

**PLANNING COMMITTEE:** 21<sup>st</sup> January 2021  
**DEPARTMENT:** Planning Service  
**DIRECTOR OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2020/1274

**LOCATION:** 52 King Edward Road

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

**WARD:** Abington Ward

**APPLICANT:** Mr Kingsley Emovon  
**AGENT:** Architectural Services

**REFERRED BY:** Councillor Zoe Smith  
**REASON:** Parking and refuse issues

**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 principle of the proposed use is considered acceptable in this location in line with national policy requirements to deliver a wide choice of homes. The proposed layout would provide adequate facilities for 5 occupants. Notwithstanding the existing parking situation in the local area, the site is in a sustainable location close to facilities on Wellingborough Road and bus stops. The proposal thereby complies with the National Planning Policy Framework; Policies H1, H5, BN5, BN7 and S10 of the West Northamptonshire Joint Core Strategy; saved Policy H30 of the Northampton Local Plan, and the Council's adopted Houses in Multiple Occupation Supplementary Planning Document.

### **2 THE PROPOSAL**

2.1 The application for a change of use from a dwellinghouse to a 5 occupant House in Multiple Occupation (HIMO).

2.2 Further internal alterations have been proposed with no external changes to the property. Five bedrooms, located over two floors, will share bathroom facilities located on the first floors, comprising of 2no bathrooms (to include a shower or bath, toilet and hand basin). There will be an additional toilet located on the ground floor. The large shared kitchen/lounge room will be located on the ground floor. Parking will be on-street.

### **3 SITE DESCRIPTION**

- 3.1 The site comprises a mid-terraced dwelling. The property has a rear garden which has separate rear access from Sandringham Close to the south. The surrounding area is predominantly residential in nature, close to public open space at Abington Park to the east and local facilities and transport links on Wellingborough Road to the north-west and west.

### **4 PLANNING HISTORY**

- 4.1 **N/2020/0077** – Lawful Development Certificate for use as a B&B. Refused March 2020.
- 4.2 **N/2020/0557** – Application for a change of use to House in Multiple Occupation for up to 5 occupants. Refused August 2020 due to insufficient size kitchen/living room.

### **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**

**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 72 (c) - ensure that a variety of homes to meet the needs of different groups in the community will be provided.

Paragraph 127 (f) - seeks to create safe and healthy places with a high standard of amenity for existing and future users.

Section 12 – seeks to achieve well designed places.

#### **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  
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:

E20 – allows for new development providing that the design reflects the character of its surroundings in terms of layout, siting, form, scale & appropriate use of materials and that the proposal is designed and located to ensure adequate standards of privacy, daylight and sunlight.

H18 – allows for house extension provided design acceptably in keeping with character and appearance of the host dwelling; and effect upon adjoining properties.

H30 – Multi occupation with a single dwelling.

## 5.5 **Supplementary Planning Documents**

Planning out Crime in Northamptonshire SPG 2004  
Northamptonshire County Parking Standards 2016  
Northampton Parking Standards 2019

Houses in Multiple Occupation Supplementary Planning Document 2019  
Advises that proposals for HMOs 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 10% of HMOs within a 50 metre radius.
- Secure the provision of adequate facilities and amenities
- Provide adequate waste and recycling facilities and sufficient refuse storage
- Minimise flood risk
- Secure provision of adequate parking
- Provide adequate secure cycle storage in accordance with relevant parking standards documents and SPDs

## 6 **CONSULTATIONS/ REPRESENTATIONS**

6.1 **NBC Private Sector Housing** – The property is suitable for 5 persons in 5 households as requested. A license and fire safety measures will be required.

6.2 **NCC Highways** – Due to the known pressure in the area for on-street parking and the expectation that the change of use could result in an increased level of parking demand on-street immediate to the site, especially after 6pm in an already congested area, advise that the applicant undertakes an on-street car parking beat survey. Because to the ongoing coronavirus situation however, transport data cannot be accepted for the time being. As a result, the LHA cannot make informed comments regarding the highway impact of this application. It is known that the area is heavily parked due to its proximity to the town centre and being a Victorian terraced street. Therefore, the Local Planning Authority may wish to consider residential amenity.

6.3 **Councillor Zoe Smith** – Objects to the proposal and calls it in on the grounds that the proposal will exacerbate existing parking and refuse problems in this area.

6.4 **2 third party objections** received. Comments are summarised as follows:

- Parking has not been considered.
- Existing overcrowded area.
- Inconsiderate parking occurs already due to pressure.
- Degrading the area of Abington.
- Properties should remain family homes.
- Poorly thought out plans.
- Greed.
- Too many HMOs in this area.

## 7 **APPRAISAL**

- 7.1 The principle of the conversion of the existing large dwellinghouse 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. Subject to the considerations below, the principle of conversion is considered acceptable.

### **Area concentration**

- 7.2 The Houses in Multiple Occupation Supplementary Planning Document (HIMO SPD) states:

“The proposal should not result in a concentration of similar uses in one particular locality. It should not result in a material change or an adverse impact on the character and amenity of the area. It should not result in more than 10% of the total number of HIMO dwellings, regardless of whether licensed or not, within a 50m radius of the application site, in order to prevent over concentration of similar uses in one locality”.

- 7.3 The number of HIMOs is calculated from a number of data sources, including previous planning permissions, licences granted under the Housing Act and other data held by the Council. Within the 50m radius, there are currently 2 other HIMOs (established or with planning approvals) on Sandringham Road and King Edward Road.
- 7.4 Neighbour concerns have been raised about the number of existing HIMOs in the local area and Abington. Council records evidence that the proposal would not lead to an over-concentration of authorised and licensed HIMOs within a 50m radius of the application site. The inclusion of the proposed HIMO would result in a concentration of 6.5%.
- 7.5 The proposed 6.5% concentration is within the threshold of 10% as described in the adopted SPD.

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

- 7.6 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.
- 7.7 The property is considered to be of sufficient size and provides a mix of bedroom sizes of between 10-16sqm. These will comprise of 5x single occupant bedrooms and all exceed the minimum bedroom size requirement of 6.51 sqm as required by the HIMO SPD.
- 7.8 The previously refused HIMO application for this property had a relatively small kitchen/living area which fell short of Private Sector Housing’s requirements for an area of at least 18 sqm. The amended layout for the current planning application has removed a previously proposed utility room and provides an overall kitchen/living space of 24 sqm in excess of the required floorspace. This would be a large combined kitchen/living space which provides 2 sets of cooking equipment and 2 sinks. This is in line with Private Sector Housing requirements and accords with the Council’s HIMO Facilities and Amenities Guidance.
- 7.9 The property provides a toilet and sink on the ground floor; and 2no shower/bath rooms including toilets and hand basins on the first floor which would serve the two bedrooms on the ground floor and three bedrooms on the first floor. This would meet the requirement as stated in Principle 2 of the HIMO SPD 2019.
- 7.10 The kitchen and living room would be served by double doors with additional windows and access door to the side elevation. This provides good outlook and light into this main shared space for future occupants providing a large and good quality space for 5 occupants. Each bedroom is served by at least one window, each providing sufficient light and outlook to the front or to the rear of the property. It is considered that this provides a good level of facilities for the number of occupants.

7.11 Private Sector Housing has confirmed that the room sizes, amenities and facilities indicated on the submitted plans indicate that the proposals would meet the requirements for a 5-occupant HIMO. A condition is proposed restricting the use of the property to a maximum of 5 people to ensure an adequate level of amenities and facilities is retained.

7.12 There are no external alterations proposed to the property as part of this change of use application.

### **Flooding**

7.13 The application site is located in Flood Zone 1 and with very low risk of flooding.

### **Highways/Parking**

7.14 The Houses in Multiple Occupation SPD sets out clearly that where limited or no parking provision is proposed, the site must provide a parking beat survey. Should a parking beat survey reveal that there is insufficient on-street parking capacity, the application site should be within 400m of a bus stop with at least one bus every 30 minutes between 0700 and 1900 Mondays to Sundays and be located within 400m of facilities and services contained in a town centre, district centre, local centre or neighbourhood parade. Only outside such locations is parking required to be provided.

7.15 No parking beat survey has been submitted with the application; however it has been noted by the Highway Authority that these surveys are not being accepted during the current pandemic. The Highway Authority has advised that they are unable to make informed comments regarding the highway impact of this application. It is known that the area is heavily parked due to its proximity to the town centre and being a Victorian terraced street. In addition, neighbour representations have indicated that parking is in high demand in the local area.

7.16 The property is located on King Edward Road, located within 400m of bus stops on Billing Road and Wellingborough Road. Close to these bus stops are shops and facilities on Wellingborough Road. Whilst it is acknowledged that not all people who live close to bus stops will necessarily choose these as their main form of transport, the proposed location does mean the proposal is in accordance with the requirements of the HIMO SPD in respect of parking considerations and is in a sustainable location.

7.17 The HIMO SPD also requires that cycle storage is made available as another option for future occupants, recommending that storage space should be provided which is accessible to cycle users to encourage and facilitate sustainable transport. Space is available to the rear of the property within the garden for a sufficient amount of cycle storage (5 bicycles) accessible to occupiers. Further details including dimensions of the secure cycle storage for at least 5 bicycles can be secured via a condition to be agreed prior to occupation.

7.18 A further consideration in respect of parking is the Northamptonshire Parking Standards, which states that HIMOs shall provide on plot parking at the ratio of one parking space per bedroom. The proposed development would produce a demand for 5 parking spaces. The existing dwelling has 5 bedrooms. There are no off-road parking spaces provided as part of the proposal and parking in the area is on-street and within allocated bays. In the absence of parking provision, Principle 5 of the Northampton Parking Standards SPD outlines the requirements, similar to the HIMO SPD, whereby the application site should be within a sustainable location. In this regard, the proposal is considered to be in accordance with the requirements of the Parking Standards SPD in respect of parking considerations.

### **Refuse storage**

7.19 Comments have been raised regarding the potential for increased waste or fly tipping issues. There is sufficient space to the rear of the property for the outdoor storage of waste prior to refuse

collection days. A condition is proposed to secure details for refuse and recycling storage prior to occupation of the HIMO and ensure that it is retained thereafter.

## **8 CONCLUSION**

8.1 The use of the property as a 5-person HIMO, following alterations to the layout as shown on the submitted plans, would provide an appropriate standard of accommodation for residents and, taking into account all material planning considerations, would not have an undue impact upon the amenity of adjoining occupiers.

8.2 The proposed development would be in accordance with the requirements of Policies H1, H5, BN5, 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 Supplementary Planning Document 2019 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: 20/2408/100, 20/2408/01, 20/2408/02 revA.

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

3. 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 Policies H1 and H5 of the West Northamptonshire Joint Core Strategy

4. Prior to the occupation of the development hereby permitted, details of facilities for the secure and covered parking of at least 5 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. Prior to the occupation of development, details of facilities for refuse and recycling storage 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.

## **10 BACKGROUND PAPERS**

- 10.1 Case file N/2020/1274.

## **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.

