

PLANNING COMMITTEE: 25 July 2017
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2017/0271

LOCATION: 11 Cowper Street

DESCRIPTION: Change of Use from Dwellinghouse (Use Class C3) to a House in Multiple Occupation (Use Class C4) for 5 occupants - retrospective

WARD: Castle Ward

APPLICANT: Mr Alex Putjatins
AGENT: Mr Alex Putjatins

REFERRED BY: Councillor D Stone
REASON: Over concentration of HIMOs

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 lead to an unacceptable concentration of HIMOs within the locality that would adversely affect the character of the area, street scene, nor would the development have significant adverse impacts on neighbouring amenity, parking provision or the character and appearance of the Boot and Shoe Quarter Conservation Area. The property is of sufficient size to accommodate the level of accommodation as proposed, in accordance with the requirements of Policies H1, H5, BN5 and S10 of the West Northamptonshire Joint Core Strategy, saved Policies E20, E26 and H30 of the Northampton Local Plan, the Council's Houses in Multiple Occupation Interim Planning Policy Statement and the aims and objectives of the National Planning Policy Framework.

2. THE PROPOSAL

- 2.1 The application relates to the retrospective conversion of the existing 3-bed dwelling to a house in multiple occupation for 5 people. No external alterations are proposed. 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 HIMO.

3. SITE DESCRIPTION

- 3.1 The application site constitutes an end of terrace dwellinghouse constructed in the late 19th Century and is located within the Boot and Shoe Quarter Conservation Area. The property is of a traditional appearance, with a long rear garden.
- 3.2 To the north of the site is highway and is close to the junction of Cowper Street, with Kettering Road. To the south and east is Mount Pleasant Baptist Church with associated car parking and to the west is no. 13 Cowper Street.

4. PLANNING HISTORY

- 4.1 N/2015/0397 – change of use from dwelling (Use Class C3) to solicitors' office (Use Class A2). This application was refused on 2nd July 2015 due to the Council not being able to demonstrate a five year housing land supply and the proposal would result in the loss of a residential dwelling.
- 4.2 Following investigations by the Planning Enforcement team it was identified that the property had been converted into a house in multiple occupation.

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;

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 a good standard of amenity for existing and proposed occupiers.

Paragraph 49 – Housing applications should be considered with a 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, Local Planning Authorities are advised 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 132 - In considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.

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: requires consideration of heritage assets including conservation area.

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.

Policy E26: Development in Conservation Areas - requires developments to preserve or enhance the character and appearance of the area, and not to demolish buildings which make a contribution to the character and appearance of the conservation area, where they are capable of an alternative use.

5.5 **Supplementary Planning Documents**

Northamptonshire Parking Standards (September 2016)
Planning out Crime in Northamptonshire SPG 2004
Boot and Shoe Quarter Conservation Area Appraisal

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 **NCC Highways** – Objected to the proposed change of use. The area has been the subject of a number of parking beat survey which have identified that there is limited parking available in the area. The cumulative impact from the high concentration of HIMOs 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 demand will increase the demand further and any development impact that compromises the safety of motorists and pedestrians on the highway network is considered severe.
- 6.2 **NBC Private Sector Housing** – a licence for occupancy by 5 persons has been issued, subject to alterations to be made to the shower room and lounge window, to comply with the Council's requirement.
- 6.3 **NBC Conservation Section** - No objection on conservation grounds. No external alterations are proposed and the use will have a neutral impact on the historic character and appearance of the Boot & Shoe Quarter Conservation Area, which derives from the juxtaposition of factories, houses and commercial, social and religious buildings and illustrates the development of Northampton's footwear industry.
- 6.4 **Town Centre Conservation Area Advisory Committee** – object to the application on the grounds of overdevelopment and the impact on traffic in this area.
- 6.5 **Councillor D. Stone** – concerned about the concentration of HIMOs in this area. Called in the application.
- 6.6 **24 letters of objection** have been received. The points raised in the letters of objection (many are duplicates of the same letter) are:
- Query the number of occupants permitted at the property
 - The need to carry out sound proofing and install fire doors in accordance with relevant certificates
 - Loss of family housing in the area
 - Query the number of HIMOs in Cowper Street
 - Lack of maintenance to HIMOs
 - Lack of parking in Cowper Street
 - Anti-social behaviour
 - Concern about sink holes in the area

7. APPRAISAL

Principle of Use and Concentration

- 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.
- 7.2 The surrounding area is predominantly residential in character. It would appear from Council records that there are four other HIMOs within a 50m radius of the application site that either are existing or have consents (in addition to this application). The addition of a further HIMO as proposed would lead to a concentration of 6% which is below the 15% concentration as specified in the HIMO Interim Policy Statement. It is therefore not considered that the HIMO proposed would lead to any significant impact on the character and amenity of the surrounding area as a result and the principle is therefore considered acceptable.

Size of property and facilities for future occupiers

- 7.3 The submitted drawings do not indicate significant alterations to the property. The only significant works relate to the subdivision of the lounge/dining room bathroom to provide a shower room. This work has already been carried out, but does not meet the requirements of the licence that has been issued to the applicant by Public Sector Housing. A variation of the licence will be required, which involves the reduction in size of the ground floor shower room. These works are to be carried out within 6 months of the date of the licence. A planning condition can be imposed to require these works to be carried out.
- 7.4 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.
- 7.5 There is sufficient room to the rear of the property for bin storage and cycle storage which can be conditioned to be required within two months.

Flood Risk

- 7.6 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

- 7.7 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.
- 7.8 Parking within the vicinity of the site is on-street. The nearest bus stops on Kettering Road are approximately 100m from the property and the property is within approximately a 5 minute walk to the Local Centre and facilities. In this regard, the proposal is considered to be in accordance with the requirements of the IPPS in respect of parking considerations.
- 7.9 Within such areas the IPPS goes on to say that storage space should be provided which is accessible to cycle users. Such space is available in this case although not shown on the submitted drawings. Access is available to the rear garden, from the side of the property, which

would therefore make it possible to provide such storage. A condition is recommended requiring that the cycle storage is implemented.

- 7.10 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.
- 7.11 The Northamptonshire Parking Standards state that Houses in Multiple Occupation shall provide on plot parking at the ratio of one parking space per bedroom and where the proposal is less than this requirement, the Local Highway Authority (LHA) will require a parking beat survey of the surrounding streets, to ascertain whether the additional parking demand resulting from the change of use can be accommodated.
- 7.12 The proposed development will produce a demand for 4 parking spaces, which is an increase of 2 compared to the previous dwelling, as the parking requirement for a 3-bed dwelling is 2 spaces. In this case, no on-site parking is proposed. The LHA did not requested a parking beat survey be carried out as a number had been carried out recently in the area, which indicated that parking was at 85-90% capacity. Inspections were also carried out by the LHA during the early morning period (1am – 4am) where it was identified that there were no parking spaces in the area.
- 7.13 The LHA has provided a very detailed analysis of the parking situation in this area including the number of parking contravention notices that have been issued in the last year. There are areas in the vicinity that are covered by residents parking permits. The LHA would be responsible for the issuing of these permits and it is therefore noted that future residents are not guaranteed a parking permit.
- 7.14 The information above demonstrates that there is no residual parking capacity on-street. Furthermore, the cumulative impact from the high concentration of HIMO 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.
- 7.15 However, regard must be given to the existing situation and use of the premises as a three bedroomed terraced property and the proposed use of the property to four separate bedrooms, with a limit on the occupation to five people. In this respect, it is not considered that the proposed use would lead to any significant increase in the number of occupants as compared with the previous use.
- 7.16 Furthermore, regard must be paid to previous appeal decisions over the past year 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.
- 7.17 The issues in this regard are finely balanced, however it is considered that in view of the existing use, recent appeal decisions and that the proposal complies with the Council's adopted Interim Planning Policy Statement for HIMO's, it would be difficult to uphold a refusal at appeal on the basis of highway concerns.

Residential Amenity and objections from Local Residents

- 7.18 All the bedrooms are of reasonable sizes and would meet the requirements for a HIMO. The bedrooms measure between approximately 8.4m² and 14m² in floor area. Where there is a

separate lounge and kitchen the standards require at least 6.5m² floor area. In this instance the kitchen is 12.5m². On this basis, the space standards would be acceptable.

- 7.18 The application refers to five occupants, with bedroom 4 being a double room. As this is already a three bedroomed property, the potential for a family of four already exists. The additional person is therefore not considered to result in overcrowding of the property. As mentioned above, the standards set out in the IPPS have been met.
- 7.19 The risk of fire and provision of fire doors would be addressed through the Premises Licensing aspects of the proposed use.
- 7.20 The plans do not identify bin storage, but there would be space for provision to the rear of the premises, which is to an acceptable standard in line with the IPPS. This can be covered by condition.
- 7.21 The HIMO is intended to provide accommodation for five persons. Anti-social behaviour and impact on quality of life of surrounding residents are often concerns raised by local residents. This is not an area that has a high number of HIMOs and it is not considered that there is a significant adverse impact on the surrounding area.
- 7.22 The comment relating to the sink holes in the vicinity of the property has not been raised as an issue through the consultation process. The works proposed are principally conversion works and are not considered to increase the risk of sink holes forming. The property has a permitted residential use and could still be occupied irrespective of this proposal. It is considered that there is no significant risk to the intended occupiers as a result of this proposal.
- 7.23 The Local Planning Authority has an obligation to determine planning applications submitted for consideration. Unless it can be demonstrated that there would be significant harm on the character of an area or its residents. In this instance that cannot be demonstrated.

Impact on the Conservation Area

- 7.23 The proposal does not involve any external alterations to the building and the use is not considered to have an adverse impact on the character of the area. It is therefore concluded that there is no demonstrable adverse impact on the setting and appearance of the Boot and Shoe Quarter Conservation Area.

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.
- 8.2 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.
- 8.3 There are no external alterations proposed to the building and it is therefore considered there are no adverse impacts on the Boot and Shoe Quarter Conservation Area.
- 8.4 The proposal is therefore recommended for approval.

9. CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Location and Block Plans and Floor Plans - M44-2.

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

2. 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.

3. 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 within one month of the date of the permission hereby granted. Development shall be carried out in accordance with the approved details and fully implemented within two months of the date of the permission hereby granted and retained thereafter.

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.

4. Full details of facilities for the refuse storage shall be submitted to and approved in writing by the Local Planning Authority within one month of the date of the permission hereby granted. Development shall be carried out in accordance with the approved details and fully implemented within two months of the date of the permission hereby granted and retained thereafter.

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.

5. Within three months of the date of this consent, the alterations to the ground floor shower room shall be completed in accordance with the approved layout plan and retained thereafter.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy H30 of the Northampton Local Plan.

10. BACKGROUND PAPERS

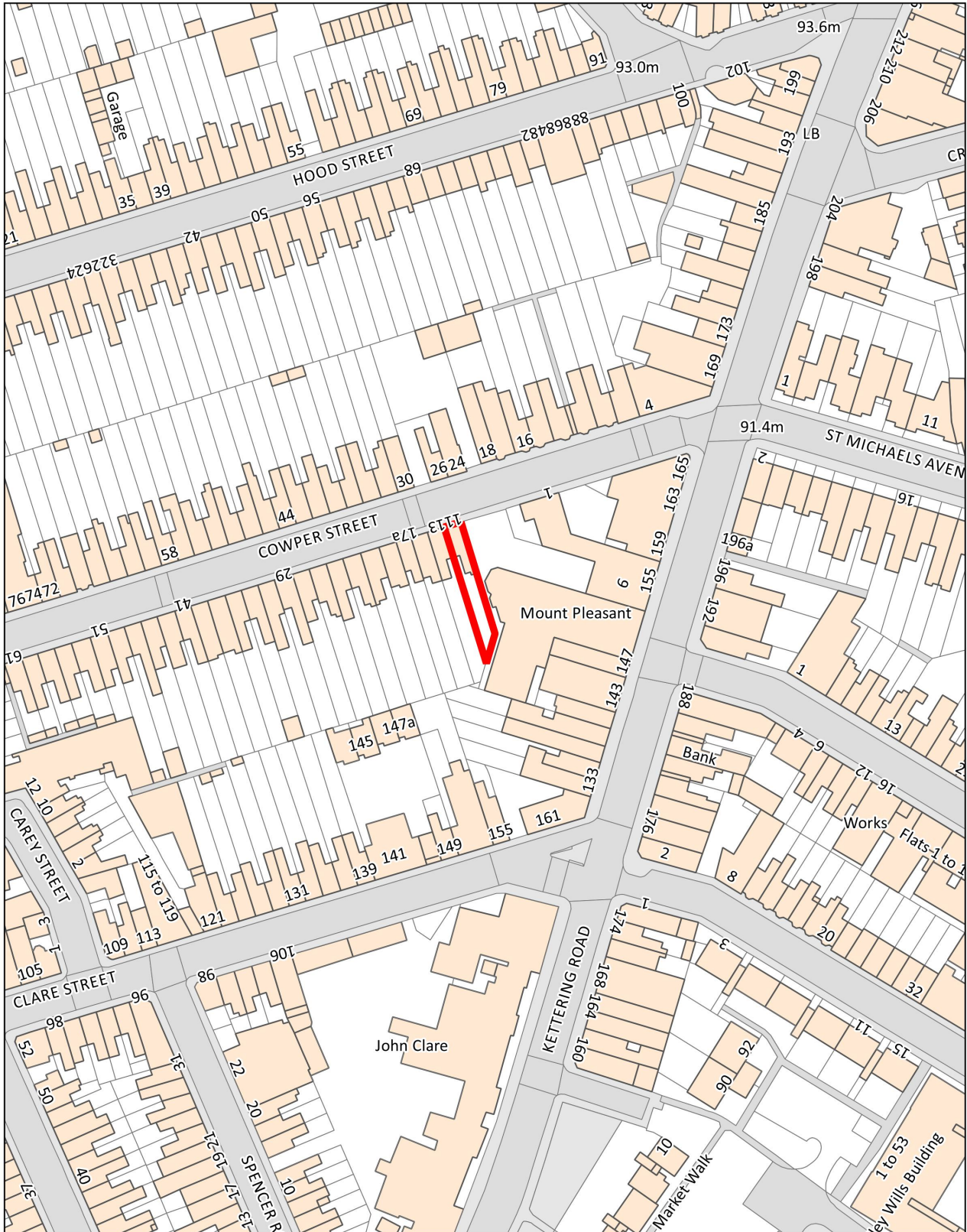
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11. LEGAL IMPLICATIONS

- 11.1 The development is not CIL liable as the proposal does not result in an increase in floor area of the property.

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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Scale: 1:1,250

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