

PLANNING COMMITTEE: 10th April 2018
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2017/1627

LOCATION: 58 London Road

DESCRIPTION: Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 4 occupants

WARD: Delapre & Briar Ward

APPLICANT: Mr Zaheer Ahmed
AGENT: Planning, Design & Build Ltd

REFERRED BY: Councillor V Culbard
REASON: Parking, refuse and noise concerns

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 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 nearby shops on St Leonards Road, bus services and amenities and would provide adequate facilities for cycle storage and refuse storage and have an acceptable impact on the setting of the nearby conservation area. The proposal thereby complies with Policies H1, H5, BN5, BN7 and S10 of the West Northamptonshire Joint Core Strategy, saved 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 Permission is sought for a change of use from a dwelling house (Use Class C3) to a house in multiple occupation (HIMO) (Use Class C4) for 4 people. No external alterations are proposed to the property. Parking is available on the London Road and nearby side streets although there is a garage to the rear accessed off Penrhyn Road. 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 site consists of a two storey three bedroom property located along a row of three terraced houses on the busy London Road. The site is bound by Penrhyn Road to the side and is not in a conservation area although is close to the boundary of the Delapre Park Conservation Area. There is a bus stop directly in front. The property has a detached garage to the rear accessed off Penrhyn Road.

4. PLANNING HISTORY

4.1 No recent planning applications

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

5.3 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 - 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 Paragraph 100 - flood risk in determination of planning applications.

5.8 Paragraph 132 - heritage assets.

5.9 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:

S10 Sustainable Development Principles
H1 Housing Density, Mix and Type of dwellings
H5 Managing the Existing Housing Stock
BN5 Historic Environment and Landscape
BN7 Flood Risk

5.10 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:

E20 New development
H30 Houses in Multiple Occupation

5.11 Supplementary Planning Documents

Northamptonshire Parking Standards (September 2016)
Planning out Crime in Northamptonshire SPG (2004)

5.12 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 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 **Private Sector Housing (NBC)** no objection.
- 6.2 **Environment Agency** no objection subject to a planning condition on any approval.
- 6.3 **Highways (NCC)** no objection as there is spare parking capacity in the area.
- 6.4 **Councillor V Culbard** called in on parking, congestion, noise and increase in rubbish.

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 evidence that there would be 6 HIMOs within a 50m radius of the application site, including no.60 London Road which has an outstanding planning application for a change of use to a HIMO. The use of this property as a HIMO would equate to 14.28% concentration in the area out of 42 properties. This would clearly fall within the 15% maximum threshold recommended by the Council's adopted Interim Planning Policy Statement in relation to HIMOs.

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 HMOs 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 HMO IPPS and appropriate facilities. A condition restricting the use of the property to a maximum of 4 people would ensure over-development does not occur. All bedrooms would be served by adequate outlook and light. Private Sector Housing has advised that they will be satisfied with the accommodation proposed meets the requirements. The submitted plans indicate an area to the rear set aside for cycle storage and a condition is recommended to agree its implementation.

Flood Risk

- 7.4 In respect of flood risk, the application site lies in Flood Zone 2. The Environment Agency have considered the applicant's flood risk assessment and raise no objections subject to a standard condition as detailed below.

Highways/Parking

- 7.5 The Interim Planning Policy Statement for HMOs (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 located within easy walking distance to facilities along St. Leonards Road and is directly adjacent to a bus stop at the front. In this regard, the proposal is considered to be in accordance with the requirements of the IPPS in respect of parking considerations.
- 7.6 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. 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 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 proposed development will produce a demand for 4 parking spaces, which is an increase of 2 compared to the existing use, as the parking requirement for a 3-bed dwelling is 2 spaces.
- 7.8 Furthermore, regard must be paid to previous appeal decisions over the past few months where Planning Inspectors have consistently taken the view that where a site is close to local amenities and public transport, 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.
- 7.9 Notwithstanding the fact that there is an outstanding application for a HMO adjacent to the site which may have the potential for cumulative impacts on parking within the locality, in view of the recent appeal decisions, and having regard to the sustainable location of the application site, the number of occupants proposed, and that secure bicycle storage will be provided, in accordance with the requirements of the IPPS, it is not considered that a refusal on highway grounds could be upheld.

Refuse storage

- 7.10 The submitted plans indicate an area to the rear set aside for refuse and a condition is recommended to agree its implementation.

Amenity

- 7.11 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.

Impact on setting of nearby conservation area

- 7.12 The site is opposite the boundary of the Delapre Park Conservation Area. However given that the proposal is purely for a change of use, it is considered that there would be no impact on the setting of this heritage asset.

8. CONCLUSION

- 8.1 The proposed development would not lead to an unacceptable concentration of HIMOs within the locality that would adversely affect upon the character of the local area, street scene, nor would the development have significant adverse impacts on neighbouring amenity or parking provision. The property is of sufficient size to accommodate the level of accommodation as proposed and would not cause harm to flood risk or the nearby heritage asset.

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: 002 and 003.

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

- 3) The development hereby permitted shall be occupied by a maximum of four residents at any one time.

Reason: In the interests of the amenity of the proposed occupiers and the surrounding area in accordance with Policy H1 and H5 of the West Northamptonshire Joint Core Strategy.

- 4) Prior to the occupation of the property as a house in multiple occupation, the bin and cycle storage areas shall be implemented in accordance with those shown on the approved plans and retained as such throughout the lifetime of development.

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

- 5) The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures contained within:
- Finished floor levels will be set no lower than existing.
 - Flood resilient and resistance measures will be incorporated into the development.
 - Demountable/flood doors will be added to all ground floor door openings.

The mitigation measures shall be fully implemented prior to occupation.

Reason: In the interests of flood risk to accord with Policy BN7 of the West Northamptonshire Joint Core Strategy.

10. BACKGROUND PAPERS

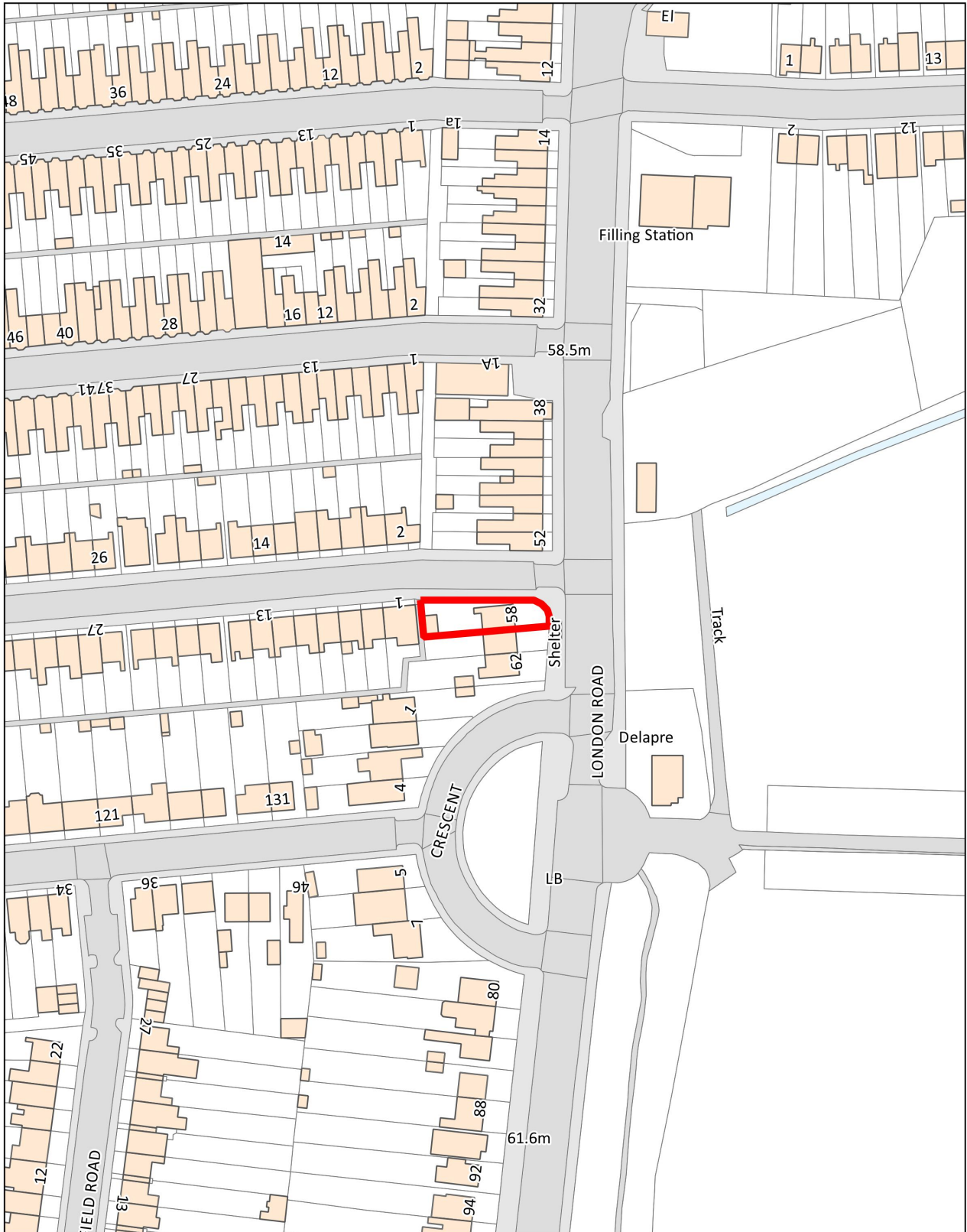
10.1 N/2017/1627.

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: **58 London Road**

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Date: 20-03-2018

Scale: 1:1,250

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