

PLANNING COMMITTEE: 16th January 2018
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2017/1544

LOCATION: 36 Cowper Street

DESCRIPTION: Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 3 occupants

WARD: Castle Ward

APPLICANT: Mrs Liang Zong
AGENT: N/A

REFERRED BY: Councillor D Stone
REASON: Overdevelopment

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 over concentration of similar uses within the vicinity of the site, would provide adequate facilities for future occupants, would not be at risk from flooding or have significant adverse impacts on parking provision in this sustainable location. In addition, the proposal would preserve the character and appearance of the Conservation Area. The proposal thereby complies with Policies H1, H5, BN5, BN7 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 (IPPS) and the aims and objectives of the National Planning Policy Framework.

2. THE PROPOSAL

2.1 Permission is sought for a change of use from a dwellinghouse (Use Class C3) to a house in multiple occupation (HIMO) (Use Class C4) for 3 people. No external alterations are proposed to the property. 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 comprises a two storey, mid-terraced, three-bedroom property on Cowper Street, located in a residential area with similar terraced properties on both sides of the street. The site falls within the Boot and Shoe Quarter Conservation Area.
- 3.2 The property has an open plan lounge, dining area and kitchen on the ground floor as well as a ground floor study and WC. On the upper floor, the property has 3 bedrooms and two bathrooms, one of which is an en-suite. The property also benefits from a cellar.
- 3.3 The site is in close proximity to the Kettering Road which contains some retail units and access to bus routes.
- 3.4 The application site does not fall within Flood Zones 2 or 3.

4. PLANNING HISTORY

- 4.1 N/2016/0103: Change of use from dwelling (Use Class C3) into a HIMO for 5 residents (Use Class C4). Refused for the following reason:

Due to there being no residual parking capacity for vehicles in the area, the greater parking demand generated by the proposed development would have a detrimental impact upon parking provision and highway safety. This would be contrary to Policies H5 and S10 of the West Northamptonshire Joint Core Strategy, Policy H30 of the Northampton Local Plan, and the aims and objectives of the National Planning Policy Framework.

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 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.

5.3 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:

- 5.4 Paragraph 17 - Core Principles seeks to secure high quality design and a good standard of amenity for existing and proposed occupiers.
- 5.5 Paragraph 49 - Housing applications should be considered with a presumption in favour of sustainable development.
- 5.6 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

5.7 Section 12 - Seeks to conserve heritage assets in a manner appropriate to their significance and advises that great weight should be given to an asset's conservation.

5.8 **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 and Mix and Type of Dwellings

Policy H5 - Managing the existing housing stock

Policy S10 - Sustainable Development Principles

Policy BN5 - The Historic Environment and Landscape

Policy BN7 - Flood Risk

5.9 **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 (Design)

Policy E26 - Conservation Areas Development

Policy H30 - Multi-occupation with a single dwelling

5.10 **Supplementary Planning Documents**

Northamptonshire Parking Standards (September 2016)

Planning out Crime in Northamptonshire SPG (2004)

5.11 **Other Material Considerations**

Boot & Shoe Quarter Conservation Area Appraisal and Management Plan (2011)

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 50metre 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 / REPRESENTATIONS**

Comments received are summarised as follows:

6.1 **Councillor D Stone** – Called the application in on the grounds of overdevelopment and pressure on services.

- 6.2 **Highway Authority (NCC)** – No comments.
- 6.3 **Private Sector Housing (NBC)** – The room sizes, amenities and facilities indicated on the submitted plans indicate that the proposed HIMO would meet the requirements for a three occupant HIMO. The applicant should be advised that the premises will require licensing under the additional licensing scheme.
- 6.4 **Conservation (NBC)** - No objection on conservation grounds.
- 6.5 **Town Centre Conservation Area Advisory Committee** – No objections.

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 indicate that there are 4 confirmed HIMOs on Cowper Street and Hood Street within a 50m radius of the application site. The use of this property as a HIMO would equate to less than an 8% 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 therefore 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/living, WC and bathroom facilities. In addition, Private Sector Housing has advised that the proposed accommodation meets their requirements and all bedrooms would be served by adequate outlook and light. Conditions restricting the use of the property to a maximum of 3 people and preventing the use of the cellar as a bedroom would ensure overdevelopment does not occur and a good standard of amenity for future occupiers.
- 7.4 A site plan showing the proposed locations of bin and cycle storage accompanies the application, although no details have been submitted for the structures to facilitate such storage. However, there is adequate space in the rear garden for the storage of bins and cycles and further details of the structures can be required by conditions.

Flood Risk

- 7.5 The application site falls outside Flood Zones 2 and 3 and, as such, the proposal has no flood risk implications.

Highways/Parking

- 7.6 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.

- 7.7 The application property does not benefit from any on plot parking, but is in a sustainable location within easy walking distance to facilities along the Kettering Road and also has a bus stop less than 150 metres from the site. The proposal is therefore considered to be in accordance with the requirements of the IPPS in respect of parking considerations.
- 7.8 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 to be submitted for approval for secure cycle storage.
- 7.9 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.
- 7.10 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 Parking Standard for the proposed development is therefore 3 parking spaces, which is an increase of 1 space compared to the existing use, as a 3-bed dwellings require 2 parking spaces under the Standards. However, in this case, the Highway Authority do not object. As such, and given the number of occupants that could arise from the existing use and having regard to recent appeal decisions, it is considered that a shortfall of 1 parking space under the Parking Standards would not lead to unacceptable highway conditions in the area.

Refuse storage

- 7.11 The submitted plans show a bin storage area in the rear garden of the property and a condition is recommended to agree the specific details of refuse storage for the property to ensure it is of an appropriate size.

Amenity

- 7.12 The proposed use falls within Use Class C4, which in effect categorises this as a residential use. There is no evidence to demonstrate 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. Consequently, it is not considered that a refusal of planning permission, or the imposition of conditions in relation to amenity issues would be reasonable or sustainable at appeal.

Heritage Assets

- 7.13 The application property is located in the Boot and Shoe Quarter Conservation Area and, therefore, special attention must be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area, with great weight given the conservation of the heritage asset.
- 7.14 In this instance, the proposal involves no external alterations to the property. As such, and given that neither the Conservation Officer nor Town Centre Conservation Area Advisory Committee object to the application, it is considered that the proposal would not impact on the character or appearance of the Conservation Area.

8. CONCLUSION

- 8.1 The proposed development would not lead to an unacceptable concentration of HMOs within the locality that would adversely affect upon the character of the local area, street scene, or Conservation Area nor would the development have significant adverse impacts on neighbouring amenity or parking provision. The property is also of sufficient size to accommodate the level of accommodation as proposed.
- 8.2 The proposed development would be in accordance with the requirements of Policies H1, H5, BN5, BN7 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.

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 1:1250; Site plan 1:100; and Proposed Floor Plan 1:100.

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

3. Prior to the occupation of the development, full details of facilities for the storage of refuse and recycling shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the development being first brought into use 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. Prior to the occupation of the development, 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. The approved details shall be implemented prior to the development being first brought into use 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. The development hereby permitted shall be occupied by a maximum of three 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

6. The existing cellar shall not be used as a bedroom at any time.

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.

INFORMATIVE: The applicant's attention is drawn to the consultation response from the Council's Private Sector Housing team, which is available to view on the Council's website and details that the premises will require licensing under the additional licensing scheme

10. BACKGROUND PAPERS

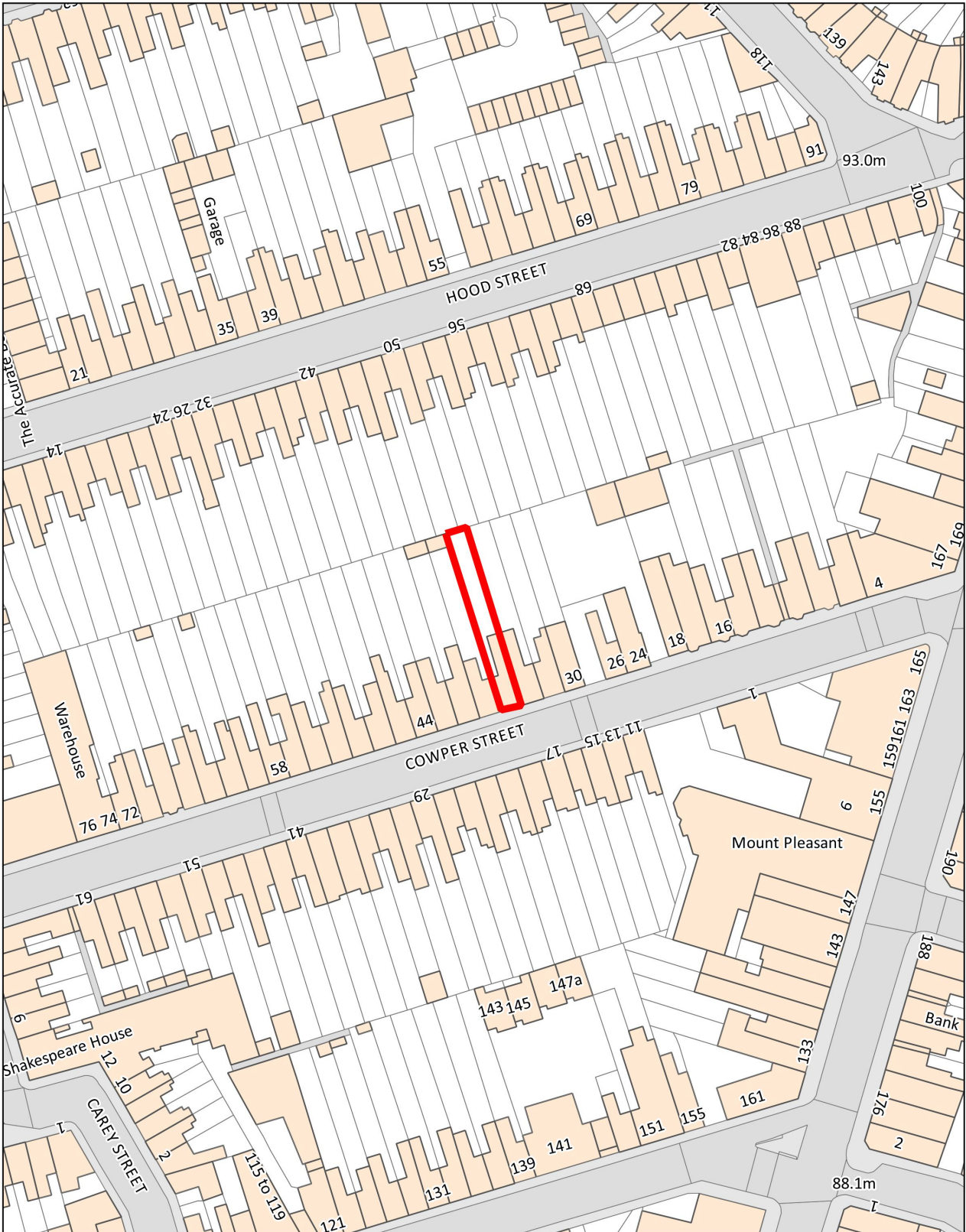
10.1 N/2016/0103.

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: **36 Cowper Street**

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Date: 04-01-2018

Scale: 1:1,000

Drawn by: -----