

PLANNING COMMITTEE: 13th February 2018
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2017/1520

LOCATION: 48 Gray Street

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

WARD: Castle Ward

APPLICANT: Mr Daren Perpetuini
AGENT: N/A

REFERRED BY: Councillor D Stone
REASON: Overdevelopment and 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 over concentration of similar uses within the vicinity of the site, would provide adequate facilities for future occupants, would not be at risk from flooding or have significant adverse impacts on parking provision in this sustainable location. In addition, the proposal would preserve the character and appearance of the Conservation Area. The proposal thereby complies with Policies H1, H5, BN5, BN7 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 4 people. No external alterations are proposed to the property. 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 on Gray Street, located in a residential area with similar terraced properties on both sides of the street. The site falls within the Boot and Shoe Quarter Conservation Area.
- 3.2 The property has a bedroom, lounge, kitchen and bathroom at ground floor level and three bedrooms at first floor level. The property also benefits from a cellar.
- 3.3 The site is in close proximity to Kettering Road which contains retail units and access to bus routes.
- 3.4 The application site does not fall within Flood Zones 2 or 3.

4. PLANNING HISTORY

- 4.1 None relevant.

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.

- 5.2 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.

5.3 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:

- 5.4 Paragraph 17 - Core Principles seeks to secure high quality design and a good standard of amenity for existing and proposed occupiers.
- 5.5 Paragraph 49 - Housing applications should be considered with a presumption in favour or sustainable development.
- 5.6 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
- 5.7 Section 12 - Seeks to conserve heritage assets in a manner appropriate to their significance and advises that great weight should be given to an asset's conservation.

5.8 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 and Mix and Type of Dwellings
Policy H5 - Managing the existing housing stock
Policy S10 - Sustainable Development Principles
Policy BN5 - The Historic Environment and Landscape
Policy BN7 - Flood Risk

5.9 **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 (Design)
Policy E26 - Conservation Areas Development
Policy H30 - Multi-occupation with a single dwelling

5.10 **Supplementary Planning Documents**

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

5.11 **Other Material Considerations**

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

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 D Stone** – Called the application in on the grounds of overdevelopment, parking pressures and pressure on services. The local residents are working really hard to create a clean, safe and cohesive community in this area and more HIMOs undermine their work. There is a need to support local people who are contributing to the Council's aim of creating clean, safe, balanced and cohesive communities.
- 6.2 **Highway Authority (NCC)** – Object. The LHA have received a number of parking beat surveys submitted as part of numerous planning applications and this demonstrates that is no residual parking capacity on-street. Furthermore, the cumulative impact from the high concentration of HIMOs in the immediate vicinity is contributing to the excessive demand. This demand is resulting in parking on double yellow lines, across dropped kerbs, on the corners of junctions and

double parking. This development will increase the demand further and any development impact that compromises the safety of motorists and pedestrians on the highway network is considered severe. 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 subject to a current application for HIMO licence for 4 occupants in 4 households, which is under consideration. The proposals indicate that the property will meet the requirements for the proposed occupancy.
- 6.4 **Conservation (NBC)** - No objection on conservation grounds.
- 6.5 **Town Centre Conservation Area Advisory Committee** – Note that the proposal would result in the loss of a family home and should be assessed against the HIMO IPPS, as the proposed change will generate a greater parking demand and traffic congestion within this area.
- 6.6 **Three representations** have been received from occupiers of neighbouring properties. The representations has been summarised as follow:
- The application is retrospective and the existing occupiers are noisy, leave bin bags and waste recycling on the street all week, and groups of people congregate outside the property late at night. A trailer has also been parking on the street associated with the property.
 - The area is saturated by HIMOs and other multi occupancy housing such as flats, which have a negative effect on the community and the historic character of the Conservation Area.
 - The local resident association is well supported and is seeking to reclaim the historic look and feel of the area.
 - The area is very congested with vehicles and there is a lack of parking after 6pm and on weekend; this is a significant issue for local residents not only in terms of highway safety with vehicles double parking or parking on corners but also quality of life with residents having to park some distance from their properties.
 - HIMOs in the area are giving rise to issues relating to parking, antisocial behaviour, litter and fly tipping, dog fouling, sewers and pest control.

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 indicate that there are 4 confirmed HIMOs on Gray Street, Burns Street, Shakespeare Road and Hervey Street within a 50m radius of the application site. The use of this property as a HIMO would equate to less than a 5% 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 HMOs to be of sufficient size to accommodate the proposed use. The property is considered to be of sufficient size, providing bedroom sizes in accordance with the Council's HMO Facilities and Amenities Guidance and appropriate kitchen, living room, and bathroom facilities. In addition, Private Sector Housing has assessed the planning application and raised no objections. Conditions restricting the use of the property to a maximum of 4 people and preventing the use of the cellar as a bedroom would ensure overdevelopment does not occur and a good standard of amenity for future occupiers.
- 7.4 No details have been submitted for bin or 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

- 7.5 The application site falls outside Flood Zones 2 and 3 and, as such, the proposal has no flood risk implications.

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 does not benefit from any on plot parking, but is in a sustainable location within easy walking distance to facilities along the Kettering Road and there is a bus stop some 330 metres from the site. In addition, there is a corner shop on the junction of Gray Street with Shakespeare Road, which is only some 45 metres from the site. The proposal is therefore 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 requiring details to be submitted for approval for secure 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 Parking Standard for the proposed development is therefore 4 parking spaces, which is an increase of 2 spaces compared to the previous use of the property as a 3-bed dwelling. A 3 bed house requires 2 parking spaces under the Parking Standards.
- 7.11 In this case, the Highway Authority objects to the proposal on the basis that there is no residual parking capacity in the locality of the site and the proposal would increase the parking demand further. Furthermore, the Highway Authority suggests that although in isolation one might consider the increase in demand generated by this development to be minimal or negligible, 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.
- 7.12 Notwithstanding the Highway Authority's objection, there is no evidence to support that all 4 residents would own cars. Given the number of occupants arising from the lawful use of the

property and the sustainable location of the site, it is considered that a refusal on highway grounds could not 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 considered that a refusal on highway grounds could not be upheld.

Refuse storage

- 7.15 No details have been submitted for refuse storage or bin locations. 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

- 7.16 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.

Heritage Assets

- 7.17 The application property is located in the Boot and Shoe Quarter Conservation Area and, therefore, special attention must be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area, with great weight given the conservation of the heritage asset.
- 7.18 In this instance, the proposal involves no external alterations to the property. As such, and given that neither the Conservation Officer nor Town Centre Conservation Area Advisory Committee object to the application on heritage impact grounds, it is considered that the proposal would not impact on the character or appearance of the Conservation Area.

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, or Conservation Area nor would the development have significant adverse impacts on neighbouring amenity or parking provision. The property is also 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, BN7 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 proposed development is recommended for approval subject to the following conditions.

9. CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 1:000; Basement Plan 1:50; Ground Floor Plan 1:50; and First Floor Plan 1:50.

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

2. Full details of facilities for the storage of refuse and materials to be recycled 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.

3. 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.

4. 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

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

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

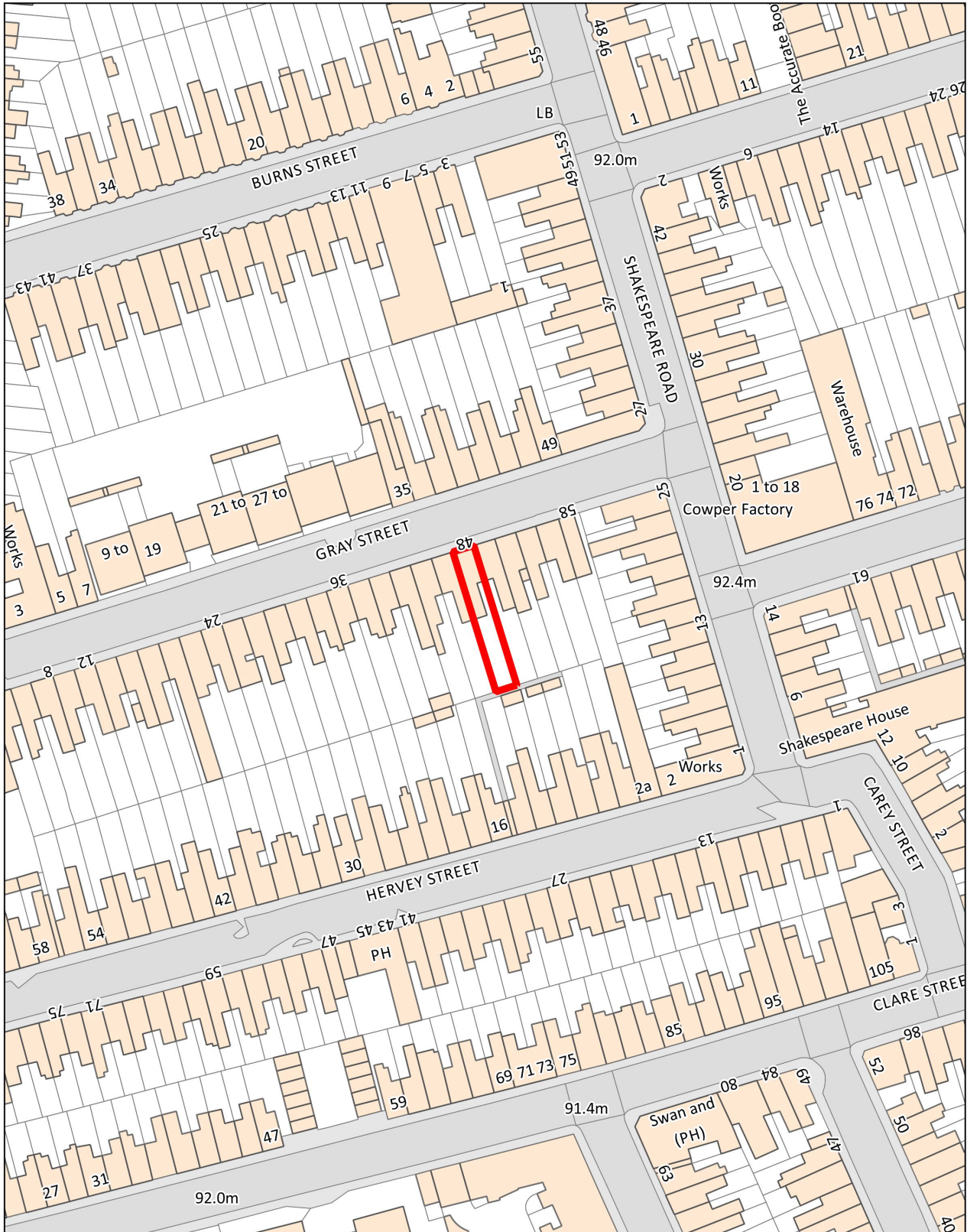
10.1 None.

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.



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Date: 02-02-2018

Scale: 1:1,000

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