

PLANNING COMMITTEE:	19 th December 2017
DIRECTORATE:	Regeneration, Enterprise and Planning
HEAD OF PLANNING:	Peter Baguley
APPLICATION REF:	N/2017/0789
LOCATION:	20 Hood Street
DESCRIPTION:	Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 5 occupants in 4 bedrooms (retrospective)
WARD:	Castle Ward
APPLICANT:	Mr Iqbal Hussain
AGENT:	Mr Iqbal Hussain
REFERRED BY:	Councillor D Stone
REASON:	Pressure on parking
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 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. 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, 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 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 in 4 bedrooms.
- 2.2 The proposal will result in no external alterations to the property. Parking would be on-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.

3. SITE DESCRIPTION

- 3.1 The application site comprises a two storey, mid-terraced, four-bedroom property on Hood Street, located in a residential area with similar terraced properties on both sides of the street.
- 3.2 The property has a basement and a kitchen/dining and a double occupancy bedroom on the ground floor, two bedrooms on the first floor and a bathroom and WC on the first floor and a fourth bedroom on the second floor.
- 3.3 The site is in close proximity to Kettering Road and is located within the Boot and Shoe Quarter 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 - 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 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 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.

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
Boot and Shoe Quarter 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 **Councillor D Stone** - raised objection on the basis that an additional HIMO will add to pressures on parking and will lead to overdevelopment. Calls in the application for consideration by the Planning Committee.
- 6.2 **Highway Authority (NCC)** – Although in isolation one might consider the increase in demand generated by this development to be minimal or negligible, the LHA would argue that the cumulative impact of “minor” developments such as this need to be considered as a whole and that the impact on highway safety is severe.
- 6.3 **Private Sector Housing (NBC)** - This property is a licensed HIMO for occupancy by five persons in four households. The ground floor letting room is permitted to accommodate two persons, whilst occupancy of the basement room is not permitted due to the inadequacy of natural lighting and ventilation.
- 6.4 **NBC Conservation Officer** - has not raised any objection on conservation grounds. No alterations to the external appearance of the property are shown and the use will have a neutral impact on the historic character and appearance of the Boot and Shoe Conservation Area, which derives from the physical layout and juxta position in regimented streets of factories, houses and commercial, social and religious buildings.
- 6.5 **Town Centre Conservation Area Advisory Committee** - has advised that they are very concerned of the level of HIMO in this street and of surrounding streets. These are resulting in changes to and adverse effects on the character of this conservation area and others. This includes the loss of family unit, including affordable housing for first time buyers and young families thus resulting in unbalanced communities. There are also the major traffic implications of multiple parked vehicles. The effect on schools as the number of children decreases and of course the waste management issues. The committee recommended that the 15% limit on HIMOs in any one Street should be lowered to levels used in other towns.
- 6.6 **6 representations have been** received from 5 addresses in objection. The comments have been summarised as follow:
- Inadequate utilities in the area like water/sewage and broadband.
 - Parking problem in the area.
 - Refuse issues and fly tipping.
 - Impact on the character of the conservation area.
 - Cramped development in a small property.

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 5 confirmed HIMOs on Hood Street and Cowper Street within a 50m radius of the application site. The use of this property as a HIMO would equate to less than 6.32% 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 5 people in 4 households would ensure over-development does not occur. All bedrooms would be served by adequate outlook and light.
- 7.4 Private Sector Housing has advised that the property is licensed for 5 people in 4 households. They are satisfied with the accommodation for 5 people with the ground floor bedroom in double occupancy, however, the basement cannot be used as a habitable room.
- 7.5 The application property has a basement so a condition has been recommended to not to use as a bedroom.
- 7.6 No details have been submitted for cycle storage, but there is adequate space to the rear of the property that can be used for the storage of bins and cycles, the details of which would be required by conditions.

Flood Risk

- 7.7 The application site does not lie in a Flood Zone.

Highways/Parking

- 7.8 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.
- 7.9 The application property is located within easy walking distance to Town Centre. It is considered that the application site is in a sustainable location within 170 metres of bus stops on Kettering Road. In this regard, the proposal is considered to be in accordance with the requirements of the IPPS in respect of parking considerations.
- 7.10 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 requiring details to be submitted for approval for secure cycle storage.

- 7.11 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.
- 7.12 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 1 compared to the existing use, as the parking requirement for a 4-bed dwelling is 3 spaces.
- 7.13 The Highway Authority has raised an objection because the local area has an existing parking problem which is detrimental to the highway safety. The Highway Engineer has advised that, although in isolation one might consider the increase in demand generated by this development to be minimal or negligible, he has further added that the cumulative impact of minor developments such as this, need to be considered as a whole and that the impact on highway safety is severe.
- 7.14 Notwithstanding this objection from Highways, 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.
- 7.15 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.

Impact on the Conservation Area

- 7.16 The proposal involves no external changes so there will no impact on the setting and appearance of the Boot and Shoe Quarter Conservation Area. Moreover, the Conservation Officer has raised no objection to the proposed development for change of use.
- 7.17 It is considered that the proposed change of use would have a neutral impact on the character or appearance of the Conservation Area.

Refuse storage

- 7.18 No details have been submitted for refuse storage or bin location. There is sufficient space to the rear of the property for bin storage, a condition is recommended to agree the details of refuse storage for the property to ensure it is of an appropriate size.

Amenity

- 7.19 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.

- 7.20 **Other Matters**

Impact on utilities in the area

The proposed use for the property as a house in multiple occupation will have a similar impact as a large household so any impact resulting from the current application is not considered to have any adverse impact to warrant the refusal of the current application.

8. CONCLUSION

- 8.1 The proposed development would not lead to an unacceptable concentration of HMOs 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 BN5, H1, H5, 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.
- 8.3 The application is recommended for approval subject to the following conditions.

9. CONDITIONS

1. The development hereby permitted shall be occupied by a maximum of 5 residents in four households 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

2. The basement room shall be used as communal living room for all residents of the property and shall be maintained as such for the duration of the use hereby permitted and shall not be used as a bedroom at any time.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of accommodation is provided, in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

3. Full details of facilities for the refuse storage shall be submitted to and approved in writing by the Local Planning Authority within one month of the date of the permission hereby granted. Development shall be carried out in accordance with the approved details and fully implemented within two months of the date of the permission hereby granted and retained thereafter.

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.

4. 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 within one month of the date of the permission hereby granted. Development shall be carried out in accordance with the approved details and fully implemented within two months of the date of the permission hereby granted and retained thereafter.

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

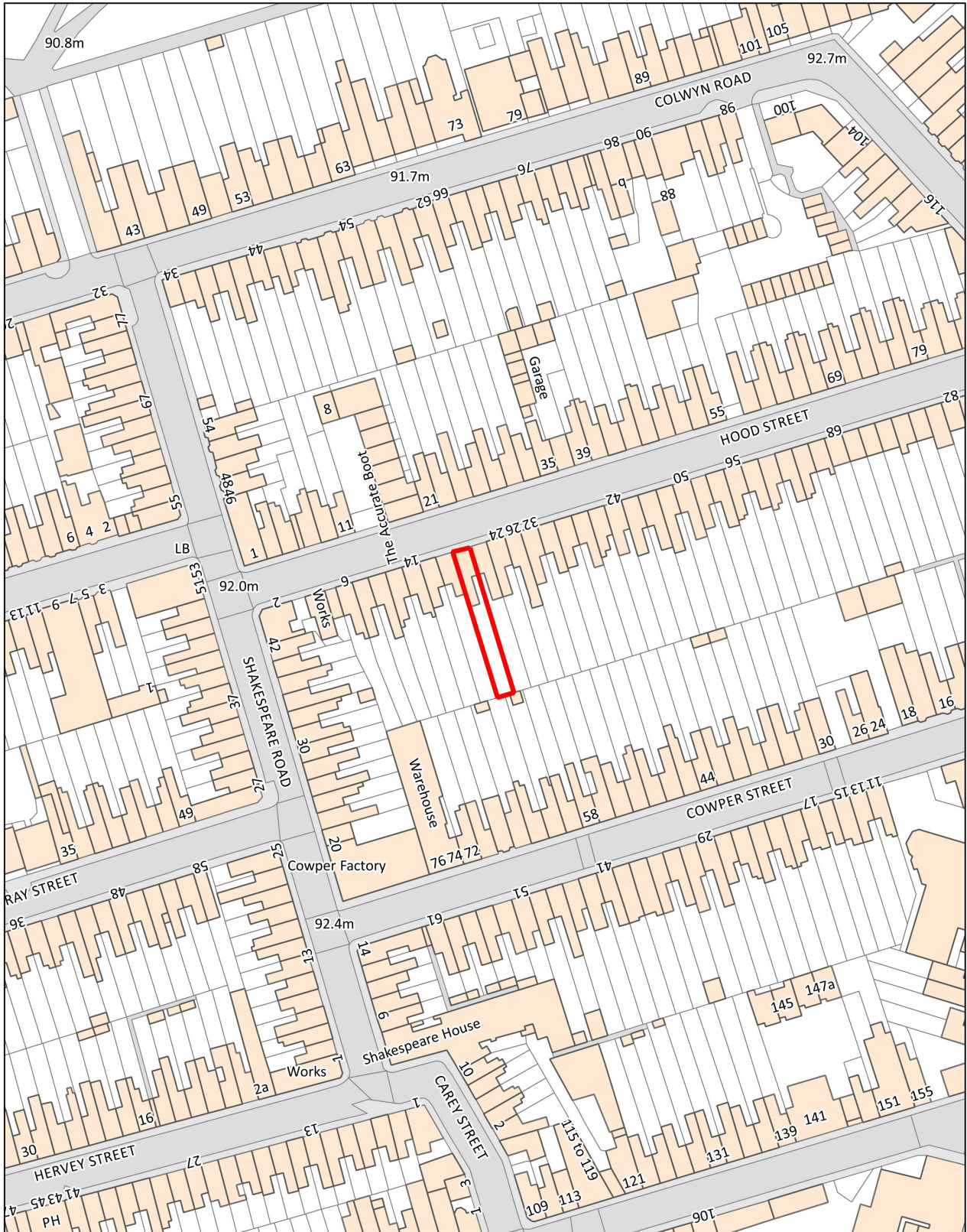
10.1 N/2017/0789.

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.



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Date: 05-12-2017

Scale: 1:1,250

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