

**PLANNING COMMITTEE:** 13<sup>th</sup> February 2018  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2017/1604

**LOCATION:** 5 Gray Street

**DESCRIPTION:** Change of use to a House in Multiple Occupation (Use Class C4) for 5 occupants

**WARD:** Castle Ward

**APPLICANT:** VK Property Stream Ltd  
**AGENT:** Robinson Architecture

**REFERRED BY:** Councillor D Stone  
**REASON:** Overdevelopment and impact on parking  
**DEPARTURE:** No

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#### **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, 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 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.
- 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 Parking would be on-street.

#### **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 WC at ground floor level and three bedrooms and a bathroom at first floor level. The property also benefits from a cellar. The single storey rear extension erected under permitted development rights has already been completed on site.
- 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), 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:

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

Paragraph 49 has a presumption in favour of sustainable housing development.

Paragraph 50 seeks to deliver a wide choice of high quality homes to meet a wide range of differing housing needs.

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.

##### **5.4 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

#### 5.5 **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

#### 5.6 **Supplementary Planning Documents**

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

#### 5.7 **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** – Calls 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)** – The property will require licensing under the additional licensing scheme. The room sizes, amenities and facilities provided however meet the requirements for a 5 occupant HIMO.
- 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 **4 representations** have been received from occupiers of neighbouring properties and the Local Resident Association. The representations have been summarised as follows:
- Parking issues on the street and wider area.
  - Inadequate refuse storage and fly tipping.
  - 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.
  - The proposal would result in anti-social behaviour.
  - Impact on community cohesion.
  - Impact on the existing infrastructure like sewerage

## 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 15 confirmed HIMOs on Gray Road, Hervey Street, Burns Street and Hunter Street within a 50m radius of the application site. The use of this property as a HIMO would equate to a 13.33% concentration in the area. This would fall within the 15% maximum threshold recommended by the Council's adopted Interim Planning Policy Statement (IPPS) 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 IPPS and appropriate kitchen/dining, WC and wash facilities. A condition restricting the use of the property to a maximum of 5 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 Details have been submitted indicating there is adequate room for cycle storage to the rear of the property and a condition is recommended to secure appropriate provision.

### **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 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.
- 7.7 The application property does not benefit from any on plot parking, but is located within easy walking distance to the facilities on Gray Street. It is considered that the application site is in a sustainable location within 100 metres of bus stops on Gray 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 details have been submitted for a 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 HIMOs 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 2 compared to the existing use as the parking requirement for a 4-bed dwelling is 3 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 existing use and 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 It should also be noted that in the most recent appeal decision issued on 30<sup>th</sup> January 2018, the Inspector, in taking the view that the IPPS is consistent with one of the core principles of the National Planning Policy Framework, which is to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, attached significantly more weight to the IPPS than to the Northamptonshire Parking Standards in determining the appeal.
- 7.15 In view of the recent appeal decisions, 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**

- 7.16 The submitted details indicate sufficient space to the rear of the property for bin storage and a condition is recommended to secure appropriate provision.

### **Amenity**

- 7.17 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**

- 7.18 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.
- 7.19 In this instance, the change of use 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.

### **Other matters**

- 7.20 The applicant has claimed that the property was used as HIMO in the past, but there was no documentation submitted with the application to confirm the continuous use of the property as HIMO. Therefore, it is not considered any weight can be afforded to this statement and the current application has been considered on its own merits.

## **8. CONCLUSION**

- 8.1 The proposed development would not lead to an unacceptable concentration of HIMOs within the locality that would adversely impact 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 and would accord with the relevant requirements of both national and local planning policy and guidance.
- 8.2 The proposed development is recommended for approval subject to the following conditions.

## **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: Site Location Plan and 1722/D1.

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. Full details of facilities for the storage of refuse and materials for recycling shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the development hereby permitted. Development shall be carried out in accordance with the approved details prior to occupation 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.

5. 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 prior to the first use of the development hereby permitted. Development shall be carried out in accordance with the approved details prior to occupation 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.

6. The existing basement shall not be used as a bedroom at any given 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**

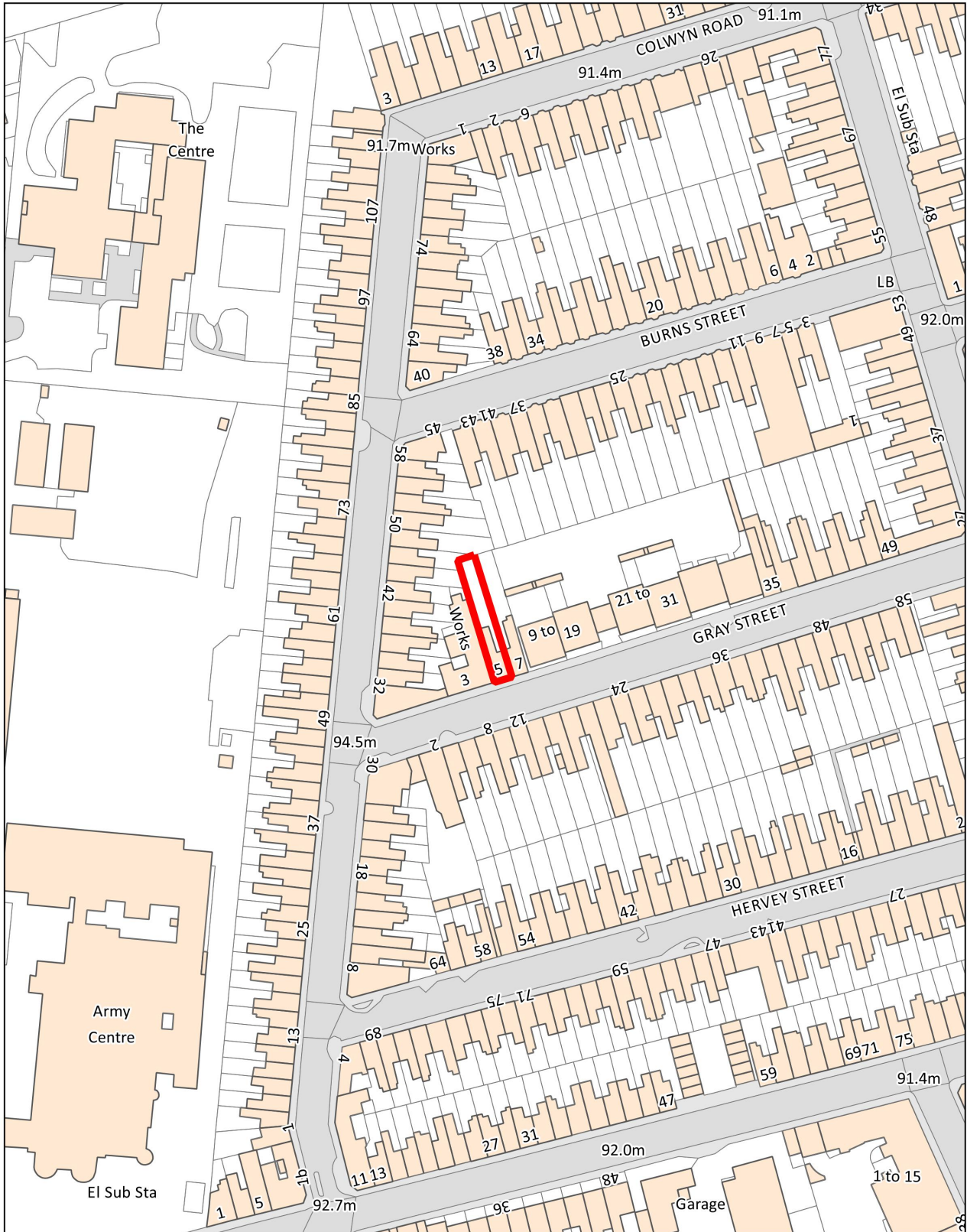
- 10.1 N/2017/1604.

## **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: **5 Gray Street**

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Date: 02-02-2018

Scale: 1:1,250

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