



**PLANNING COMMITTEE:** 10<sup>th</sup> June 2014  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Susan Bridge

**N/2014/0171:** Change of use from dwelling (Use Class C3) to a house in multiple occupation for 5 occupants (Use Class C4) at 113 Abington Avenue

**WARD:** Abington

**APPLICANT:** Mr B. Dunne  
**AGENT:** Mr M. Dunne

**REFERRED BY:** Head of Planning  
**REASON:** Applicant is related to a NBC employee

**DEPARTURE:** Yes

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**APPLICATION FOR DETERMINATION:**

**1. RECOMMENDATION**

1.1 **APPROVAL** subject to conditions and for the following reason:

The proposed development would provide accommodation of a suitable standard and have a neutral impact upon the character and appearance of the area, neighbour amenity and highway safety. The proposal is therefore in accordance with the requirements of the National Planning Policy Framework, Policy H6 of the submitted version of the West Northamptonshire Joint Core Strategy (as subsequently modified) and Local Plan Policy H30.

**2. THE PROPOSAL**

2.1 The application seeks permission to change the use of the building from a single residential dwelling to a house in multiple occupation for a maximum of five residents. No external alterations are proposed.

### **3. SITE DESCRIPTION**

- 3.1 The application site consists of a terraced house located in an allocated residential area in the Northampton Local Plan. The site is adjacent to an allocated local centre comprising a small number of retail units and a takeaway. The application site is within 400m of Kettering Road, which contains a wider array of commercial facilities and the Racecourse park. A number of bus routes operate within the vicinity.

### **4. PLANNING HISTORY**

- 4.1 None.

### **5. PLANNING POLICY**

- 5.1 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 Northampton Local Plan 1997 saved policies, and whilst not yet adopted, weight can be attributed to the Submitted West Northamptonshire Joint Core Strategy (as subsequently modified)

#### **5.2 National Planning Policies**

A number of areas of the National Planning Policy Framework (NPPF) are pertinent to this application. In particular, paragraph 14 states that on matters where there are no up to date development plan policies, the presumption in favour of sustainable development takes precedence. Paragraph 17 requires that new developments be of a good standard of design and secure a satisfactory standard of amenity. Paragraph 47 requires that an evidence base is used to meet the full and objectively assessed housing needs of an area.

#### **5.3 Northampton Local Plan 1997 (Saved Policies)**

The Local Plan (states that new developments should have an acceptable layout (Policy E20); that houses in multiple occupation should be of a sufficient size and have a neutral impact on the character of an area (Policy H30) and that there is an over concentration of houses in multiple occupation in certain streets – including parts of Abington Avenue (Policy H31).

#### **5.4 Submitted West Northamptonshire Joint Core Strategy (as subsequently modified)**

An increasing amount of weight can be given to the West Northamptonshire Joint Core Strategy (JCS), which provides an up to date policy basis as it fully considers the current Government

requirements for plan making and is in full conformity with the NPPF. The plan has been the subject of an examination in public and the findings of the Inspector are awaited. The examination focused upon policies that had been the subject of unresolved objections.

- 5.5 Policy H6 of the JCS states that existing houses should be permitted to change to houses in multiple occupation in instances where they would not adversely impact upon the character and amenity of residential areas. Housing related policies in the JCS have also been formulated following an objectively assessed housing needs assessment. Given that this policy has not been the subject of any objection, it was therefore not debated at the examination and therefore must be given some weight in the determination of this planning application.

## **6. CONSULTATIONS/ REPRESENTATIONS**

Representations received are summarised as follows:

- 6.1 **Environmental Health (NBC)** – The proposal is acceptable, subject to a condition requiring the submission of refuse storage details and for this to be retained.
- 6.2 **Highway Authority (NCC)** – Request that a minimum of two off street car parking spaces be provided. The street currently experiences car parking problems.
- 6.3 **Private Sector Housing (NBC)** – The property has been assessed against the requirements of the Housing Act 2004. The space and amenities provided indicate that the property will be suitable to let to five individuals from five separate households.
- 6.4 No objections have been received from the occupiers of neighbouring properties.

## **7. APPRAISAL**

### **Principle of Use**

- 7.1 The site is located in an allocated residential area in the Northampton Local Plan therefore a house in multiple occupation use is in keeping with the existing land uses. The submitted plans show that five bedrooms would be provided, in addition to a living room, kitchen and conservatory. As a result of this, it is considered that a suitable level of amenity would be secured for the occupiers of the development. No external changes to the building have been proposed.

### **Policy Implications**

- 7.2 Policy H30 of the Local Plan can be given some weight in the determination of this application due to its general conformity with the NPPF. However, due to this age of the Policy, it may not reflect up to

date evidence of housing need. Policy H6 of the submitted JCS is up to date and therefore relevant. Whilst Policy H30 is dated, it is considered that as the rooms are of a suitable size and have a satisfactory level of light, outlook and privacy, this policy has been complied with.

- 7.3 Policy H31 of the Local Plan identifies a number of streets where it is considered that, due to cumulative impacts, planning permission should not be granted for any further house in multiple occupation. This list includes the section of Abington Avenue running from numbers 9 to 115. Whilst the proposed development is contrary to the requirements of this policy, it is necessary to establish whether harm would emanate from this breach in order for the assessment to comply with the NPPF.
- 7.4 The application site is on the periphery of the area covered by Policy H31 and therefore the overall impact of this development upon the character of the wider Abington Avenue area is limited. Furthermore, the application site is sustainably located given its proximity to various local services and facilities. As a consequence it is considered that the development is acceptable.
- 7.5 It is accepted that there are a number of house in multiple occupation within the general area, however, the immediate environs of the application site are characterised by units occupied by single households and therefore the development would not cause any substantial erosion of the area's character.
- 7.6 In addition, the submitted JCS provides a significantly more up to date policy approach for the assessment of applications of this type and is therefore material to this application. As discussed in paragraph 5.5, Policy H6 of the submitted JCS states that Houses in Multiple Occupation will be permitted in instances where they would not adversely affect the character and amenity of the surrounding areas. For the reasons discussed in paragraphs 7.4 and 7.5 of this report, it is considered that the proposal complies with this policy.
- 7.7 The proposed development would provide accommodation for five people, which is consistent with the potential number of residents that would occupy a dwelling of this size as a single household. The area surrounding the application site is characterised by the presence of family accommodation and as a consequence the development would not impact upon the character of the area or the amenity of existing residents. As such, the development is in compliance with Policy H6.
- 7.8 In addition the application site is located adjacent to a small, allocated local centre at the junction between Abington Avenue and Abington Grove, which contains a number of facilities and is a short distance (approximately 400m) away from Kingsley Park Terrace, which contains a larger array of retail and leisure facilities and the Racecourse. Therefore, with reference to paragraph 5.2 of this report, it is considered that the siting of the proposal represents sustainable development and is therefore compliant with the NPPF.

## **General Amenity and Parking**

- 7.9 In order to ensure that the development does not pose an undue detrimental impact upon the occupiers of neighbouring properties as a result of increased noise and disturbance, a condition is recommended that would ensure that the number of residents of the property does not exceed five. It is considered that this figure would not be significantly different from the number of potential residents that would occupy the building as a dwelling house.
- 7.10 Details of refuse and cycle storage are to be secured by condition so as to secure a satisfactory standard of development. It is accepted that the proposal does not include any off street car parking and the comments of the Highway Authority are noted; however, the application site is in close proximity to a variety of commercial and leisure facilities and major routes. Furthermore, the number of potential occupiers is not significantly higher than the number that could occupy the building for a use falling within Class C3 (dwelling house). As a consequence, it is considered that the lack of off street car parking does not render the application unacceptable.

## **8. CONCLUSION**

- 8.1 It is concluded that only a small amount of weight can be given to the requirements of Local Plan Policy H31. In contrast, the contemporary nature of the NPPF and the submitted JCS means that it is considered that the creation of a house in multiple occupation in this location would have a neutral impact upon the character and appearance of the locality, neighbour amenity and highway safety and therefore the development is acceptable.

## **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: Site Plan; Existing Floor Plans; and Proposed Floor Plans.

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 no more than five residents at any one time.

Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of Policy H30 of the Northampton Local Plan.

4. 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 prior to the commencement of development. Development shall be carried out in accordance with the approved details, implemented prior to the first commencement of the use hereby permitted and retained thereafter.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

5. Details of the provision for the secure storage of bicycles shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Development shall be carried out in accordance with the approved details, implemented prior to the first commencement of the use hereby permitted and retained thereafter.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

## **10. BACKGROUND PAPERS**

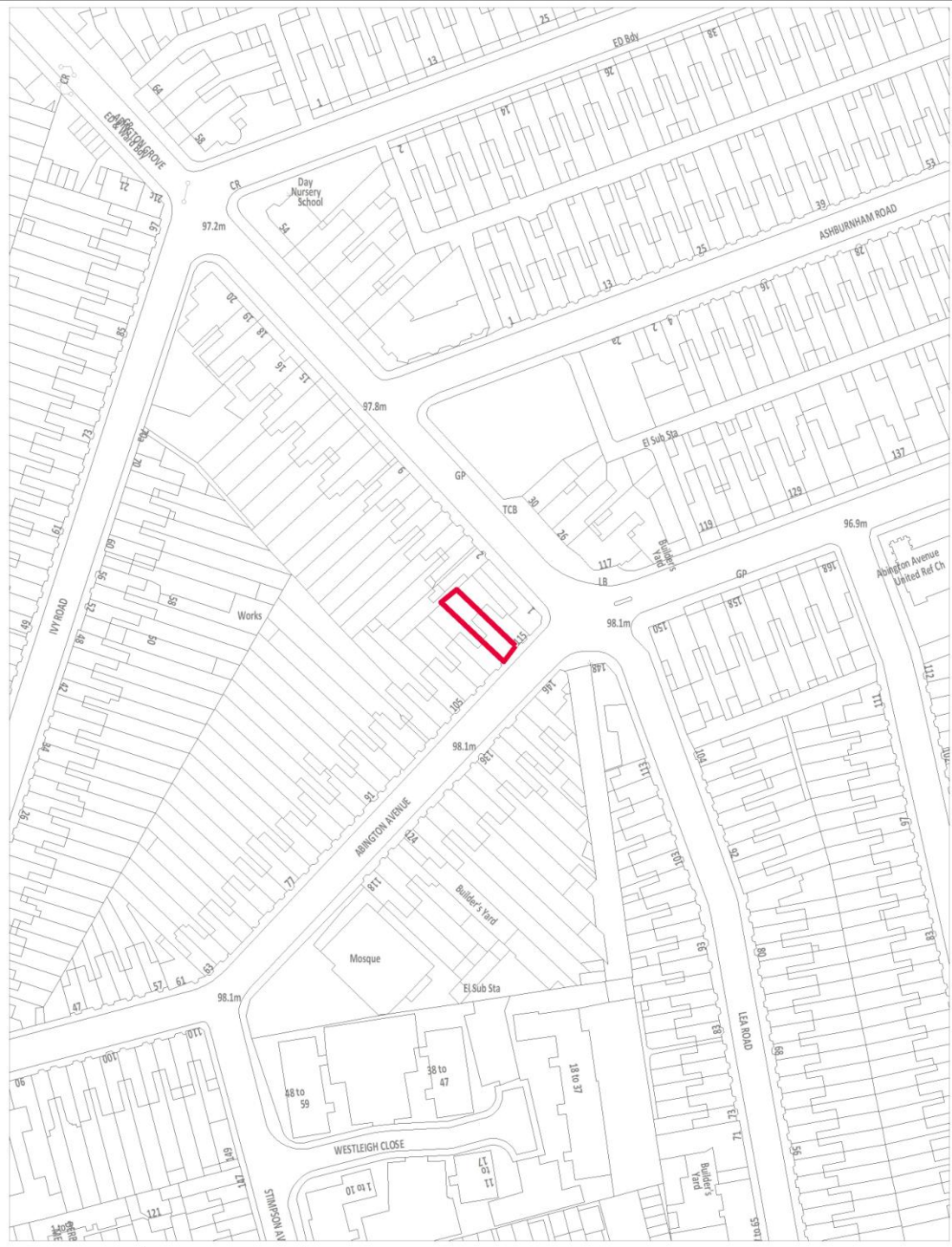
- 10.1 N/2014/0171

## **11. LEGAL IMPLICATIONS**

- 11.1 None

## **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.



Name: Planning  
 Date: 27th May 2014  
 Scale: 1:1250  
 Dept: Planning  
 Project: Committee

Title  
**113 Abington Avenue**

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