

**PLANNING COMMITTEE:** 26<sup>th</sup> September 2017  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2017/0957

**LOCATION:** 49 Birchfield Road

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

**WARD:** Phippsville Ward

**APPLICANT:** Mr Convey  
**AGENT:** Architectural Solutions

**REFERRED BY:** Councillor D Stone  
**REASON:** Concentration and parking concerns

**DEPARTURE:** No

---

#### **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 street scene and benefits from off-street parking spaces. The site is considered to be in sustainable location close to Kingsley shopping area, the town centre, bus services and amenities and would provide adequate facilities for cycle 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. THE PROPOSAL**

- 2.1 Change of Use from dwellinghouse (Use Class C3) to House in Multiple Occupation (HIMO) (Use Class C4) for 5 occupants.
- 2.2 The site lies within an Article 4 Direction Area which removes permitted development rights for a change of use from a dwelling to a HIMO.

#### **3. SITE DESCRIPTION**

3.1 The application site is located in Birchfield Road which consists of traditional 19th Century mid-terrace house. The property has a small rear garden and has a double garage to the rear providing two off-road parking spaces, with on-street parking to the front along Birchfield Road.

#### 4. **PLANNING HISTORY**

4.1 None.

#### 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).

##### 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 - To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, Local Planning Authorities are advised to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.

Paragraph 132 - In considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.

##### 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, the impact on the amenities of occupiers of neighbouring properties.

Policy H5: 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: 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 50m 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 refuse and recycling storage.

## 6. **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

- 6.1 **NCC Highways** - objected to the proposed change of use. The area has been the subject of a number of parking beat survey which have identified that there is limited parking available in the area. The cumulative impact from the high concentration of HIMOs in the immediate vicinity is contributing to the excessive demand. This demand is resulting in parking on double yellow lines, across dropped kerbs, on the corners of junctions and double parking, and any further development would impact the safety of motorists and pedestrians and would be seen as a severe development impact. The double garage would count as one parking space due to its size and would maintain objection to the application.

- 6.2 **Neighbours** – ten of the neighbouring properties objected, due to not enough parking and increase in traffic volumes and over congestion along Birchfield Road.
- 6.3 **NBC Private Sector Housing** - the room sizes and facilities shown on the plans are sufficient to meet the requirements for a five person HIMO.
- 6.4 **Councillor D. Stone** – concerned about the concentration of HIMOs in this area, and lack of parking. Called in the application.

## 7. APPRAISAL

### Principle of Use

- 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 Concertation

- 7.2 The surrounding area is predominantly residential in character. It would appear from Council records that there are two other HIMOs within a 50m radius of the application site that either are existing or have consents (in addition to this application). The addition of a further HIMO as proposed would lead to a concentration of 4%, this would fall within the 15% maximum threshold recommended by the Council's HIMO Interim Policy Statement. As such, the HIMO proposed would not lead to any significant impact on the character and amenity of the surrounding area as a result and the principle is therefore considered acceptable.

### 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 5 people would ensure over-development does not occur. All bedrooms would be served by adequate outlook and light. Private Sector Housing confirm that the accommodation proposed would be acceptable for 5 residents.
- 7.4 Details have been submitted for cycle storage and bin storage which will be located at the rear of the property, within the communal garden area, which is accessed via the kitchen/WC located on the ground floor.

### Highways/Parking

- 7.5 The Interim Planning Policy Statement for HIMOs (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 The application site does benefit from a double garage to the rear, providing two off-road parking spaces. The nearest bus stop is located 321m from the property and the property is within an 8 minute walk to the Kingsley shopping area. 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 area, the IPPS recommends that storage space should be provided which is accessible to cycle users. The plans indicate that the existing garden shed will provide secure cycle parking, along with the rear of the garage.
- 7.8 The proposal is, therefore, in compliance with this principle of the IPPS. However, 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 HIMOs shall provide on plot parking at the ratio of one parking space per bedroom and where the proposal is less than this requirement, the Local Highway Authority (LHA) will require a parking beat survey of the surrounding streets, to ascertain whether the additional parking demand resulting from the change of use can be accommodated.
- 7.10 The proposed development will produce a demand for 5 parking spaces, which is an increase of 3 space compared to the previous dwelling, as the parking for a 3-bed dwelling is 2 spaces. In this case two on-site parking spaces are provided to the rear via a double garage. The LHA did not requested a parking beat survey be carried out as a number had been carried out recently in the area, which indicated that parking was at 85-90% capacity. The LHA also confirmed that the double garage would only count as a single parking space due to its size.
- 7.11 Notwithstanding the Highway Authority's objection, there is no evidence to support that all 5 residents would own cars. Given the number of occupants arising from the existing use and the sustainable location of the property, it is not considered that a refusal on highway grounds could be upheld at appeal.

### **Amenity**

- 7.12 All the bedrooms are of reasonable sizes and would meet the requirements for a HIMO. The bedrooms measure between approximately 10m<sup>2</sup> and 17m<sup>2</sup> in floor area. Where there is a separate lounge and kitchen the standards require at least 6.5m<sup>2</sup> floor area. In this instance the kitchen is 19m<sup>2</sup> and the lounge is 15m<sup>2</sup>. On this basis, the space standards would be acceptable.
- 7.13 The HIMO is intended to provide accommodation for five persons. A number of neighbour objections were received, these related to the lack of parking and over congestion within Birchfield Road. It is acknowledge that not all residents will have a car, and that the property is within walking distance of local shops, restaurants and public houses. Therefore vehicle dependency is not a necessity and the site does provide two off-street parking spaces.
- 7.14 The Local Planning Authority has an obligation to determine planning applications submitted for consideration. Unless it can be demonstrated that there would be significant harm on the character of an area or its residents. In this instance harm cannot be demonstrated.

## **8 CONCLUSION**

- 8.1 The proposed change of use would comply with the requirements of the Interim Planning Policy Statement on HIMOs, and would not result in an over concentration of HIMOs within the locality and would provide suitable accommodation for the number of occupants proposed.
- 8.2 The issues in relation to parking and highway safety are a concern, however, it is considered that the proposal complies with the IPPS in relation to parking considerations and, in view of recent appeal decisions and the potential number of people that could occupy the property under the existing use, it would be difficult to uphold a refusal at appeal.
- 8.3 The proposal is therefore recommended for approval.

## **9. CONDITIONS**

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 17/C312/3, 17/C312/2a.

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

2. 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.

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. The proposed refuse and cycle storage as shown on drawing no. 17/C312/2a shall be implemented prior to the use hereby permitted commencing 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**

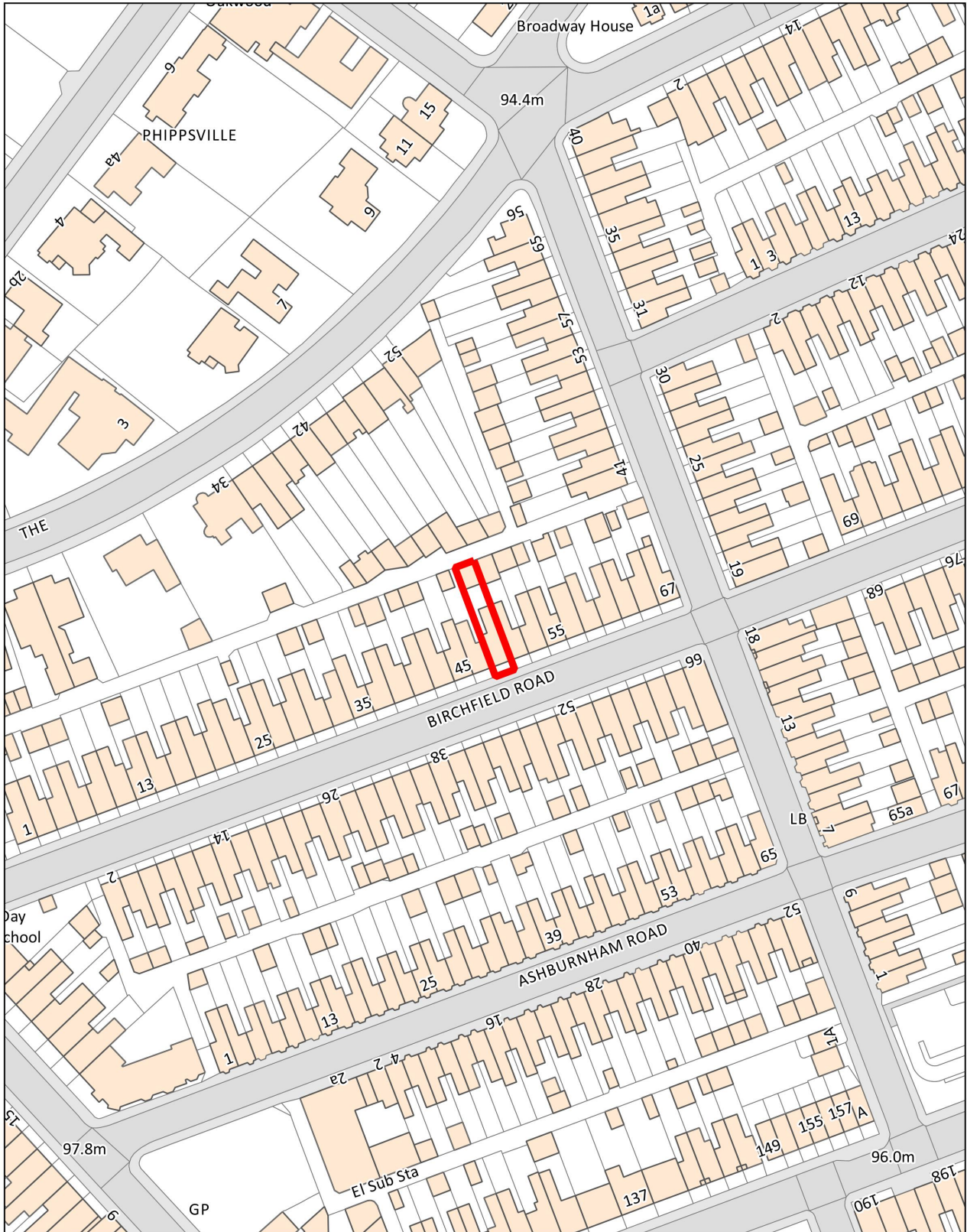
- 10.1 None.

## **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.



Title: **49 Birchfield Road**

© Crown copyright and database rights 2016 Ordnance Survey licence no. 10019655

Date: 15-09-2017

Scale: 1:1,250

Drawn by: -----