

**PLANNING COMMITTEE:** 4<sup>th</sup> June 2019  
**DEPARTMENT:** Planning Service  
**HEAD OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2018/0837

**LOCATION:** 82 Stanhope Road

**DESCRIPTION:** Change of use from dwellinghouse (Class C3) to house in multiple occupation (Class C4) for 5 occupants with parking provision

**WARD:** Trinity Ward

**APPLICANT:** Alan Byrne  
**AGENT:** N/A

**REFERRED BY:** Councillor J Birch  
**REASON:** Overdevelopment

**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 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. 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 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 dwellinghouse (Use Class C3) to a house in multiple occupation (HIMO) (Use Class C4) for 5 people. The application has been amended during the course of the application and the number of occupants have been reduced from 6 to 5 and a bedroom has been removed from lower ground level. A new kitchen window would be installed to the front elevation.

- 2.2 Parking would be on-street; however two parking spaces have been provided in the rear garden, which could be accessed off the access road to the rear.
- 2.3 The site lies within an Article 4 Direction area, which removes permitted development rights for change of use from a dwelling to a HIMO.

### 3 **SITE DESCRIPTION**

- 3.1 The application site consists of a two storey, mid-terraced, 3 bed property located in a residential street similar terraced properties on the street. It is a split level property whereby the lower ground floor level can be accessed from the rear garden.
- 3.2 The site is in close proximity to Kingsthorpe Road and Harborough Road, which has a parade of retail units and public transport route. In addition, a local centre is located at the corner of Balmoral Road and Cranbrook Road.
- 3.3 The site lies in Flood Zone 1.

### 4 **PLANNING HISTORY**

- 4.1 None relevant

### 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 **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

#### 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  
Policy H30 – Multi occupation with a single dwelling.

## 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 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.

## 6 **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

- 6.1 **Councillor J Birch** - the proposal would result in over-development of the property and would generate issue related to refuse. Parking is already an issue and the proposal will also result in inadequate facilities for the development. Called in the application.
- 6.2 **Private Sector Housing** – No objection, the size of the rooms and facilities are acceptable.
- 6.3 **NCC Highways** – Advised that in the absence of a parking beat survey, applicant is not able to demonstrate the impact on highway safety and therefore LHA will object.
- 6.4 **Queens Park Resident Association** - Objects, because the proposal will go over 15% concentration. The proposal will result in loss of family home. The local area has parking problem and the development would increase that problem for local residents.
- 6.5 **12 public representation** have been received in objection. the comments have been summarised as follow:
- Parking issues in the area
  - Over concentration of HIMOs in the wider area
  - Parking generation form other developments
  - Noise issue
  - Fly-tipping and refuse storage issues
  - Impact on community cohesion
  - Rear access road is not accessible to Stanhope residents and cannot be used to access the proposed parking

## 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 4 existing HIMOs within 50m radius of the application site. The use of this property as a HIMO would equate to 7.4% 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. There is a mix of dwelling houses, it is considered that there would 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 Facilities and Amenities Guidance and appropriate kitchen/dining, WC and wash facilities. A condition restricting the use of the property to a maximum of 5 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 5 occupant HIMO and suggested for certain alterations, which were submitted in the amended proposals. All bedrooms would be served by adequate outlook and light.
- 7.4 No details have been submitted for cycle storage, but there is adequate space in the rear of the property that can be used for the storage of bins and cycles, the details of which would be secured by conditions.

### **Flood Risk**

- 7.5 The application site is located in Flood Zone 1 and with very low risk of flooding.

### **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 local facilities at Balmoral Road/Cranbrook Road and along Kingsthorpe Road and Harborough Road. It is considered that the application site is in a sustainable location within 300 metres of bus stops in Kingsthorpe Grove. 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. Details have been submitted for the 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 5 parking spaces, which is an increase of 3 compared to the existing use, as parking requirement for a 3-bed dwelling is 2 spaces.

- 7.11 In this case, the applicant has proposed to provide 2 off-street parking spaces to the rear of the property. The Highway Authority had originally requested for a Parking Beat Survey but the applicant has declined to submit such information. The Highway Engineer has suggested that since the applicant has refused to conduct a parking survey and therefore considered to be a failure to demonstrate highway safety would not be compromised, LHA object to this application on that basis.
- 7.12 However, regard must be paid to recent appeal decisions 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.
- 7.13 It should also be noted that in the most recent appeal decision the Inspector, in taking the view that the IPPS is consistent with one of the core principles of the National Planning Policy Framework, which is to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, attached significantly more weight to the IPPS than to the Northamptonshire Parking Standards in determining the appeal.
- 7.14 However, there is no evidence to support that all 5 residents would own cars. Given the number of occupants arising from the existing use and the sustainable location of the property, the fact that 2 parking spaces are proposed to be provided to the rear, it is not considered that a refusal on highway grounds could be upheld at appeal.

#### **Refuse storage**

- 7.15 No details have been submitted for recycle and bin storage, but there is adequate space in the rear of the property that can be used for the storage of bins, a condition has been recommended to submit the bin details.

#### **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 kitchen window on the front elevation would not require planning permission and can be installed under the provisions of the permitted development rights.

### **8. CONCLUSION**

- 8.1 The proposed development would not lead to an unacceptable concentration of HIMOs 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.

8.3 The proposed development is recommended for approval subject to the following conditions.

## **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, Block Plan, Cellar Proposed, 1st Floor Proposed, ground floor proposed, Parking Plan.

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 five 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. Details of facilities for the refuse storage shall be first submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details 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. Details of facilities for the cycle 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 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. Full details of the proposed cellar kitchen window shall be first submitted to and approved in writing by the Local Planning Authority. The approved window shall be installed prior to the property is used as a house in multiple occupation 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.

## **10. BACKGROUND PAPERS**

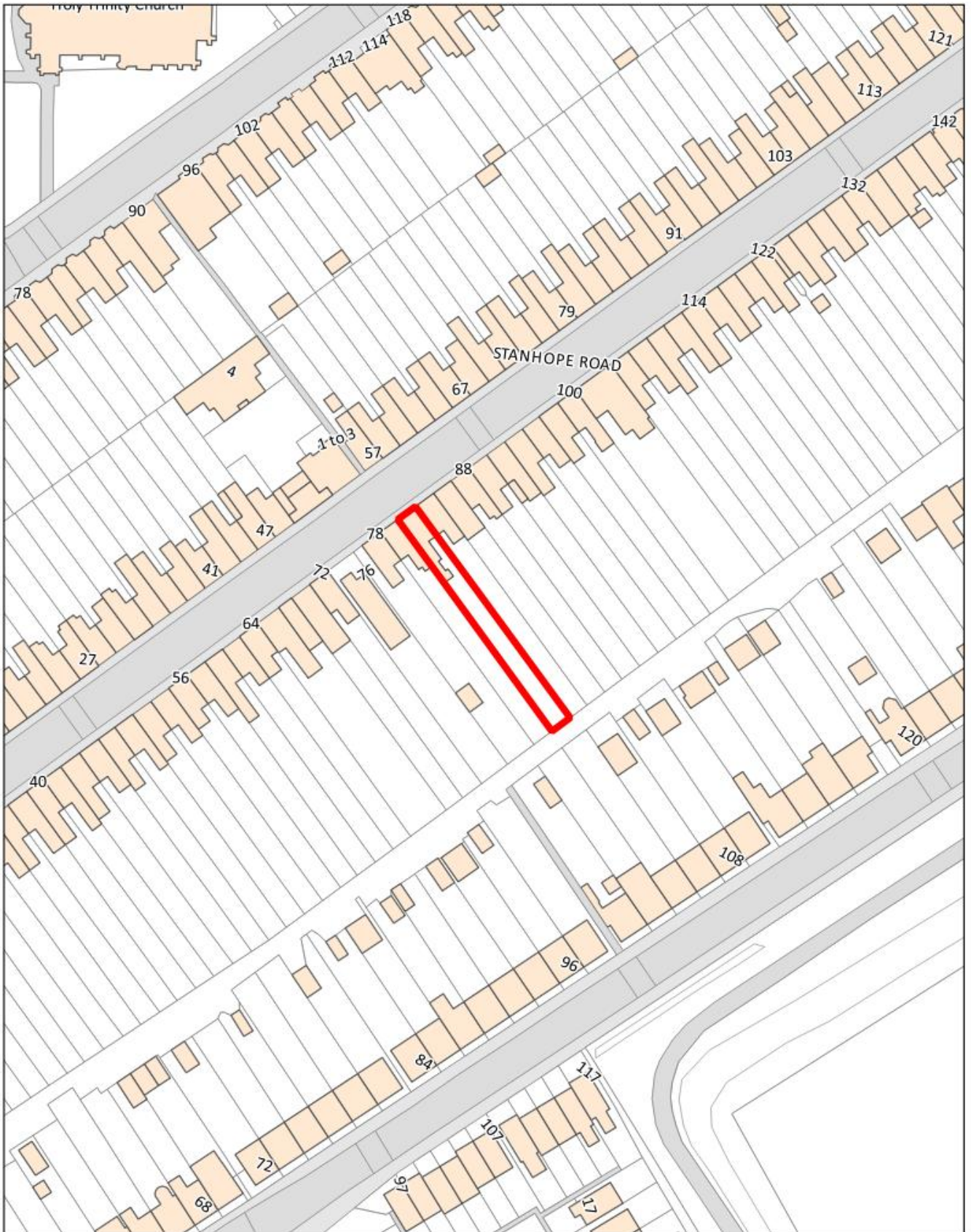
- 10.1 N/2018/0837.

## **11. LEGAL IMPLICATIONS**

- 11.1 The development is CIL not chargeable.

## **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: **82 Stanhope Road**

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Date: 17-05-2019

Scale: 1:1,000

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