

PLANNING COMMITTEE: 7th June 2018
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2018/0514

LOCATION: 47 Holly Road

DESCRIPTION: Change of Use from Children's Nursery (Use Class D1) to House in Multiple Occupation (Use Class C4) for 6 occupants

WARD: Abington Ward

APPLICANT: Mr M Novitt
AGENT: Archi-tec Architectural Design

REFERRED BY: Councillor Z Smith
REASON: Parking concern

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 a significant 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 a Local Centre, bus services and amenities and would provide adequate facilities for refuse and cycle storage. The proposal thereby complies with Policies H1, H5, 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 former children's nursery (Use Class D1) to a house in multiple occupation (HIMO) (Use Class C4) for 6 people. No external alterations are proposed to the property. Parking would be on-street and it is proposed to re-instate the garage at the rear of the dwelling for off street parking.

3. SITE DESCRIPTION

3.1 The application site comprises a three storey mid terraced property located at Holly Road, Abington. The property was originally a dwellinghouse but has been used as a children's nursery

since the 1990s. The use as a nursery has ceased. The property has a basement, a small front garden, a rear garden and a double garage to the rear which has been converted to an office.

4. PLANNING HISTORY

- 4.1 N/2018/0236 – Change of use from children’s nursery (Use Class D1) to residential dwelling (Use Class C3) – Approved
- 4.2 PA/2018/0070 – Enquiry regarding proposed change of use to House in Multiple Occupation
- 4.3 1996/209 – Extend children’s day nursery – 25 children - Approved
- 4.4 1992/46 – Create children’s nursery for 20 children and 4 members of staff - Approved

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:

- 5.3 Paragraph 17 - Core Principles seeks to secure high quality design and a good standard of amenity for existing and proposed occupiers.
- 5.4 Paragraph 49 - Housing applications should be considered with a presumption in favour of sustainable development.
- 5.5 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.
- 5.6 Paragraph 100 - Flood risk in determination of planning applications.

5.7 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 BN7 - Flood Risk

5.8 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 H30 – Multi-occupation with a single dwelling

5.9 **Supplementary Planning Documents**

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

5.10 **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 50 metre 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 Zoe Smith** – called the application in. Consider 6 occupants is excessive and would exacerbate parking problems in the area.

6.2 **NCC Highways** – object. State that a number of parking beat surveys have been submitted within the area as part of numerous planning applications. A survey carried out on the roads in the immediate vicinity in January 2017 showed there was no residual parking capacity. Furthermore, 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 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. Although in isolation one might consider the increase in demand generated by this development to be minimal or negligible, the LHA would argue that the cumulative impact of minor developments such as this need to be considered as a whole and that the impact on highway safety is severe.

6.3 **Private Sector Housing** – no objection, the room sizes and amenities are suitable for 6 occupiers.

6.4 **Eight neighbour letters and one letter from a passer-by** have been received together with a **petition signed by 35 residents** of Holly Road objecting as follows:

- Already parking issues with no availability and double parking. Proposal will have severe impact on highway safety.
- Consider already an over intensification of HIMOs in the street.
- Noise and anti-social behaviour.
- Impact of transient population on local community.
- Change in character of the area.
- Previous use as a nursery only generated one staff parking space and parents only parked for a maximum of ten minutes. No nursery parking after 6pm.
- Naïve to consider tenants will use public transport and use local facilities.
- Concerns about refuse storage.
- Although the property will have 6 bedrooms this does not limit the number of people using the property at any one time to 6 persons.
- Will create disturbance for adjoining family dwellings.
- Consider converted garage should be changed back to garage use.
- Questions bathroom, kitchen facilities are adequate.
- Similar application on Ivy Road has recently been refused by the Council.

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 are 7 other HIMOs out of 61 properties within a 50m radius of the application site. The use of this property as a HIMO would equate to 11.5% concentration in the area. This would fall within the 15% maximum threshold recommended by the Council's adopted IPPS in relation to HIMOs. It is considered 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 IPPS with appropriate kitchen/dining, WC and wash facilities. A condition restricting the use of the property to a maximum of 6 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 are satisfied that the accommodation proposed meets their requirements.

Flood Risk

- 7.4 The site is not in a flood zone therefore there would be no impact on flooding.

Highways/Parking

- 7.5 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.
- 7.6 The application property is located within easy walking distance to facilities on Kettering Road. It is considered that the application site is in a sustainable location within 350m of the nearest bus stop on Kettering Road. In this regard, the proposal is considered to be in accordance with the requirements of the IPPS in respect of parking considerations.
- 7.7 Within such areas, the IPPS recommends that storage space should be provided which is accessible to cycle users. Space is available in the rear garden and a condition is recommended requiring details to be submitted for approval for secure cycle storage.
- 7.8 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. The Northamptonshire Parking Standards state that HIMOs shall provide on plot parking at the ratio of one parking space per bedroom. The proposal has been amended indicating that the garage to the rear will be re-instated which will provide one off street parking space. The proposed development will produce a demand for 6 parking spaces, which is a decrease of 4 spaces required for a children's nursery (1 space per full time member of staff and 1 space per 4 children), and an increase of 3 if the property is used as a dwellinghouse as parking requirement for a 5-bed dwelling is 3 spaces.
- 7.9 In this case, the Highway Authority object to the proposal because the potential impacts on highway safety are considered severe, and concern is raised regarding the potential negative impacts of an increase in parking demand on the amenity of neighbouring residents.

- 7.10 Notwithstanding the Highway Authority's objection, there is no evidence to support that all 6 residents would own cars. Given the number of spaces arising from the existing authorised use and the sustainable location of the property, it is not considered that a refusal on highway grounds could be upheld at appeal.
- 7.11 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.

Refuse storage

- 7.12 There is sufficient space in the basement or rear garden of the property for bin storage, a condition is recommended to agree the details of refuse storage.

Other matters

- 7.13 The garage at the property has been converted to an office. This was not shown on the original proposed plans and clarification has been requested as to what is happening to this building. The agent has now confirmed that the garage will be re-instated and amended plans have been submitted to this effect.

CONCLUSION

- 8.1 The proposed change of use would comply with the requirements of the Interim Planning Policy Statement on HIMO's, and would not result in an over concentration of HIMO's within the locality and would provide suitable accommodation for the number of occupants proposed. 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 existing authorised use of the property, it would be difficult to uphold a refusal at appeal. The proposal is therefore recommended for approval.

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: Site Location Plan, N23-2B.

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

3. Prior to the bringing into use of the building for the approved use, 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 Policies H1 and H5 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

4. Prior to the bringing into use of the building for the approved use, 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 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 six 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 basement shall not be used for bedroom or living accommodation at any time.

Reason: For the avoidance of doubt and 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.

7. The converted garage shall be re-instated as a garage prior to the first occupation of the building hereby permitted and it shall not be used as bedroom or living accommodation at any time.

Reason: For the avoidance of doubt and 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.

10. BACKGROUND PAPERS

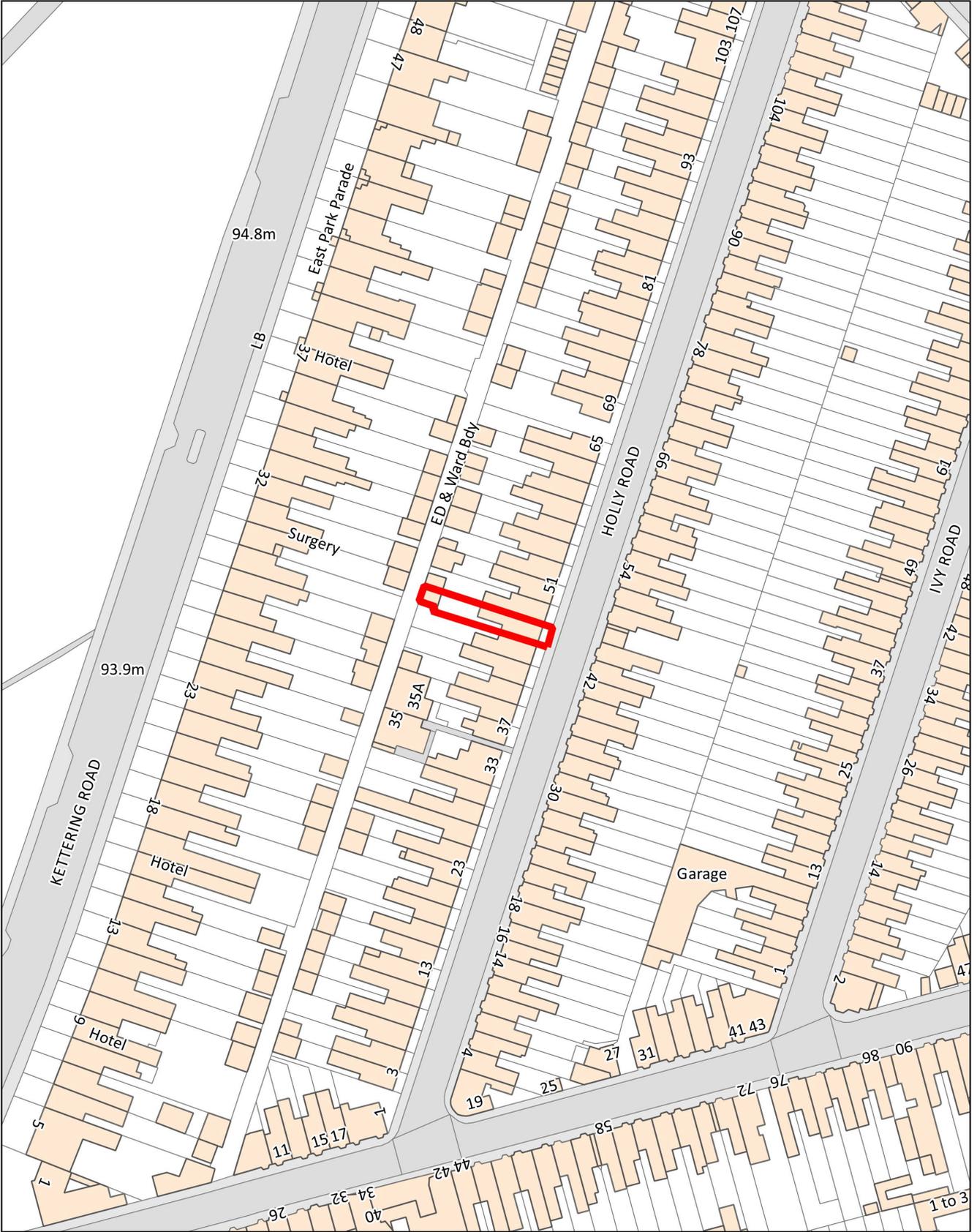
- 10.1 N/2018/0514.

11. LEGAL IMPLICATIONS

- 11.1 The development is 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: **47 Holly Road**

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Date: 17-05-2018

Scale: 1:1.250

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