

<b>PLANNING COMMITTEE:</b>	21 <sup>st</sup> November 2017
<b>DIRECTORATE:</b>	Regeneration, Enterprise and Planning
<b>HEAD OF PLANNING:</b>	Peter Baguley
<b>APPLICATION REF:</b>	N/2017/1069
<b>LOCATION:</b>	41 Abbey Road
<b>DESCRIPTION:</b>	Change of use from a dwellinghouse (Use Class C3) to house in multiple occupation (Use Class C4) for 5 occupants (Part-retrospective)
<b>WARD:</b>	Delapre & Briar Ward
<b>APPLICANT:</b>	Mr Andrew Meadows
<b>AGENT:</b>	Mr David Robinson
<b>REFERRED BY:</b>	Councillor V Culbard
<b>REASON:</b>	Parking and refuse concerns
<b>DEPARTURE:</b>	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 overconcentration 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 Part retrospective 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 5 people with an additional room in roof. Velux-roof light has been proposed on the roof of the rear elevation. 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.

2.3 Revised Flood Risk assessment has been submitted during the course of the application to address the issues raised by Environment Agency.

2.4 The application is part retrospective because the 5<sup>th</sup> bedroom in the loft space has not been converted yet. The change of use of the dwelling into a HIMO has taken place because the property is let as a HIMO.

### **3. SITE DESCRIPTION**

3.1 The application site comprises a two storey, mid-terraced, 3 bedroom property on Abbey Road, located in a residential area with similar terraced properties on both sides of the street.

3.2 The property has a kitchen, dining and lounge on the ground floor, 2 bedrooms and a bathroom on the first floor.

3.3 The site is in close proximity to Towcester Road and Thirlestane Road with some retails units and access to bus routes.

3.4 The application site lies in Flood Zone 2.

### **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,

#### **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:

5.3 Paragraph 17 - Core Principles seeks to secure high quality design and a good standard of amenity for existing and proposed occupiers.

5.4 Paragraph 49 - Housing applications should be considered with a presumption in favour or sustainable development.

5.5 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.

#### **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, and the impact on the amenities of occupiers of neighbouring properties.
- 5.8 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.
- 5.9 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

5.10 **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:

- 5.11 Policy E20 – new development should adequately reflect the character of surroundings and ensure adequate standards of privacy, daylight and sunlight.
- 5.12 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.

5.13 **Supplementary Planning Documents**

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

5.14 **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 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 V. Culbard** - raises objection on the basis that application property is on a very busy street where parking and rubbish disposal are already an issue. Calls in the application for consideration by the Planning Committee.
- 6.2 **Councillor G. Walker** – has raised objection on the basis that the property is small to have 5 occupants and will result in loss of a family home and increase in parking issues.
- 6.3 **Highway Authority (NCC)** – has advised that as per the survey, unrestricted sections of roads surveyed was at 77% capacity. Therefore, LHA does not believe that the potential increase in demand resulting from this development would compromise highway safety.
- 6.4 **Private Sector Housing (NBC)** - The room sizes, amenities and facilities shown on the submitted plans indicate that the proposed HIMO would meet the requirements for a five occupant HIMO. The applicant should be advised that the premises will require licensing under the mandatory / additional licensing scheme.
- 6.5 **Environment Agency (EA)** – No objection to the revised flood risk assessment and are satisfied with the finished floor level.
- 6.6 **Three representations have been** received from 2 neighbouring properties, which have been summarised as follow:
  - Parking issues in the local area.
  - Inadequate refuse storage and fly tipping.
  - Noise issues.
  - 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.

## 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 HIMOs 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 3 confirmed HIMOs on Abbey Road and Thirlestane Road within a 50m radius of the application site. The use of this property as a HIMO would equate to less than 5.97% concentration in the area. This would fall within the 15% maximum threshold recommended by the Council's adopted Interim Planning Policy Statement in relation to 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 and survey work, including one carried out in September 2017. 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 HMOs 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 HMO Facilities and Amenities Guidance and appropriate kitchen/dining, WC and wash facilities. A condition restricting the use of the property to a maximum of 5 people would ensure over-development does not occur. All bedrooms would be served by adequate outlook and light. Private Sector Housing has advised that they will be satisfied with the accommodation proposed meets the requirements.
- 7.4 Details have been submitted for cycle storage, which are deemed acceptable and the facilities are conditioned to be retained hereafter.

### **Flood Risk**

- 7.5 The application site lies within Flood Zone 2. Environment Agency has no objection to the proposal.

### **Highways/Parking**

- 7.6 The Interim Planning Policy Statement for HMOs (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 The application property is located within easy walking distance to facilities along Towcester road and Thirlestane Road. It is considered that the application site is in a sustainable location within 250 metres of bus stops on Towcester Road and Thirlestane 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 recommends that storage space should be provided which is accessible to cycle users. Space is available to the rear of the house, and a condition is recommended to retain this cycle storage.
- 7.9 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.
- 7.10 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 5 parking spaces, which is an increase of 3 compared to the existing use. As parking requirement for a 3-bed dwelling is 2 spaces.
- 7.11 However, as per the survey conducted by the Highway Authority during the peak demand, the local areas has residual capacity. Therefore, Highway Authority has raised no objection.
- 7.12 Moreover, given the sustainable location of the property, it is not considered that a refusal on highway grounds could be upheld at appeal.
- 7.13 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.

- 7.14 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**

- 7.15 Details have been submitted for refuse storage and the bin location, which are deemed acceptable. A condition has been recommended to retain these facilities.

#### **Amenity**

- 7.16 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.

### **8. CONCLUSION**

- 8.1 The proposed development would not lead to an unacceptable concentration of HIMO's within the locality that would adversely affect upon the character of the local area, street scene, 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, 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 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: 1717/ D1 A, Site Location Plan, Block Plan.

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 five 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 details submitted for the refuse storage on drawing number 1717/ D1 A shall be used as such and retained for the life time of the development.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

5. The details submitted for the cycle storage on drawing number 1717/ D1 A shall be used as such and retained for the life time of the development.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

## **10. BACKGROUND PAPERS**

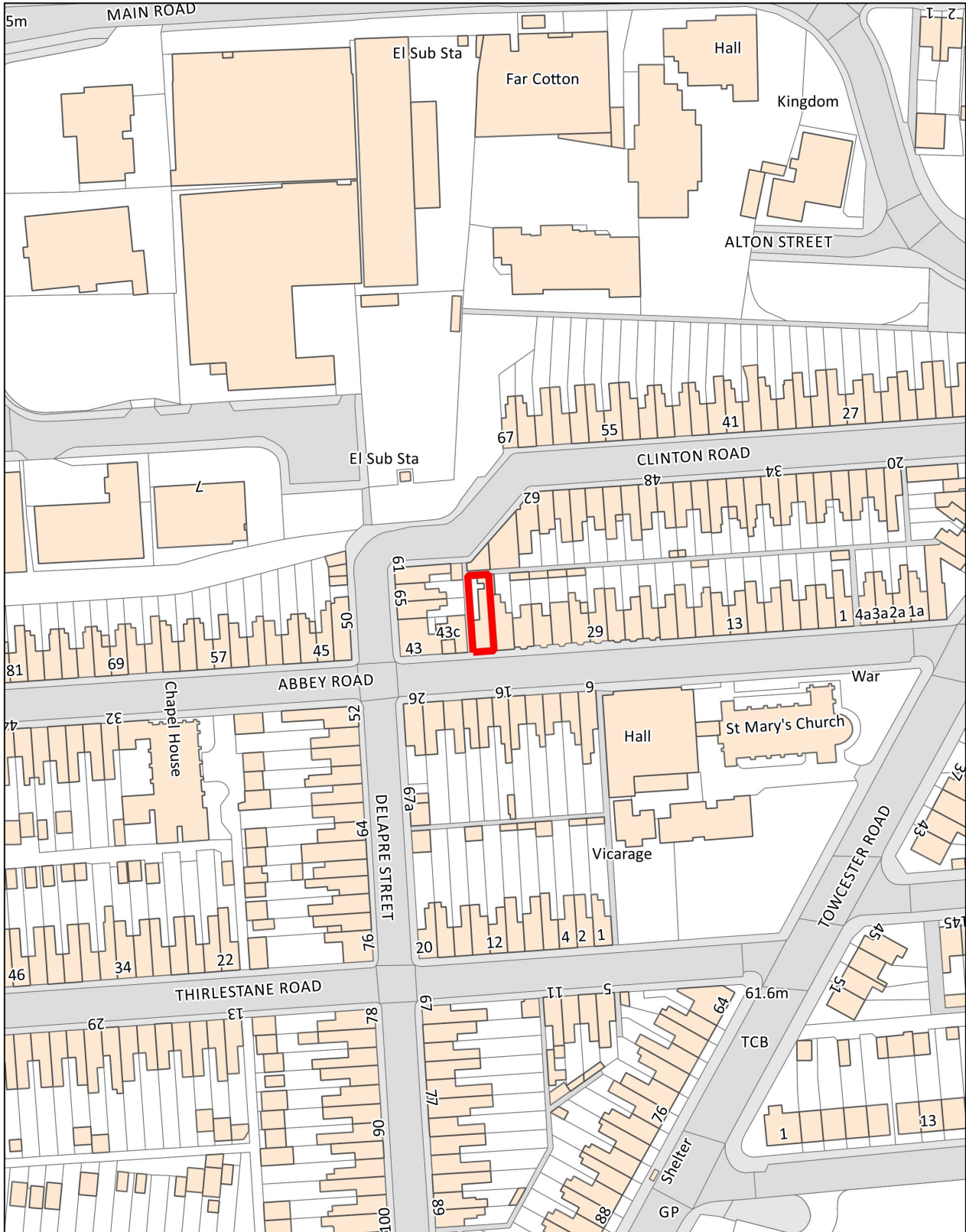
- 10.1 N/2017/1069.

## **11. LEGAL IMPLICATIONS**

- 11.1 The development is CIL not 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: **41 Abbey Road**

© Crown copyright and database rights 2016 Ordnance Survey licence no. 10019655

Date: 09-11-2017

Scale: 1:1,250

Drawn by: -----