

<b>PLANNING COMMITTEE:</b>	13 <sup>th</sup> February 2018
<b>DIRECTORATE:</b>	Regeneration, Enterprise and Planning
<b>HEAD OF PLANNING:</b>	Peter Baguley
<b>APPLICATION REF:</b>	N/2017/1699
<b>LOCATION:</b>	19 Margaret Street
<b>DESCRIPTION:</b>	Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 5 occupants (retrospective)
<b>WARD:</b>	Castle Ward
<b>APPLICANT:</b>	Mr Peter Su
<b>AGENT:</b>	Stanford Knights Letting
<b>REFERRED BY:</b>	Councillor D Stone
<b>REASON:</b>	Parking and refuse concerns
<b>DEPARTURE:</b>	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 would not result in any adverse impact on the Boot and Shoe Quarter Conservation Area. The proposal thereby complies with Policies H1, H5, BN5, BN7 and S10 of the West Northamptonshire Joint Core Strategy, 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 The proposal is for the change of use of an existing three bedroom dwelling to a house in multiple occupation for five residents in four bedrooms. The application is retrospective.

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

3.1 The application site comprises a former three bedroom mid-terraced house within a street of similar properties.

3.2 The site is situated within the Boot and Shoe Conservation Area.

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

4.1 N/2017/0591 - Change of Use from 3 bed Dwelling (Use Class C3) to a 5 bed House in Multiple Occupation (Use Class C4) for 6 occupants – Refused 16/10/17.

#### **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.

Paragraphs 49 has a presumption in favour of sustainable housing development.

Paragraph 50 seeks to deliver a wide choice of high quality homes to meet a wide range of differing housing needs.

##### **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 (Design)

Policy H30 – Multi-Occupation with a Single Dwelling

##### **5.5 Supplementary Planning Documents**

## 5.6 Other Material Considerations

Houses in Multiple Occupation (HMO) Interim Planning Policy Statement (IPPS) (November 2014)

Proposals for HMOs 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 HMOs 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 **Private Sector Housing (NBC)** - This property is a licensed HMO for five occupants in four households as indicated in the application.
- 6.2 **Highway Authority (NCC)** - The property in question is within a Permit Zone and therefore all parking in the vicinity is controlled. The LHA holds the right to restrict the number of permits administered to any property as it sees fit. This may result in the number of permits being limited and there is no guarantee that every resident within the revised property will be issued with a permit.
- 6.3 **Town Centre Conservation Area Advisory Committee** – The application needs to be assessed against the criteria set out in the HMO SPD. Parking capacity should be considered, as the change will generate parking and traffic problems. The accommodation is inadequate with only a very small bathroom.
- 6.4 **Conservation (NBC)** - No objection on conservation grounds.
- 6.5 **Councillor D Stone** - Calls in the application on the grounds that this area of the Lower Mounts is facing considerable pressures on parking, fly tipping, littering and anti-social behaviour. Residents need support to help fulfil vision of a clean, safe and cohesive area that they are proud to live in. Already too much transience in the area. Need to encourage families to settle here and make sure there are family homes available.

## 7. APPRAISAL

### Principle of the development

- 7.1 The conversion of the existing dwelling to a HMO 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 HMOs 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 currently nine recorded HIMOs within a 50m radius of the application site. The use of the application premises as a HIMO also would therefore equate to an 8.7% concentration in the area. This would 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 the 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.
- 7.4 The current proposal follows an earlier application for the use of the property as a 5 bed HIMO for use by 6 occupants. This included the use of the basement area as a bedroom, which resulted in an objection being made by Private Sector Housing as the basement was not considered suitable for use as a bedroom. The application was therefore refused for this reason, and also due to the inadequate size of the first floor rear bedroom, as shown on the plans.
- 7.5 Following on from this refusal, the current application was submitted which omits the basement room and thereby reduces the proposal to four bedrooms and five occupants. In addition, the rooms have been re-measured and all measurements verified by the Planning Case Officer. It has thereby been ascertained that the bedroom in question is of adequate size to meet the required standards.
- 7.6 The property is, therefore, 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 wash facilities. All bedrooms would now be served by adequate outlook and light. It has been confirmed by Private Sector Housing that the accommodation proposed would be acceptable for 5 residents in four bedrooms. A condition restricting the use of the property to a maximum of 5 people would ensure over-development does not occur, whilst a further condition will restrict the use of the basement to storage only in addition to the use of the existing shower room.
- 7.7 There is ample space within the rear garden for bin storage to be provided and a condition requiring an appropriate facility to be put in place, within one month of the approval of the details of this, is recommended.

### **Flood risk**

- 7.8 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**

- 7.9 The 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.
- 7.10 The nearest bus stop to the premises is located at a distance of around 400m, on Upper Mounts. In addition, the property is within reasonable walking distance of local centres as well as the town centre, meaning that all facilities which could be required by future residents are close by. Therefore the proposal is considered to be in accordance with the requirements of the IPPS in respect of parking considerations.

- 7.11 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 and for this to be provided within one month of approval.
- 7.12 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.
- 7.13 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 development will produce a demand for 4 parking spaces, which is an increase of 2 compared to the previous and lawful use, as the parking requirement for a 3-bed dwelling is 2 spaces.
- 7.14 In this case, the Local Highway Authority (LHA) raise no objection to the proposal, but advise that the property is within a permit zone where the provision of residents permits may be restricted.
- 7.15 In considering the comments from the LHA, regard must be had not only to the IPPS as quoted above but also to the former use of the property as a three bedroom dwelling. This could potentially result in four car owning residents, if the property was occupied by a family of two parents and two children of driving age. Even if all five residents of the HIMO had cars, this would result in only one additional car above this scenario and there is no evidence to demonstrate that all 5 residents of the proposed HIMO would own cars, particularly considering the location close to the town centre.
- 7.16 Furthermore, regard must be paid to previous appeal decisions 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 It should also be noted that in the most recent appeal decision issued on 30<sup>th</sup> January 2018, the Inspector, in taking the view that the IPPS is consistent with one of the core principles of the National Planning Policy Framework, which is to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, attached significantly more weight to the IPPS than to the Northamptonshire Parking Standards in determining the appeal.
- 7.18 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, that there is sufficient room within the site to provide secure bicycle storage, and bearing in mind the requirements of the IPPS, it is not considered that highway impacts would be so adverse as to recommend refusal on this basis.

### **Refuse storage**

- 7.19 No details have been submitted for refuse storage or bin locations. There is sufficient space to the rear of the property for bin storage, a condition is recommended to agree the details of refuse storage for the property to ensure it is of an appropriate size.

### **Amenity**

- 7.20 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**

- 7.21 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 to the conservation of the heritage asset.
- 7.22 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 on heritage impact grounds, it is considered that the proposal would not impact on the character or appearance of the Conservation Area.

## **8. CONCLUSION**

- 8.1 The proposed change of use would comply with the requirements of the IPPS, and would not result in an over concentration of HMOs within the locality and would provide suitable accommodation for the number of occupants proposed. The proposal would not lead to any undue adverse impacts on parking provision, adjacent amenity or the character and appearance of the Conservation Area, and is in accordance with the requirements of both national and local planning policy and guidance.
- 8.2 The proposal is therefore recommended for approval subject to the following conditions.

## **9. CONDITIONS**

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Plan - Basement, Proposed Plan - Ground Floor, Proposed Plan - First Floor.

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

2. Full details of facilities for the storage of refuse and materials for recycling shall be submitted for approval 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.

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: 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.

4. 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.

5. The basement shall be used as a storage area and shower room only and shall be maintained as such for the duration of the use hereby permitted and the basement room shall not be used as a bedroom or living room at any time.

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.

## **10. BACKGROUND PAPERS**

- 10.1 Application file N/2017/1699

## **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.



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Date: 02-02-2018

Scale: 1:1,250

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