

PLANNING COMMITTEE: 10th May 2016
DIRECTORATE: Regeneration, Enterprise and Planning
DIRECTOR: Steven Boyes

APPLICATION REF: N/2016/0190

LOCATION: 33 Hazelwood Road

DESCRIPTION: Change of use from offices/church into house in multiple occupation for 6no occupants (Use Class C4)
WARD: Castle Ward

APPLICANT: Mr Angus Lawson
AGENT: HAD Architecture

REFERRED BY: Director of Regeneration, Enterprise and Planning
REASON: As the next door application called in by Cllr D Stone

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, subject to conditions, would represent an acceptable use of the land and would secure a satisfactory level of amenity for future residents and the occupiers of neighbouring properties. The development is therefore in conformity with the requirements of the National Planning Policy Framework; Policies H1, H5, BN5 and S10 of the West Northamptonshire Joint Core Strategy; Policy 1 of the Central Area Action Plan; and the Houses in Multiple Occupation Interim Planning Policy Statement

2. THE PROPOSAL

2.1 The planning application is for the change of use of a building which was previously used as a church and offices to a house in multiple occupation (HIMO) for a maximum of six residents.

3. SITE DESCRIPTION

3.1 The application site is located in the town centre. The surrounding land uses comprise a mixture of commercial, leisure and residential uses. Car parking demand within the vicinity is generally met through on-street provision, although there is a small, commercial car park to the south of the application site.

3.2 The building is three storeys in height, which is comparable to the surrounding area. Due to the general topography of the area, the building's basement is accessible at grade from the outside

area to the rear of the site. Of additional note is that the site is located in the Derngate Conservation Area.

4. PLANNING HISTORY

4.1 None relevant.

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 Central Area Action Plan (2013)

5.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the general duty as respects conservation areas in the exercise of planning functions: special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

5.3 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:

5.4 Paragraph 17 seeks to secure high quality design and good standard of amenity for existing and proposed occupiers. In addition, paragraph 49 requires that housing applications considered with presumption in favour of sustainable development and 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. The importance of good design is emphasised by paragraph 56.

5.5 In respect of heritage matters, paragraph 132 states that great weight should be given to conserving heritage assets.

5.6 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:

5.7 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.

- 5.8 Policy H5 - seeks to manage and safeguard existing housing stock, including through HIMOs where they would not adversely impact upon the character and amenity of residential areas.
- 5.9 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.
- 5.10 Policy BN5 – Requires that heritage assets should be conserved in a manner appropriate to their significance.

5.11 **Northampton Central Area Action Plan 2013**

The Central Area Action Plan (CAAP) provides specific planning policy and guidance for the town centre and adjoining areas where significant regeneration and investment is proposed in the period up to 2026 and is in conformity with the objectives of the NPPF. Relevant policies include:

1 – Promoting Design Excellence

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 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 **Conservation (NBC)** – Request a condition to ensure that new and replacement windows are of an appropriate design and constructed from timber.
- 6.2 **Highway Authority (NCC)** – No objections, as the surrounding area features a number of parking restrictions, which are regularly enforced.
- 6.3 **Private Sector Housing (NBC)** – The proposed rooms are of sufficient size and details relating to refuse storage should be secured. Comments are also made relating to ventilation.
- 6.4 **Flat 9, 21-22 Hazelwood Road** – Object as similar developments in the vicinity have caused problems with noise and disturbance.

7. **APPRAISAL**

- 7.1 The site is identified as being part of an employment area within the Central Area Action Plan. Whilst any employment potential would be lost if the proposed developments were to proceed, this impact is somewhat limited as the former ecclesiastical use of the site. Notwithstanding this, Policy 15 of the CAAP permits a change away from business uses to other functions if it can be demonstrated that a contribution would be made to meeting the strategic objectives of the CAAP.
- 7.2 In this case, the proposals would contribute towards the repopulation of the Central Area, which would also support the operation of town centre business and leisure facilities. The close proximity of the development sites to these facilities would also create a sustainable form of development, which is compatible with the strategic objectives of the CAAP. As a consequence, it is considered that there is no significant breach of CAAP Policy 15.
- 7.3 Due to the town centre location of the site, there are a significant number of buildings within the vicinity. As there are only two other HIMOs within a 50m radius, the development would not result in the 15% threshold being breached. As a result, it is considered to be acceptable and in line with the policy objective.
- 7.4 The external alterations to the building are comparatively limited as these would predominantly compromise the installation of replacement doors and windows on the front elevation. In the interests of preventing harm to the character or appearance of the Conservation Area, Conditions are recommended that would ensure that the Council approves these prior to the first occupation of the development. For the avoidance of doubt, the condition will also specify that these windows and doors are constructed from timber.
- 7.5 In addition, to the above works, a new window would be installed on the second floor. This provides some symmetry on this elevation, which would make a contribution to visual amenity. In addition, a condition is recommended that would ensure details are approved by the Council in line with the process outlined above.
- 7.6 Given the separation distances and the predominantly unaltered elevations, it is considered that there would be no significant adverse impacts upon the amenities of the surrounding properties in terms of considerations such as light, outlook and privacy.
- 7.7 The proposed development has been assessed by the Council's Private Sector Housing team, who have confirmed that the room sizes are acceptable to secure an appropriate level of amenity for the future occupiers of the developments. In order to provide further assurances of this, conditions are recommended that would cover matters pertaining to refuse storage, cycle storage and the maximum number of residents.
- 7.8 The site is sustainably located in the town centre and therefore residents would have easy access to various commercial and leisure facilities. In addition, the Highway Authority have observed that the surrounding car parking is within the town centre pay and display area, which is subject to regular enforcement. Due to these circumstances, the proposed development is unlikely to generate significant demand for on street car parking spaces and as a result, there would be no undue adverse impact on highway safety.
- 7.9 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 HIMOs.
- 7.10 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.'

7.11 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.

7.12 Matters pertaining to ventilation and extraction equipment would be addressed under the relevant Building Regulations.

8. CONCLUSION

8.1 In conclusion, it is considered that the proposed developments would, subject to conditions, secure a satisfactory level of amenity for the future occupiers of the development and the amenities of surrounding properties, and would not harm the character or appearance of the Conservation Area.

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 in accordance with the following approved plans: 5086/10; 5082/11; and 5086/3b.

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 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.

4. Notwithstanding the details submitted, full details of refuse and 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, be fully implemented prior to the commencement of the use hereby permitted and shall be retained thereafter.

Reason: In the interests of promoting sustainable development in accordance with the requirements of the National Planning Policy Framework.

5. Notwithstanding the details submitted, full details of all proposed new and replacement doors and windows, which shall be timber, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, be fully implemented prior to the commencement of the use hereby permitted and shall be retained thereafter.

Reason: In the interests of ensuring a neutral impact upon the character and appearance of the Conservation Area in accordance with Policy BN5 of the West Northamptonshire Joint Core Strategy.

10. BACKGROUND PAPERS

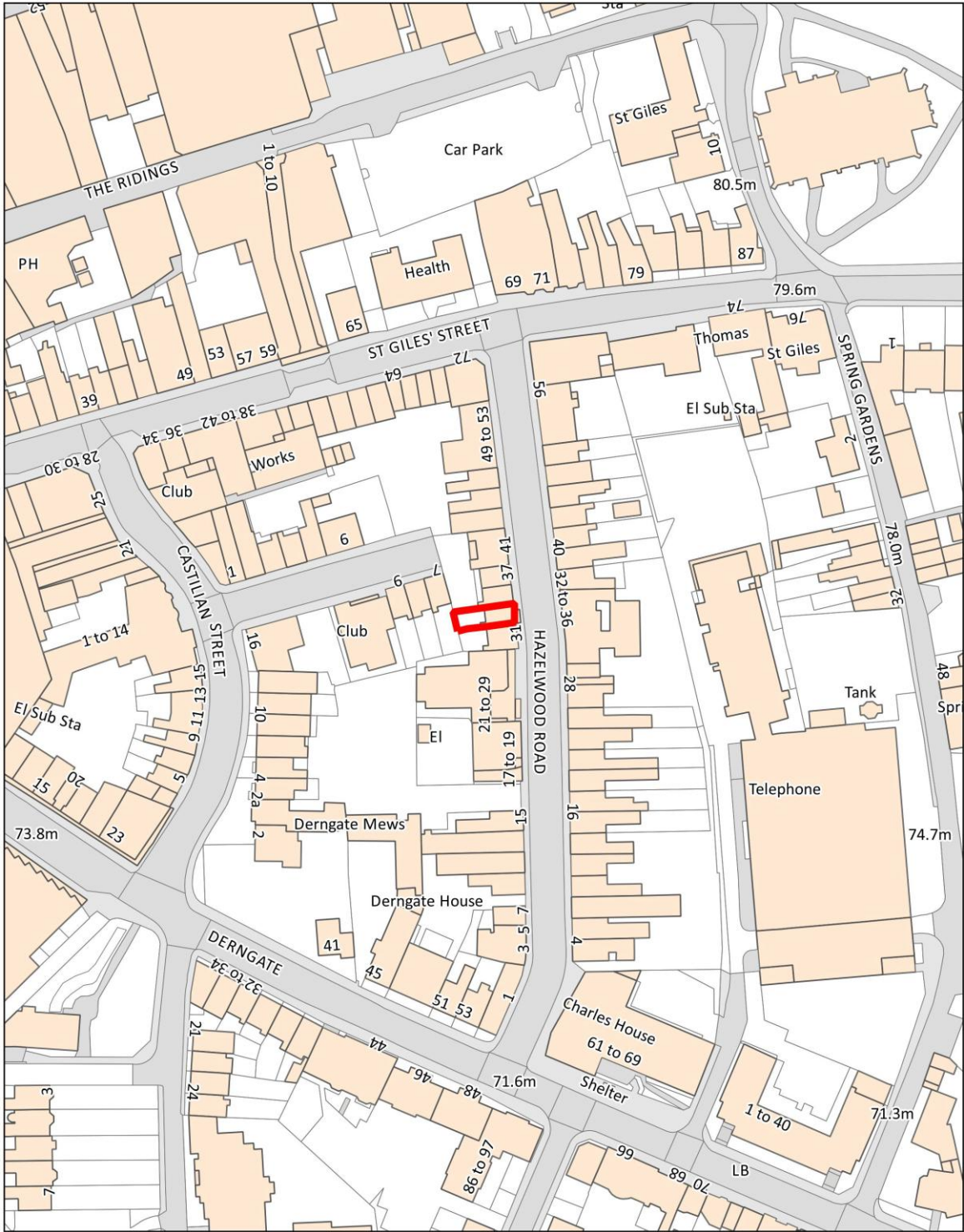
10.1 N/2016/0190

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.



Title: **33 Hazelwood Road**

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