



**PLANNING COMMITTEE:** 16<sup>th</sup> March 2021  
**DEPARTMENT:** Planning Service  
**DIRECTOR OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2020/1568

**LOCATION:** 20 Whernside Way, Northampton

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

**WARD:** Old Duston Ward

**APPLICANT:** Mr Billy Gill  
**AGENT:** Architectural Services

**REFERRED BY:** Councillor Hadland  
**REASON:** Impact on Amenity and Parking

**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, BN7 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 Supplementary Planning Document (SPD) (November 2019) 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 the five bedroom dwelling into a five person house in multiple occupation.

#### **3 SITE DESCRIPTION**

- 3.1 The site comprises a five bedroom three storey terraced house of 1960s design, within an area of similar properties.

## **4 PLANNING HISTORY**

- 4.1 Residential development of the area, including the application premises, was approved in 1966 / 67. The use of this property for childminding was approved in 1972.

## **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 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.

Paragraph 17 sets out core planning principles that include seeking to secure high quality design and a good standard of amenity for existing and future occupiers; encouraging the effective use of land by using brownfield sites; managing patterns of growth to make fullest use of sustainable transport methods and in sustainable locations.

Paragraph 56 seeks to ensure good design is a key aspect of sustainable development and should contribute to making places better for people.

### **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 H30 – Multi occupation with a single dwelling.

### **5.5 Supplementary Planning Documents**

Houses in Multiple Occupation Supplementary Planning Document (SPD) (November 2019)

- Principle 1 – To create a balanced, mixed and inclusive community and to protect the streetscene character. Should not result in a concentration of similar uses, should not result in a material change or adverse impact on the character and amenity of the area. Should not result in more than 10% concentration of HIMOs within a 50 metre radius.
- Principle 2 – To secure the provision of adequate facilities and amenities. Must comply with “Guide to Amenities and Facilities for Houses in Multiple Occupation (2018)”. Measured space must be useable space. All occupants must have direct access to waste and recycling facilities. Protect the amenities of neighbouring and local occupiers as well as future residents.
- Principle 3 – To minimise flood risk. Basement and ground floor sleeping will not be appropriate in a flood hazard area or flood zone 2 or 3, unless the finished floor level is set to minimise the risk. Applications within flood zone 2 or 3 must be accompanied by a Flood Risk Assessment.
- Principle 4 – To secure the provision of adequate parking. Must demonstrate through a parking beat survey that there is sufficient capacity for on street parking in the area. If there is insufficient parking the site must be located within 400m of a bus stop providing at least one bus every 30 minutes between 0700 and 1900 Mondays to Saturdays and be within 400m of a facilities and services in the town centre, a district centre, local centre or neighbourhood parade.

## 5.6 Other Material Considerations

### Duston Neighbourhood Plan

At Full Council on 14<sup>th</sup> December 2015 Northampton Borough Council made the Duston Neighbourhood Plan. It now forms part of the Development Plan for Northampton.

The plan has no specific Himo policy, but reference is made to the 2014 IPPS (now superseded by the Houses in Multiple Occupation SPD) and states that the following principles should be considered, in application or change of use from dwellings to Himos –

- To create, support and maintain a balanced, mixed and inclusive community and to protect the neighbourhood and street scene character;
- To secure the provision of adequate facilities, minimising flood risk;
- To promote the use of public transport, cycling and walking and to secure provision of adequate parking;
- To ensure adequate refuse provision and storage.

## 6 CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 6.1 **NCC Local Highway Authority** - Normally the LHA would advise that the applicant undertakes an on-street car parking beat survey. However, due to the ongoing COVID 19 embargo on traffic data collection, the LHA cannot request that such data be collected. Therefore, the LHA cannot provide informed comment regarding the highway impact of this development proposal. It is likely I would suggest, that this proposal, if consented would generate an increase in vehicles requiring parking space in close proximity to the property, which may adversely impact on the existing residents in the area, therefore, you may wish to consider the residential amenity of the area with regard to the development proposal.

6.2 **Duston Parish Council** – object to this planning application and share the neighbouring residents and ward councillor concerns.

- Parking is a particular concern. There is only one parking space outside this property but if 5 adults move in each with cars then parking will be a particular problem. It would inevitably lead to more parking on Newton Road where buses already struggle to weave through their way through the parked cars.
- The quality of wall between these properties is understood to be of poor quality. Excessive noise coming from this HMO would be of real nuisance to the neighbouring properties. Loud music, shouting and televisions can be heard from one property to the next. It is not up to a modern standard.
- These building are, in part, of a wooden construction which means fire could spread more easily. So we are concerned with the Health and Safety aspect of this HMO application.
- Understand that these properties have a covenant in them which states “Not to Use the property for the purpose of any trade or business or otherwise than as a private dwellinghouse nor to do anything on the property which may be or become a nuisance injury or annoyance to the owners tenants or occupiers of any adjoining or neighbouring properties.” Is this compatible with a HMO?
- HMO would not be keeping with the area. The neighbouring properties, which are close to a primary school, are largely family dwellings.

6.3 **Councillor Tim Hadland** – calls the application to Committee on the grounds of the detrimental effect on the amenity of adjoining residents, and the substandard provision of parking if Officers are minded to recommend approval. The case against granting permission is well made by the objections from local residents. It is well known that sound insulation in properties of this age is not up to a modern acceptable standard, and the intensification of the use of this terraced house will be detrimental to the occupiers of adjoining properties. It is clear that the parking court is already congested, and experience elsewhere shows that this change of use would exacerbate the situation. The ‘Transport Assessment’ is anonymous and of no value. We urge you to refuse this application.

6.4 **Representations** received from **5** neighbouring occupiers, making the following points in summary:

- Properties were not built with the intention of housing separate households.
- Cooking smells will increase.
- Fire risk will increase – properties are poorly constructed for fire safety.
- Walls are thin – noise already travels through walls and will be increased.
- Soundproofing is inadequate/ Remote learning will be impacted on by increased noise.
- Parking assessment is inadequate / incorrect.
- Bus route will be affected.
- Building regulations have not been followed.
- Area needs to be safe for young children / offenders should not be moved in.
- Parking is already inadequate.
- Application wrongly states work had not commenced.
- WC should not be against neighbouring bedroom wall.
- Cycle store may not be built where shown.
- Does depiction of double bed indicate more occupants could move in?

## 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 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.
- 7.4 Records indicate that there are no existing HiMO uses within a 50m radius of the application site, giving a concentration of 3% including the proposed HIMO and therefore the proposal would not result in an over-concentration of such uses. The area is characterised by housing of a similar nature to the application premises.
- 7.5 Given the low existing concentration of such uses in the area and the fact that the number of residents would not necessarily increase above those who could occupy the property as a single dwelling, there being five bedrooms already, it must be concluded that the proposal would not adversely affect the character of the area.
- 7.6 Reference is made by objectors to possible noise and or / increased cooking odours being caused by residents, and it is also implied by some that occupants may be ex-offenders. Given the number of occupants would not necessarily increase, it cannot be assumed that noise or anti-social behaviour would increase either. The character and status of occupiers cannot be taken into account and is not a planning consideration.

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

- 7.7 The plans indicate to scale all rooms proposed. All bedrooms and the kitchen area are of sufficient size in compliance with the standards in the “Guide to Amenities and Facilities for Houses in Multiple Occupation (2018)” and the proposal includes sufficient provision of facilities.
- 7.8 Refuse storage is indicated within the rear garden area although full details of this are not provided and a condition requiring such details is therefore recommended.

### **Flood Risk**

- 7.9 The site is located outside the areas at risk of flooding.

### **Parking / use of public transport**

- 7.10 No on-site parking is proposed. In this respect reference must be made to Principle 4 of the SPD. This states that a parking beat survey should be produced, and where this shows insufficient parking the site must be located within 400m of a bus stop providing an adequate service, and within 400m of the town centre or local facilities.
- 7.11 In this case no parking survey has been produced, although there is a parking assessment this does not cover the availability of parking. In the current times during the pandemic a parking assessment could not be properly carried out as this would not reflect the normal situation.
- 7.12 Therefore reference must be made to the sustainability of the location, as set out in the SPD. In this respect, the site is within 400m of the bus stops on Cotswold Avenue and Newton Road, where the service provided is at every 15 minutes. The site is also within 400m of the local

shopping centre at Limehurst Square, which includes a range of services. It is considered, therefore, that the proposal complies with this principle.

- 7.13 Reference must also be made to the Northamptonshire Parking Standards which state that HIMO's 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 requirements for the current 5 bedroom dwellinghouse use.
- 7.14 Comments from the Local Highway Authority state that the LPA must be satisfied that any additional demand for parking would not affect the amenities of existing residents.
- 7.15 However, it can also be noted that the proposal complies with the SPD as set out above and also that the current use as a five bedroom dwelling could potentially result in four car driving adults being resident, meaning there would only a minimal increase in demand for parking from the proposed use. Furthermore, there is no evidence to support that all proposed residents would own cars.
- 7.16 Additionally, it can be noted that in previous appeal decisions, inspectors have consistently taken the view that where a site is close to local amenities and no parking is provided, occupiers would choose the location for this reason and would be unlikely to wish to have cars. It would, therefore, be very difficult to sustain a refusal on the grounds of lack of parking provision or impact on parking availability in streets in the area
- 7.17 In accordance with the SPD a condition is proposed requiring full details of the provision of secure cycle storage, as shown in outline form on the submitted plan.

## **8 CONCLUSION**

- 8.1 The proposed development would not lead to significant adverse impacts on neighbouring amenity and the property is 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, and S10 of the West Northamptonshire Joint Core Strategy, saved Policy 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.

## **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: 20/2468/100, 20/2480/02.

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 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

4. Full 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 of the building for the use 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.

5. 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: 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**

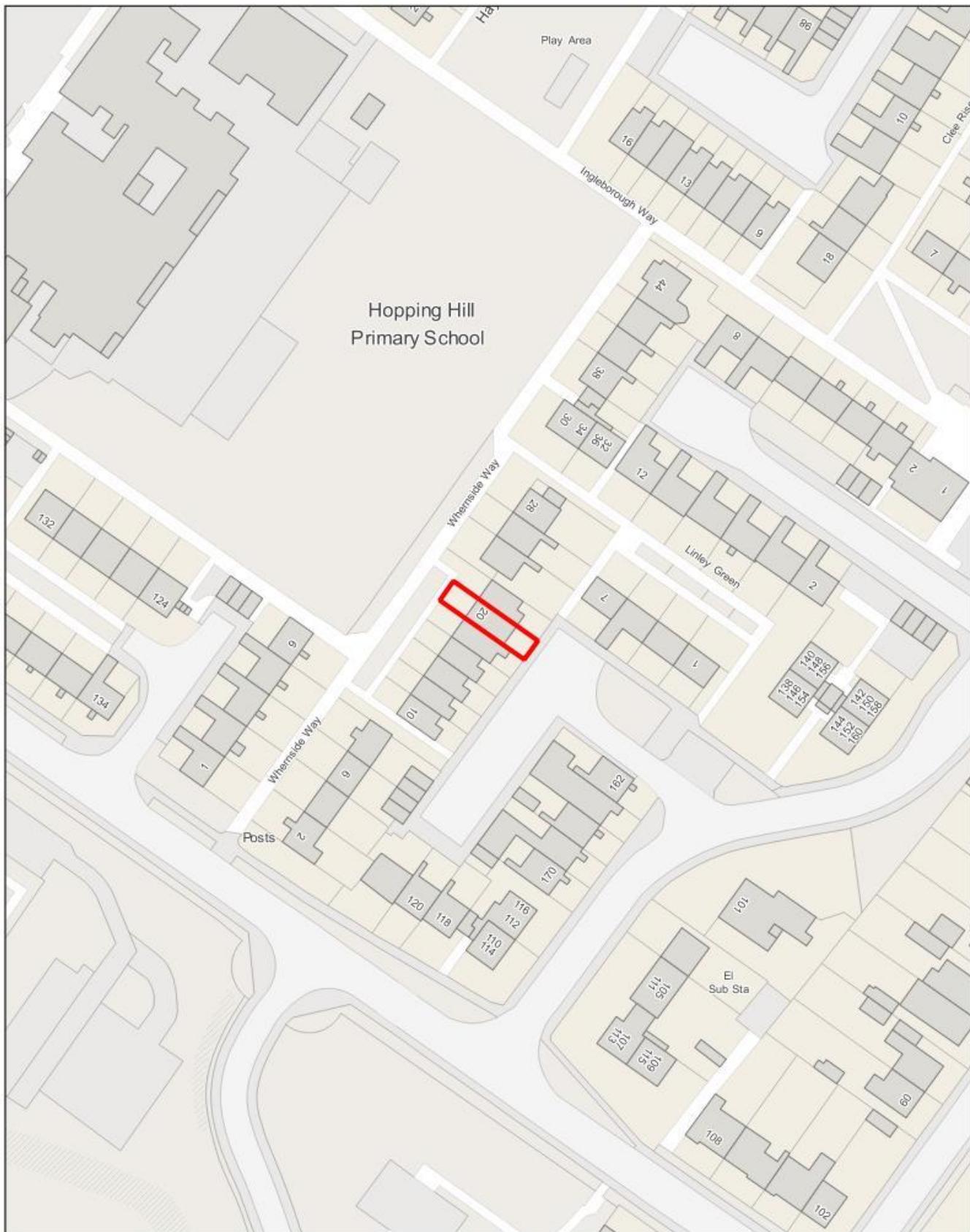
- 10.1 N/2020/1568

## **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: **20 Whernside Way**

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Date: 05-03-2021

Scale: 1:1,000

Drawn by: -----