

**PLANNING COMMITTEE:** 7<sup>th</sup> June 2018  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2018/0454

**LOCATION:** 94 St Leonards Road

**DESCRIPTION:** Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 4 occupants together with first floor rear extension

**WARD:** Delapre & Briar Ward

**APPLICANT:** Mr Arandeep Singh  
**AGENT:** CC Town Planning

**REFERRED BY:** Councillor V Culbard  
**REASON:** Parking and refuse 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 overconcentration of similar uses within the vicinity of the site, would provide adequate facilities for future occupants and would not be at risk from flooding. The proposed extension would be in keeping with the character of the host building and would not result in unacceptable impact on neighbouring properties. Notwithstanding existing parking conditions in the local area, the site is in a sustainable location close to bus stops and amenities 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, 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 proposal is for the change of use of the property to a four bedroom house in multiple occupation for four occupants, together with a first floor extension to the rear.

2.2 Three of the rooms proposed would have en-suite facilities. Parking will be on-street.

### **3 SITE DESCRIPTION**

- 3.1 The application site consists of a former three bedroom terraced house, now in use as a house in multiple occupation for 5 people, as per the planning application N/2017/0942 for a change of use to a HIMO for 5 occupants, which was refused in December 2017. However, an appeal against the Council's refusal is pending, as set out in the planning history below. The use is therefore unauthorised. However, as the appeal has already been lodged with the Planning Inspectorate, it would not be expedient to instigate enforcement action at this stage.

## **4 PLANNING HISTORY**

- 4.1 N/2017/0942 - Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 5 occupants – Refused 22/12/17, appeal pending.

## **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 seeks to secure high quality design and good standard of amenity for existing and proposed occupiers.

Paragraphs 49 has a presumption in favour of sustainable housing development.

Paragraph 50 seeks to deliver a wide choice of high quality homes to meet a wide range of differing housing needs.

### **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.

Policy H5 - Managing the existing housing stock.

Policy S10 - Sustainable Development Principles.

### **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 (Design).

Policy H30 – Multi-Occupation With A Single Dwelling.

Policy H18 – Residential Extensions

### **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 **Private Sector Housing** – The room sizes, amenities and facilities shown on the submitted plans indicate that the proposed HIMO would meet the requirements for a four occupant HIMO.
- 6.2 **Local Highway Authority** – Object. The LHA have received a number of parking beat surveys submitted as part of numerous planning applications and this demonstrates that there is no residual parking capacity on-street. Furthermore, 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. This development will increase the demand further and any development impact that compromises the safety of motorists and pedestrians on the highway network is considered severe. Although in isolation one might consider the increase in demand generated by this development to be minimal or negligible, the LHA would argue that the cumulative impact of “minor” developments such as this need to be considered as a whole and that the impact on the highway network is severe.
- 6.3 **Environment Agency** – No objection, subject to there being no ground floor sleeping.
- 6.4 **Councillor V Culbard** – Calls in the application. This is a busy road where residents experience issues over parking, rubbish disposal and noise. Any increase in HIMOs would only make this situation worse.
- 6.5 Four representations received from nearby occupiers, making the following points in summary:
- Anti-social behaviour from tenants
  - Parking problems, including illegal parking
  - Lack of parking will affect local businesses
  - Rise in rubbish and litter and accumulation of bulky waste.
  - Damage to community – loss of family homes

## 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 3 existing HIMOs within a 50m radius of the application site. The use of this property as a HIMO also would equate to 5.2% concentration in the area. This would 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 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 Interim Planning Policy Statement for HIMOs (IPPS) also includes minimum sizes for all rooms within a HIMO.
- 7.4 In this case, the room sizes all meet the requirements of the IPPS and it has been further confirmed by Private Sector Housing that the building as proposed is suitable for occupation by four persons.
- 7.5 A condition restricting the use of the property to a maximum of 4 people would ensure over-development does not occur.

### **Flood risk**

- 7.6 In respect of flood risk, the site is located within Flood Zone 3. The previous application, which was refused, included ground floor sleeping and was therefore refused partially on the basis that residents would not, therefore, be adequately protected from flood risk. The current scheme now has no ground floor sleeping accommodation and the Environment Agency now has no objection to this proposal. A condition is proposed to specify that ground floor sleeping will not take place.

### **Highways / Parking**

- 7.7 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.
- 7.8 The application property is located 70m from the nearest bus stop on St Leonards Road and is opposite and surrounded by the St Leonards Road Local Centre which provides a wide range of facilities. In this regard, the proposal is considered to be in accordance with the requirements of the IPPS in respect of parking considerations.
- 7.9 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 should be submitted for the secured cycle storage. There is scope for this to be provided within the existing shed at the rear of the premises.
- 7.10 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.
- 7.11 The Northamptonshire Parking Standards state that HIMOs shall provide on plot parking at the ratio of one parking space per bedroom. The proposed development will produce a demand for 4 parking spaces, which is an increase of 2 compared to the previous dwellinghouse use.
- 7.12 In this case, the LHA has objected to the proposal, due to the lack of available parking in the area and the likelihood of inappropriate and illegal parking resulting from the use.
- 7.13 Notwithstanding the LHA position, there is no evidence to support that all 4 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. In

addition, this did not form one of the reasons for the refusal of the previous application, for which an appeal has now been lodged, and would be unreasonable to introduce at this time.

- 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 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 sustainable location of the application site and number of occupants proposed, and that there is sufficient room within the site to provide secure bicycle storage, it is not considered that highway impacts would be so adverse as to recommend refusal on this basis.
- 7.16 The 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.

### **Refuse storage**

- 7.17 As with cycle storage, it would be possible to provide refuse storage within the rear garden area and a condition requiring details of such provision is recommended.

### **Impact on the amenity of adjoining and nearby residential occupiers**

- 7.18 Part of the proposal is the erection of a first floor rear extension. This would project just over 4m from the existing first floor rear projecting wing of the property and the rear wall of the neighbouring dwelling. The neighbouring dwelling at 92 St Leonards Road has a rear facing bedroom window, this window faces over a single storey and two storey element of that property. There is, therefore, a small gap through which some daylight is currently available but would be lost. Given the already restricted outlook from this window, it is not considered that this would result in a significant impact that would warrant a refusal of the application.
- 7.19 Also included in the proposal is a side facing window which would serve one of the proposed bedrooms. This would face towards the neighbouring property at 96 St Leonard's Road, which has a side facing obscure glazed window at first floor, serving a bathroom, and a clear glazed window at ground floor. Given the nature of terraced properties, where side facing windows are common, the fact that the first floor window is obscure glazed and overlooking of the garden area which already occurs, it is considered that the impact in this case would be acceptable.
- 7.20 In respect of the change of use, the proposed use falls within Use Class C4, which in effect categorises as a residential use. It is not considered that the proposal would generate adverse amenity impacts such as noise or anti-social behaviour over and above those created by a more conventional Class C3 dwelling. Indeed, without the Article 4 Direction, planning permission would not be required for the change of use. Consequently, it is not considered that any refusal of planning permission or the imposition of conditions, in relation to amenity issues would be reasonable or sustainable at appeal.

### **Current Use of the Property**

- 7.21 The property is currently in use as a HIMO for five occupants. This is not an authorised use, and an application for this was refused in December 2017. An appeal against this refusal is pending and therefore until the result of this is known, any enforcement action against this is in abeyance. The current application is made as a "fall-back" position in case the appeal is dismissed, in which case formal enforcement action would be required if the use does not cease voluntarily.

## **8 CONCLUSION**

- 8.1 The proposed change of use to a 4 person HIMO would not have any undue impact on the amenities of adjoining occupiers, 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. The issues in relation to parking and highway safety are finely balanced, 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. The proposal is therefore recommended for approval.

## **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: 131016 - 101 rev 8, 131016 - 201 rev 4.

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

3. Prior to the bringing into use of the building for the approved use, 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: 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.

4. Prior to the bringing into use of the building for the approved use, 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.

5. The development hereby permitted shall be occupied by a maximum of four 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.

6. The external walls and roof of the extension shall be constructed with materials of the same type, texture and colour as the external walls and roof of the existing building.

Reason: In the interests of visual amenity to ensure that the extension harmonises with the existing building in accordance with Policies E20 and H18 of the Northampton Local Plan and the National Planning Policy Framework.

7. The development permitted by this planning permission shall be carried out in accordance with Drawing No. 131016 – 101 Rev 8 - Floor Plans and no ground floor room of the premises shall thereafter be occupied or laid out as a room for sleeping purposes.

Reason: To reduce the risk of flooding to the proposed development and future occupants, in accordance with the National Planning Policy Framework.

## **10 BACKGROUND PAPERS**

- 10.1 Application file N/2018/0454.

## **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: **94 St Leonards Road**

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