

PLANNING COMMITTEE: 19th February 2019
DEPARTMENT: Planning Service
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2018/1695

LOCATION: 84 Towcester Road

DESCRIPTION: Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 5 occupants

WARD: Delapre & Briar Ward

APPLICANT: Richard Lee Accommodation Ltd
AGENT: N/A

REFERRED BY: Councillor J Davenport
REASON: Parking and refuse 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 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 could provide adequate facilities for cycle storage and refuse storage subject to conditions. The proposal thereby complies with Policies H1, H5 and S10 of the West Northamptonshire Joint Core Strategy, 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 The proposal is for the change of use of the property to a five person house in multiple occupation. Parking would be on-street. No external alteration is proposed.

3 SITE DESCRIPTION

- 3.1 The application site consists of a two storey three bedroom terraced house. The site is opposite to an existing library but predominantly within a residential area.

4 PLANNING HISTORY

- 4.1 None.

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

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
Policy H18 – Residential Extensions

5.5 Supplementary Planning Documents

Northamptonshire Parking Standards (September 2016)
Planning out Crime in Northamptonshire SPG 2004
Residential Extensions and Alterations Design Guide SPD

5.6 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 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** – The room sizes, amenities and facilities shown on the submitted plans indicate that the proposed HIMO would meet the requirements for five occupants.
- 6.2 **Local Highway Authority** – No comments to make.
- 6.3 **Councillor G Walker** – Object to this application, on the grounds of loss of a family home, and the big problem of parking.
- 6.4 **Councillor E Roberts** – There are a large number of unregistered and unlicensed HIMOs. The parking situation is dangerous situation with double parking becoming the norm. Placing pressure on public services and the Police.
- 6.5 **Councillor J Davenport** – Calls in the application due to issues raised by residents of parking, refuse and noise.
- 6.6 Three representations received from nearby occupiers, making the following points in summary:
- This is a family area but large number of HIMOs
 - Huge impact on parking, flytipping, nuisance and excess rubbish
 - Area is being destroyed by HIMOs
 - Should have built more accommodation at the new university site
 - Place is becoming a mess
 - Hope cat will be undisturbed by the proposal

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 no existing HIMOs within a 50m radius of the application site. The use of this property as a HIMO would therefore equate to a 2.3% concentration in the 50m 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 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 Interim Planning Policy Statement for HIMOs (IPPS) also includes minimum sizes for all rooms within a HIMO.
- 7.4 In this case, the room sizes all meet the requirements of the IPPS and it has been further confirmed by Private Sector Housing that the building as proposed is suitable for occupation by five persons.
- 7.5 A condition restricting the use of the property to a maximum of five people would ensure over-development does not occur.

Flood risk

- 7.6 In respect of flood risk, the site is located outside areas at risk from flooding.

Highways / Parking

- 7.7 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.
- 7.8 The application property is located adjacent to a bus stop on Towcester Road for buses to the town centre whilst a stop for buses out of town is 50m away on the opposite side of the road. The small local centre at the end of Rothersthorpe Road, comprising a convenience store and post office, is within a short walking distance, whilst the larger St Leonard's Road local centre is around 5 minutes' walk. In this regard, the proposal is considered to be in accordance with the requirements of the IPPS in respect of parking considerations.
- 7.9 Within such areas, the IPPS recommends that storage space should be provided which is accessible to cycle users. This is shown indicatively to the rear of the house, and a condition is recommended requiring full details.
- 7.10 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.
- 7.11 The Northamptonshire Parking Standards state that HIMOs shall provide on plot parking at the ratio of one parking space per bedroom. The proposed development would produce a requirement for 5 parking spaces.
- 7.12 In this case, the LHA has made no objection to the proposal, and furthermore there is no evidence to support that all five residents would own cars. Given the number of occupants potentially arising from the existing lawful use as a three bedroom house, which could be four car-driving adults in the same family, and the sustainable location of the property, it is not considered that a refusal on highway grounds could be upheld at appeal.
- 7.13 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.

- 7.14 In view of the sustainable location of the application site and number of occupants proposed, and that there is sufficient room within the site to provide secure bicycle storage, it is not considered that highway impacts would be so adverse as to recommend refusal on this basis.
- 7.15 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.

Refuse storage

- 7.16 As with cycle storage, it would be possible to provide refuse storage within the rear garden area and this is shown indicatively. A condition requiring full details of such provision is recommended.

Impact on the amenity of adjoining and nearby residential occupiers

- 7.17 In respect of the change of use, the proposed use falls within Use Class C4, which in effect categorises as a residential use. It is not considered that the proposal would generate adverse amenity impacts such as noise or anti-social behaviour over and above those created by a more conventional Class C3 dwelling. Indeed, without the Article 4 Direction, planning permission would not be required for the change of use. Consequently, it is not considered that any refusal of planning permission or the imposition of conditions, in relation to amenity issues would be reasonable or sustainable at appeal.

8 CONCLUSION

- 8.1 The proposed change of use to a 5 person HIMO would not have any undue impact on the amenities of adjoining occupiers, would comply with the requirements of the Interim Planning Policy Statement on HIMOs, and would not result in an over concentration of HIMOs 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 potential number of people that could occupy the property under the existing use, 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: Basement, Ground Floor Proposed (Page 1 of 2), Ground Floor Proposed (Page 2 of 2), First Floor Proposed.

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

3. Notwithstanding the submitted plans, 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. Notwithstanding the submitted plans, 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 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.

6. The basement area shall only be used for storage and shall not be used as living accommodation or bedroom at any time.

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

10 BACKGROUND PAPERS

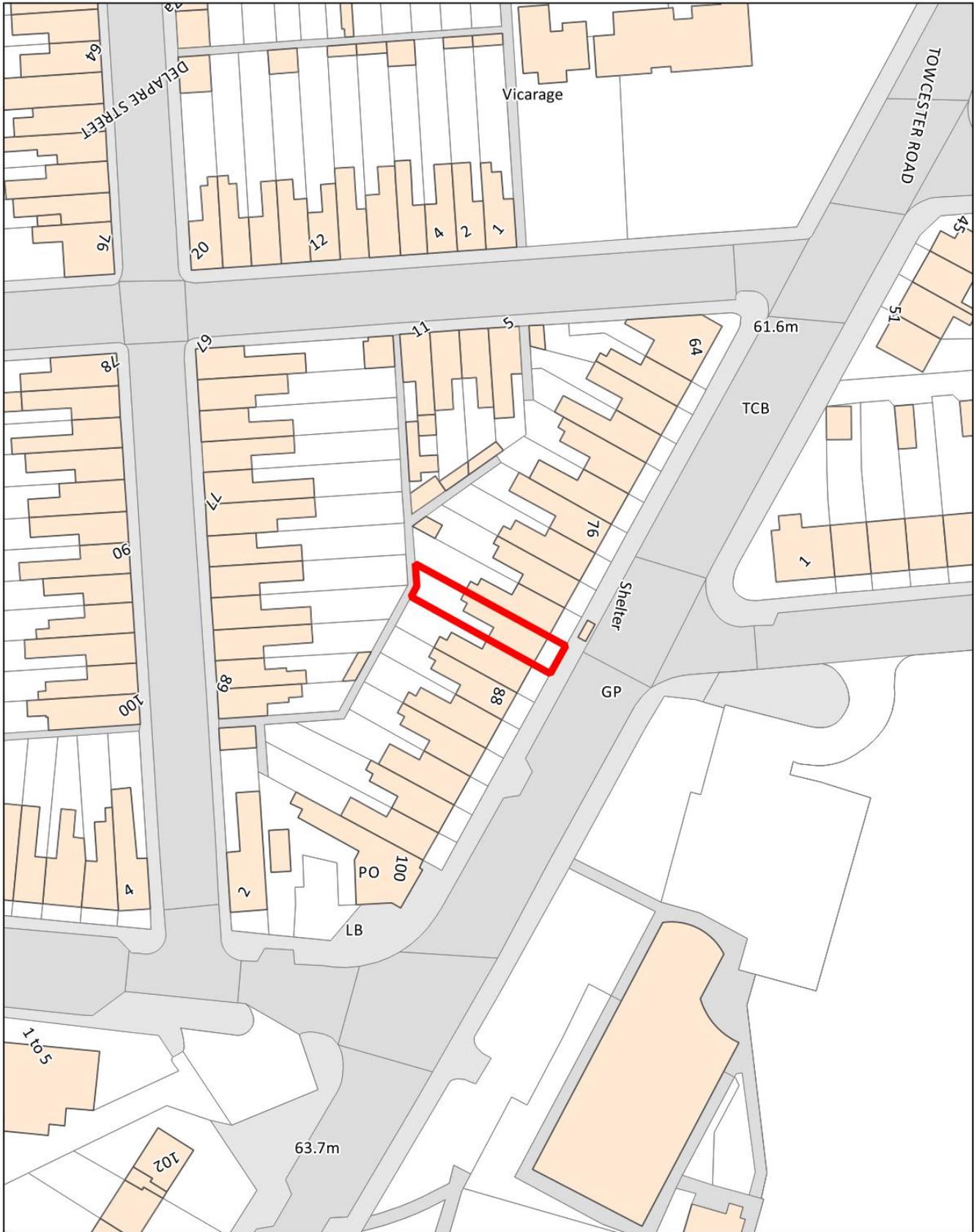
- 10.1 Application file N/2018/1695.

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: **84 Towcester Road.**

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