

PLANNING COMMITTEE: 26th July 2016
DIRECTORATE: Regeneration, Enterprise and Planning
DIRECTOR: Steven Boyes

APPLICATION REF: N/2016/0378

LOCATION: 165 Loyd Road

DESCRIPTION: Change of use from single dwelling (Use Class C3) to house in multiple occupation (Use Class C4) for a maximum of three residents

WARD: Abington Ward

APPLICANT: Mr Dominic Nigliazzo
AGENT: Skaino Services

REFERRED BY: Councillor Zoe Smith
REASON: Parking issues and loss of a family dwelling

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, and S10 of the West Northamptonshire Joint Core Strategy, Policies E20 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 was originally sought to change the use of the property from a single dwellinghouse to a house in multiple occupation for 4 people, however, the plans submitted with the application showed four self-contained units. Revised plans have subsequently been submitted. Self-contained units have been replaced with shared accommodation and the number of bedrooms reduced to 3 only.

2.2 There will be one bedroom and shared lounge and kitchen on the ground floor with additional lounge in the basement and shower facility, two bedrooms with en-suite facilities on the first floor with another lounge.

3. SITE DESCRIPTION

3.1 The application site consists of a two storey mid-terrace Victorian dwelling (with basement) located within a residential area as designated in the Northampton Local Plan. The area is covered by an Article 4 Direction which has removed permitted development rights for change of use to house in multiple occupation.

3.2 The property fronts directly onto the street and has a short rear garden, with no car parking spaces provided on site. The site is in a residential area of similar style housing. Opposite the site on the corner of Christchurch Road and Loyd Road is a residential care home.

3.3 The premises are currently vacant but have been used as a rental property for the last 15 years. The applicant has confirmed that during that time the property has been occupied by between three and four occupants. Works are being undertaken to repair and refurbish the property following problems with subsidence.

4. PLANNING HISTORY

4.1 None.

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 Northampton Local Plan (1997) saved policies.

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.

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.

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 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.

6. **CONSULTATIONS**

Comments received are summarised below and as a result of consultation on the original plans:

- 6.1 **NCC Highways** - advises that the applicant undertakes a parking beat survey due to the known pressure in the area for on street parking and the expectation that the change of use could result in increased on-street parking.
- 6.2 **NBC Private Sector Housing** – the dwelling will not be subject to licensing under to current additional licensing scheme which only applies to properties occupied on the ground and first floors. The use of the basement for habitable purposes takes the dwelling outside the provisions of the scheme. Neither is it subject to mandatory licensing since it will only be occupied by 4 persons.
- 6.3 **Councillor Zoe Smith** – would like to refer the matter to the Planning Committee on the basis that it would exacerbate parking issues and run the risk of increasing anti-social behaviour in the area.
- 6.4 **163 Lloyd Road** – objects due to impacts on parking, noise, number of occupants and their potential visitors, increase in rubbish, future maintenance of the property, change from single family occupancy impacting on character of the area and setting a precedent for further changes.
- 6.5 **167 Lloyd Road** – states that the property has been previously rented and that refurbishment commenced in February/March. Concerned that occupiers and visitors will rely on cars and add pressure to an already crowded road. States that parking for a nearby home for brain injured people and a supermarket on Wellingborough Road have added significantly to on street parking. Expresses concerns about refuse, noise, property maintenance and impact on character of the street.

Comments received following consultation on amended plans:

- 6.6 **NCC Highways** – no objection; need to ensure that outward opening windows, fenestrations or anything else attached to the building do not encroach upon or overhang the highway.
- 6.7 **NBC Private Sector Housing** – no further comments to make on the revised application.
- 6.8 **Councillor Zoe Smith** – would like to refer the matter to the Planning Committee on the basis that it would exacerbate current parking issues and remove a dwelling from family use altering the nature of the area.
- 6.9 **163 Lloyd Road** – maintains objections regarding increases in parking, visitors to the site, maintenance of the property, impact on character of the street and setting a precedent for further changes.
- 6.10 **167 Lloyd Road** – states that the Local Plan states that there should be no development without provision for additional parking. Refer to existing pressures with on-street parking and consider change of use will lead to a greater demand for on-street parking. Consider that the increase in the number of people and visitors at the site will mean unacceptable increase in noise. Consider that the location of living rooms and en-suite bathrooms adjacent to neighbours bedrooms will create an unacceptable increase in noise levels. Express concerns about increased refuse and a change in the character of the area.

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

Size of property

- 7.2 The plans indicate a living room and cloakroom in the basement, a living room kitchen and bedroom on the ground floor and two en-suite bedrooms and a lounge on the second floor. It is considered that room sizes are sufficient and that there are adequate facilities for the proposed occupancy. The application therefore complies with Principle 2 of the Council's adopted Planning Policy Statement on HIMOs.

Area Concentration

- 7.3 It would appear from Council records that there is not a significant concentration of HIMOs in the surrounding area with 2 other HIMOs within a 50 metre radius of the property. This would clearly fall within the 15% recommended by the Council's adopted interim Planning Policy Statement in relation to HIMOs.

The premises could be conditioned to restrict the use of the premises to a maximum of 3 occupants, the impact of which would not be significantly different to that of a conventional family home. It is therefore considered that the proposal would not lead to an over concentration of HIMOs within the locality and that there would not be significant impact on the character and amenity of the area as a result.

Parking

- 7.4 No parking beat survey was required following the submission of the revised scheme to reduce the proposal to accommodate 3 residents only. No off-street parking is provided, however, the plans indicate that bicycle storage space will be provided in the rear garden. Also the site is within walking distance (approx. 105 metres) of shops and bus routes on Wellingborough Road. This complies with Principle 3 of the Council's adopted Planning Policy Statement on HIMOs. The Highway Authority has made no objection on parking grounds to the revised plans.

Refuse storage

- 7.5 The plans and design and access statement indicate an area at the rear of the property for the storage of refuse and recycling and is therefore considered to comply with Principle 4 of the Council's adopted Planning Policy Statement on HIMOs. A planning condition will be imposed to ensure the facility is provided.

Amenity

- 7.6 The proposed use falls within Class C4 of the Use Classes Order, which in effect categorises this as a residential use which would not generate amenity impacts such as noise or anti-social behaviour on local residents over and above those created by a more conventional C3 dwelling. Without the Article 4 Direction, planning permission would not have been required for the change of use. Consequently it is not considered that any refusal of planning permission or the imposition of conditions in relation to amenity issues would be reasonable or sustainable at appeal.

8. CONCLUSION

- 8.1 Taking the above into account it is considered that the use of the property as a house in multiple occupation for 3 residents 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: Site location plan, DM0271 01, DM0271 02, DM0271 03D, DM0271 04D.

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 of the 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 in the design and access statement and on the approved plans shall be provided prior to the occupation of the property 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.

10. BACKGROUND PAPERS

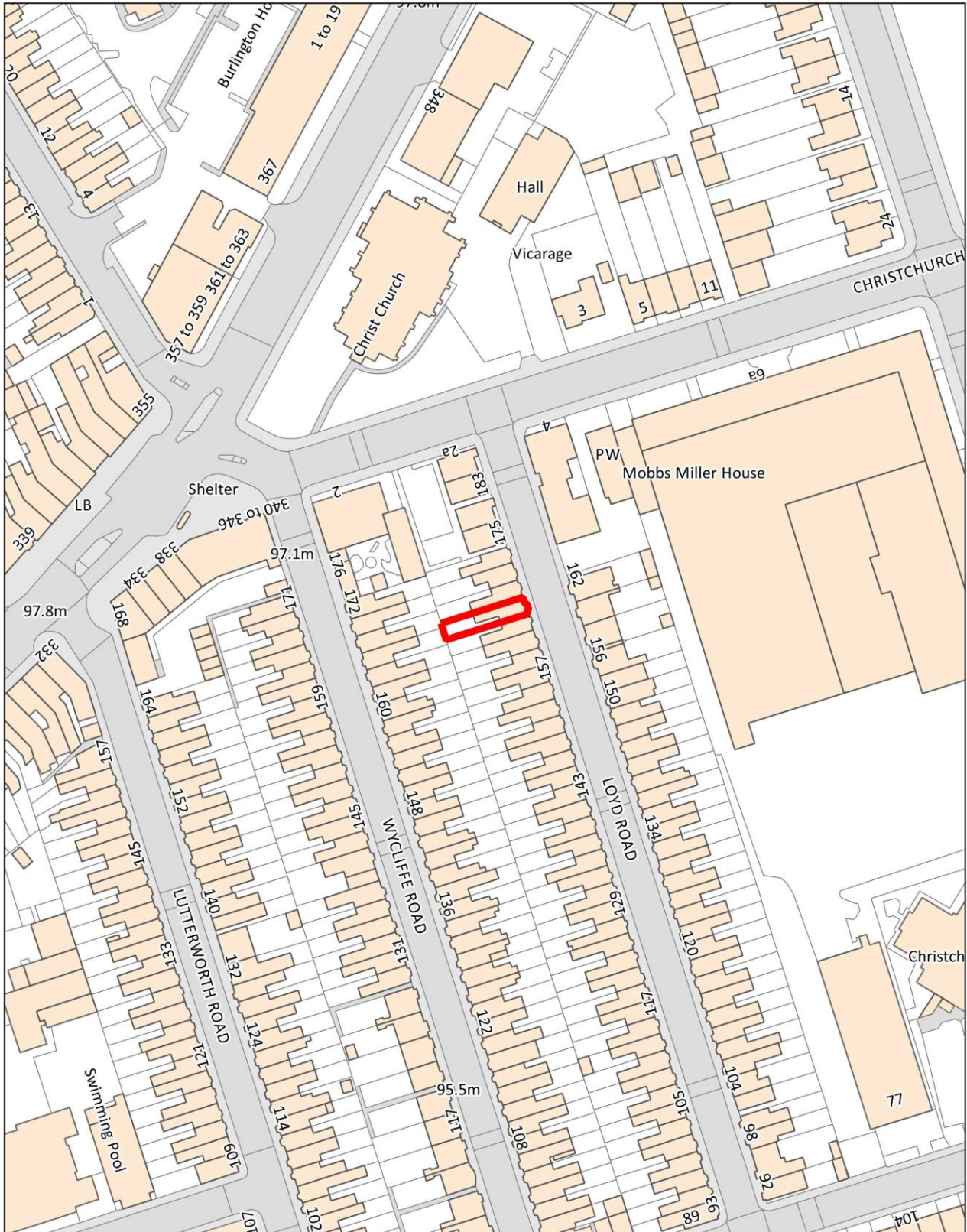
10.1 N/2016/0378.

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.



Title: **165 Loyd Road**

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Date: 14-07-2016

Scale: 1:1,250

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