



PLANNING COMMITTEE: 17th July 2014
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2014/0519 **Change of use from offices (Use Class B1) into 10 bedroom house of multiple occupation (Sui Generis) including alteration to windows on front and rear elevations (increase of 3 persons from planning permission N/2013/0931) at 24 York Road, Northampton**

WARD: Castle

APPLICANT: Mr Gary Bees
AGENT: Rod Kilsby Partnership

REFERRED BY: Head of Planning
REASON: Previous application was determined at Planning Committee

DEPARTURE: No

APPLICATION FOR DETERMINATION :

1. RECOMMENDATION

1.1 REFUSAL for the following reason:

The applicant has failed to demonstrate that the proposal would have satisfactory parking arrangements to cater for the 10 occupiers leading to increased parking pressure on nearby streets to the detriment of highway safety contrary to the aims of Paragraph 32 of the National Planning Policy Framework.

2. THE PROPOSAL

2.1 Planning permission was granted for a change of use of an office building (use class B1) to large house in multiple occupation for 7 occupiers (Sui Generis use) in 2013. This current planning application

seeks to increase the number of occupiers from 7 to 10 occupiers. The application provides a total of 8 bedrooms, with communal kitchen, lounge and dining room in the basement. The proposal spans all 4 floors of the building and also includes minor alterations to the front window at ground floor and rear/front basement windows to double glazed. The applicant has commenced work converting the premises in line with the previous permission. He has also submitted a Management Plan in support of their application detailing how he intends to deal with refuse provision, cleaning, cycle storage and tenant behaviour within the property.

3. SITE DESCRIPTION

- 3.1 The site consists of a 4 storey terraced building on the western side of York Road sandwiched between residential flats on one side and offices on the other. The area is mixed use in character. The site is located close to the northern boundary of the St Giles Conservation Area and within a Safeguarded Employment Zone in the CAAP. The building has been vacant since April 2011. The property has a reasonably large private rear garden over 60 square metres in area. There is no off road car parking associated with the property.

4. PLANNING HISTORY

- 4.1 N/2013/0931 Permission for 7 person House in Multiple Occupation granted at Planning Committee in October 2013. The application was subject to planning condition restricting the maximum number of occupiers to 7. This was for a total of 7 bedrooms with lounge and kitchen/dining room in the basement.

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 Development Plan for the purposes of this application comprises Northampton Local Plan 1997 saved policies, Northampton Central Area Action Plan, and whilst not yet adopted, weight can be attributed to the Submitted West Northamptonshire Joint Core Strategy (as subsequently modified).

5.2 National Planning Policy Framework (NPPF)

A number of areas of the National Planning Policy Framework (NPPF) are pertinent to this application. In particular, paragraph 14 states that on matters where there are no up to date development plan policies, the presumption in favour of sustainable development takes

precedence. Paragraph 17 requires that new developments be of a good standard of design and secure a satisfactory standard of amenity.

Paragraph 32 of the NPPF states that developments should be designed to allow safe and suitable access to a site for all people.

- 5.4 The NPPF does not offer specific guidance to Local Planning Authorities (LPAs) in respect of applications for the change of use from offices to a house in multiple occupation. It does however urge LPAs to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (paragraph 50). Paragraphs 56 and 57 of the NPPF also encourage good design.

5.3 **Northampton Borough Local Plan**

Policy H30 (Houses in Multiple Occupation) is not relevant as it relates only to development within Primarily Residential Areas.

5.4 **Northampton Central Area Action Plan**

Policy 1 - Promoting Design Excellence

Encourages new development to be of good design and positively contribute to the area with regard to scale, materials and style. It also seeks to preserve and enhance the character, appearance and setting of central area heritage assets.

Policy 15 - Office and Business Uses

Promotes the central area as an office and business centre. Applications for change of use for uses outside Use Class B will only be approved where it can be demonstrated that the loss of employment will be outweighed by meeting the strategic objectives or that any office floor space is replaced as part of a mixed use proposal

5.5 **Other Material Considerations**

Submitted West Northamptonshire Joint Core Strategy (as subsequently modified)

An increasing amount of weight can be given to the West Northamptonshire Joint Core Strategy (JCS), which provides an up to date policy basis as it fully considers the current Government requirements for plan making and is in full conformity with the NPPF. The plan has been the subject of an examination in public and the findings of the Inspector are awaited. The examination focused upon policies that had been the subject of unresolved objections.

Policy H6 of the JCS states that existing houses should be permitted to change to houses in multiple occupation in instances where they would not adversely impact upon the character and amenity of residential areas. Housing related policies in the JCS have also been formulated following an objectively assessed housing needs assessment. Given that this policy has not been the subject of any objection, it was therefore not debated at the examination and therefore must be given some weight in the determination of this planning application. Although H6 relates to changes from existing houses the thrust of the policy is still relevant given that the end use is the same (HMO).

5.6 **Supplementary Planning Guidance**

Northamptonshire County Parking Standards SPG 2003
Planning out Crime in Northamptonshire SPG 2004

6. **CONSULTATIONS/ REPRESENTATIONS**

6.1 **Public Protection (NBC)** No objections

6.2 **Private Sector Housing (NBC)** No objections

6.3 **Highway Authority (NCC)** The developer has failed to demonstrate that there is sufficient parking available to serve the development and therefore recommends refusal on highway grounds.

6.4 **Built Conservation (NBC)** Do not consider that the proposed increase would harm the conservation area. The only concern is the proposed changes to the ground floor front window given that replicating the other unsympathetic front windows is not ideal. We would be more comfortable with a traditional solution.

6.5 **Town Centre Conservation Area Advisory Committee** object on over-development

6.5 **Letters of objection received from numbers 23 York Road and 106-110 Abington Street (Sheinman's Opticians)**

- Concern on over-crowding
- Noise impacts late at night
- Detrimental impact on adjoining uses

7. **APPRAISAL**

Principle of development

7.1 Whilst the site is safeguarded in the CAAP for office uses, strategic objective SO7 in the CAAP also encourages the repopulation of the Central Area. The site has been vacant since April 2011, the applicant has confirmed via the letting agent that the site has been marketed

unsuccessfully for office with the lack of on-site parking making it less attractive for office tenants. The proposed use would bring a vacant unit back into active use in a sustainable location in the town centre and in line with the objective in the CAAP. It should be noted that changes to regulations (May 2013) would allow the vacant offices to be converted to residential use (class C3) without permission, although the owner would have to give a Prior Notification of their intention to change the use. Furthermore, planning permission was granted last year for the conversion to a house in multiple occupation for 7 people, therefore the principle of such a change of use has been accepted previously and the consideration here is the increase in number of occupants from 7 to 10.

Parking

- 7.2** The Highway Authority raise strong concerns regarding the lack of parking provision. Although it is acknowledged that the site is sustainable, being located within walking distance of town centre shopping area, bus station and car parks, it is considered that a total of 10 occupiers would generate a form of development requiring significant off street parking provision. The site under question has no off road parking at all and may force cars to park on nearby streets and even on the busy York Road leading to highway safety concerns and the detriment to the free flow of traffic on the public highway. Although a 7 person HMO has been approved in 2013 it is considered that the increased intensification to 10 occupiers would raise significant highway concerns and this would be contrary to Paragraph 32 of the NPPF.

Impact on amenity of neighbours and residential amenity

- 7.3** The property is large enough to accommodate the proposed 10 occupants. All habitable rooms would be large enough and offer sufficient outlook and light for future occupiers. Although the proposed rear ground floor bedroom is rather small being only 7.2 square metres in internal floor area it is considered large enough for a single occupier and meets the Private Sector Housing standards. It is considered that the effect on neighbours' living conditions in terms of noise and privacy would be acceptable bearing in mind the previous use as offices which could have more than 10 employees. Furthermore, as stated previously 7 residents has already been considered acceptable and an increase in 3 would not impact adversely on neighbour's living conditions. The property has a private garden area which is accessible to all future occupiers via the basement kitchen. The applicant confirms that they will provide adequate refuse storage to the rear of the site as indicated on the plans. It is not considered that the proposal is an over-development of the site. The applicant's Management Plan also details how they plan to work with the Police, neighbours and deal with cycle parking/refuse and general up keep of the HMO.

Over concentration of uses

- 7.4 From recent data collected, it is evident that there are other HIMOs on the same road. However these represent a small proportion of the properties (there are over 60 properties along York Road, out of which combined with Planning, Private Sector Housing and Council Tax records indicate that 3 are in HIMO use). It is not considered that the character of this street would be substantially affected bearing in mind there is a mix of other commercial uses on York Roa



Name: SW
 Date: 9th July 2014
 Scale: 1:1250
 Dept: Planning
 Project: Site Location Plan Committee

Title
24 York Road

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Impact on appearance and character of the St Giles Conservation Area

7.5 The proposed works to the external of the building are fairly minor in scale and therefore the effect on the Conservation Area is considered reasonably limited. The Council's Conservation Officer raises no objection on appearance and character of the designated area although he has some concern on the alterations to the front ground floor window which in their opinion are not ideal. However, given that the alterations reflect the design of the upper floor front windows and no objection was raised in the 2013 application it is considered that it would be unreasonable to object to the current submission.

8. CONCLUSION

8.1 Whilst the current proposal, is more intensive than the approved scheme of 7 occupiers it is considered that the property is of sufficient size to cater for the increased number of residents in terms of layout and room size. However due to the potential increased pressure on parking and fact that there has been no off street parking provided it is considered that the impact on highway safety would merit a refusal of planning permission that would outweigh the other factors raised above.

10. BACKGROUND PAPERS

10.1 N/2014/0519

11. LEGAL IMPLICATIONS

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:	Susan Bridge	
Development Control Manager Agreed:	Tracy Miller	25/06/2014