



**PLANNING COMMITTEE:** 8<sup>th</sup> May 2018  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2018/0112

**LOCATION:** 14 Abington Grove

**DESCRIPTION:** Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Sui Generis) for 7 occupants

**WARD:** Abington Ward

**APPLICANT:** Mr J Basani  
**AGENT:** Barry Waine Planning

**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 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 Permission is sought for a change of use from a 6 bedroom dwelling house (Use Class C3) to a house in multiple occupation (HIMO) for 7 people (Sui Generis). This is an amended proposal following a refusal in 2017 for a 9 person HIMO (Paragraph 4.1 refers).

### **3. SITE DESCRIPTION**

3.1 The application site consists of a terraced dwelling along the very busy Abington Grove. Parking is provided on street on an unrestricted basis. The site is not in a conservation area. The site is within easy walking distance to the Racecourse and shops on Kingsley Park Terrace which is a

Local Centre as identified in the West Northamptonshire Joint Core Strategy. The property has a long private rear garden enclosed on 3 sides.

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

4.1 N/2017/1477 Planning permission refused in 2017 for 9 person HIMO on following grounds:

*Due to their being no residual parking capacity for vehicles in the area, and the fact that the proposed change of use would generate a greater demand than existing, the proposed development would have a detrimental impact upon parking provision, highway safety and surrounding amenity contrary to Policy H5 of the West Northamptonshire Joint Core Strategy, Policy H30 of the Northampton Local Plan and the aims and objectives of the National Planning Policy Framework.*

*The proposed basement bedroom would have insufficient level of outlook providing an unsatisfactory level of residential amenity for future occupiers contrary to Policy H30 of the Northampton Local Plan, H1 and H5 of the West Northamptonshire Joint Core Strategy, the Interim Planning Policy Statement on Houses in Multiple Occupation and aims and objectives of the National Planning Policy Framework.*

4.2 The current proposal is an amendment to the previous refused application reducing the number of occupiers from 9 to 7. The basement is to be used as storage only and not for habitable accommodation.

#### **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**

5.3 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:

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

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

5.6 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.

5.7 Paragraph 100 relates to flood risk.

##### **5.8 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  
Policy BN7 - Flood Risk

## 5.9 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  
Policy H30 – Multi-occupation with a single dwelling

## 5.10 Supplementary Planning Documents

Northamptonshire Parking Standards (September 2016)  
Planning out Crime in Northamptonshire SPG 2003

## 5.11 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;

## 6. CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

6.1 **Highways (NCC)** - Object. The proposal would generate a demand for 7 vehicles as opposed to 3 for the existing. As there is no residual parking capacity in the area, any increase in demand will increase the instances of illegal parking. The LHA considers that any impact will compromise highway safety of motorists and pedestrians to be a severe detrimental impact. Although in isolation one might consider the increase in demand generated to be negligible, the LHA argue that the cumulative impact of minor developments should be considered as a whole. Due to the lack of residual capacity the increase in parking demand will increase dangerous parking putting all road users at risk and this must be seen as a severe detrimental impact.

6.2 **Private Sector Housing (NBC)** - No objection as room sizes and facilities meets standards.

6.3 **Councillor Zoe Smith** - called in the application on parking impact and number of occupants considered excessive.

## 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 8 other HIMOs within a 50m radius of the application site out of 90 residential properties either as established HIMOs or with planning permissions. The use

of this property as a HIMO would equate to a 9<sup>th</sup> HIMO creating a 10% concentration in the area. This would clearly fall within the 15% maximum threshold recommended by the Council's adopted Interim Planning Policy Statement. 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 Interim Planning Policy Statement. A condition restricting the use of the property to a maximum of 7 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. The basement would be used purely as storage and a condition would be secured that it does not become a habitable room which addresses refusal reason 2 on the previous application.

### **Flood Risk**

- 7.4 Given that the site is not located in a flood zone, there would unlikely be any impact on flood risk created by the proposed development.

### **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 town centre, district centre, local centre or neighbourhood parade. Only outside such locations is parking required to be provided.
- 7.6 The application property is located within easy walking distance to Kingsley Park Terrace and Kettering Road and within 400metres of the nearest bus stop. It is considered that the application site is in a very sustainable location. In this regard, the proposal is considered to be in accordance with the requirements of the IPPS in respect of parking considerations. 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.
- 7.7 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. 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 7 parking spaces, which is an increase of 4 as compared to the existing use.
- 7.8 Although the Local Highway Authority object as they consider that the proposal would increase parking demand and the impact is severe. However, some weight must be attached to the fact that the site is in a sustainable location. This is a view that has consistently shared by Inspectors on appeal.

### **Refuse storage**

- 7.9 There is sufficient space to the rear of the property for bin storage, a condition is recommended to agree such details to ensure it is appropriate size and design.

### **Amenity**

- 7.10 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 dwellinghouse.

### **CONCLUSION**

8.1 The proposed development would not lead to an unacceptable concentration of HMOs 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 and would not impact adversely on flood risk. The proposed development would be in accordance with the requirements of 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 and the aims and objectives of the National Planning Policy Framework. When considered against the previous application, the amended scheme is considered to be an improvement addressing both reasons of refusals.

## **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 plans, J/14/B/HMO-1 Sheets S1a and S2a.

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

3) The maximum number of occupiers shall not exceed seven at any one time.

Reason: In order to prevent over-development to accord with Policy H5 of the West Northamptonshire Joint Core Strategy and H30 of the Northampton Local Plan.

4) Prior to the occupation of the development, 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 or bringing into use of the building hereby permitted and thereafter retained.

Reason: To ensure the provision of adequate facilities in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

5) Prior to the occupation of development, 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: To ensure the provision of adequate facilities in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework

6) The basement shall not be used as a bedroom or habitable room connected with the approved HMO at any time throughout the life time of the development.

Reason: In the interests of residential amenity to comply with Policy H1 of the West Northamptonshire Joint Core Strategy.

## **10. BACKGROUND PAPERS**

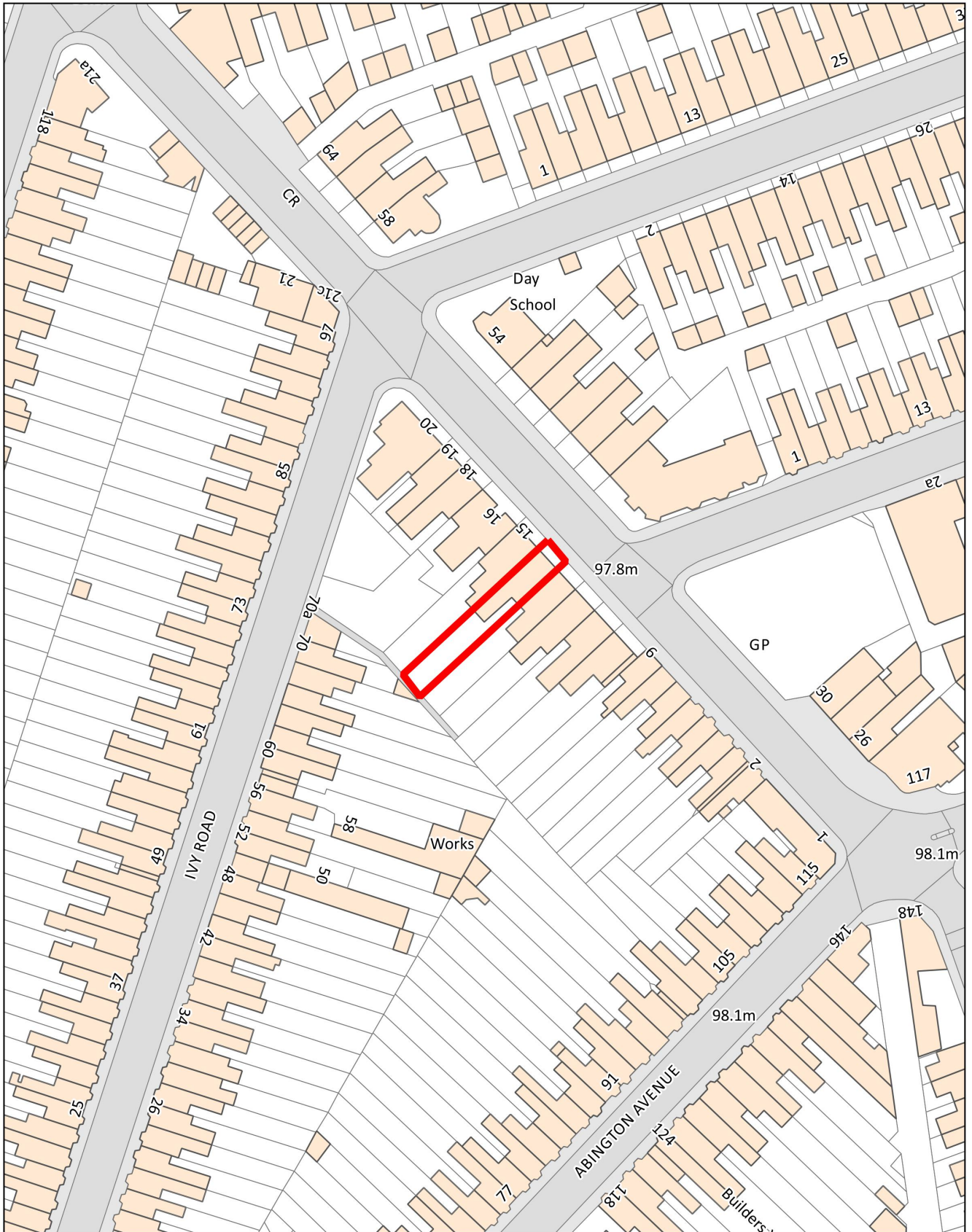
10.1 N/2018/0112.

## **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.



**NORTHAMPTON**  
BOROUGH COUNCIL

Title: **14 Abington Grove**

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