

**PLANNING COMMITTEE:** 5<sup>th</sup> September 2017  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2017/0626

**LOCATION:** 22 Abington Grove

**DESCRIPTION:** Change of Use from Dwelling house (Use Class C3) to House in Multiple Occupation (Sui Generis) for 9 occupants (retrospective)

**WARD:** Abington Ward

**APPLICANT:** Mr & Mrs Lawson  
**AGENT:** Mr & Mrs Lawson

**REFERRED BY:** Councillor Z Smith  
**REASON:** 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 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 unduly impact on the character of the area. Notwithstanding existing parking conditions in the local area, the site is in a sustainable location close to a local centre and bus services and would provide adequate facilities for cycle storage and refuse storage. The proposal thereby complies with Policies H1, H5 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. BACKGROUND/PROPOSAL**

2.1 The current owners purchased the property on 31<sup>st</sup> March 2016. They state that prior to this, the property had been in use as a HIMO for at least 5 years and was in an uninhabitable state, having been vacated and repossessed. Prior to its use as a HIMO, the applicant believes it had been used as an assisted living dwelling. Planning records indicate that the property was an assisted living dwelling for 7 people in 2000 and was in use as a HIMO in 2008 and 2016.

2.2 Following the purchase of the property, the current owners carried out a programme of refurbishment works. They then applied for and received a HIMO Licence for nine persons from

Private Sector Housing. The property is occupied as a HIMO and the current application is now submitted in an attempt to regularise the situation.

- 2.3 Permission is therefore sought for a change of use from a dwellinghouse (Use Class C3) to a house in multiple occupation (HIMO) (Sui Generis) for 9 people. No external alterations are proposed to the property. Amended plans have been received to include a block of garages that are located to the rear of the dwelling within the application site boundary.

### **3. SITE DESCRIPTION**

- 3.1 The application site comprises a three storey, end of terrace property located on the corner of Holly Road and Abington Grove in a predominantly residential area.

- 3.2 The application property has a kitchen, living room, two bedrooms and a WC on the ground floor, three bedrooms, a WC and bathroom on the first floor and 3 bedrooms and a bathroom on the third floor. Two bedrooms also contain en-suite bathrooms and kitchen facilities.

- 3.3 To the rear of the site is a garden with 3 garages and an enclosed double car port. These face onto the private alleyway that runs to the rear of properties in Kettering Road and Holly Road. One of the garages has a pedestrian door which is accessed from the rear garden of the application site.

### **4. PLANNING HISTORY**

- 4.1 1999/0322 – Change of use to single dwelling – Approved.
- 4.2 85/0511 – Change of use from private dwelling to guest house with part retained for private residential use – Approved.
- 4.3 81/0467 – Change of use of ground and first floors to residential use – Approved.
- 4.4 77/0993 – Change of use of ground floor to beauty clinic – Approved.
- 4.5 72/1385 – Change of use of house to a guest house – Approved.
- 4.6 60/0414 – Erection of 5 lock-up garages – Approved.

### **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 17 - Core Principles seeks to secure high quality design and a good standard of amenity for existing and proposed occupiers.

Paragraph 49 - Housing applications should be considered with a presumption in favour of sustainable development.

Paragraph 50 - states that planning should deliver a wide choice of high quality homes; widen opportunities for home ownership and create sustainable, inclusive, and mixed communities; should plan for a mix of housing based on current and future demographic trends, market trends, and the needs of different groups in the community.

### 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 - states that development should provide for a mix of house types, sizes and tenures to cater for different accommodation needs. Housing developments will be expected to make the most efficient use of land having regard to the location and setting of the site, the existing character and density of the local area, accessibility to services and facilities, proximity to public transport routes, the implications of density for affordability and viability, the living conditions provided for future residents, and the impact on the amenities of occupiers of neighbouring properties.

Policy H5 – Managing the existing housing stock - seeks to manage and safeguard existing housing stock, including through HIMOs, where they would not adversely impact upon the character and amenity of residential areas.

Policy S10 – Sustainable Development Principles - requires development to satisfy a range of sustainable development principles including through achieving the highest standards of sustainable design; maximising opportunities for reuse and recycling; and promoting walking and cycling and protecting, conserving and enhancing the natural and built environment and heritage assets and their settings.

### 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 should adequately reflect the character of surroundings and ensure adequate standards of privacy, daylight and sunlight.

Policy H30 – requires HIMOs to be of sufficient size to accommodate the proposed use and not result in an over concentration to the detriment of the character and amenity of the area or result in a substantial demand for on street parking in areas judged to be experiencing difficulties.

### 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**

Comments received are summarised as follows:

- 6.1 **Councillor Z. Smith** - raises objection on the basis that application for nine occupants is excessive and is likely to add to existing parking difficulties and environmental issues. Requests that the application is called-in to be heard by the Planning Committee.
- 6.2 **Highway Authority (NCC)** - Highway Engineer originally requested parking beat survey. Following questions from the applicant regarding the requirements for the survey the Highway Engineer stated that he could not accept parking survey data during the summer holiday as it is not representative. States therefore that there is a lack of relevant information to fully determine the impact of the proposal.
- 6.3 **Private Sector Housing (NBC)** - has advised that a HIMO licence for 9 persons in 9 households was issued on 10 February 2017 and a previous HIMO license for 7 occupants in 7 households was effective from 13<sup>th</sup> August 2007 for five years from that date.

## **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 Council records evidence that there are no licensed HIMOs within a 50m radius of the application site. The use of this property as a HIMO would equate to 2.7% concentration in the area. This would clearly fall within the 15% maximum threshold recommended by the Council's adopted Interim Planning Policy Statement in relation to HIMOs. It is considered therefore that there would still be a reasonable mixture of house types within the vicinity in order to meet the differing needs of residents.

### **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 Facilities and Amenities Guidance and

appropriate kitchen/dining, WC and wash facilities. A condition restricting the use of the property to a maximum of 9 people would ensure over-development does not occur. All bedrooms would be served by adequate outlook and light. Private Sector Housing have advised that the property is already licensed for 9 occupants.

- 7.4 Details have been submitted for cycle and refuse storage to be provided in one of the garages to the rear of the site. This is considered to provide adequate facilities for future occupiers. A condition will require that these facilities are provided and retained.

### **Highways/Parking**

- 7.5 The Interim Planning Policy Statement for HMOs (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 Parking within the vicinity of the site is on-street. The site is located in a sustainable location within 400m of bus stops and the local centre on Kettering Road (Kingsley). 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. As stated above cycle storage is provided in a garage within the rear garden. It is considered that this will provide satisfactory secure and covered cycle storage.
- 7.8 Whilst the proposal is in compliance with this principle of the IPPS a further consideration in respect of parking is the Northamptonshire Parking Standards. This document was adopted in September 2016, after the IPPS.
- 7.9 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 requirement for the proposed development will produce a demand for 9 parking spaces, which is an increase of 6 compared to the existing use, as parking requirement for a 4+ bed dwelling is 3 spaces.
- 7.10 Whilst the site provides garages and a car port to the rear, these are not of sufficient size for the Highway Authority to consider as designated off-street parking spaces.
- 7.11 The Highway Authority originally commented that they that they required a parking beat survey but as they do not accept surveys carried out during the summer holiday they state that they do not have sufficient information to determine the impact of the application.
- 7.12 Despite this there is no evidence to support the fact that all nine residents would own cars. In addition consideration should be given to the planning history of the site where its previous use as a guest house, supported living accommodation and HMO could have generated a similar amount of traffic.
- 7.13 In addition, the lawful use of the premises as a C3 dwellinghouse with seven bedrooms, which could be occupied by a large extended family, could recommence. It is considered that the additional impact of the current proposal in terms of demand for parking would be marginal. It would therefore be difficult to justify a refusal of planning permission on this basis.
- 7.14 Furthermore, 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. 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.

- 7.15 In view of the recent appeal decisions, and the weight the Inspectors have given to the sustainability of locations, and having regard to the sustainable location of the application site, the size of the dwelling, and the fact that there is sufficient room within the site to provide secure bicycle storage, in accordance with the requirements of the IPPS, it is not considered that a refusal on highway grounds could be upheld.

### **Refuse storage**

- 7.16 Bin storage is shown within the amended plans as being provided within one of the garages to the rear. A condition is proposed that this will be retained.

### **Amenity**

- 7.17 The proposed use is classed as Sui Generis, i.e. outside of any Use Class, but is in effect a residential use. As referred to above, due to the size of the property it could be occupied by a large extended family. 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 HIMOs within the locality that would adversely affect upon the character of the local area, street scene or conservation area, 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.
- 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 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 carried out in accordance with the following approved plans: 16/L122/1a, 16/L122/2d.

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

2. The development hereby permitted shall be occupied by a maximum of nine 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

3. The refuse and cycle storage shall be implemented in accordance with the details shown on the approved plan 16/L122/2d and be retained throughout the lifetime of development.

Reason: In the interests of residential amenity to comply with Policy E20 of the Northampton

Local Plan.

**10. BACKGROUND PAPERS**

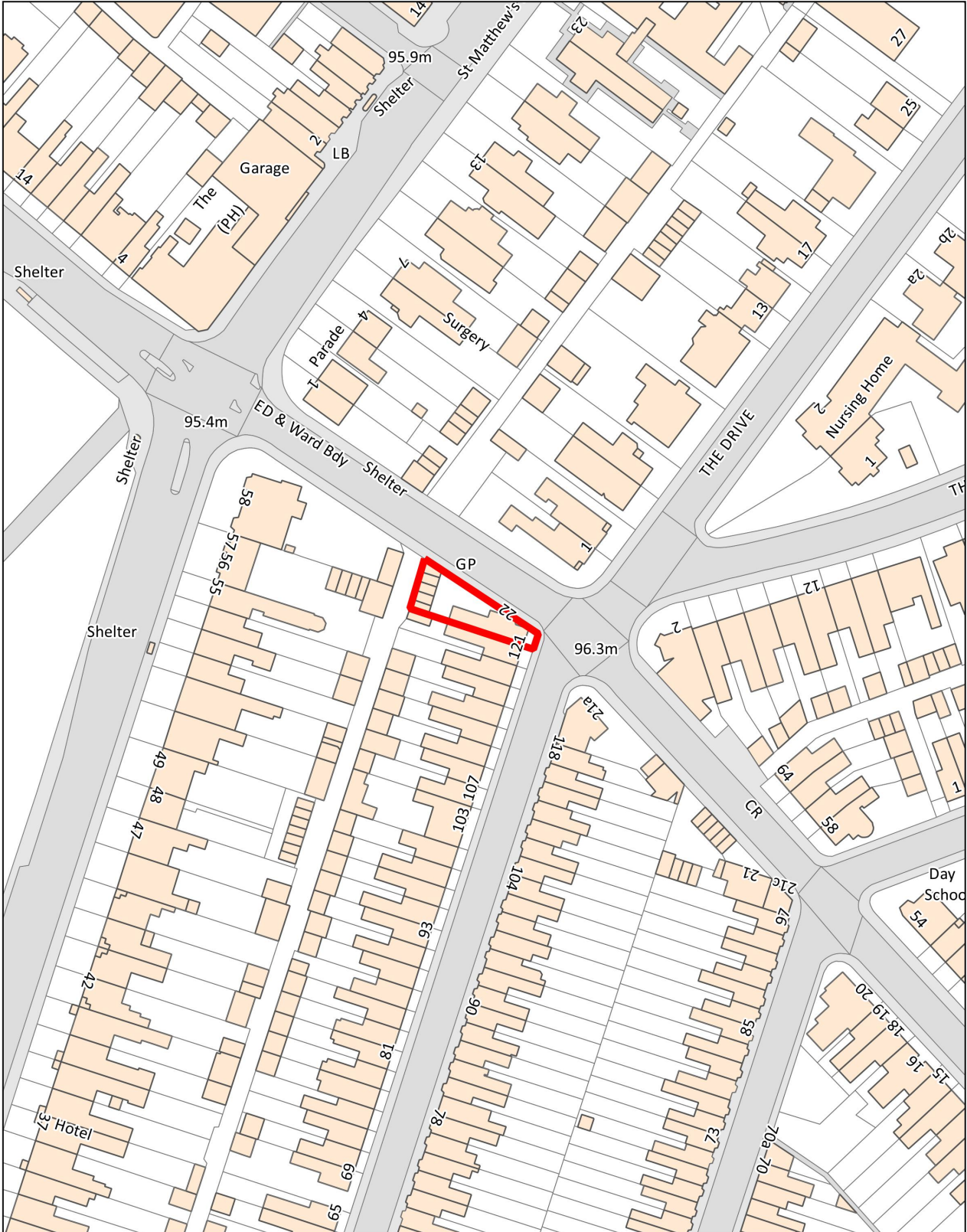
10.1 N/2017/0626, E/2017/0330, E/2016/0744, E/2008/0506, E/2008/0096, E/2000/009

**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: **22 Abington Grove**

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Date: 24-08-2017

Scale: 1:1,250

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