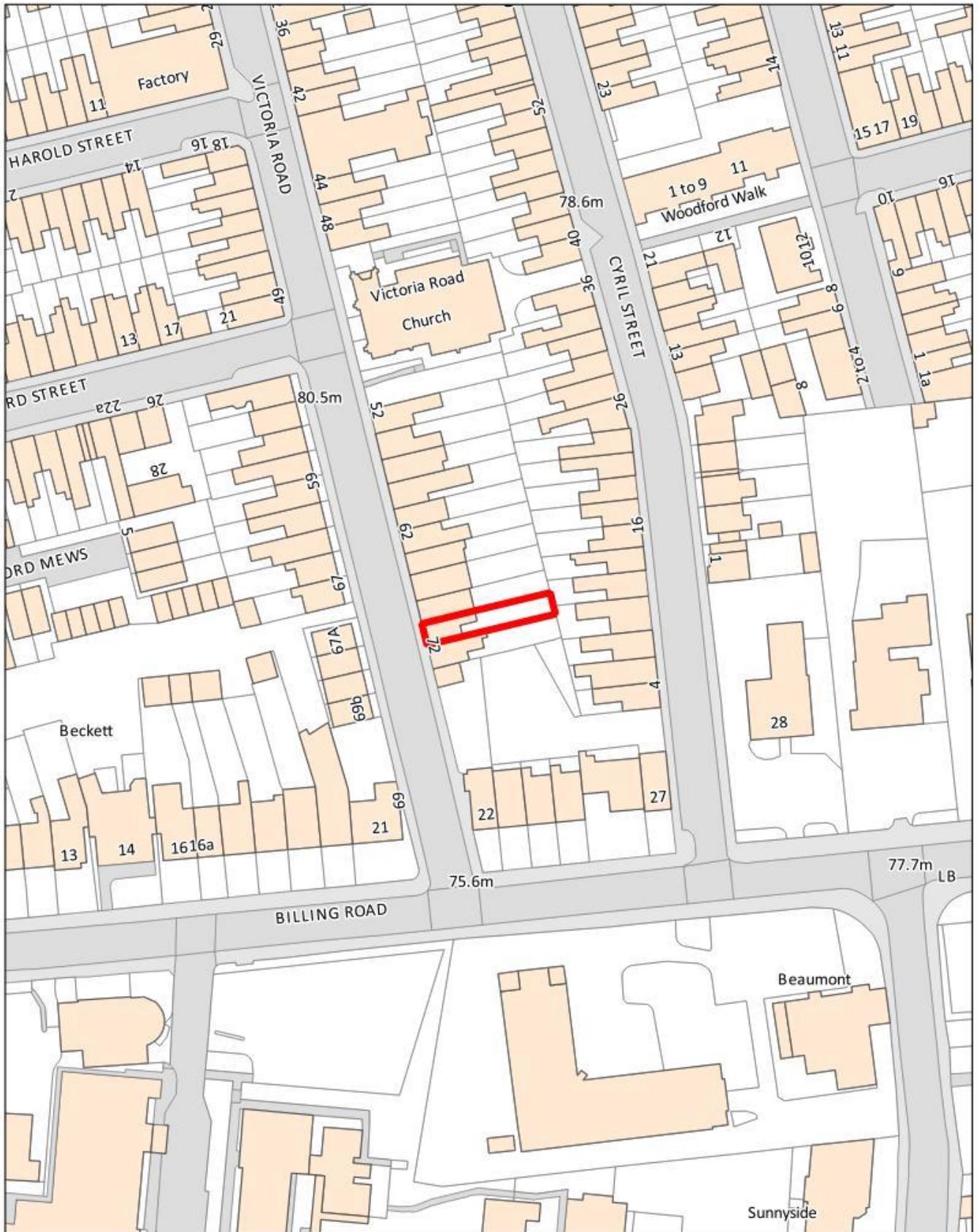
11.1 N/2020/0866.

## **12 LEGAL IMPLICATIONS**

12.1 The development is not CIL liable.

## **13 SUMMARY AND LINKS TO CORPORATE PLAN**

13.1 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 Victoria Road**

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Date: 12-11-2020

Scale: 1:1,000

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