



PLANNING COMMITTEE: 3 September 2019
DEPARTMENT: Planning Service
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2019/0811

LOCATION: 2 Victoria Gardens

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

WARD: Castle Ward

APPLICANT: Investment Street
AGENT: HDA Architecture

REFERRED BY: Councillor D Stone
REASON: Overdevelopment

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 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. The site is in a sustainable location close to a Local Centre, bus services and amenities and would provide adequate facilities for cycle storage and refuse storage. The proposal thereby complies with the aims and objectives of the National Planning Policy Framework, policies H1, H5 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).

2 THE PROPOSAL

2.1 Permission is sought for a change of use from a dwellinghouse (Use Class C3) to a house in multiple occupation (HIMO) (Use Class C4) for 5 people. Although the premises are currently being used as a HIMO with four occupants, it would appear that such a use is unauthorised as no previous planning consent was granted.

- 2.2 Parking would be on-street. The local area is parking permit controlled area.
- 2.3 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 application site comprises a two storey, end of terraced, 3 bedroom property on Victoria Gardens, which is a residential area with similar terraced properties on the street. The property has a kitchen, lounge/dining area, a bathroom and a bedroom on the ground floor, 3 bedrooms on the first floor.
- 3.2 The site is in close proximity to the town centre. The site is near to bus routes on Cattle Market Road and Bridge Street.
- 3.3 The application site lies in Flood Zone 2.

4 PLANNING HISTORY

- 4.1 **N/2019/0287** - Lawful development certificate for use as a 5 bed (5 person) House in Multiple Occupation (Use Class C4). **Withdrawn.**

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

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:

Paragraphs 72 (c) - ensure that a variety of homes to meet the needs of different groups in the community will be provided.

Paragraph 127 (f) - seeks to create safe and healthy places with a high standard of amenity for existing and future users.

Paragraph 193 - Great weight to be given to the heritage 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

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 H30 – Multi occupation with a single dwelling.

5.5 Supplementary Planning Documents

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

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 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 D Stone** - raises objection on the basis that application would result in overdevelopment and will upset the balance of housing in the area. Calls in the application for consideration by the Planning Committee.
- 6.2 **Highway Authority (NCC)** - No objection. The property is within a permit zone.
- 6.3 **Private Sector Housing (NBC)** - did not raise any objection for 5 occupants as proposed under the original scheme.
- 6.4 **Environment Agency** – No comments made as the property is outside their statutory consultation.

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 4 existing HIMO within 50m radius of the application site. The use of this property as a HIMO would equate to 8.6% 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 that there would 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 Facilities and Amenities Guidance and appropriate kitchen/dining, WC and wash facilities. A condition restricting the use of the property to a maximum of 5 people would ensure over-development does not occur.
- 7.4 Private Sector Housing have confirmed that the room sizes specified on the submitted plans indicate that the proposals would meet the requirements for 5 occupant HIMO. They have raised concern about the size of the proposed 17.5 sqm kitchen/lounge, which should be 18sqm as per licensing standards. However, the proposed kitchen complies with the size outlined in the IPPS (10 sqm for kitchen serving 6-10 people) and is deemed acceptable. In addition, they have also raised concerns about the proposed entrance for bedroom 2 on the ground floor through the communal area; however, it is not considered to be an issue from planning point of view and is deemed acceptable. It is considered that all bedrooms would be served by adequate outlook and light.
- 7.5 No details have been submitted for cycle storage, but there is adequate space to the rear of the property that can be used for the storage of bins and cycles, the details of which would be required by conditions.

Flood Risk

- 7.6 The application site is located in Flood Zone 2 but is within the low risk of flooding. EA has not raised any concerns.

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 It is considered that the application site is in a sustainable location within 240m of bus stops on Cattle Market Road and within walking distance of facilities in the town centre. In this regard, the proposal is considered to be in accordance with the requirements of the IPPS in respect of parking considerations. Within such areas, the IPPS recommends that storage space should be provided which is accessible to cycle users. A condition is recommended requiring details to be submitted for approval for secure cycle storage.
- 7.9 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 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 5 parking spaces, which is an increase of 2 compared to the existing use, as parking requirement for a 4-bed dwelling is 3 spaces.

- 7.10 The Highways Authority has not raised objections to the proposal. The Highway Engineer has advised that the application property is within a Permit Zone and therefore all parking in the vicinity is controlled.
- 7.11 Furthermore, regard must be paid to recent appeal decisions over the past few weeks 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.
- 7.12 It should also be noted that in the most recent appeal decision, the Inspector, in taking the view that the IPPS is consistent with one of the core principles of the NPPF, 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.
- 7.13 in view of the recent appeal decisions, and the weight the Inspectors have given to the sustainability of locations, and having regard to the sustainable location of the application site, the number of occupants proposed, and that there is sufficient room within the site to provide secure bicycle storage, in accordance with the requirements of the IPPS, it is not considered that a refusal on highway grounds could be upheld at appeal.

Refuse storage

- 7.14 No details have been submitted for refuse storage or bin location. 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

- 7.15 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.

8 CONCLUSION

- 8.1 The proposed development would not lead to an unacceptable concentration of HIMO's 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.
- 8.2 It is considered that the proposed development would be in accordance with the requirements of Policies H1, H5, 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 and the aims and objectives of the NPPF.
- 8.3 The proposed development is recommended for approval subject to the following conditions.

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: 9000/1 and 9000/3.

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 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

4. Full details of facilities for the recycling and refuse storage shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the use hereby permitted commences 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.

5. Full details of facilities for the cycle storage shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the use hereby permitted commences 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.

10 BACKGROUND PAPERS

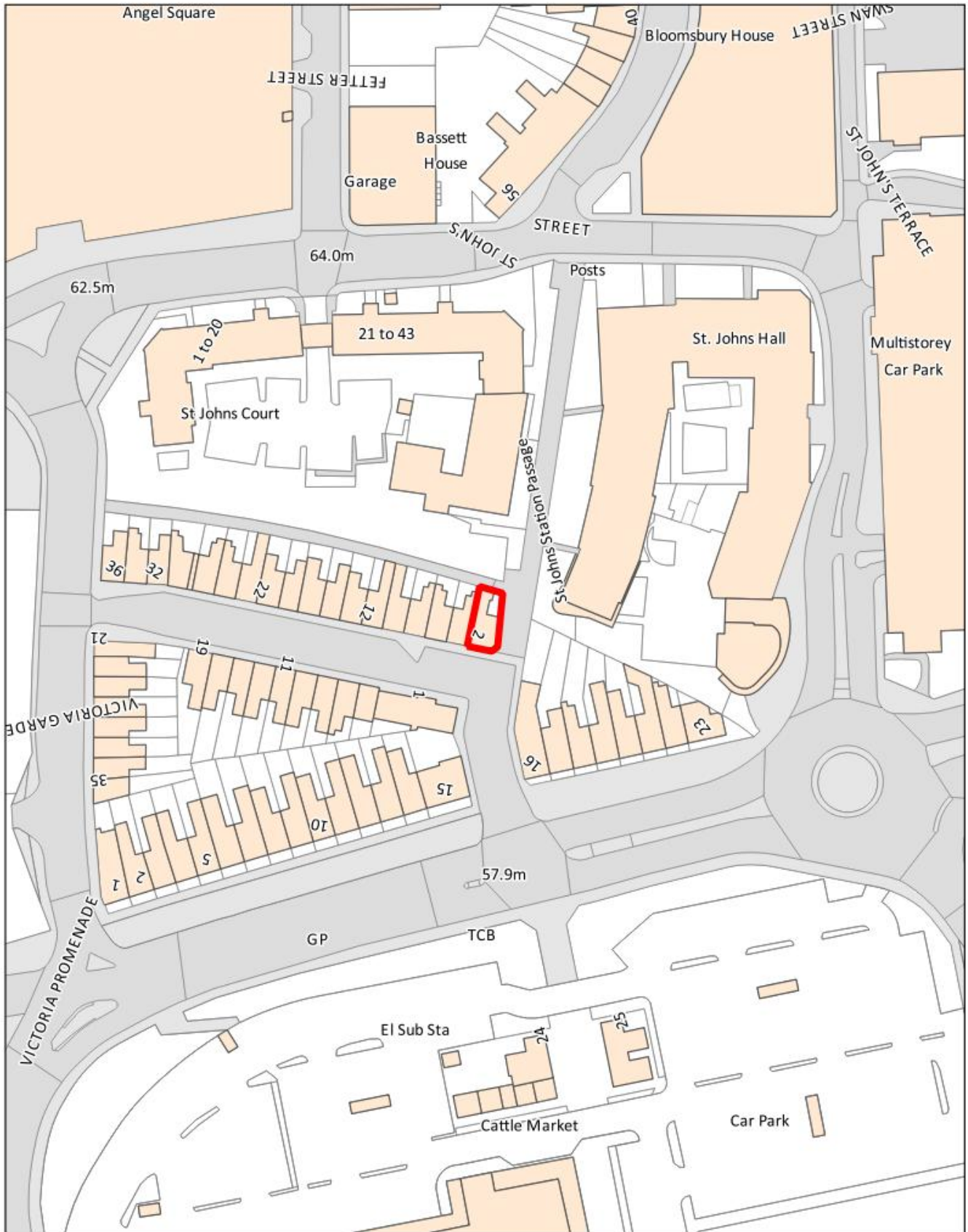
10.1 N/2018/0811

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 associated Frameworks and Strategies.



Title: **2 Victoria Gardens**

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Date: 14-08-2019

Scale: 1:1,000

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