

PLANNING COMMITTEE: 5th September 2017
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2017/0875

LOCATION: 65 Dunster Street

DESCRIPTION: Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 4 occupants

WARD: Castle Ward

APPLICANT: Ms Hobley
AGENT: Architectural Solutions

REFERRED BY: Councillor D Stone
REASON: Pressure on parking, litter and traffic

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 unduly impact on the character of the street scene or conservation area. Notwithstanding existing parking conditions in the local area, the site is in a sustainable location close to Kettering Road, the town centre, bus services and amenities and would provide adequate facilities for cycle and refuse storage. The proposal thereby complies with Policies H1, H5, BN5 and S10 of the West Northamptonshire Joint Core Strategy, saved Policies E20, E26 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 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 4 people. No external alterations are proposed to the property. Internal alterations include the installation of a ground floor bedroom and bathroom and the conversion of the first floor bathroom to a bedroom. Parking would be on-street.

2.2 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, mid-terraced property located on the north side of Dunster Street within a predominantly residential area and within the Boot and Shoe Quarter Conservation Area. The north side of Dunster Street consists of residential dwellings. The south side comprises a mix of terraced dwellings and commercial buildings, some of which are still in commercial use and some which have been converted to residential.
- 3.2 The application property has a kitchen, utility room, dining room, lounge and WC on the ground floor and two bedrooms and a bathroom on the first floor.
- 3.3 The site is in close proximity to Kettering Road, which contains retail units and access to bus routes. The site is also within walking distance of Northampton town centre.

4. PLANNING HISTORY

- 4.1 E/2014/0719 – Rear extension confirmed to be permitted development.

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.

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 - 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.

Paragraph 131 – account should be taken of the desirability of sustaining and enhancing the significance of heritage assets.

Paragraph 132 – great weight should be given to an assets 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 - 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, and the impact on the amenities of occupiers of neighbouring properties.

Policy H5 – Managing the existing housing stock - 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 – Sustainable Development Principles - 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.

Policy BN5 - The Historic Environment and Landscape – seeks to conserve and enhance 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 E26 – seeks to ensure development preserves or enhances the character and appearance of conservation areas.

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.

5.5 **Supplementary Planning Documents**

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

5.6 **Other Material Considerations**

Boot and Shoe Conservation Quarter Appraisal and Management Plan (2011)

Houses in Multiple Occupation (HIMO) Interim Planning Policy Statement (IPPS) (November 2014)

Proposals for HIMO 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 HIMO within a 50metre 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 will put additional pressures on the area increasing parking need, traffic pollution, fly tipping, litter and it will impact on road safety. It will destabilise the area and make community cohesion ever more difficult. Requests that the application is called-in to be heard by the Planning Committee.
- 6.2 **Highway Authority (NCC)** - Highway Engineer advises that the property is within a Permit Zone and therefore all parking in the vicinity is controlled. States that Northamptonshire Highways holds the right to restrict the number of permits administered to any property as it sees fit. This may result in the number of permits being limited and there is no guarantee that every resident within the revised property will be issued with a permit.
- 6.3 **Private Sector Housing (NBC)** - has advised that the room sizes are sufficient for occupancy as a four person HIMO. Advises that the premises will require licensing and comments on kitchen layout and fire safety issues.
- 6.4 **Conservation (NBC)** – No objections.
- 6.5 **Town Centre Conservation Area Advisory Committee** – concerned about compliance with HIMO SPD and loss of a family unit.
- 6.6 **One neighbour objection** has been received. States that factories and work units are continuously being converted into flats without any thought to the overcrowding of the street with noise and parking issues. Asks what guarantees there are that there will only be 4 occupants. States that there are a number of unlicensed HIMO in Dunster Street with in excess of 6 unrelated people in them and the Council should be investigating and dealing with these.

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 HIMO 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 7 licensed HIMOs within a 50m radius of the application site. The use of this property as a HIMO in addition to those existing would equate to 9% concentration in the area. This would clearly fall within the 15% maximum threshold recommended by the Council's adopted Interim Planning Policy Statement in relation to HIMOs. It is considered therefore 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 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 4 people would ensure over-development does not occur. All bedrooms would be served by adequate outlook and light. Private Sector Housing have advised that the property will require licensing under the additional licensing scheme. They have also made comments regarding kitchen layout and fire safety.
- 7.4 Details have been submitted for cycle and refuse storage in the rear garden which are considered to provide adequate facilities for future occupiers. A condition will require that these facilities are provided prior to occupation as a HIMO and retained.

Highways/Parking

- 7.5 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.
- 7.6 Parking within the vicinity of the site is on-street and is controlled via residents parking permits. The site is in a relatively sustainable location within walking distance of bus stops and the facilities on Kettering Road and 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.
- 7.7 Within such areas, the IPPS recommends that storage space should be provided which is accessible to cycle users. Details of cycle storage in the form of two cycle sheds located in the rear garden are included as part of the application. It is considered that these will provide satisfactory secure and covered cycle storage.
- 7.8 Whilst the proposal is in compliance with this principle of the IPPS a further consideration in respect of parking is the Northamptonshire Parking Standards. This document was adopted in September 2016, after the IPPS.
- 7.9 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 4 parking spaces, which is an increase of 2 compared to the existing use, as parking requirement for a 2-bed dwelling is 2 spaces.
- 7.10 In this case, the Highway Authority has not raised an objection but they state that because parking in the vicinity is controlled there is no guarantee that every resident within the property will be issued with a permit.

- 7.11 Notwithstanding the Highway Authority's comments, there is no evidence to support the fact that all 4 residents would own cars and it is not considered that a refusal on highway grounds could be upheld at appeal.
- 7.12 Furthermore, regard must be paid to previous appeal decisions over the past few months 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.
- 7.13 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.

Refuse storage

- 7.14 Details have been submitted for a covered timber bin store in the rear garden. It is considered that this provides sufficient space to adequately store refuse.

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.

Impact on appearance and character of conservation area

- 7.16 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development within a conservation area to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. No external alterations are proposed to the property. It is considered therefore that the use will have a neutral impact on the historic character and appearance of the Boot and Shoe Quarter Conservation Area.

8. CONCLUSION

- 8.1 The proposed development would not lead to an unacceptable concentration of HIMOs within the locality that would adversely affect upon the character of the local area, street scene or conservation area, 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 The proposed development would be in accordance with the requirements of Policies H1, H5, BN5 and S10 of the West Northamptonshire Joint Core Strategy, saved Policies E20, E26 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 National Planning Policy Framework.

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: 17/H235/1, 17/H235/2.

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 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.

4. The refuse and cycle storage shall be implemented in accordance with the details shown on the approved plan 17/H235/2 prior to the first occupation of the building as a house in multiple occupation and be retained throughout the lifetime of development.

Reason: In the interests of residential amenity to comply with Policy E20 of the Northampton Local Plan.

5. The basement area shall not be used as a bedroom at any time.

Reason: For the avoidance of doubt and in the interests of amenity and in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy.

10. BACKGROUND PAPERS

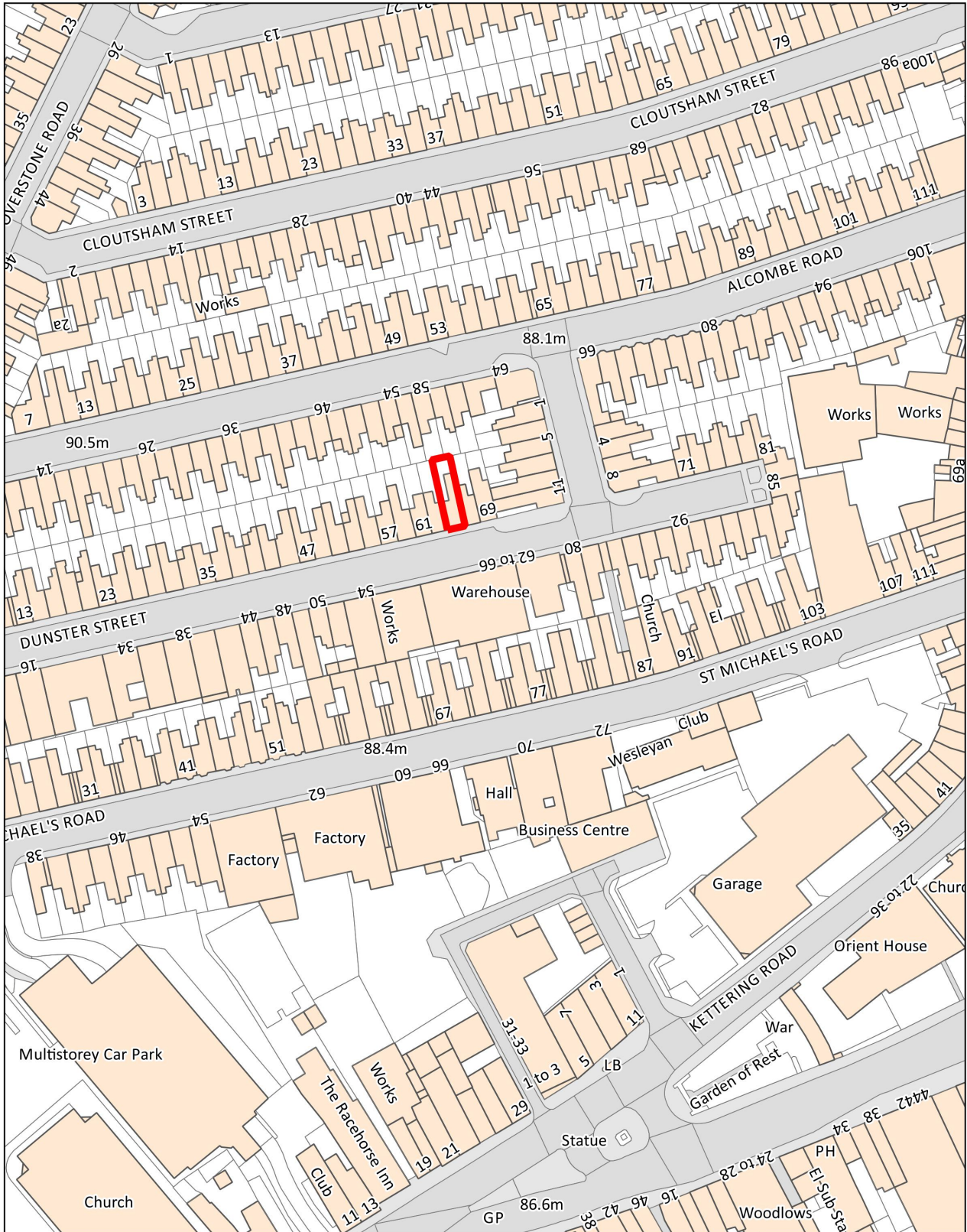
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11. LEGAL IMPLICATIONS

- 11.1 The development is 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: **65 Dunster Street**

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Date: 23-08-2017

Scale: 1:1,250

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