



NORTHAMPTON
BOROUGH COUNCIL
Planning Committee

PLANNING COMMITTEE: 6th March 2012
DIRECTORATE: Planning and Regeneration
HEAD OF PLANNING: Susan Bridge

APP: N/2012/0070 Change of use from dwelling house (Use Class C3) to house in multiple occupation (Use Class C4) at 1 Chadstone Avenue, Northampton

WARD: Sunnyside

APPLICANT: Mr. Paul Stones
AGENT: Mr. Lee Randall

REFERRED BY: Cllr. Parekh
REASON: Detrimental impacts of the proposal on neighbour amenity and parking.

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 **APPROVAL** subject to conditions and the following reason:

The proposal would not result in an over-concentration of similar uses in the area, the property is of sufficient size, and adequate off-street parking has been provided, and is therefore in accordance with Policy H30 of the Northampton Local Plan.

2. THE PROPOSAL

2.1 Permission is sought for a change of use from single dwelling (C3) to a house in multiple occupation (C4) which requires permission due to the Article 4(1) Direction in this area.

3. SITE DESCRIPTION

3.1 A detached two storey two bedroom house within a cul-de-sac in a residential area. Chadstone Avenue contains twelve houses with a mix of semis and detached houses.

4. PLANNING HISTORY

- 4.1 79/1138 – ground floor rear extension – approved

5. PLANNING POLICY

5.1 Development Plan

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 current Development Plan comprises of the East Midlands Regional Plan, the saved policies of the Northamptonshire County Structure Plan and Northampton Local Plan 1997.

5.2 National Policies:

PPS1 – Delivering Sustainable Development
PPS3 – Housing

5.3 Northampton Local Plan

E20 – New Development
E19 – Implementing Development
H30 – Houses in Multiple Occupation

5.4 Supplementary Planning Guidance

Northamptonshire County Parking Standards SPG 2003

6. CONSULTATIONS / REPRESENTATIONS

- 6.1 **NBC Public Protection** – no objections

- 6.2 **NCC Highway Authority** – no response at the time of writing this report.

- 6.4 **Objections** received from **9, 49, 51 Yardley Drive; 60 Falcutt Way; 2, 6, 7, 12, 14 Chadstone Avenue; 1, 2 Upton Close** and a petition containing 72 signatures. The following summarises the neighbour objections:

6.4.1 Proposed use will exacerbate existing parking problems within the cul-de-sac and surrounding area, and prevent access by emergency vehicles and refuse lorry, also vehicles obstruct footpaths by parking on them;

6.4.2 The over-intensive use of the property will result in noise and general disturbance to residents;

6.4.3 The proposed use will have a detrimental effect upon the character and amenities of an established single family residential area;

6.4.4 Already a high proportion of houses in multiple occupation in the Sunnyside area which has a detrimental effect on the character of the area;

- 6.4.5 Possible restrictions in property's conveyance that would prevent the planning application being proposed legally;
- 6.4.6 The reason the Article 4 Direction was introduced was due to numerous problems and subsequent distress caused to neighbours of houses occupied by students;
- 6.4.7 Proposal will set a precedent for Chadstone Avenue and adjoining streets;
- 6.4.8 Dropped-kerb not wide enough to accommodate proposed additional off-street parking;
- 6.4.9 Drawing with application contravenes current building regulations;
- 6.4.10 Application goes against Council's original concept of having a private residential housing estate at Sunnyside; and
- 6.4.11 Two recent refusals of similar development cited.

7. APPRAISAL

- 7.1 Information provided with the application states that the proposal is intended for student accommodation, and that the property will be fully accredited by NBC, in partnership with the University of Northampton, and the National Landlord's Association. The management plan for the property includes a tenancy contract which covers issues which may affect surrounding amenity, e.g. noise disturbance, handling of rubbish/recycling materials, and the general maintenance of the property.
- 7.2 The proposed use is assessed against Policy H30 of the Northampton Local Plan which states that permission for such a use would be granted as long as:
 - The property is of sufficient size;
 - It would not result in an over-concentration of similar uses which would be detrimental to the amenities of neighbouring residents in the locality; and
 - Would not create a substantial demand for on-street parking in areas experiencing local difficulties in this respect.

Size of property

- 7.3 The submitted plans indicate five bedrooms within the house (3 at first floor and 2 at ground floor), with shared space (kitchen/diner and living room) on the ground floor and a communal bathroom at first floor. These plans demonstrate that the property is large enough to house 5 people as all of the rooms are of a sufficient size, configuration and shape to support the proposed use and there is adequate amenity and general space within the curtilage of the dwelling.

Over-concentration of use/Neighbour amenity

- 7.4 When assessing this issue, recent data collected from Council records (Council Tax and Private Sector Housing) combined with the case

officer's observations of the area indicates that there are very few houses in multiple occupation within this vicinity, and none within Chadstone Avenue itself.

- 7.5 Other issues that may affect neighbour amenity usually associated with HIMO's are accumulations of refuse on the street, and disturbance due to noise and the intensified use of the site. In response to these potential issues officers have requested information from the applicant regarding the management of the property / use proposed and the applicant has demonstrated his intention to manage these issues via a management plan (see para. 7.1). This matter can be controlled via condition.

Parking

- 7.6 Notwithstanding the concerns of neighbouring residents as to existing parking problems in the area, the proposal includes 5 off-street parking spaces. It is considered that this satisfactorily mitigates any potential additional parking issues that may result from the proposed use of this property.

Other concerns of neighbours

- 7.7 Issues raised by neighbours in points 6.4.1 to 6.4.4 have been considered in the above paragraphs. In response to the remaining points, which are not material planning considerations:
- Point 6.4.5: any planning permission granted does not prejudice any covenants on the deeds of the property.
- Point 6.4.6: the Article 4(1) Direction provides the Council with some control over such changes of use that would normally be permitted under the Use Classes Order.
- Point 6.4.7: applications are assessed on their individual merits; precedent of this type is not a material consideration.
- Point 6.4.8: the installation of a dropped-kerb in this location does not require planning permission.
- Point 6.4.9: any permissions required under the Building Regulations are separately applied for.
- Point 6.4.10: the proposed use does not change the residential nature of the area.
- Point 6.4.11: each application is assessed individually.

8. CONCLUSION

- 8.1 With the above assessment, it is considered that this application is in accordance with policy: the property is large enough for five people; there is clearly no over-concentration of similar uses in the area which would result in a detrimental impact upon amenity and character of the area; and adequate off-street parking has been provided.
- 8.2 The proposed use is of a residential nature within a residential area, and accordingly the application is 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) Prior to the first use of the property for the use hereby permitted a Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall ensure the proper supervision of the residents of the premises to minimise the impact on surrounding residents and be so implemented at all times the property is in multiple occupation use. The use shall only proceed and continue in full accordance with the approved Management Plan.

Reason: In the interests of residential amenity and the character of the area and to comply with policy H30 of the Northampton Local Plan.

- (3) The premises shall be used as a house in multiple occupation for a maximum of five residents only.

Reason: To ensure that a satisfactory standard and layout of accommodation is provided in the interests of the amenity of occupants and nearby residents in accordance with Policy E20 of the Northampton Local Plan.

- (4) 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, implemented prior to the premises being used for the permitted purpose and retained thereafter. Refuse shall at all times be stored fully within the curtilage of the site, except on the day of collection.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

10. BACKGROUND PAPERS

- 10.1 None.

11. LEGAL IMPLICATIONS

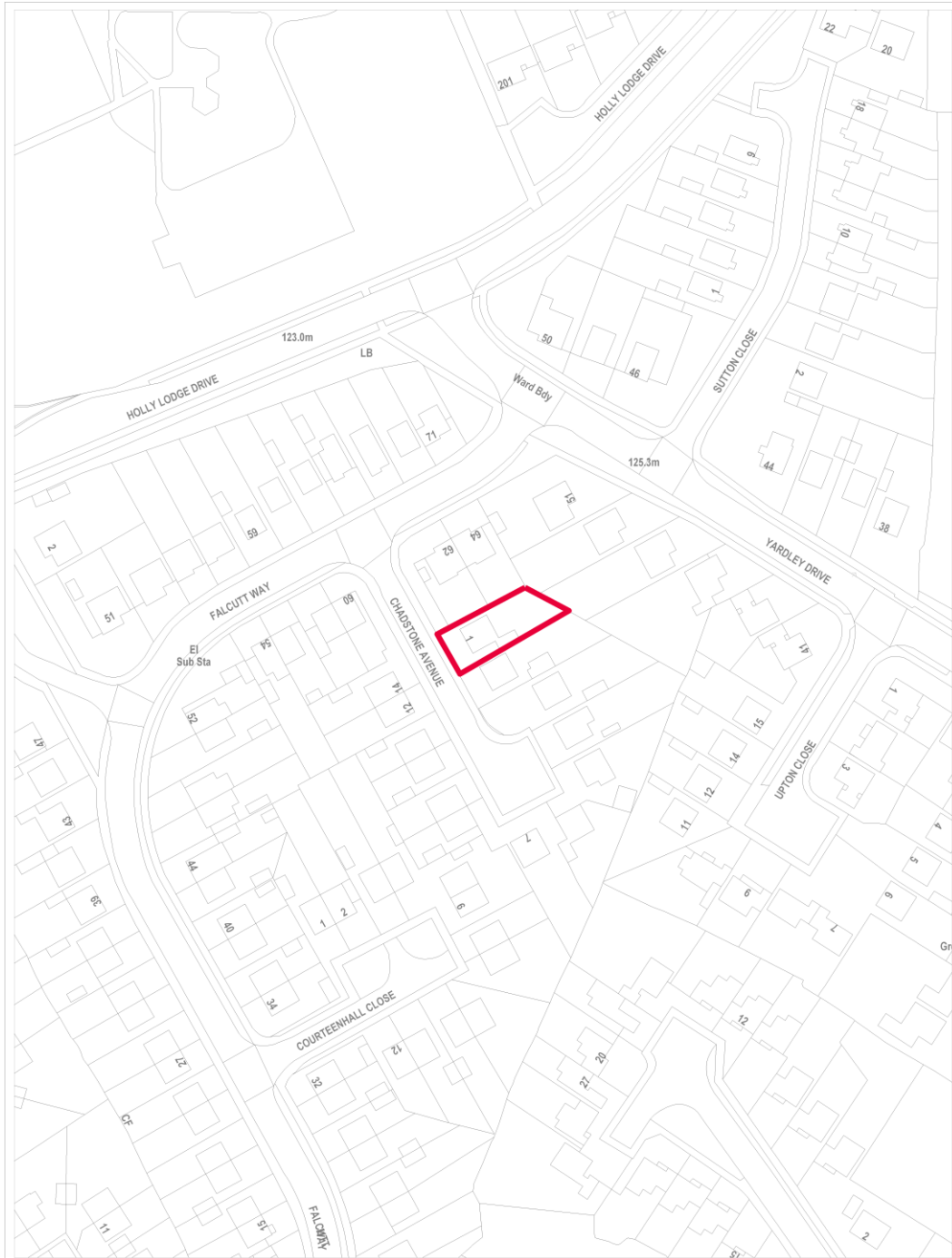
- 11.1 None.


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.

Position:	Name/Signature:	Date:
Author:	E. Williams	23/02/2012
Development Control Manager Agreed:	Gareth Jones	24/02/2012



 <p>NORTHAMPTON BOROUGH COUNCIL</p>	<p>Name: Registration Date: 23rd February 2012 Scale: 1:1250 Dept: Planning Project: Location Plan</p>	<p>Title 1 Chadstone Avenue</p>
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