



NORTHAMPTON
BOROUGH COUNCIL
Planning Committee

PLANNING COMMITTEE: 21st November 2017
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2017/0983

LOCATION: 3 St Peters Gardens , Marefair

DESCRIPTION: Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Sui Generis) for 11 occupants and installation of new windows and doors

WARD: Castle Ward

APPLICANT: Mr Nicolas Berry
AGENT: Rod Kilsby Partnership

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 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 not have an adverse impact on flood risk or nearby heritage asset. The site is also in a very sustainable location close to bus stops, Northampton Rail Station and amenities and would provide adequate facilities for cycle storage and refuse storage. The proposal thereby complies with Policies H1, H5, BN5, BN7 and S10 of the West Northamptonshire Joint Core Strategy, Policy 1, 10 and 16 of the Central Area Action 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 proposal is for the change of use of a four bedroom dwelling (Class C3) to a house in multiple occupation for 11 occupants. The proposal also includes insertion of three new side windows.

3. SITE DESCRIPTION

3.1 The site consists of a three storey building used as a four bedroom dwelling house located in the town centre. It is within easy walking distance to both rail and bus stations. The building is close

to a listed church and is not in a conservation area. There is no off-road parking. The car park to the rear serves nearby offices.

4. PLANNING HISTORY

- 4.1 Planning permission was granted for conversion of office to private dwelling in 2012. This has been implemented.

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).

Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require Local Planning Authorities when considering development to pay special attention to preserving a listed building or its setting.

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

Paragraph 49 requires that housing applications be considered with 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 100 relates to flood risk in determination of planning applications.

Paragraph 132 impact on Heritage Assets

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 - 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 - Heritage Assets - impact on listed buildings.

Policy BN7 - Flood Risk – relates to flood risk as a consideration in the determination of this planning application.

5.4 **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:

Policy 1 Promoting Design Excellence - seeks to ensure high quality design in new development.

Policy 10 - sets down parking standards for Central Area.

Policy 16 Central Area Living - seeks to encourage residential uses in the town centre.

5.5 **Supplementary Planning Documents**

Northamptonshire Parking Standards (September 2016)

Planning out Crime in Northamptonshire SPG (2003)

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**

6.1 Comments received are summarised as follows:

- 6.2 **Local Highway Authority (NCC)** - No objection; although it does not meet parking standards, it is relatively sustainable. Furthermore, it is located within a controlled parking zone and there are no unrestricted areas of on-street parking that would be affected.
- 6.3 **Private Sector Housing (NBC)** - No objection to revised plans for 11 persons.
- 6.4 **Built Conservation (NBC)** - No objection. The application relates to modern development in the town centre and the use will not harm nearby heritage assets. The new windows and doors are also considered acceptable.
- 6.5 **Councillor Danielle Stone** - development is inappropriate for this part of town, represents over-development and will encourage a lack of cohesion and pressure on services.

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 Joint Core Strategy allows for HIMOs where the proposal would not adversely impact on the character of the area and amenity of residential areas. The site is located in the heart of Northampton town centre, in an area characterised by offices and other commercial and residential uses. One of the strategic objectives of the CAAP is to re-populate the town centre, encouraging residential uses.

Area concentration

- 7.2 The Interim Planning Policy Statement states that, in order to create a good mixture of house types, there should be a maximum of 15% of buildings within a 50m radius be used as HIMOs. The number of HIMOs is calculated from a number of data sources, including previous planning permissions, licences granted under the Housing Act, other data held by the Council. Within a 50m radius, there are currently no other HIMOs (established or with planning approval), if approved the new HIMO equating to approximately 3% of total number of properties. The application would not lead to an over-concentration of authorised and licensed HIMOs within a 50m radius of the application site and complies with Principle 1 of the Council's adopted Planning Policy Statement on HIMOs.
- 7.3 The Council's Interim Statement is up to date policy on HIMOs and was adopted in 2014, following extensive public consultation and approved by the Council, therefore it can be afforded substantial weight in decision making. It is intended to encourage a mix of house tenures and types rather than there being a high concentration of multiple occupancy properties to an unacceptable level.

Size of property and facilities for future occupiers.

- 7.4 The property is considered generally to be of sufficient size, providing room sizes in accordance with the Council's HIMO Facilities and Amenities Guide. A condition restricting the use of the property to a maximum of 11 people would ensure over-development does not occur. All bedrooms would be served by adequate outlook and light. Private Sector Housing confirm that the accommodation proposed would be acceptable for 11 residents. There would also be proposed 2 bathrooms and 3 WC and a reasonably sized refuse and cycle storage area.

Flood risk

- 7.5 In respect of flood risk, the application is not in a flood zone. Therefore there would be no concern on flooding.

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. The application property is close to the rail and bus station and town centre shops and services, being highly sustainable.
- 7.7 Where parking is not provided in accordance with the above, the IPPS recommends that storage space should be provided which is accessible to cycle users. In this case this can be secured by condition at the rear of the property where there is sufficient space available.
- 7.8 On this basis, 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.
- 7.9 The Northamptonshire Parking Standards state that HIMO shall provide on plot parking at the ratio of 1 parking space per bedroom. The proposed development will produce a demand for 11 parking spaces, which is an increase of 8 compared to the existing use, as the parking requirement for a 4-bed dwelling is 3 spaces. Although there is no off-road parking and does not meet NCC Parking Standards, the LHA are not objecting. As the site is in a sustainable location and a refusal on this ground would not be defensible on appeal.
- 7.10 It should also be remembered that in recent appeal decisions, Inspectors took the view that when sites were in sustainable locations, they met the IPPS tests and the appeals were allowed.

Refuse storage

- 7.11 An appropriate condition for bin storage could be secured to ensure an acceptable level of residential amenity.

Impact on appearance and character of host building, nearby listed building and street scene

- 7.12 The proposed additional windows on the side of the building would be of a size and design in keeping with the host building and the Council's Conservation Officer does not consider that they would affect the setting of the nearby listed building.

Impact on neighbour amenity

- 7.13 Although the proposal may result in additional comings and goings beyond the existing use, and generate increased activity and noise, it is not considered that a refusal of planning could be sustained on appeal. The proposed side windows would face towards a commercial use and overlooking is minimal.

8. CONCLUSION

- 8.1 The principle of residential development is considered acceptable within the town centre and would meet the strategic objective to assist in repopulating the central area. The proposed design, layout and form would be acceptable and not have an undue detrimental impact on highway safety, parking, residential amenity and affect the setting of the listed building.

9. CONDITIONS

- 9.1 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 plan: 17-178-02A.

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

- 3) The refuse and cycle storage areas shown on approved drawing number 17-178-02A shall be provided prior to the occupation of the building for the use hereby permitted and retained as such throughout the lifetime of development.

Reason: To secure a satisfactory standard of development and in the interests of residential amenity to comply with Policy H5 of the West Northamptonshire Joint Core Strategy.

- 4) The maximum number of occupiers shall not exceed 11 at any one time.

Reason: In the interests of residential amenity and to prevent over-development to accord with Policy H5 of the West Northamptonshire Joint Core Strategy.

10. BACKGROUND PAPERS

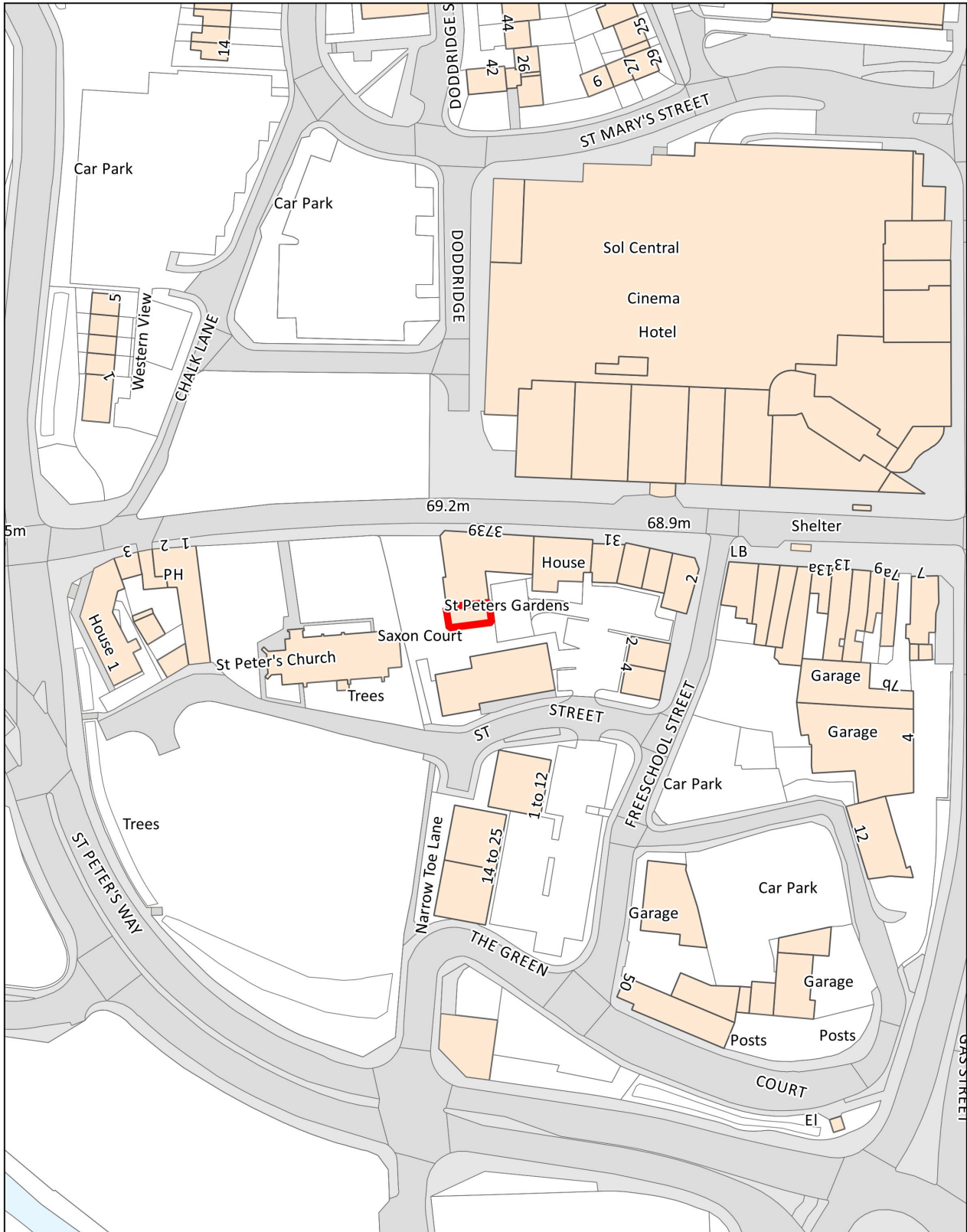
- 10.1 N/2017/0983.

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 Strategies.



Title: **3 St Peters Gardens**

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Date: 09-11-2017

Scale: 1:1,250

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