

PLANNING COMMITTEE: 25 July 2017
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2017/0620

LOCATION: 5 Elysium Terrace

DESCRIPTION: Change of use from Dwellinghouse (Use Class C3) to House in Multiple Occupation for 7 occupants (Sui Generis) incorporating demolition of existing garages to provide hard surface for parking area

WARD: Trinity Ward

APPLICANT: Mr Nevio Prandini
AGENT: Mr James Duggan

REFERRED BY: Councillor J Birch
REASON: Inadequate facilities to serve the residents

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 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 cycle storage and refuse storage. The proposal thereby complies with 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) and the aims and objectives of the National Planning Policy Framework.

2. THE PROPOSAL

2.1 The application proposes the conversion of the existing 6-bed dwelling to a house in multiple occupation for 7 people.

2.2 There will no external alteration to the main building. However, the current application includes demolition of the existing double garage to the rear of the property, which would be replaced by hard surface to provide 4 parking spaces. These spaces could be assessed through a service road off Freehold Street.

- 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. The proposed change of use into a HIMO with 7 occupants is categorised as a large HIMO (Sui Generis).

3. SITE DESCRIPTION

- 3.1 The property is a mid-terraced three storey dwelling located on Elysium Terrace, which is within close walking distance to Kingsthorpe Road and close to local shops. The area is predominantly residential in character.
- 3.2 The property has a separate entrance to the basement and has a double garage to the rear of the garden.
- 3.3 The application site is located within the designated Barrack Road Conservation 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), Northampton Local Plan (1997) saved policies.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

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 a good standard of amenity for existing and proposed occupiers.

Paragraph 49 - Housing applications should be considered with a 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, Local Planning Authorities

are advised to 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 132 - In considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.

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 BN5: designated heritage assets & their setting will be conserved and enhanced.

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 HIMOs 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 HIMOs 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.

Policy E26: Development in Conservation Areas - requires developments to preserve or enhance the character and appearance of the area, and not to demolish buildings which make a contribution to the character and appearance of the conservation area, where they are capable of an alternative use.

5.5 Supplementary Planning Documents

Northamptonshire Parking Standards (September 2016)
Planning out Crime in Northamptonshire SPG 2004
Barrack Road Conservation Area Appraisal

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 **NCC Highway** has advised that the property is likely to result in an increased parking demand. However, there is sufficient on-street parking space on Freehold Street that the increase in demand will not compromise highway safety.
- 6.2 **NBC Conservation Team** - No objection to the change of use on conservation grounds. No external alterations are proposed to the building and the use will have a neutral impact on the historic character and appearance of the Barrack Road Conservation Area, which derives from the juxtaposition of factories, houses and commercial, social and religious buildings. The alterations to the rear garage are acceptable.
- 6.3 **Councillor Jane Birch** - has advised that although this is a large property, the lack of cooking and eating space appear to be inadequate for 8 people. The kitchen is also small and could not accommodate 8 people. The application has been called in to the Planning committee on that basis.
- 6.4 **NBC Private Housing Sector** - The premises will require licensing under the mandatory licensing scheme. The proposal meets requirements for an eight person HIMO.
- 6.5 **Barack Road Conservation Group** - has commented that the proposed change of use would result in over concentration of the HIMOs in the local area. The proposed development would result in fly tipping and refuse on the streets which would be harmful for the character of the conservation area. The proposal would also exacerbates the parking issues. The removal of garages will result in crime rate.
- 6.6 **Three neighbour objections** have been received. These objections are summarised as follows:
- Parking issues in the street and additional parking resulting in on street congestion.
 - Removal of garage would result in security concerns. Existing removal of garage form a barrier for access to all the properties garden.
 - Highway safety issues resulting from the congestion in the street.
 - Not appropriate for the area, as the development would affect the mix of the houses and would result in high density of HIMOs in the area.
 - Impact on the character of the conservation area.
 - Inadequate refuse storage and fly tipping in the wider area.
 - Increase in noise levels.

7. Appraisal

Principle of Use and Concentration

- 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.
- 7.2 The surrounding area is predominantly residential in character. It would appear from Council records that there is one other HIMO within a 50m radius of the application site. The addition of a further HIMO as proposed would lead to a concentration of 5.6% significantly below the 15% concentration. It is therefore not considered that the HIMO proposed would lead to any significant impact on the character and amenity of the surrounding area as a result and the principle is therefore considered acceptable.

Size of property and facilities for future occupiers

- 7.3 The application originally proposed to include 8 residents. The number has reduced to 7 and a lounge has been proposed. The submitted drawings do not indicate significant alterations to the property. The other bedrooms, kitchen and bathroom are as existing.
- 7.4 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 7 people would ensure over-development does not occur. All bedrooms would be served by adequate outlook and light.
- 7.5 There is sufficient room to the rear of the property for bin storage and cycle storage which can be conditioned to be required prior to occupation as a HIMO. The drawings submitted indicate the provision of bin storage and cycle's storage in the rear garden, however condition has been recommended to submit the details.

Highways/Parking

- 7.6 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.
- 7.7 Parking within the vicinity of the site is on-street on Freehold Street. The nearest bus stops on Kingsthorpe Road are approximately 100m from the property and the property is within approximately a 5 minute walk to the facilities, including bus services, on Kingsthorpe Road. In this regard, the proposal is considered to be in accordance with the requirements of the IPPS in respect of parking considerations.
- 7.8 Within such areas the IPPS goes on to say that storage space should be provided which is accessible to cycle users. Such space is available in this case and has been indicated on the submitted drawings. A condition is recommended requiring that the cycle storage is implemented and retained thereafter.

- 7.9 The proposal is, therefore, in compliance with this principle of the IPPS. However, a further consideration in respect of parking are the Northamptonshire Parking Standards. This document was adopted in September 2016, after the IPPS.
- 7.10 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 7 parking spaces, which is an increase of 4 compared to the existing use, as the parking requirement for a 6-bed dwelling is 3 spaces.
- 7.11 In this case, 4 on-site parking spaces are proposed, although they are substandard in width. The LHA has advised that the property is likely to result in an increased parking demand in the area generated by the property. However, there is sufficient on-street parking spaces on Freehold Street that the increase in demand will not compromise highway safety.
- 7.12 Furthermore, regard must be paid to previous appeal decisions over the past year 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.
- 7.13 The issues in this regard are finely balanced, however it is considered that in the absence of any objection from Highway Authority, recent appeal decisions and that the proposal complies with the Council's adopted Interim Planning Policy Statement for HIMOs, it is considered that the proposed change of use would not result in any highway safety issues and is acceptable in principle.

Residential Amenity and objections from Local Residents

- 7.14 All the bedrooms are of reasonable sizes and would meet the requirements for a HIMO. Where there is a separate lounge and kitchen, the standards require at least 6.5m² floor area. The kitchen has a floor space of 10m². On this basis, the space standards would be acceptable.
- 7.15 The risk of fire would be addressed through the Building Regulations and Premises Licensing aspects of the proposed use. Prior to occupation of the premises as a HIMO, a fire alarm system will be installed.
- 7.16 The submitted plans indicate provision for bin storage, to the rear of the premises, which is to an acceptable standard in line with the IPPS. The submitted management plan indicates that the property would be maintained by estate agents and they will carry out regular visits to ensure the property is kept to a high standard of cleanliness.
- 7.17 The HIMO is intended to provide accommodation for 7 persons. Anti-social behaviour and impact on quality of life of surrounding residents are often concerns raised by local residents. This is not an area that has a high number of HIMOs and it is not considered that there is a significant adverse impact on the surrounding area.

Impact on the Conservation Area

- 7.18 The proposal does not involve any external alterations to the main building and the proposed change of use is not considered to have any adverse impact on the character of the area. Owing to the fact that the existing garages are not of any particular architectural merits, demolition of these garages to the rear of the property is considered acceptable. It is therefore concluded that there is no demonstrable adverse impact on the setting and appearance of the Barrack Road

Conservation Area. Moreover, the Conservation Officer has raised no objection to the proposed development for change of use and proposed alterations to the garages.

7.19 Barrack Road Conservation group has objected to the proposed change of use. However, it is considered that the proposed change of use would have a neutral impact on the character or appearance of the conservation area.

7.20 **Flood Risk**

In respect of flood risk the application site is outside of the areas of the town identified as being at risk from flooding.

Other Matters

Security

7.21 Objections have been raised about the demolition of the garages because it can potentially result in security concerns for the local area. The additional information submitted with this planning application demonstrates that there would be an access controlled gated entrance from the parking area, which is deemed acceptable to address the security concerns raised from the demolition of the existing garages. It is acknowledged that these garages provide additional security; however, the mitigation measures proposed are acceptable. It is considered that the proposed development will not result in any security concerns for the local area. A condition has been recommended requiring the submission of the detailed scheme for the gated access to ensure that the secure gates are installed on site.

8. CONCLUSION

8.1 The proposed change of use from dwelling (Use Class C3) to house in multiple occupation for 7 people (Sui Generis) 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.

8.2 There are no external alterations proposed to the main building and it is therefore considered there are no adverse impacts on the Barrack Road Conservation Area.

8.3 The proposal is therefore recommended for approval subject to the conditions listed below.

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. Notwithstanding the details of the fencing along the rear boundary, full details for the fencing along the rear boundary 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 Policy H30 of the Northampton Local Plan.

3. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Parking/Bike/Bin Storage received on 7/7/17, Proposed Layout received on 7/7/17.

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

4. The development hereby permitted shall be occupied by a maximum of 7 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.

5. Prior to the commencement of development, 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 Policy H30 of the Northampton Local Plan. This is a pre-commencement condition to ensure timely submission of details.

6. Prior to the commencement of the development, 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 Policy H30 of the Northampton Local Plan. This is a pre-commencement condition to ensure timely submission of details.

7. Notwithstanding the information submitted, full detail of the proposed rear gated access shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the method of hanging the gates and the associated closing mechanisms. The approved scheme shall be implemented prior to the use hereby permitted commencing and retained thereafter.

Reason: In the interests of highway safety, the free flow of traffic and residential amenity in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

10. BACKGROUND PAPERS

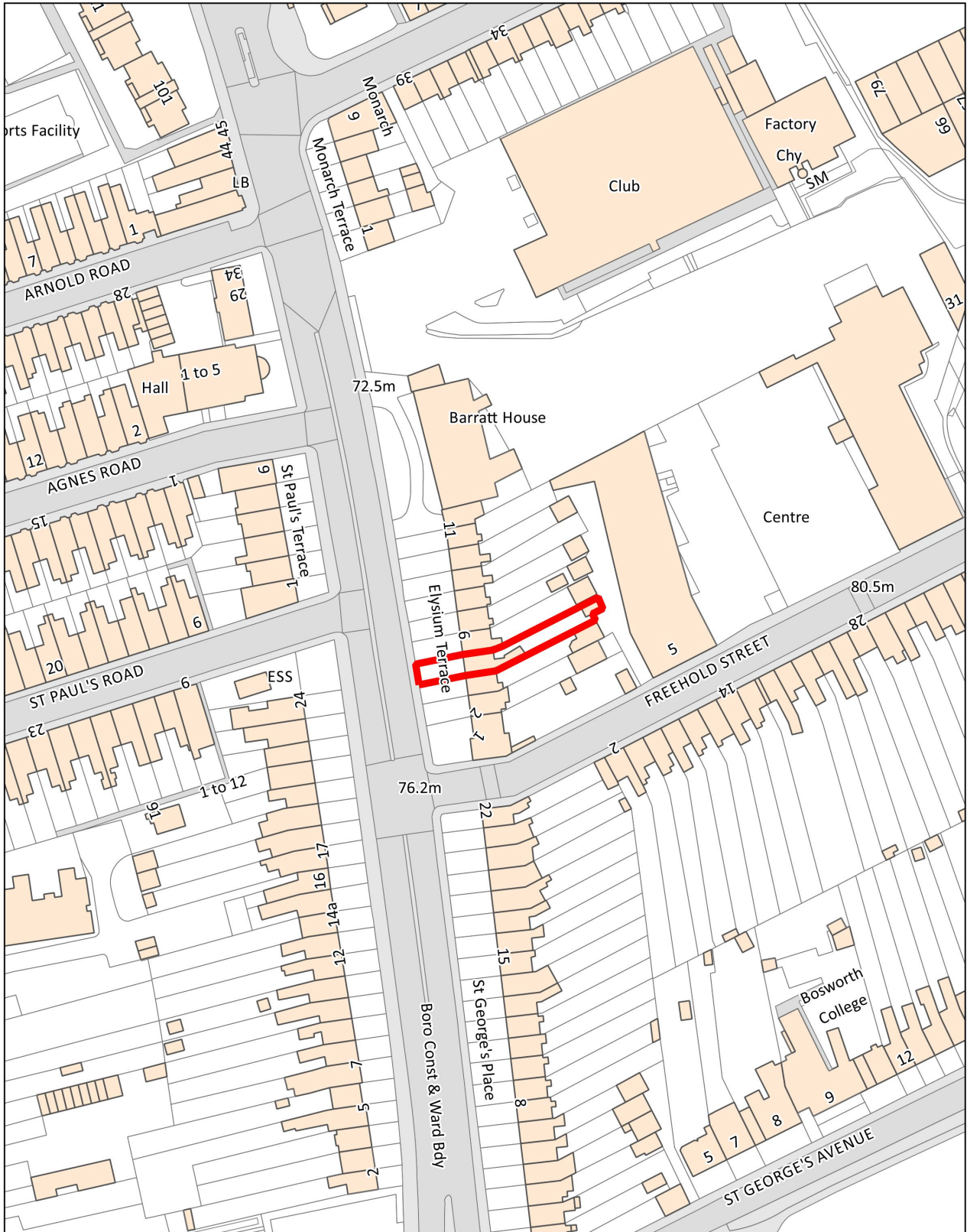
- 10.1 N/2017/0620

11. LEGAL IMPLICATIONS

- 11.1 The development is not CIL chargeable.

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: **5 Elysium Terrace**

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Date: 11-07-2017

Scale: 1:1,250

Drawn by: -----