



**PLANNING COMMITTEE:** 13<sup>th</sup> March 2018  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2018/0083

**LOCATION:** 47 Adams Avenue

**DESCRIPTION:** Change of use and alterations from commercial unit and flat to form House in Multiple Occupation for 6 occupants (Class C4)

**WARD:** Abington Ward

**APPLICANT:** Mr Kooner  
**AGENT:** Mr Lee Randall

**REFERRED BY:** Councillor D Stone  
**REASON:** Overconcentration of HIMOs

**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 be at risk from flooding. Notwithstanding existing parking conditions in the local area, the site is in a sustainable location close to a Local Centre, bus services 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, 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 The application relates to the change of use of the former commercial property with residential above, to form a house in multiple occupation (Class C4) for six occupants. Externally the alterations involve the addition of windows to the side elevation, replacement shopfront to a window and a replacement roof light window. Parking would be on-street.
- 2.2 The site lies within an Article 4 Direction area which removes permitted development rights for change of use to a HIMO.

- 2.3 The original application related to the use of the basement room as a bedroom and the total number of occupants were stated as seven. Following discussions with the case officer, it was agreed that the basement would be only be used for storage and that the total number of occupants reduced to six persons.

### **3. SITE DESCRIPTION**

- 3.1 The property is located on the cross roads of Adams Avenue and Billington Street. It is a three storey property constructed of brick and render. It is located in a predominantly residential area with similar properties surrounding it.
- 3.2 A new development on the diagonal corner of the cross roads which is currently under construction that was allowed on appeal (N/2015/1067). This will provide a mixture of flats and houses to the area.

### **4. PLANNING HISTORY**

- 4.1 The ground floor property was originally a corner shop, but more recently has been used as a colonic clinic and offices for a computer software company, although there is no specific record of these uses in the planning history of the site.

### **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) 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:

- 5.3 Paragraph 17 - Core Principles seeks to secure high quality design and a good standard of amenity for existing and proposed occupiers.
- 5.4 Paragraph 49 - Housing applications should be considered with a presumption in favour or sustainable development.
- 5.5 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.

#### **5.6 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:

- 5.7 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.
- 5.8 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.
- 5.9 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.
- 5.10 Policy BN7 - Flood Risk – relates to flood risk as a consideration in the determination of this planning application.

5.11 **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:

- 5.12 Policy E20 – new development should adequately reflect the character of surroundings and ensure adequate standards of privacy, daylight and sunlight.
- 5.13 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.

5.14 **Supplementary Planning Documents**

Northamptonshire Parking Standards (September 2016)  
Planning out Crime in Northamptonshire SPG 2004

5.15 **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 **NCC Highways** – considered other parking surveys that have been carried out in the area and observed parking at various times of the day and night. Although he acknowledges the property is in a sustainable location, objections are raised on the basis of highway safety. The development will increase the demand further and will increase dangerous parking practices. The LHA considers any impact that will compromise the safety of motorists and pedestrians to be a severe development impact.
- 6.2 **NBC Private Sector Housing** - The room sizes, amenities and facilities indicated on the submitted plans indicate that, subject to the suitability of the basement room as noted below, the proposed HMO would meet the requirements for a seven occupant HIMO.
- 6.3 **Councillor D Stone** – the application has been called to Committee based on the concentration of HIMOs in this area.
- 6.4 One letter of objection was received this raised concerns about the following matters;
- This proposal would result in bedsits in the properties either side of this occupant;
  - Concerned of noise and disturbance
  - Impact on the mental health of adjacent residents
  - Over population of the area
  - Parking issues
  - Concerned regarding the number of applications that are being approved.

## 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 10 confirmed HIMOs on Adams Avenue, Bostock Avenue and Whitworth Road within a 50m radius of the application site. For note, 37 Adams Avenue, was a HIMO, but this has now been converted into flats (N/2016/0472). The owner has confirmed that these works have been completed and the flats are occupied. Therefore, the use of this property as a HIMO would equate to less than 13% 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 that there would still be a reasonable mix of house types and flats within the vicinity 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 6 people would ensure over-development does not occur. All bedrooms would be served by adequate outlook and light. Private Sector Housing has advised that they will be satisfied with the accommodation proposed meets the requirements.

- 7.4 There is adequate space to the rear of the property for the storage of bins and cycles, the details of which would be required by conditions although the block plan does provide an indicative location within the garden area.

### **Flood Risk**

- 7.5 In respect of flood risk, the application site lies outside a designated flood risk zone and therefore there is no impact on flood risk in this instance.

### **Highways/Parking**

- 7.6 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.
- 7.7 The application property is located within easy walking distance to facilities along Wellingborough Road. It is considered that the application site is in a sustainable location within 180 metres of bus stops on Wellingborough Road and within walking distance of local facilities. In this regard, the proposal is considered to be in accordance with the requirements of the IPPS in respect of parking considerations.
- 7.8 Within such areas, the IPPS recommends that storage space should be provided which is accessible to cycle users. Space is available to the rear of the house, and a condition is recommended requiring details to be submitted for approval for secure cycle storage.
- 7.9 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.
- 7.10 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 proposed development will produce a demand for 6 parking spaces, which is an increase of 3 compared to the existing use, as parking requirement for a 4-bed dwelling is 3 spaces which would be the equivalent for the number of first and second floor bedrooms in the existing flat. In addition, the commercial uses would have also attracted visitors to the property.
- 7.11 In this case, the Highway Authority object to the proposal because the potential impacts on highway safety are considered severe, and concern is raised regarding the potential negative impacts of an increase in parking demand on the amenity of neighbouring residents.
- 7.12 Notwithstanding the Highway Authority's objection, there is no evidence to support that all 6 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.
- 7.13 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.

- 7.14 Notwithstanding the fact that there are outstanding applications for HIMO's within the vicinity of the site which may have the potential for cumulative impacts on parking within the locality, 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 number of occupants proposed, and 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**

- 7.15 There is sufficient space to the rear of the property for bin storage and this has been indicated on the submitted block plan, a condition is recommended to agree the details of refuse storage for the property to ensure it is of an appropriate size.

### **Amenity**

- 7.16 The proposed use falls within Use Class C4, which in effect categorises this as a residential use. 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.
- 7.17 The proposed windows in the side elevation overlooking Billington Street and the side of 49 Adams Avenue have been assessed in terms of overlooking and it is considered that there is minimal impact, given that there is already overlooking from pedestrians on the footway.
- 7.18 The plans indicate a ground floor window which could open potentially open over the footway. A condition is proposed to ensure that this window opens inwards only.

## **8. CONCLUSION**

- 8.1 The proposed development would not lead to an unacceptable concentration of HIMO's within the locality that would adversely affect upon the character of the local area, street scene, 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 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 Location Plan, 017-079-2D, 017-079-4B.

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 six 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 facilities for the refuse 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 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.

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 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.

6. The basement room shall not be used as a bedroom or habitable room at any time.

Reason: For the avoidance of doubt and to secure a satisfactory standard of development and to accord with the terms of the planning application.

7. The proposed ground floor bedroom window, which shall be open inwards only, shall be installed prior to the occupation of the property as a house in multiple occupation and retained thereafter.

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.

## **10. BACKGROUND PAPERS**

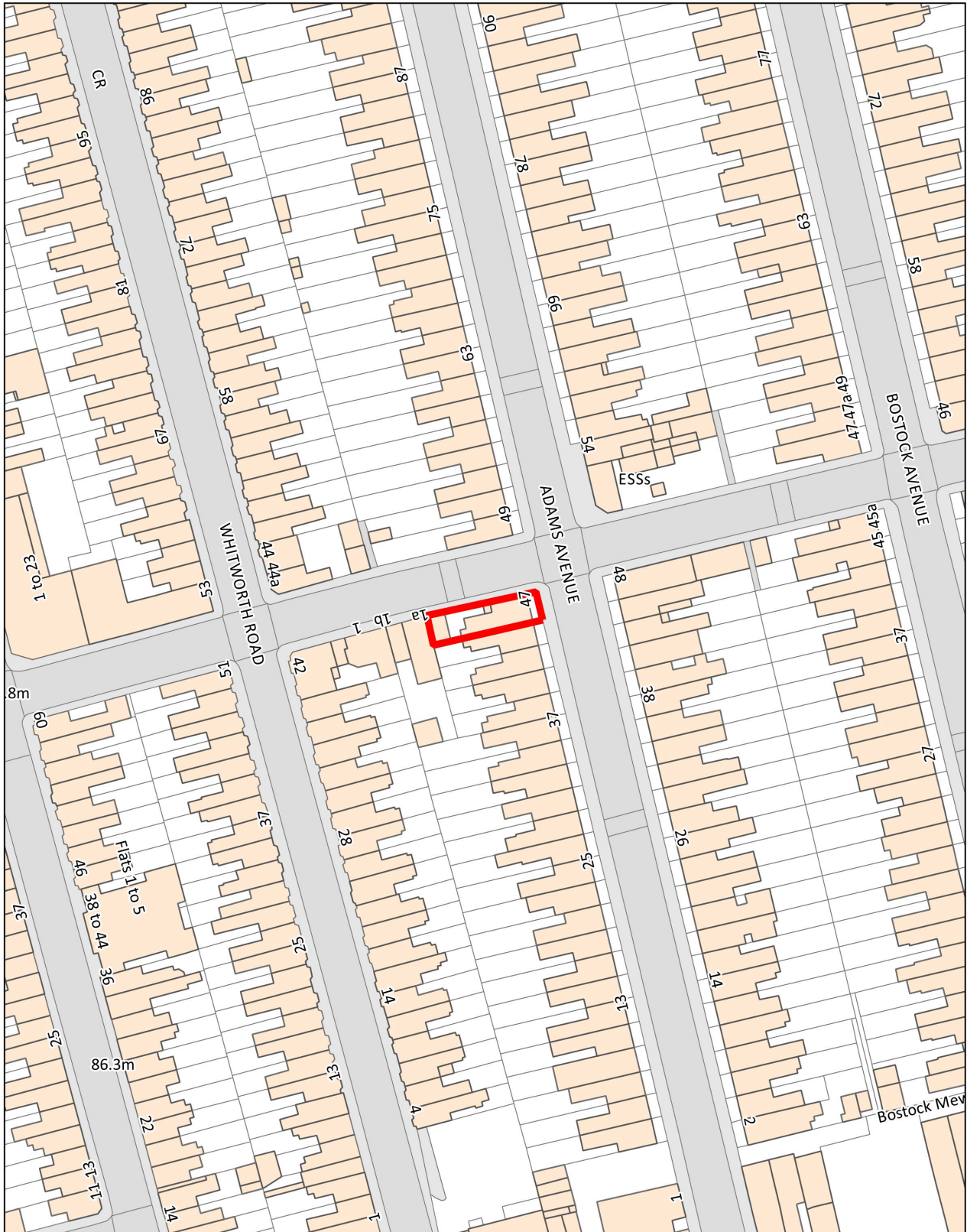
- 10.1 N/2018/0083.

## **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: **47 Adams Avenue**

© Crown copyright and database rights 2018 Ordnance Survey licence no. 10019655

Date: 01-03-2018

Scale: 1:1,000

Drawn by: -----