

<b>PLANNING COMMITTEE:</b>	<b>13<sup>th</sup> February 2018</b>
<b>DIRECTORATE:</b>	<b>Regeneration, Enterprise and Planning</b>
<b>HEAD OF PLANNING:</b>	<b>Peter Baguley</b>
<b>APPLICATION REF:</b>	<b>N/2017/1574</b>
<b>LOCATION:</b>	<b>121 Colwyn Road</b>
<b>DESCRIPTION:</b>	<b>Change of use of existing 7no person care home to 3no apartments and 2no studio apartments</b>
<b>WARD:</b>	<b>Castle Ward</b>
<b>APPLICANT:</b>	<b>LG Properties Limited</b>
<b>AGENT:</b>	<b>Architectural Solutions</b>
<b>REFERRED BY:</b>	<b>Councillor D Stone</b>
<b>REASON:</b>	<b>Parking, refuse and impact on amenity concerns</b>
<b>DEPARTURE:</b>	<b>No</b>

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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 application is considered to be acceptable in terms of use within a residential area and would contribute towards the Council's 5-year housing supply. The proposal would not lead to any undue adverse impact on the character of the conservation area, residential amenity or highway conditions and is in accordance with the requirements Policies S10, H1, H5 and BN5 of the West Northamptonshire Joint Core Strategy, Polices E20, E26 and H30 of the Northampton Local Plan and the National Planning Policy Guidance.

##### **2. THE PROPOSAL**

2.1 The application is for the change of use of an existing 7 person care home to 3 no apartments and 2 no studio apartments.

2.2 For clarification, the authorised use of the property is as a care home, but is currently occupied as an unauthorised house in multiple occupation HIMO following the recent appeal decision (as referred to below).

##### **3. SITE DESCRIPTION**

3.1 The property is an end property of a terrace of three Victorian townhouses located in the Boot and Shoe Quarter Conservation Area and within a primarily residential area. A further row of

terraces, set forward of the application property adjoins the side boundary of the property. The property is situated on the north east side of Colwyn Road close to the junction with Hood Street. The Racecourse Pavilion car park is located to the rear.

- 3.2 The application property consists of a three storey dwelling which has previously been used as a care home for 7 people and, prior to that, as 5 self-contained flats.
- 3.3 No off-street parking spaces are provided, although direct access to the rear garden for cycle storage can be made available and is indicated on the revised drawings.

#### **4. PLANNING HISTORY**

- 4.1 85/0294 – Change of and continuation of use to two self-contained flats and three bedsits – approved and implemented.
- 4.2 N/2012/0875 - change of use from 5 no self-contained apartments into residential care home. Approved 06/11/12
- 4.3 N/2013/0112 - excavate land at front garden to enlarge existing lightwell and to provide stair access to basement including erection of front boundary wall with glass balustrade. Refused 08/04/13
- 4.4 N/2013/0419 increase rear light well to incorporate a fire escape staircase from basement. Approved 28/06/13
- 4.5 N/2016/1420 - Change of use from residential care home (Use Class C2) to house in multiple occupation for 7 persons (Sui Generis). Refused and dismissed at appeal. Following the appeal decision, Enforcement Officers have been investigating the use of the property as a HIMO, which has resulted in the submission of the application now being considered for flats.

#### **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 – objectives for the planning system

Paragraph 49 – presumption in favour of sustainable development for housing applications

Paragraph 50 - delivering a wide choice of high quality homes

Paragraph 56 – requiring good design  
Para 128 – applicant to describe significance of heritage asset affected  
Para 132 – great weight to be given to asset’s conservation

### 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  
Policy H5 – Managing the Existing Housing Stock  
Policy S10 – Sustainable Development Principles  
Policy BN5 – The Historic Environment and Landscape

### 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  
Policy E26 – new development in conservation areas

H21 Conversion to flats  
H23 Conversion to flats  
H24 Conversion to flats

### 5.5 **Supplementary Planning Documents**

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

## 6. **CONSULTATIONS/ REPRESENTATIONS**

- 6.1 **Conservation (NBC)** - No objection to the apartments on conservation grounds. The change of use will have a neutral impact on the historic character of the Boot & Shoe Quarter Conservation Area, which derives from the physical juxta position of factories, industrial workers’ houses and commercial, social and religious buildings in tight-knit urban streets and which illustrates the nature and development of the boot & shoe industry in Northampton. The windows and front door to the property have previously been altered and the proposal will not harm the appearance of the property within the Boot & Shoe Quarter Conservation Area. The rear garden wall forms the boundary with Kingsley Conservation Area and is covered by an Article 4 Direction; the proposed bike shelter would appear incongruous if visible from The Racecourse. Following the submission of amended plans, the revised cycle store is considered more acceptable in terms of design.
- 6.2 **Public Protection (NBC)** – awaiting consultation response. Any response will be reported on the Addendum to this agenda.
- 6.3 **Highway Authority (NCC)** – objections raised due to the pressure for on-street parking in the area, particularly after 6pm. The applicant is advised to undertake an on-street parking beat survey to determine if any spaces are available in Colwyn Road.
- 6.4 **Councillor D Stone** – Objects due to the number of HIMO’s and flat conversions in Colwyn Road. This will add pressures that over population will bring; parking, services, waste collection, and

loss of a balanced and cohesive community. There is a strong Residents' Association that is working hard to achieve its aims of creating a clean, safe, stable environment. This application will undermine their efforts.

6.5 Nine letters of objection have been received. Comments are summarised as follows;

- Adverse effect on residential amenity
- Result in an additional 10 residents with cars seeking parking
- Enforcement of existing parking problems
- Public safety issues associated with parking in the Racecourse car park and walking to Colwyn Road
- Unsustainable high density due to the number of HIMOs in Colwyn Road
- Problems with fly-tipping in the area
- Human Rights Act Protocol 1 Article 1 – to ensure a person has the right to peaceful enjoyment of their possessions which include their home and their surroundings
- Planned works by Anglian Water in the area, causing further parking issues
- Despite the appeal for use of the property being dismissed, the property is still being occupied as a HIMO (bin store, cycle store and management plan not implemented)
- Care home use would not result in the same parking issues as residents would not have owned cars.

## **7. APPRAISAL**

### **Principle**

- 7.1 By reason of the site's allocation for residential use in the Northampton Local Plan, it is considered that the development of this site for residential purposes is acceptable in principle.
- 7.2 Policy H1 of the JCS identifies the need for a mix and type of dwellings to meet the needs of a variety of accommodation needs and tenures. Whilst it is acknowledged that the number of HIMOs within a 50m radius of the site is 16%, exceeding the 15% threshold established by the Council's Interim Planning Policy Statement in respect of Houses in Multiple Occupation (IPPS), hence the previous refusal for the use of the property as a HIMO, there is no similar policy relating to the conversion of properties to flats. There remains a reasonable mix and type of dwellings within the locality, including family dwellings, and the proposed apartments would contribute towards this housing mix.
- 7.3 Policy H5 considers the need to protect housing stock numbers and encourage the re-use of empty dwellings for residential use. In this instance, the building is particularly spacious and unlikely to be occupied by a single family, hence its history of alternate uses as flats and a nursing home.
- 7.4 The current authorised use as a nursing home would allow 7 residents and staff to occupy the property, with some form of care taking place. This is likely to involve a level of activity at the property that could exceed that of a single family dwelling house. It is considered that the proposed conversion to 5 residential units would not result in a significant change in the number of occupiers of the property compared to that under the existing use. In addition, prior to the use of the property as a care home, the property comprised 5 self-contained apartments.
- 7.5 Given the above, and the lack of a 5 year housing land supply within the Borough, in policy terms it is considered that the proposed use is acceptable.

### **Amenity**

- 7.6 The property has a number of large rooms all served by en-suite shower rooms and as they have large windows, plenty of natural light. The rooms to the rear have views over the Racecourse Pavilion, giving a sense of spaciousness. The only exception to this is the basement room to the rear, which has a light well type window facing onto the rear garden and is proposed as a kitchen to Apartment 1.
- 7.7 In terms of floor area the apartment schedule states the following:

<b>Type and no</b>	<b>Beds</b>	<b>Gross internal area</b>
Apartment 1	2	91 m <sup>2</sup>
Studio 2	1	31 m <sup>2</sup>
Apartment 3	1	39 m <sup>2</sup>
Studio 4	1	33 m <sup>2</sup>
Apartment 5	1	53 m <sup>2</sup>

Policy H23 of the Northampton Local Plan is a saved policy relating to flat conversions. It specifies that planning permission will not be granted for the conversion to flats with a combined ground and first floor area of 100 square metres or less, and with a frontage of less than 4.7 metres. The 5 flats have a combined floor area of approximately 247 square metres over four floors, with the ground and first floor being in excess of 100 square metres. The frontage of the property is 5.5m which exceeds the minimum of 4.7m set down. On balance, it is considered that the proposal would accord with Policy H23. However, as this policy is dated, it cannot afford much weight in decision making.

- 7.8 Policy H1 of the Joint Core Strategy can be afforded more weight in decision making given that it is up to date development plan policy; criteria (f) relates specifically to the amenity of future occupiers. It is considered that the proposal accords with the aims of Policy H1 in terms of residential amenity due to the sufficient room sizes, given that all habitable rooms would have sufficient light and outlook.
- 7.9 There is sufficient space to the rear of the property for refuse storage and a condition is recommended to secure appropriate provision.

### **Highways**

- 7.10 The Highway Authority objects due to the lack of parking and has sought a parking beat survey. The agent has not provided this, but has noted that no additional flats are being provided in addition to the 5 units approved in 1985 and subsequently implemented.
- 7.11 A number of residents have also raised concerns relating to lack of parking in the area and that this proposal would exacerbate the problem. Some of the representations have referred to the lower car usage from a nursing home use. It should be noted that the property has a variation of levels throughout the building and the stairs are not particularly aimed at residents with mobility issues, although they are wide enough to accommodate stair lifts, if required. Therefore in reality, if the use was to be for a care type situation, it is possible that the residents could be capable of driving and therefore car ownership. It is understood that the nursing home only operated from the property for a relatively short period of time, due to operational difficulties with the property, therefore, it is probably unreasonable to use this as a comparison in terms of activity.
- 7.12 If the property was to be returned to a single family dwelling house, it is possible that the property could be occupied by a family with the potential to comprise of 7 car drivers/owners. In addition, prior to use as a care home, the property was in use as 5 apartments.

- 7.13 Furthermore, in considering the comments from the Highway Authority it is noted that an application for alterations to 133 Colwyn Road, to provide an additional fifth flat in addition to the existing four was refused on highway grounds and allowed on appeal. In his comments regarding parking, the Inspector noted that the property is in a sustainable location, being close to local services and public transport links. He further noted that any future occupants would be aware of the competition for parking spaces in the area and that the property would be more attractive to occupants who do not own a car.
- 7.14 In view of the above considerations, it is not therefore considered that a refusal on highway grounds could be sustained on appeal.

#### **Impact on residential amenity**

- 7.15 No extensions are proposed, therefore there is no change in terms of daylight, sunlight or privacy to the neighbouring properties.
- 7.16 Residents have raised issues relating to impact on residential amenity, parking, antisocial behaviour and fly-tipping in the area.
- 7.17 In respect of noise and anti-social behaviour, there is no evidence to suggest the proposed development would lead to any increased impacts in this regard.
- 7.18 Concerns raised in relation to parking are considered above and, in respect of refuse, a condition is recommended to ensure appropriate refuse storage.
- 7.19 As such, it is not considered that the proposal would lead to any undue adverse impact on surrounding residential amenity, and the proposal is therefore considered acceptable in this regard.

#### **Heritage**

- 7.20 With the exception of the installation of appropriate refuse and cycle storage, the details of which would be agreed by condition, no external alterations are proposed. The proposal would therefore have a neutral impact on the character and appearance of the conservation area.

### **8. CONCLUSION**

- 8.1 The proposed conversion to residential units is considered an acceptable use within a residential area and would contribute towards the Council's 5-year housing supply. The proposal would not lead to any undue adverse impact on the character of the conservation area, residential amenity or highway conditions and is in accordance with the requirements of national and local planning policy and guidance.
- 8.2 The proposal is therefore recommended for approval, subject to the conditions below.

### **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: 16/L126/103A, 16/L126/101c, 16/L126/102d.

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

3. Prior to the occupation of the development hereby permitted, 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 Policy H1 of the West Northamptonshire Joint Core Strategy.

4. Prior to the occupation of the development hereby permitted, 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 Policy H1 of the West Northamptonshire Joint Core Strategy.

## **10. BACKGROUND PAPERS**

- 10.1 N/2017/1574

## **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: **121 Colwyn Rd**

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Date: 02-02-2018

Scale: 1:2,000

Drawn by: -----