

PLANNING COMMITTEE: 27th April 2016
DIRECTORATE: Regeneration, Enterprise and Planning
DIRECTOR: Steven Boyes

APPLICATION REF: N/2015/1384

LOCATION: 23 Norfolk Street

DESCRIPTION: Change of use from residential (Use Class C3) to house in multiple occupation for four residents (Use Class C4) - Retrospective application

WARD: Semilong Ward

APPLICANT: Amanda Holland
AGENT: Amanda Holland

REFERRED BY: Councillor L Marriott
REASON: Loss of family home, parking, refuse, noise and disturbance

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 **APPROVAL** subject to the conditions as set out below and for the following reason:

The development would not lead to an unacceptable concentration of HIMOs within the locality that would adversely impact upon the character of the street, 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 is in accordance with the requirements of Policies H1, H5, and S10 of the West Northamptonshire Joint Core Strategy, Policies E20 and H30 of the Northampton Local Plan, the Houses in Multiple Occupation Interim Planning Policy Statement and the aims and objectives of the National Planning Policy Framework.

2. THE PROPOSAL

2.1 Retrospective permission is sought to change the use from a single dwelling to a house in multiple occupation (HIMO) for 4 people. No external alterations are proposed. A parking beat survey has also been submitted to support the application.

3. SITE DESCRIPTION

- 3.1 A two storey mid-terrace dwelling (with basement) of the late Victorian era, within a residential area as so designated in the Northampton Local Plan. The area is included in the Article 4 Direction which has removed permitted development rights for Use Class C4 use.
- 3.2 The property fronts directly on to the street and has a short rear garden, with no car parking spaces provided on site. The site is in a residential area of similar style housing.
- 3.3 The property is currently in use as a HIMO for four occupants.

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 the Northampton Local Plan (1997).

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 - Core Principles - seeks to secure high quality design and good standard of amenity for existing and proposed occupiers.

Paragraph 49 - Housing applications considered with presumption in favour of sustainable development.

Paragraph 50 - To 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.

Paragraph 56 - Good design is a key aspect of sustainable development.

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 - States that development should provide for a mix of house types, sizes and tenures to cater for different accommodation needs. Housing developments will be expected to make the most efficient use of land having regard to the location and setting of the site, the existing character and density of the local area, accessibility to services and facilities, proximity to public transport routes, the implications of density for

affordability and viability, the living conditions provided for future residents, the impact on the amenities of occupiers of neighbouring properties.

Policy H5 - seeks to manage and safeguard existing housing stock, including through HMOs where they would not adversely impact upon the character and amenity of residential areas.

Policy S10 - requires development to satisfy a range of sustainable development principles including through achieving the highest standards of sustainable design; maximising opportunities for reuse and recycling; and promoting walking and cycling and protecting, conserving and enhancing the natural and built environment and heritage assets and their settings.

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 should adequately reflect the character of surroundings and ensure adequate standards of privacy, daylight and sunlight.

Policy H30 – requires HMOs to be of sufficient size to accommodate the proposed use and not result in an over concentration to the detriment of the character and amenity of the area or result in a substantial demand for on street parking in areas judged to be experiencing difficulties.

5.5 **Supplementary Planning Documents**

Northamptonshire County Parking Standards SPG 2003

Planning out Crime in Northamptonshire SPG 2004

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 storage for refuse and materials for recycling.

6. **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

6.1 **NBC Private Sector Housing** – this property is licensed for 4 occupants in 4 households. No objection to the application.

6.2 **Councillor L. Marriott** – called in the application to be determined by the Planning Committee. Application will cause a reduction in family homes in the area; caused noise and nuisance to neighbours; too many HMOs already exist in the area and this application will add to the problems already created; refuse problems; add to parking problem in the area.

- 6.3 **Highway Authority** – requested a Parking Survey be provided due to known pressure in the area for on-street parking. Following submission of the parking beat survey, it can be concluded that there is sufficient residual parking capacity to accommodate the proposed change of use, without negatively affecting highway safety.

7. APPRAISAL

Principle of the development

- 7.1 The conversion of an existing dwelling to a HIMO is considered to be in accordance with national policy requirements to deliver a wide choice of homes to create sustainable and mixed communities. Policy H5 of the Joint Core Strategy allows for HIMOs where they would not adversely affect the character and residential amenity of an area.
- 7.2 In principle, houses in multiple occupation are considered to be acceptable in a residential area.

Size of property

- 7.3 The plans indicate one bedroom, a lounge, kitchen, and a WC/shower room on the ground floor and three bedrooms on the first floor. The response from Private Sector Housing indicates that the property can accommodate 4 people from four separate households, and holds a licence for the same under the Housing Act 2004. It is considered that the application therefore complies with Principle 2 of the Council's adopted Planning Policy Statement on HIMOs, that adequate facilities and amenities would be provided for occupants.

Area Concentration

- 7.4 Updated Council records evidence that the application would not lead to an over-concentration of HIMOs within a 50m radius of the application site i.e. there would be a total of 7 HIMOs within the 50m radius, which would equal 7% out of 102 properties. The application therefore complies with Principle 1 of the Council's adopted Planning Policy Statement on HIMOs, which states that '*... applications 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.*'
- 7.5 The Interim Planning Policy Statement on Houses in Multiple Occupation was adopted in November 2014. Since that time, Council records as to existing HIMOs have been updated, and the Policy Statement is under review. As at 1st April 2016, there are currently no other properties within 50m of the application site that are suspected HIMOs. The Planning Department continues to liaise closely with the Private Sector Housing on these matters.
- 7.6 It is considered that this method of assessing HIMO concentration in an area would acceptably safeguard existing housing stock, as is required by Policy H5 of the West Northamptonshire Joint Core Strategy.

Parking

- 7.7 No off-street parking is provided, however, the applicant has stated that bicycle storage space is available in the rear garden, and also the site is located within walking distance (within 400m) of main bus routes. This therefore complies with Principle 3 of the Council's adopted Planning Policy Statement on HIMOs.
- 7.8 Due to known pressure in the area for on-street parking, the Highway Authority requested a Parking Survey which has been provided. They have concluded from this data that there is

sufficient residual on-street parking capacity to accommodate the change of use, without negatively affecting highway safety.

Bin Storage

- 7.9 The applicant has stated that space is available in the rear garden for the storage of refuse. This is therefore considered to be in compliance with Principle 4 of the Council's adopted Planning Policy Statement on HMOs.

Amenity

- 7.10 The proposed use falls within Use Class C4, which categorises this as a residential use, which in planning terms should not generate significant amenity impacts, such as noise or anti-social behaviour upon local residents over and above those created by a more conventional dwelling house. Indeed, without the Article 4 Direction, planning permission would not have been required for this change of use.
- 7.11 Issues surrounding noise disturbance and refuse disposal by the current occupants of the house have been raised by Cllr. Marriott. The applicant has since responded that the complaints have been dealt with proactively.
- 7.12 Such matters as the unsatisfactory handling of refuse and noise disturbance are the landlord's responsibility under The Management of Houses in Multiple Occupation (England) Regulations 2006 and would be included in the tenancy agreement, and also part of the Council's Licencing process. Such matters would also fall under the Environmental Protection Act 1990 if the anti-social behaviour is arising from HMOs.
- 7.13 The recent Appeal Decision for 76 Somerset Street illustrates this point, as follows:

'The appellant states that he manages the property in a way which is focussed on professional people who are vetted before they are granted a tenancy, and that the tenancy agreement contains obligations to minimise noise. Whilst the planning permission runs with the land, there is no evidence to suggest that new ownership or management would lead to more significant noise issues being experienced. As the HMO is a residential use it cannot be assumed that it would create a noise problem which is materially worse than would be generated by use as a single dwelling house, which could involve for example young children or teenagers.'

- 7.14 Consequently it is not considered that any refusal of planning permission or the imposition of planning conditions in relation to amenity issues would be reasonable or sustainable at appeal.

8. CONCLUSION

- 8.1 Taking the above into account, it is considered that the use of this property as a HMO for 4 people is in compliance with Policy requirements, and is therefore recommended for approval.

9. CONDITIONS

- (1) The development hereby permitted shall be in accordance with the following approved plans: location plan, site plan, floor plans.

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

- (2) The development hereby permitted shall be occupied by a maximum of four 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.

- (3) Refuse storage and bicycle storage areas in the rear garden shall be retained hereafter.

Reason: For the avoidance of doubt and to secure a satisfactory standard of development in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

- (4) The basement area shall not be used for habitable accommodation at any time.

Reason: For the avoidance of doubt and to avoid overdevelopment of the site in the interests of amenity in accordance with Policy H5 of the West Northamptonshire Joint Core Strategy.

10. BACKGROUND PAPERS

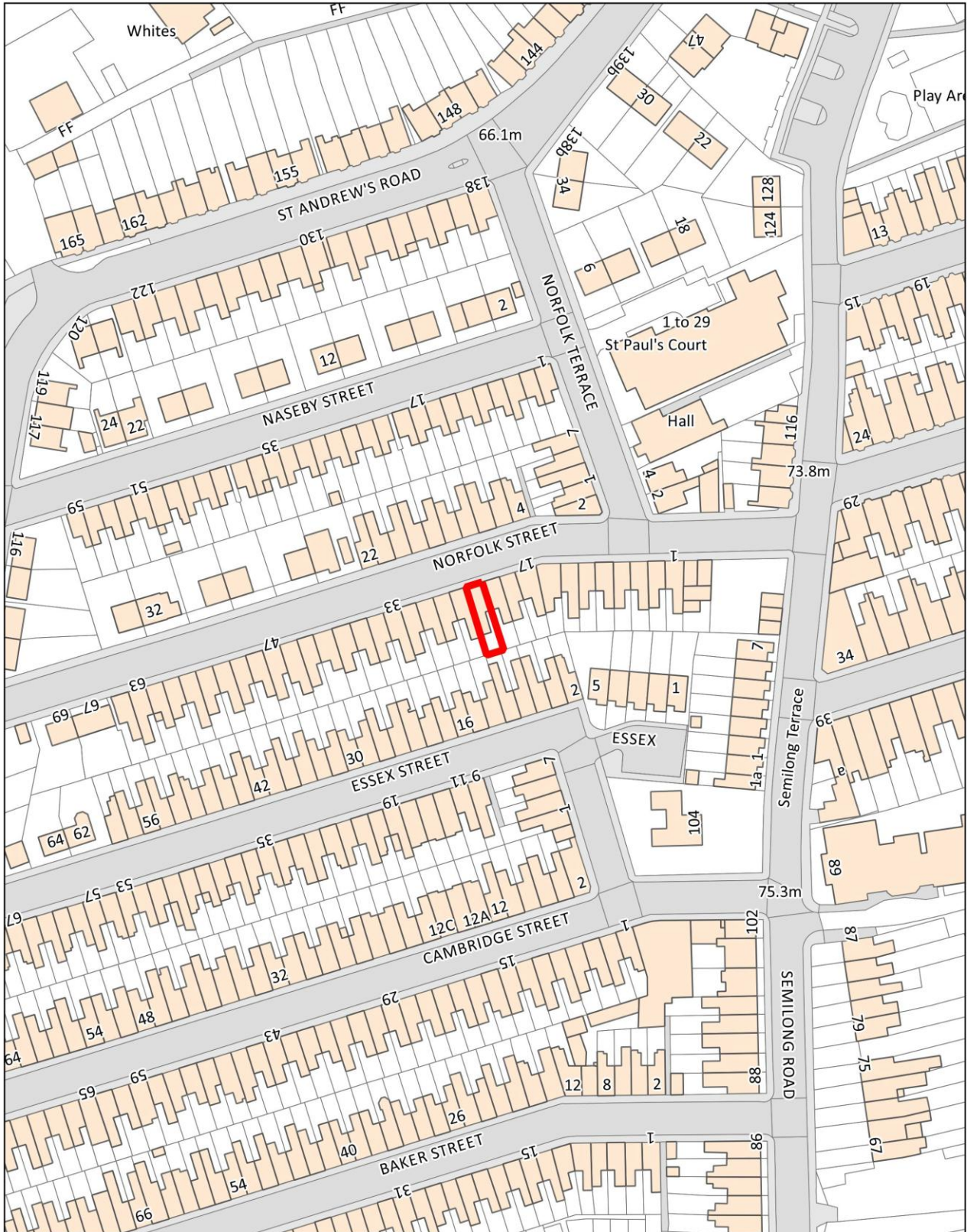
- 10.1 N/2015/1384

11. LEGAL IMPLICATIONS

- 11.1 None

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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