

**PLANNING COMMITTEE:** 11<sup>th</sup> April 2017  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2016/1569

**LOCATION:** 44 Queens Road

**DESCRIPTION:** Change of use from dwelling (Use Class C3) to a house in multiple occupation for 5 residents (Use Class C4) together with erection of single storey rear extension

**WARD:** Castle Ward

**APPLICANT:** Mr Muhammad Ahad  
**AGENT:** Miss Ausra Uzukauskaitė

**REFERRED BY:** Councillor D Stone  
**REASON:** Lack of parking, litter and anti-social behaviour

**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 in principle 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 bus stops 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, 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 The proposal is for the change of use of an existing dwelling to a house in multiple occupation for five residents, together with the erection of a single storey extension, which would replace a previous extension demolished due to structural problems. Parking would be on-street.
- 2.2 The site lies within an Article 4 Direction Area, which removes permitted development rights for change of use from a dwelling to a House in Multiple Occupation (HIMO).

### **3. SITE DESCRIPTION**

- 3.1 The application premises consists of an existing three bedroom mid-terraced house. The property has a cellar, two ground floor reception rooms (knocked through into one) and a kitchen and utility room. The previous extension housed a bathroom. At first floor there are three bedrooms and a WC.
- 3.2 The surrounding area consists largely of terraced houses, with some commercial premises also in the area, in particular on Claire Street, to the north of Queen's Road.

### **4. PLANNING HISTORY**

- 4.1 N/2001/0142 - Two Storey Rear Extension Together With Single Storey Side Extension – Withdrawn 14/02/01

### **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 seeks to secure high quality design and good standard of amenity for existing and proposed occupiers.

Paragraph 49 requires that housing applications be considered with presumption in favour of sustainable development.

Paragraph 50 states that planning should 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.

#### **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 - Managing the existing housing stock - 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 - Sustainable Development Principles - 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 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 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 refuse and recycling storage.

## 6. **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

6.1 **Councillor Danielle Stone** – Requests the application is called in on the grounds of lack of parking, litter and anti-social behaviour which will be worsened by another HIMO.

6.2 **Private Sector Housing (NBC)** – Confirm that the revised scheme would comply with requirement for escape from the basement room and that with this room used a communal living room, the room sizes would be sufficient for the property to be registered for five occupants.

- 6.3 **Local Highway Authority (NCC)** – The area directly north of Queen’s Road is not included within a permit scheme and previous parking surveys of the area have demonstrated a lack of residual parking. Therefore, it can be reasonably assumed that the potential increase in parking demand generated by this development is likely to result in increased parking on double yellow lines, across dropped kerbs, on the corners of junctions and double parking. This will result in a greater risk to both motorists and pedestrians. Additionally, can confirm that this is an area of high ticketing, reflecting that there is a lack of parking spaces, resulting in vehicles being parked on double yellow lines. It should also be noted that this is an area where the LHA receives a high level of complaints from residents with regards to the lack of parking for residents. As a result of the above, the LHA must object to the proposed development on the grounds of highway safety. Furthermore, the increase in parking demand will have a negative amenity impact on neighbouring residents.
- 6.4 **Conservation (NBC)** – No objection to the change of use on conservation grounds. The use will have a neutral impact on the historic character and appearance of the Boot and Shoe Quarter Conservation Area, which derives from the juxta position of factories, houses and commercial, social and religious buildings. The rear extension will not be prominent or cause harm to the appearance of the Conservation Area.
- 6.4 Representations received from neighbouring occupiers at **25, 26 and 32 Queen’s Road**, making the following points in summary:
- There are already a number of HIMO and a bail hostel in Queen’s Road.
  - There is an existing problem with anti-social behaviour which would be worsened
  - There is a problem with fly tipping which is considered to be linked to HIMOs.
  - Existing HIMOs leave out a large number of bin bags on different days.

## 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 two licensed HIMOs within a 50m radius of the application site. The use of this property as a HIMO would equate to less than 3.3% concentration in the area. This would clearly fall within the 15% maximum threshold recommended by the Council’s adopted Interim Planning Policy Statement in relation to HIMOs. It is considered that there would still 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. All bedrooms would

be served by adequate outlook and light. Private Sector Housing confirm that following revisions to the plans and with the cellar to be used as a communal living room, that the accommodation proposed would be acceptable for 5 residents.

### **Flood risk**

- 7.4 In respect of flood risk the application site is outside of the areas of the town identified as being at risk from flooding.

### **Highways / Parking**

- 7.5 The Interim Planning Policy Statement for HIMO's (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.
- 7.6 The application property is located within easy walking distance there is a bus stop on Kettering Road within 160m of the premises. The property is also within easy walking distance of the Kettering Road Local Centre which provides a wide range of facilities. In this regard, the proposal is considered to be in accordance with the requirements of the IPPS in respect of parking considerations.
- 7.7 Within such areas, the IPPS recommends that storage space should be provided which is accessible to cycle users. Space is available to the rear of the house, and a condition is recommended requiring details should be submitted for the secured cycle storage.
- 7.8 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.
- 7.9 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 2 compared to the existing use.
- 7.10 In this case, the LHA object to the proposal on the grounds of highway safety, and concern is raised regarding the potential negative impacts of an increase in parking demand on the amenity of neighbouring residents.
- 7.11 Notwithstanding the LHA objection, 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, it is not considered that a refusal on highway grounds could be upheld at appeal.
- 7.12 Furthermore, regard must be paid to previous appeal decisions over the past few months where Planning Inspectors have consistently taken the view that where a site is close to local amenities, 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 In view of the recent appeal decisions, the Inspectors have given considerable weight to the sustainability of locations, while considering the impact on parking. As such, in view of the sustainable location of the application site, and number of occupants proposed, and that there is sufficient room within the site to provide secure bicycle storage, it is not considered that highway impacts would be so adverse as to recommend refusal on this basis.

- 7.14 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.

#### **Refuse storage**

- 7.15 As with cycle storage, it would be possible to provide refuse storage within the rear garden / yard area and a condition requiring details of such provision is recommended.

#### **Amenity**

- 7.16 The proposed use falls within Use Class C4, which in effect categorises this as a residential use. It is not considered 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. Indeed, without the Article 4 Direction, planning permission would not be 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.

- 7.17 The proposed extension would replace a previous extension at the property and would have a depth of only 2.4m, therefore being within the limits of an extension which could be built as permitted development. Furthermore, due to the presence of an existing extension at the neighbouring property at 46 Queen's Road of a similar depth, the proposed extension would have no impact on this neighbouring property. Whilst the extension would be visible to the other neighbour at 42 Queen's Road, it would be set away from the boundary by 2.3m and would not result in any visual impact given its limited size and the fact that such an extension could be built under permitted development rights.

### **8. CONCLUSION**

- 8.1 The proposed change of use would comply with the requirements of the Interim Planning Policy Statement on HIMOs, and would not result in an over concentration of HIMOs within the locality and would provide suitable accommodation for the number of occupants proposed. The issues in relation to parking and highway safety are finely balanced, however, it is considered that the proposal complies with the IPPS in relation to parking considerations and, in view of recent appeal decisions and the potential number of people that could occupy the property under the existing use, it would be difficult to uphold a refusal at appeal. The proposal 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: E101, E102, Existing and proposed first floor plans.

Reason: For the avoidance of doubt and to accord with the terms of the planning application.

3. The external walls of the extension shall be constructed with materials of the same type, texture and colour as the external walls of the existing building.

Reason: In the interests of visual amenity to ensure that the extension harmonises with the existing building in accordance with Policy E20 of the Northampton Local Plan.

4. The basement room shall be used as communal living room for all residents of the property and shall be maintained as such for the duration of the use hereby permitted.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of accommodation is provided, in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

5. Prior to the bringing into use of the building for the approved use, 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. The approved details shall be implemented prior to the first occupation or bringing into use of the building hereby permitted and thereafter retained.

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. Prior to the bringing into use of the building for the approved use, full details of facilities for the secure and covered parking of bicycles 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 fully implemented prior to the development being first brought into use and retained thereafter.

Reason: To ensure the provision of adequate facilities in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

7. 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.

## **10. BACKGROUND PAPERS**

- 10.1 Application file N/2016/1509.

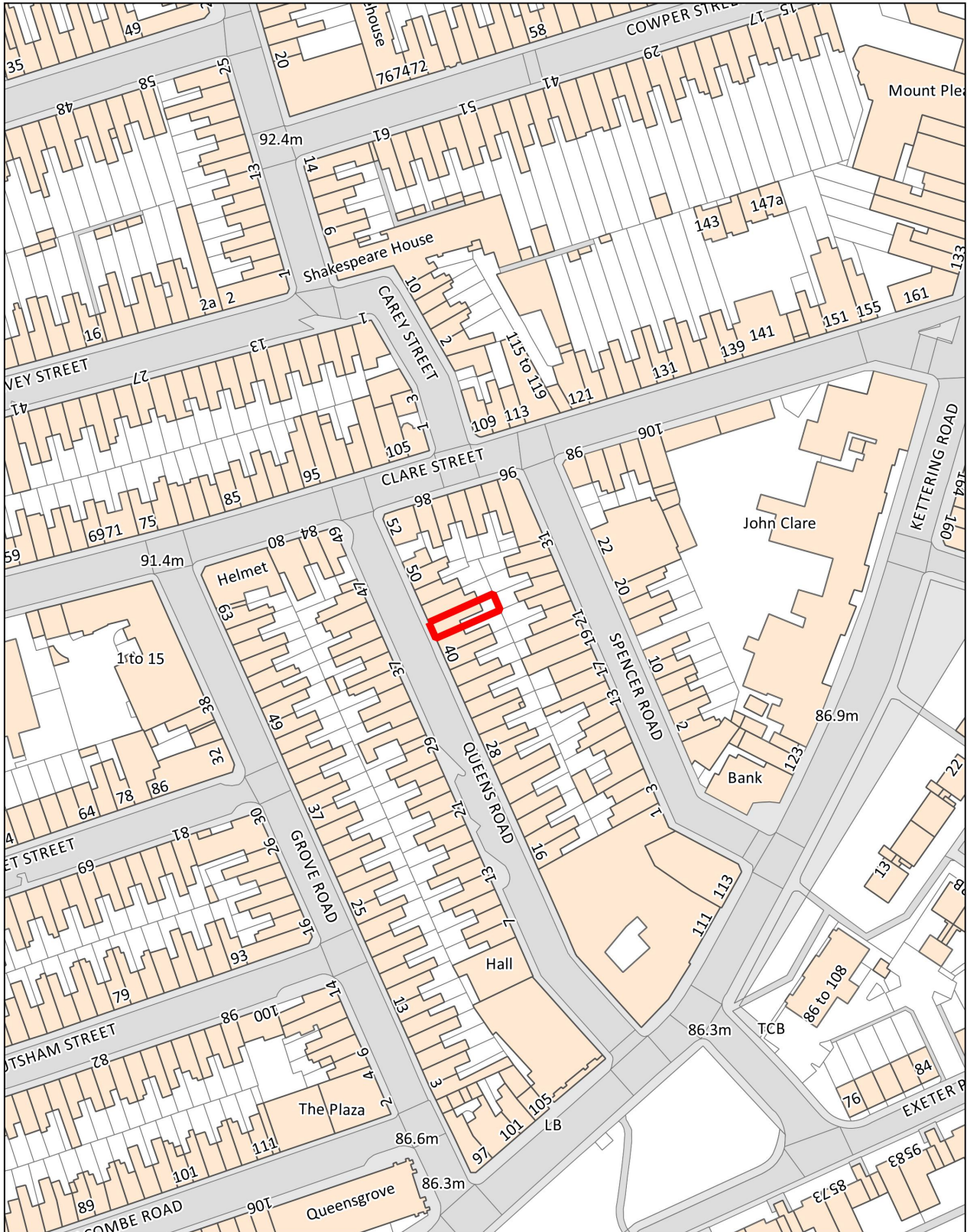
## **11. LEGAL IMPLICATIONS**

- 11.1 The development is not CIL liable.

## **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: **44 Queens Road**

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