



NORTHAMPTON
BOROUGH COUNCIL
Planning Committee

PLANNING COMMITTEE: 4th July 2017
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2017/0589

LOCATION: 21 Florence Road

DESCRIPTION: Change of Use from Dwelling (Use Class C3) to House in Multiple Occupation (Use Class C4) for 5no occupants

WARD: Abington Ward

APPLICANT: Mr Richard Lee
AGENT: N/A

REFERRED BY: Councillor Z Smith
REASON: Parking and impact on character of the area

DEPARTURE: No

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 of flood. Notwithstanding existing parking conditions in the area, the site is in a very sustainable location close a Local Shopping Centre and bus stops on Wellingborough Road and local 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 a three bedroom dwelling (Use Class C3) into a house in multiple occupation for five occupants (Use Class C4). The proposed use would include a living room, kitchen, bathroom, separate toilet and single bedroom at ground floor level and three bedrooms above (two single and one

double).The basement does not form part of the proposal. There are no external works proposed associated with the conversion.

3. SITE DESCRIPTION

- 3.1 The site consists of brick built terraced dwelling located along a residential street of similar properties. Parking is provided on street. The property has an existing private rear amenity space. The property is a short distance from the Wellingborough Road Local Centre which offers a range of services including shops, restaurants, public houses and businesses. The site is not within a conservation area.

4. PLANNING HISTORY

- 4.1 Planning permission was granted for four person HIMO under delegated powers (N/2015/1178) in 2015. In 2017, the applicant applied for a five person HIMO including basement conversion and this was refused on residential amenity grounds for the following reason:

“The proposed basement bedroom would have an unsatisfactory level of light and outlook providing future occupiers with inadequate levels of residential amenity contrary to Policies E20 and H30 of the Northampton Local Plan, Policies H1 and H5 of the West Northamptonshire Joint Core Strategy, the Council's Interim Planning Policy Statement on HIMOs and the aims and objectives of the National Planning Policy Framework.”

The current proposal does not include the basement, although the applicant is applying for five occupants.

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), 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.

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)

Sets down minimum parking levels based on spaces per number of bedrooms for small HIMOs (Use Class C4), one space per bedroom.

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 HIMO's 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

The application has been publicised by neighbour notification letters to five properties.

6.1 **NBC Private Sector Housing** No objection provided that the kitchen layout is amended to meet HIMO Licensing standards.

6.2 **NCC Highways** – Raise objection on parking and highway safety grounds.

The LHA note that there is a good chance that not all residents of an HIMO will own a car, however there is nonetheless a greater likelihood of a higher number of cars being associated with the property. As all residents will be of driving age, there is a real possibility the property could produce a demand for five vehicles at times. A single dwelling in this area, where parking is already at capacity, producing such a demand could have a significant impact on highway safety as well as residential amenity.

There is no residual parking capacity on-street. Furthermore, the cumulative impact from the high concentration of HIMO's properties in the immediate vicinity is contributing to the excessive demand. This demand is resulting in parking on double yellow lines, across dropped kerbs, on the corners of junctions and double parking. This development will increase the demand further and any development impact that compromises the safety of motorists and pedestrians on the highway network is considered severe. In conclusion, in the interest of highway safety, Northamptonshire Highways must object to the application for the conversion of a residential dwelling to a house in multiple occupancy for 5 residents on the basis of highway safety.

6.3 **Councillor Zoe Smith** - called in on parking, impact on character of area and considers that 5 occupants is excessive in number.

There have been no neighbour comments received.

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 HIMO's where the proposal would not adversely impact on the character of the area and amenity of residential

areas. The property has already had planning permission for a four person HIMO in 2015 which has established the principle of HIMO use.

Area concentration

- 7.2 Council records evidence that there is one established HIMO within a 50m radius of the application site. The use of this property as a HIMO would therefore equate to only 2.5 per cent 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 generally to be of sufficient size, providing room sizes in accordance with the Council's HIMO Facilities and Amenities Guide. 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 the accommodation proposed would be acceptable for 5 residents provided that the kitchen layout is changed which is acceptable to the applicant. The size of the kitchen complies with policy requirements and the arrangement of kitchen facilities is not a planning consideration. However, this requirement would be controlled and amended in order to satisfy licensing requirements.

Highways / Parking

- 7.4 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. The application property is close to the Wellingborough Road and within easy walking distance to the Local centre which has shops, pubs restaurants and businesses nearby. It is also within 150 metres of the closest bus stop.
- 7.5 Where parking is not provided in accordance with the above, the IPPS recommends that storage space should be provided which is accessible to cycle users. In this case this is indicated at the rear of the house, and a condition is therefore recommended requiring that this should be provided and made accessible to all residents.
- 7.6 On this basis, 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.
- 7.7 These standards indicate that the property should provide a minimum of five on plot parking spaces, whereas in fact none are provided. However, comments from the Local Highway Authority indicate a view that the development raises highway safety concerns given that previous Parking Surveys indicate that there is no residual parking capacity for vehicles in the immediate vicinity of the property

- 7.8 The Local Highway Authority has undertaken on street surveys between 1am and 4am in the morning on 28th February 2017 and concluded that there were no available spaces on Florence Road at that time of day which is generally when residents are at home.
- 7.9 Whilst the Highway Authority concerns are noted, regard must be paid to recent appeal decisions, which are a material consideration, in streets also in close proximity to Wellingborough Road, refused on parking grounds. Inspectors have consistently taken the view that, as these sites are in a sustainable location, they met the policy requirement of the IPPS and therefore, the appeals were allowed. The appeals included applications for HIMOs at 89 Adams Avenue and 44 Bostock Avenue. In these instances, it is evident that the Inspector attached significantly more weight to the IPPS and the sustainable location of the application site than to the views of the Local Highway Authority.
- 7.10 The lawful use of the premises as a C3 dwelling house which could be occupied by a large extended family needs consideration. In either situation it is considered that the additional impact of the current proposal, in terms of demand for parking, would be marginal. It would therefore be difficult to justify a refusal of planning permission on this basis.

Refuse storage

- 7.11 An appropriate condition for bin storage is to be secured to ensure an acceptable level of residential amenity.

Amenity

- 7.12 As the proposed HIMO is no more intensive than a family dwelling which could potentially accommodate the same number of occupiers, it is considered that the level of noise and effect on residential amenity would be no more significant.

Flood risk

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

Other issues

- 7.14 The development is not chargeable for Community Infrastructure Levy as it would not create any additional floor space.

8. CONCLUSION

- 8.1 The proposed change of use would comply with the requirements of the Interim Planning Policy Statement on HIMOs, would not result in an over concentration of HIMOs within the locality and would provide suitable accommodation for the number of occupants proposed. Bearing in mind that the property already has an extant permission for 4 persons as an HIMO it is considered that the impact of one additional person would not be overly significant.

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, proposed floor plans.

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

3) The refuse and cycle storage shall be implemented in accordance with that shown on the approved drawings prior to the occupation of the building as a 5 person House in Multiple occupation and be retained as such throughout the lifetime of the development.

Reason: In the interests of residential amenity to comply with Policy H5 of the West Northamptonshire Joint Core Strategy.

4) The development hereby permitted shall be occupied by a maximum of 5 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 and Policy H30 of the Northampton Local Plan.

10. BACKGROUND PAPERS

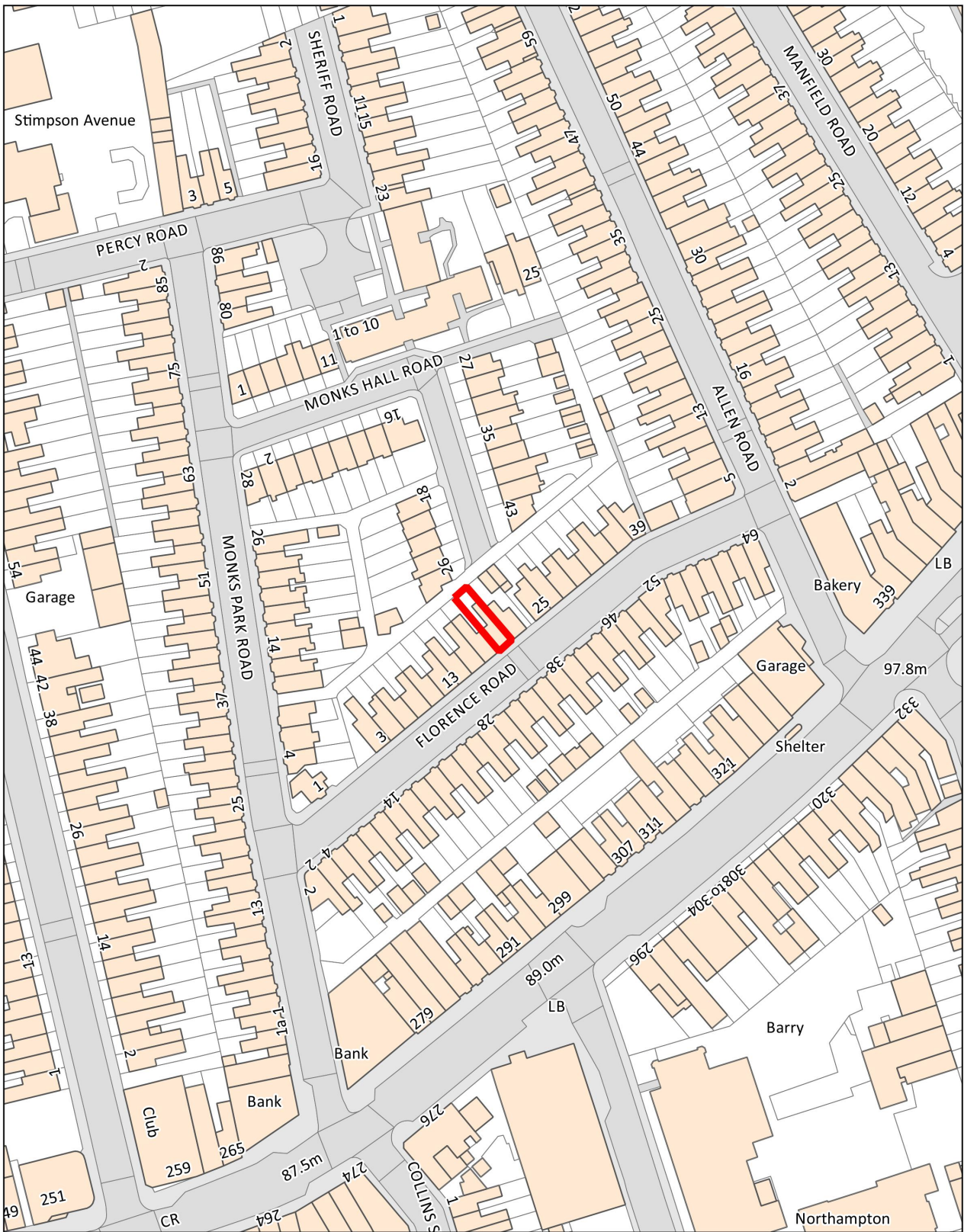
10.1 N/2017/0589

11. LEGAL IMPLICATIONS

11.1 The development is 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: **21 Florence Road**

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Date: 22-06-2017

Scale: 1:1,250

Drawn by: Planning