



NORTHAMPTON
BOROUGH COUNCIL
Planning Committee

PLANNING COMMITTEE: 12th April 2016
DIRECTORATE: Regeneration, Enterprise and Planning
DIRECTOR: Steven Boyes

APPLICATION REF: N/2015/1424

LOCATION: 35 Cowper Street

DESCRIPTION: Change of use from dwelling (C3) to House in multiple occupation (C4) for three residents

WARD: Castle Ward

APPLICANT: Mr Luthra
AGENT: Archi-tec Architectural Design

REFERRED BY: Director of Regeneration, Enterprise and Planning
REASON: Previous application dismissed on appeal

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 **APPROVAL** subject to the conditions as set out below and for the following reason:

The development would not lead to an unacceptable concentration of HIMOs within the locality that would adversely impact upon the character of the street, 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 is in accordance with the requirements of Policies H1, H5, BN5 and S10 of the West Northamptonshire Joint Core Strategy, Policies E20, E26 and H30 of the Northampton Local Plan, the Houses in Multiple Occupation Interim Planning Policy Statement and the aims and objectives of the National Planning Policy Framework.

2. THE PROPOSAL

2.1 Permission is sought to change the use from single dwelling to house in multiple occupation (HIMO) for 3 people.

2.2 This application was deferred from the 15th March 2016 Planning Committee meeting for further consideration in particular regarding issues of noise, anti-social behaviour, parking and number of HIMOs in the area.

3. SITE DESCRIPTION

- 3.1 A two storey mid-terrace dwelling of the Victorian era, within the Boot and Shoe Quarter Conservation Area, and within a residential area as so designated in the Northampton Local Plan. The area is included in the Article 4 Direction which has removed permitted development rights for Class C4 use.
- 3.2 The property fronts directly on to a street of approx. 60 houses, and has a long rear garden, with no car parking spaces provided on site. Surrounding uses include single family dwelling houses, flats, and houses in multiple occupation. Three bedrooms and a bathroom are provided upstairs, with two lounges, a kitchen, utility room and WC provided on the ground floor, with a basement room for storage.
- 3.3 The property is currently in use as a HIMO for four occupants.

4. PLANNING HISTORY

- 4.1 N/2014/1025 – change of use from dwelling to house in multiple occupation for 4 people – retrospective – refused and dismissed at appeal.

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), and the Northampton Local Plan (1997).

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

5.2 National Policies

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:

Paragraph 17 - Core Principles - seeks to secure high quality design and good standard of amenity for existing and proposed occupiers.

Paragraph 49 - Housing applications considered with presumption in favour of sustainable development.

Paragraph 50 - To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, should 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 56 - Good design is a key aspect of sustainable development.

Chapter 12 – Conserving and enhancing the Historic Environment.

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 - States that development should provide for a mix of house types, sizes and tenures to cater for different accommodation needs. Housing developments will be expected to make the most efficient use of land having regard to the location and setting of the site, the existing character and density of the local area, accessibility to services and facilities, proximity to public transport routes, the implications of density for affordability and viability, the living conditions provided for future residents, the impact on the amenities of occupiers of neighbouring properties.

Policy H5 - seeks to manage and safeguard existing housing stock, including through HIMOs where they would not adversely impact upon the character and amenity of residential areas.

Policy S10 - requires development to satisfy a range of sustainable development principles including through achieving the highest standards of sustainable design; maximising opportunities for reuse and recycling; and promoting walking and cycling and protecting, conserving and enhancing the natural and built environment and heritage assets and their settings.

Policy BN5 – Historic Environment: Designated heritage assets and their settings will be conserved and enhanced in recognition of their individual and cumulative significance.

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 should adequately reflect the character of surroundings and ensure adequate standards of privacy, daylight and sunlight.

Policy E26 – the character and appearance of conservation areas should be enhanced or preserved.

Policy H30 – requires HIMOs to be of sufficient size to accommodate the proposed use and not result in an over concentration to the detriment of the character and amenity of the area or result in a substantial demand for on street parking in areas judged to be experiencing difficulties.

5.5 Supplementary Planning Documents

Northamptonshire County Parking Standards SPG 2003
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 50m 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.

Boot and Shoe Quarter Conservation Area Appraisal 2011

6. CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 6.1 **NBC Conservation** – no physical changes to the building fabric are proposed, and use would have a neutral impact on the character and appearance of the Conservation Area.

NBC Private Sector Housing – space and amenities provided are suitable to let to 3 individuals from 3 separate households. The property is already licenced under Part 2 of the Housing Act.

Councillor D Stone – Cowper Street is one of the worst in my ward for HIMOs and houses turned into flats. It is awash with rubbish and litter most of the time. It has immense parking issues. Families live in this street and have a truly horrible time.

Highway Authority – whilst parking is at a premium in the area, the LHA does not believe that the potential increase in parking demand created by the change of use to a three bedroom HIMO will compromise highway safety or amenity in the area.

- 6.2 Letters sent to immediate neighbours, site notice posted and newspaper advertisement placed.
- 6.3 25 responses from neighbours received objecting on the grounds that Cowper Street is being targeted by landlords who want to make money, most of the time ignoring planning permission, multiple occupied houses already overpopulate the street with an impact on car parking, noise, anti-social behaviour, refuse on street and increased public nuisance.
- 6.4 In addition, 32 survey responses have been received regarding parking problem in the vicinity of Cowper Street.

7. APPRAISAL

Principle of the development

- 7.1 The conversion of an existing dwelling to a HIMO is considered to be in accordance 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 they would not adversely affect the character and residential amenity of an area.

- 7.2 In principle, houses in multiple occupation are considered to be acceptable in a residential area.

Size of property

- 7.3 The plans indicate two lounges, kitchen, utility and a WC on the ground floor and three bedrooms and a bathroom on the first floor. The response from Private Sector Housing indicates that the property can accommodate 3 people from three separate households, and holds a licence for the same under the Housing Act 2004. It is considered that the application therefore complies with Principle 2 of the Council's adopted Planning Policy Statement on HIMOs, that adequate facilities and amenities would be provided for occupants.

Area Concentration

- 7.4 Updated Council records evidence that the application would not lead to an over-concentration of authorised and licensed HIMOs within a 50m radius of the application site i.e. there would be a total of 8 HIMOs within the 50m radius, which would equal to 11% out of 72 properties. The application therefore complies with Principle 1 of the Council's adopted Planning Policy Statement on HIMOs, which states that '*... applications 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 50m radius.*'
- 7.5 The Interim Planning Policy Statement on Houses in Multiple Occupation was adopted November 2014. Since that time, Council records as to existing HIMOs have been updated, and the Policy Statement is under review. There are currently two other properties in Cowper Street that are suspected unauthorised HIMOs, but only one of these is within the 50m radius of the application site, which, if taken into account, would not raise the concentration percentage over 15%. The Planning Department continues to liaise closely with the Private Sector Housing to resolve these matters.
- 7.6 The previous application for a 4 person HIMO at this site (N/2014/1025) was refused (and dismissed at appeal) in October 2014 for the reason of '*undue concentration of such premises in this locality to the detriment of the general amenities and character of the area, contrary to Policy H30 of the Northampton Local Plan*' However, it should be noted that the HIMO Interim Planning Policy Statement was not adopted at that time, and the method of assessing over-concentration was different i.e. data was collected for Cowper Street as a whole, as opposed to an area (50m radius) around the property. Also since that time, the Council has updated its records for HIMO properties and the information and data now being used are more robust.
- 7.7 It is considered that this method of assessing HIMO concentration in an area would acceptably safeguard existing housing stock, as is required by Policy H5 of the West Northamptonshire Joint Core Strategy.

Parking

- 7.8 No off-street parking is provided, and neighbours have objected on this issue. However, the amended plan indicates cycle storage in the rear garden, and also the

site is located within walking distance (130m) of a main bus route, and a Local Centre. This therefore complies with Principle 3 of the Council's adopted Planning Policy Statement on HIMOs.

- 7.9 The Highway Authority has raised no objections to this application, on the basis that whilst parking is at a premium in the area, the LHA does not believe that the potential increase in parking demand created by the change of use to a three bedroom HMO from a three bedroom single family dwelling will compromise highway safety or amenity in the area.
- 7.10 In regard to the results of a recent parking survey relating to an application at 36 Cowper Street (change of use from single family dwelling to a HIMO for 5 people), the LHA further comments are as follows:

'I can confirm that the results of the parking survey for the area around Cowper Street will not change the previous position of the LHA for application N/2015/1424 – 35 Cowper Street – HIMO for 3 residents. It is not believed that the potential demand for parking for a three person HIMO will be greater than the maximum potential demand that could be reasonably assumed to be generated from a typical residential dwelling. Therefore, the LHA maintains no objection to the application.'

Bin Storage

- 7.11 The amended plan indicates an area for refuse bins in the back garden. This is therefore considered to be in compliance with Principle 4 of the Council's adopted Planning Policy Statement on HIMOs.
- 7.12 Consequently it is not considered that any refusal of planning permission or the imposition of planning conditions in relation to amenity issues of refuse disposal would be reasonable or sustainable at appeal.

Amenity

- 7.13 The proposed use falls within Use Class C4, which categorises this as a residential use, which in planning terms should not generate significant amenity impacts, such as noise or anti-social behaviour upon local residents over and above those created by a more conventional dwelling house. Indeed, without the Article 4 Direction, planning permission would not have been required for this change of use.
- 7.14 Several objections have been received from neighbours concerning anti-social behaviour arising from HIMOs. Such matters as the unsatisfactory handling of refuse and noise disturbance would be the landlord's responsibility under The Management of Houses in Multiple Occupation (England) Regulations 2006 and would be included in the tenancy agreement, and also part of the Council's Licencing process. Such matters would also fall under the Environmental Protection Act 1990 if the anti-social behaviour is arising from HIMOs.
- 7.15 Consequently it is not considered that any refusal of planning permission or the imposition of planning conditions in relation to amenity issues would be reasonable or sustainable at appeal.
- 7.16 The recent Appeal Decision for 76 Somerset Street illustrates this point, as follows:

'The appellant states that he manages the property in a way which is focussed on professional people who are vetted before they are granted a tenancy, and that the

tenancy agreement contains obligations to minimise noise. Whilst the planning permission runs with the land, there is no evidence to suggest that new ownership or management would lead to more significant noise issues being experienced. As the HMO is a residential use it cannot be assumed that it would create a noise problem which is materially worse than would be generated by use as a single dwelling house, which could involve for example young children or teenagers.'

Public Nuisance

- 7.17 An issue of public nuisance could result from anti-social behaviour within the public domain, and this may be a criminal offence. However, this could arise in any residential setting and should not necessarily be linked to residential dwellings in use as HMOs. As stated above, in rented accommodation, anti-social behaviour of tenants would be the responsibility of the landlord and would be covered in tenancy agreements.

8. CONCLUSION

- 8.1 Taking the above into account, it is considered that the use of this property as a HMO for 3 people is in compliance with Policy requirements, and is therefore 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) The development hereby permitted shall be carried out in accordance with the following approved plans: location plan, L13-1A.

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 three residents at any one time.

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

- (4) The bin storage and cycle storage provision as indicated on the approved plans shall be implemented prior to the use commencing and retained thereafter.

Reason: For the avoidance of doubt and to secure a satisfactory standard of development in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

- (5) The basement area shall not be used for habitable accommodation at any time.

Reason: For the avoidance of doubt and to avoid overdevelopment of the site in the interests of amenity in accordance with Policy H5 of the West Northamptonshire Joint Core Strategy.

10. BACKGROUND PAPERS

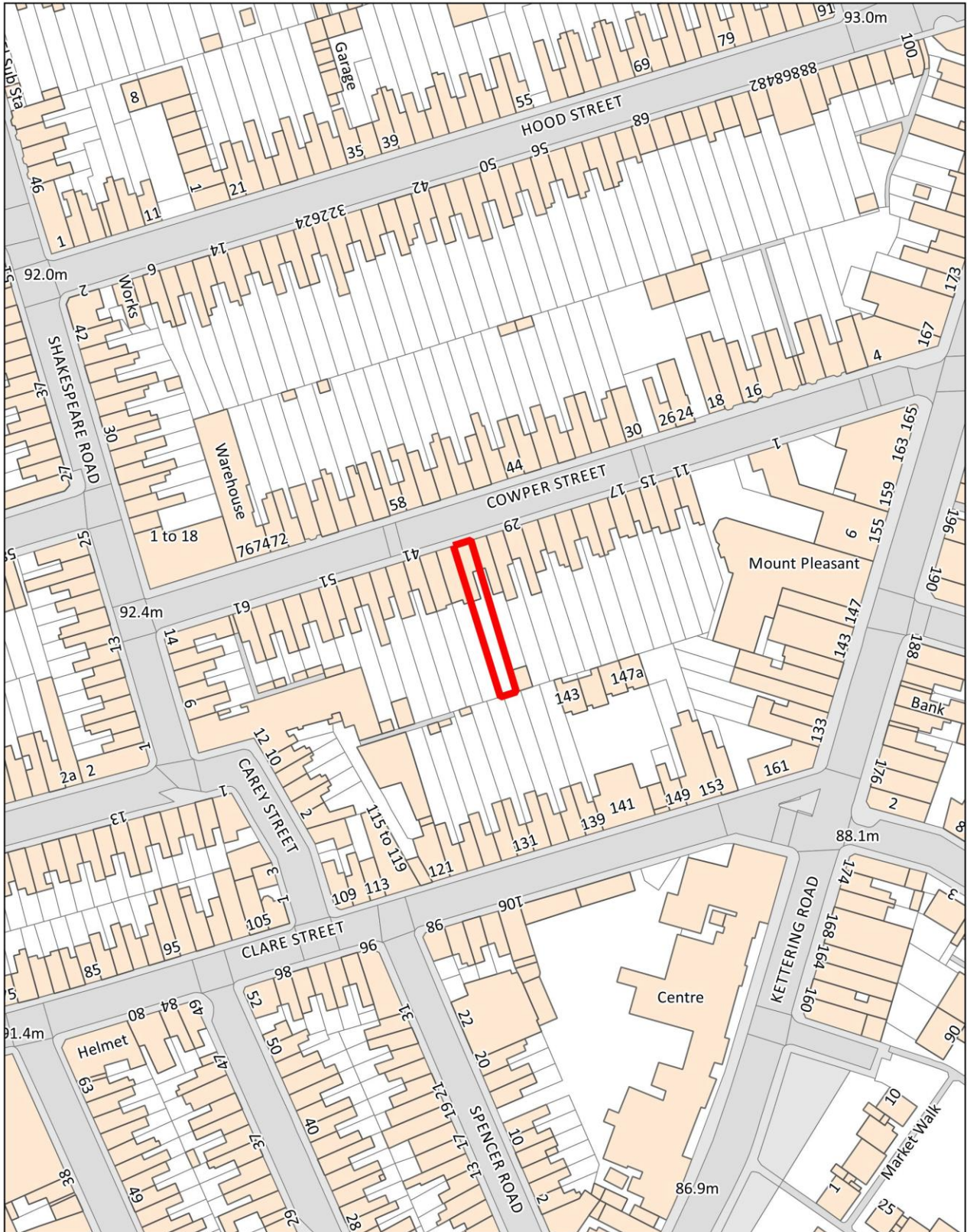
10.1 N/2015/1424

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.



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