



**PLANNING COMMITTEE:** 2<sup>nd</sup> July 2019  
**DEPARTMENT:** Planning Service  
**HEAD OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2019/0478

**LOCATION:** 109 Lea Road

**DESCRIPTION:** Change from House in Multiple Occupation (Use Class C4) for 5 occupants to House in Multiple Occupation (Use Class C4) for 6 occupants (Amendment to Planning Permission N/2018/1149)

**WARD:** Abington Ward

**APPLICANT:** VK Property Stream Limited  
**AGENT:** Architectural Solutions

**REFERRED BY:** Head of Planning  
**REASON:** Objector is a Council employee

**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 for one additional occupant would not significantly intensify the proposed use of the property as a house in multiple occupation. It is considered that the proposal is acceptable as the property 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 the National Planning Policy Framework; Policies H1, H5, BN7 and S10 of the West Northamptonshire Joint Core Strategy; Policies E20 and H30 of the Northampton Local Plan; and the Council's Houses in Multiple Occupation Interim Planning Policy Statement (IPPS).

#### **2 THE PROPOSAL**

2.1 Permission is sought to change a recently approved House in Multiple Occupation (Use Class C4) from 5 occupants to 6 occupants. The approval has already been implemented and the use of the property as a 5 persons HIMO is authorised.

- 2.2 The lounge on the previous scheme has been omitted from the ground floor layout and replaced by a proposed bedroom. The rest of the existing layout would remain unchanged which includes basement storage, ground floor kitchen measuring 11.5 square metres, 2 single ground floor bedrooms, 3 first floor bedrooms and a second floor bedroom (in the loft). Bedrooms 1, 2 and 5 have en-suites and there is a separate shower room/toilet on the first floor adjacent to bedroom four.

### **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 the street. The site is in close proximity to Kettering Road, which includes retail and commercial units. The site is close to bus routes on Kettering Road. The application site lies in Flood Zone 1, which means very low risk of flooding.

### **4 PLANNING HISTORY**

- 4.1 N/2018/1149 Permission granted, and implemented for a 5 occupant HIMO.

### **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:

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

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

#### **6.4 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- Planning and Flood Risk

#### **6.5 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

## 6.6 **Supplementary Planning Documents**

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

## 6.7 **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 50 metre 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** will require a License, the room sizes indicate that the proposal would meet requirements of 6 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 Three neighbour objections summarised as follows:

- Object to serious parking issues in area
- Concern over number of HIMOs on the street
- Concerns over fly-tipping and litter accumulating
- Impact on anti-social behaviour
- Noise and disturbance
- Concerns on area becoming a ghetto

## 8 **APPRAISAL**

### **Principle of the development**

8.1 The application property has planning permission for operating as a HIMO for 5 occupants and therefore the principle of the use of the property as a HIMO is established. The primary consideration, therefore, is whether the intensification in the use of the property from 5 to 6 people would provide a satisfactory standard of accommodation for future occupiers, and whether this increase would harm the amenities of the surrounding properties and the highway system.

### **Area concentration**

8.2 As the property is an existing HIMO, the area concentration is no longer a material consideration.

### **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 IPPS. A condition restricting the use of the property to a maximum of 6 people would ensure over-development does not occur. Private Sector Housing have confirmed that the room sizes, amenities and facilities indicated on the submitted plans indicate that the proposals would meet the requirements for a 6 occupant HIMO. All bedrooms would be served by adequate outlook and light. The application property has a basement storage area and a condition is recommended to prevent it becoming a habitable room. Even though the existing lounge would be removed, all other room sizes are acceptable, and this arrangement is not uncommon and has been supported by Private Sector Housing.

### **Flood Risk**

- 8.4 The application site is located in Flood Zone 1 and with very low risk of 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 Kettering Road and Wellingborough Road. It is considered that the application site is in a sustainable location within 250 metres of bus stop and within walking distance of local facilities on Kettering Road, Abington Avenue and Wellingborough Road. 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. Cycle storage can be agreed by condition.
- 8.7 The proposal is 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 1 additional space then the current approved use of the property as a HIMO for 5 people. 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.
- 8.8 There is no evidence to support that all the residents would own cars. Given that only one additional occupant is proposed and the sustainable location of the property, it is not considered that a refusal on highway grounds could be upheld at appeal. Furthermore, regard must be paid to recent 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.

### **Refuse storage**

- 8.9 Details have been submitted for refuse storage, which are deemed acceptable. A condition has been recommended to retain the arrangement and provision.

## **Amenity**

- 8.10 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 increase in the number of occupants from 5 to 6, will not lead to significant adverse impacts on neighbouring amenity or parking provision and the property is of sufficient size to accommodate the level of accommodation as proposed. The proposal will accord with the relevant requirements of both national and local planning policy and guidance. The proposed development is recommended for approval subject to the following conditions.

## **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: 18/K81/11 and 12.

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 6 residents at any one time.

Reason: In the interests of the amenity of the proposed occupiers and the surrounding area in accordance with Policy H1 and H5 of the West Northamptonshire Joint Core Strategy.

4. The bin storage area shall be implemented in accordance with the details on the approved plan within two months of the date of this permission 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. The existing basement shall not be used as a bedroom at any time throughout the lifetime of the development as a house in multiple occupation.

Reason: In the interests of residential amenity to comply with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy.

6. Prior to the occupation of bedroom 6 as shown on the approved plan, 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 bedroom 6 is used for its permitted purpose 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.

## **11. BACKGROUND PAPERS**

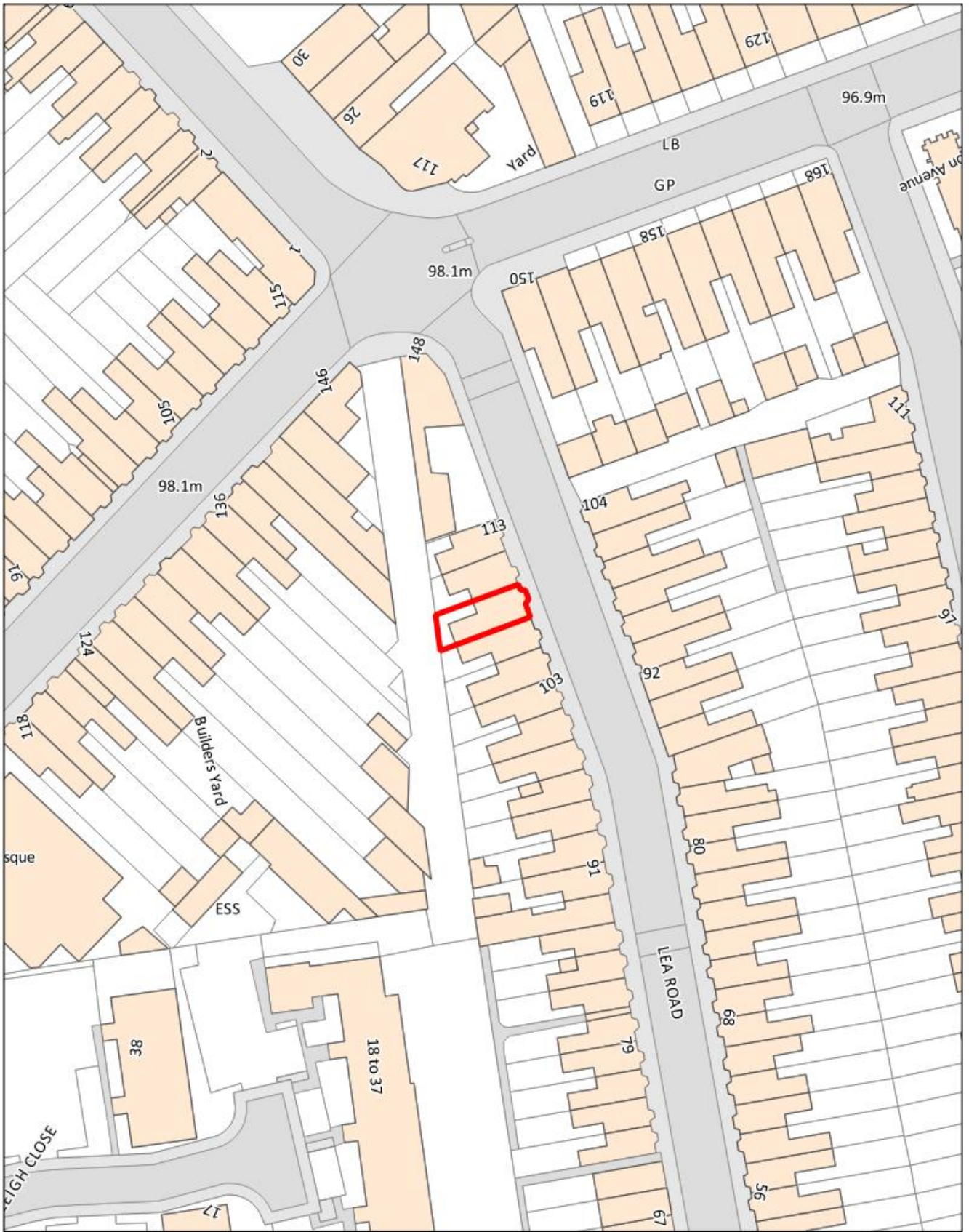
11.1 N/2019/0478

**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: **109 Lea Road**

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