

**PLANNING COMMITTEE:** 30<sup>th</sup> July 2019  
**DEPARTMENT:** Planning Service  
**HEAD OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2019/0641

**LOCATION:** 102 Lea Road

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

**WARD:** Abington Ward

**APPLICANT:** Mr Ali Chukmarov  
**AGENT:** Fox Architectural Design Ltd

**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 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 Shopping centre, bus services and amenities and would provide adequate facilities for cycle storage and refuse storage. The proposal thereby complies with the aims of the National Planning Policy Framework, Policies H1, H5, BN7 and S10 of the West Northamptonshire Joint Core Strategy, saved Policies E20 and H30 of the Northampton Local Plan and the Council's Houses in Multiple Occupation Interim Planning Policy Statement.

### **2 THE PROPOSAL**

#### **2.1** Permission is sought for a change of use from a 4 bedroom dwelling house (Use Class C3) to a house in multiple occupation (HIMO) (Use Class C4) for 5 people in 5 bedrooms. In terms of the layout, the basement would be retained as a storage space with a ground floor en-suite bedroom at the front with lounge and kitchen/dining room behind. At first floor there would be three bedrooms, one with an en-suite and there would also be a separate bathroom. On the second floor, a large en-suite bedroom is proposed. Parking would be on-street.

### **3 SITE DESCRIPTION**

- 3.1 The application site comprises a terraced property on Lea Road, located in a residential area with similar terraced properties on both sides of the street. The property has a private rear amenity space enclosed on 3 sides. The site is not in a conservation area and is in a low risk flood zone (flood zone 1).

### **4 PLANNING HISTORY**

- 4.1 No recent planning applications.

### **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.

### **6 National Policies**

- 6.1 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:

Paragraphs 72 (c) - ensure that a variety of homes to meet the needs of different groups in the community will be provided.

Paragraph 127 (f) - seeks to create safe and healthy places with a high standard of amenity for existing and future users.

#### **6.2 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 and Mix and Type of dwellings

Policy H5 - Managing Existing Housing Stock

Policy S10 - Sustainable Development Principles

Policy BN7 - Flood Risk

#### **6.3 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

#### **6.4 Supplementary Planning Documents**

Northamptonshire Parking Standards (September 2016)

## 6.5 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.

## 7 CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 7.1 **NBC Private Sector Housing** - the room sizes, amenities and facilities indicate that the proposed HIMO would meet the requirements of a 5 person HIMO.
- 7.2 **Northamptonshire Highways** - Object; as there is no residual parking capacity in the area and any increase in demand will increase the instances of illegal parking. The LHA considers that any impact will compromise highway safety to be a severe developmental impact. Although in isolation, it is argued that the cumulative impact of minor developments such as this need to be considered as a whole. In conclusion, raise objection due to lack of residual parking capacity, the increase in parking demand will increase dangerous parking, putting all road users at risk and is seen as a severe developmental impact.
- 7.3 **Councillor Zoe Smith** - Called in on parking and the number of occupants is considered excessive.

## 8 APPRAISAL

### Principle of the development

- 8.1 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 Joint Core Strategy allows for HIMOs where the proposal would not adversely impact on the character of the area and amenity of residential areas.

### Area concentration

- 8.2 Council records evidence that there are 8 other HIMOs within a 50m radius of the application site. The use of this property as a HIMO would equate to 14.2% concentration in the area out of 63 properties. This would still fall within the 15% maximum threshold recommended by the Council's adopted Interim Planning Policy Statement in relation to HIMOs.

### Size of property and facilities for future occupiers

- 8.3 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. 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 and all other rooms would meet IPPS standards. Private Sector Housing has advised that they will be satisfied with the accommodation

proposed as it meets their requirements. The basement would be used purely as storage and a condition secured that it does not become a habitable room.

### **Flood Risk**

- 8.4 As the site is in a low risk flood zone, there would not be any concern over the effect on local flooding.

### **Highways/Parking**

- 8.5 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.
- 8.6 The application property is located within easy walking distance to facilities along Abington Avenue and Wellingborough Road. It is considered that the application site is in a sustainable location within 150 metres of the nearest bus stop. 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. 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.
- 8.7 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 5 parking spaces, which is an increase of 2 compared to the existing use, as parking requirement for a 4-bed dwelling is 3 spaces.
- 8.8 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.
- 8.9 However, 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. It is considered that a refusal on highway grounds would not be sustainable on appeal.

### **Refuse storage**

- 8.10 Some details have been submitted for refuse storage. There is sufficient space to the rear of the property for bin storage, a condition is recommended to secure refuse provision.

### **Amenity**

- 8.11 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.

## **9 CONCLUSION**

- 9.1 The proposed development would not lead to an unacceptable concentration of HIMOs within the locality that would adversely affect 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.

## **10 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: 19/15/P/L, P01, P02, P03, P04B and P05.

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 five 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. Notwithstanding the submitted details, 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. Notwithstanding the submitted details, prior to the occupation of the 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 throughout the lifetime of the use of the building as a house in multiple occupation.

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

## **11 BACKGROUND PAPERS**

11.1 N/2019/0641.

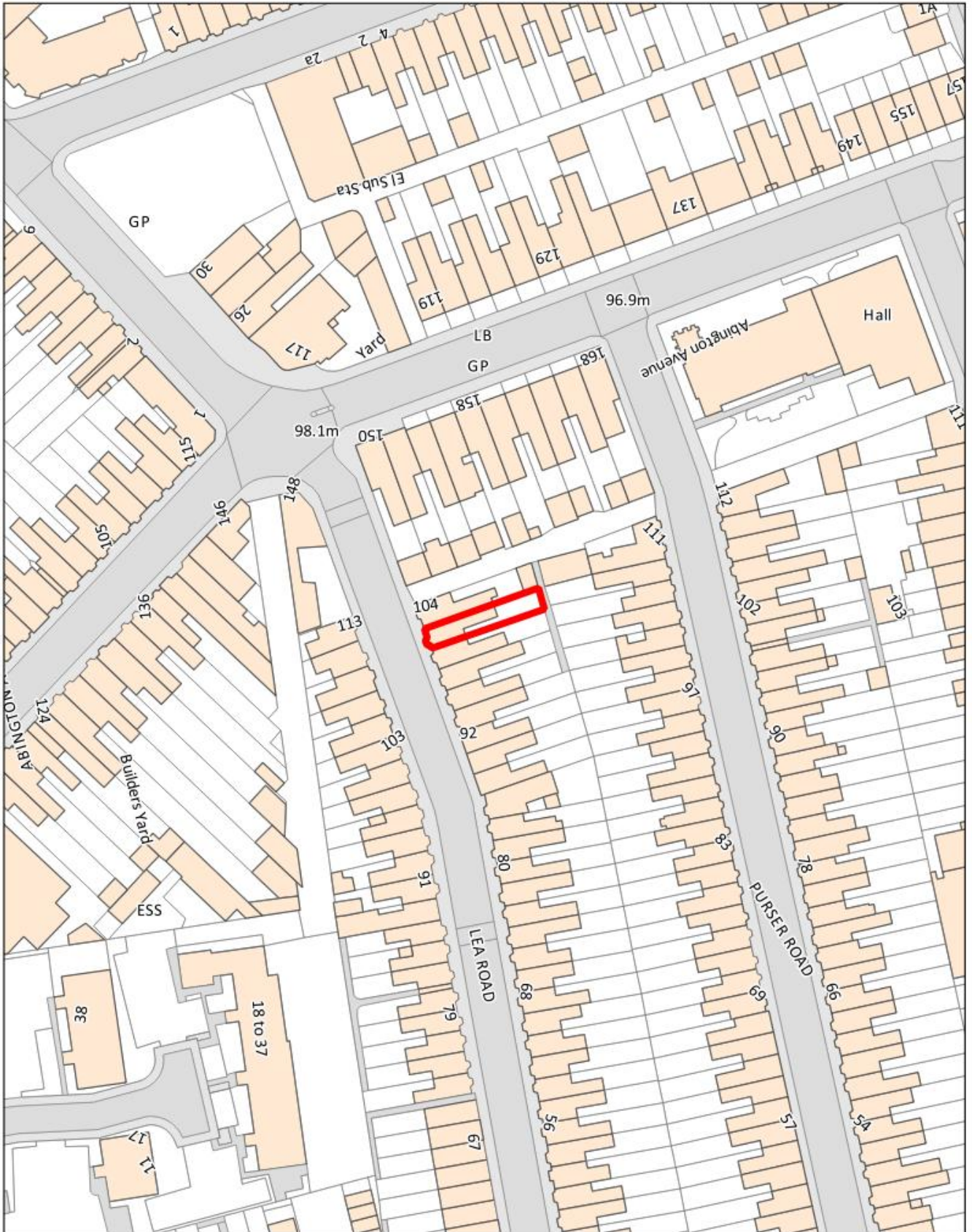
## **12 LEGAL IMPLICATIONS**

12.1 The development is not CIL liable.

## **13 SUMMARY AND LINKS TO CORPORATE PLAN**

13.1 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: **102 Lea Road**

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