

<b>PLANNING COMMITTEE:</b>	10 <sup>th</sup> April 2018
<b>DIRECTORATE:</b>	Regeneration, Enterprise and Planning
<b>HEAD OF PLANNING:</b>	Peter Baguley
<b>APPLICATION REF:</b>	N/2017/1454
<b>LOCATION:</b>	15 Victoria Road
<b>DESCRIPTION:</b>	Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 4 occupants
<b>WARD:</b>	Castle Ward
<b>APPLICANT:</b>	Lever Property Services Limited
<b>AGENT:</b>	N/A
<b>REFERRED BY:</b>	Councillor D Stone
<b>REASON:</b>	Overdevelopment
<b>DEPARTURE:</b>	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 over concentration 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 the town centre, bus services and amenities and would provide adequate facilities for cycle storage and refuse storage. The proposal would have an acceptable impact on the Boot and Shoe Quarter Conservation Area and 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 dwelling house (Use Class C3) to a house in multiple occupation (HIMO) (Use Class C4) for 4 people. No external alterations are proposed to the property. The original submission was for 5 occupants including conversion of the basement to bedroom. Following negotiations with the applicant, amended plans have been received showing the basement to be used as storage only and reduces the number of occupants to 4. Parking is provided on-street on a permit basis. The site lies within an Article 4 Direction area, which removes permitted development rights for change of use from a dwelling to a small HIMO.

### **3. SITE DESCRIPTION**

- 3.1 The application site comprises a three storey terraced, four-bedroom dwelling on Victoria Road, located in a residential area with similar terraced properties on both sides of the street. The site is only 10 minutes walk to Northampton's main shopping street (Abington Street) and close to Billing Road. The site lies within the Boot and Shoe Quarter Conservation Area. The property is not listed and is not in a flood zone.

### **4. PLANNING HISTORY**

- 4.1 No recent planning applications.

### **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**

- 5.4 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:

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

- 5.6 Paragraph 49 - housing applications should be considered with a presumption in favour of sustainable development.

- 5.7 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.

- 5.8 Paragraph 100 - flood risk in determination of planning applications

- 5.9 Paragraph 132 - heritage assets.

#### **5.10 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  
Policy H5 - Managing the existing housing stock  
Policy S10 - Sustainable Development Principles  
Policy BN5 - The Historic Environment and Landscape  
Policy BN7 - Flood Risk

#### 5.11 **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  
Policy E26 - conservation areas development  
Policy H30 - multi-occupation with a single dwelling

#### 5.12 **Supplementary Planning Documents**

Northamptonshire Parking Standards (September 2016)  
Planning out Crime in Northamptonshire SPG (2003)

#### 5.13 **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 **Built Conservation (NBC)** - No objection.

6.2 **Highways Authority (NCC)** - No objection.

6.3 **Private Sector Housing (NBC)** - the room sizes, amenities and facilities indicate that the property would meet the requirements for a 4 person HIMO. General comments on fire protection and basement.

6.4 **Town Centre Conservation Area Advisory Committee** - concern over loss of family home, needs assessed against IPPS with respect to parking and other criteria.

6.5 **Councillor D Stone** - called in the application on the grounds of over-development and pressure on services.

6.6 7 objections and petition with 21 signatures received and are summarised as follows:

- Parking and increase in traffic
- Refuse problems, litter and fly tipping issues in area
- Loss of family home
- Already too many HIMOs in area/ over-concentration
- Noise nuisance
- Increase in crime and anti-social activity
- Loss of community spirit
- Impact on conservation 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 Joint Core Strategy 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 4 other HIMOs within a 50metre radius of the application site. The use of this property as a HIMO would equate to 5.6% concentration in the area (5 out of 89 properties). 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 IPPS with appropriate kitchen, WC and living room facilities. A condition restricting the use of the property to a maximum of 4 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 The property also has a basement, however it would be used as storage only.

7.5 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

7.6 Given that the site is not in a flood zone, it is considered that there is no concern over the impact on flood risk.

### Highways/Parking

- 7.7 The 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.
- 7.8 The application property is located within easy walking distance to facilities in the town centre and within 300m of the nearest bus stop on Billing Road. It is considered that the application site is in a sustainable location. In this regard, the proposal is considered to be in accordance with the requirements of the IPPS in respect of parking considerations.
- 7.9 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.
- 7.10 However, a further consideration in respect of parking is the Northamptonshire Parking Standards. This document was adopted in September 2016, after the IPPS.
- 7.11 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 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. The Local Highway Authority raise no objections as the surrounding area is covered by a resident parking permit scheme.
- 7.12 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.

### **Refuse storage**

- 7.13 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**

- 7.14 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 Class C3 dwelling.

### **Impact on appearance and character of Boot and Shoe Quarter Conservation Area**

- 7.15 As there are no external changes proposed to the building, there would not be any undue impact on the conservation area. This is a view supported by Council Conservation Officers.

## **8. Conclusion**

- 8.1 The proposed development would not lead to an unacceptable concentration of HIMOs 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, the conservation area, flood risk or parking provision. The property is of sufficient size to accommodate the level of accommodation as proposed. 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.

## **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: Drawing 2 and Site Location Plan.

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

- 3 Prior to the occupation of the development, details of the provision for the storage of refuse and materials for recycling shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation or bringing into use of the building hereby permitted and thereafter retained.

Reason: To ensure the provision of adequate facilities in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework

- 4 Prior to the occupation of development, 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. Development shall be carried out in accordance with the approved details and fully implemented prior to the development being first brought into use and retained thereafter.

Reason: To ensure the provision of adequate facilities in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

- 5 The development hereby permitted shall be occupied by a maximum of four residents at any one time.

Reason: In the interests of the amenity of the proposed occupiers and the surrounding area in accordance with Policy H1 and H5 of the West Northamptonshire Joint Core Strategy.

- 6 The existing cellar shall not be used as a bedroom or other habitable room throughout the lifetime of the use as a house in multiple occupation.

Reason: In the interests of residential amenity to comply with Policy H5 of the West Northamptonshire Joint Core Strategy.

## **10. BACKGROUND PAPERS**

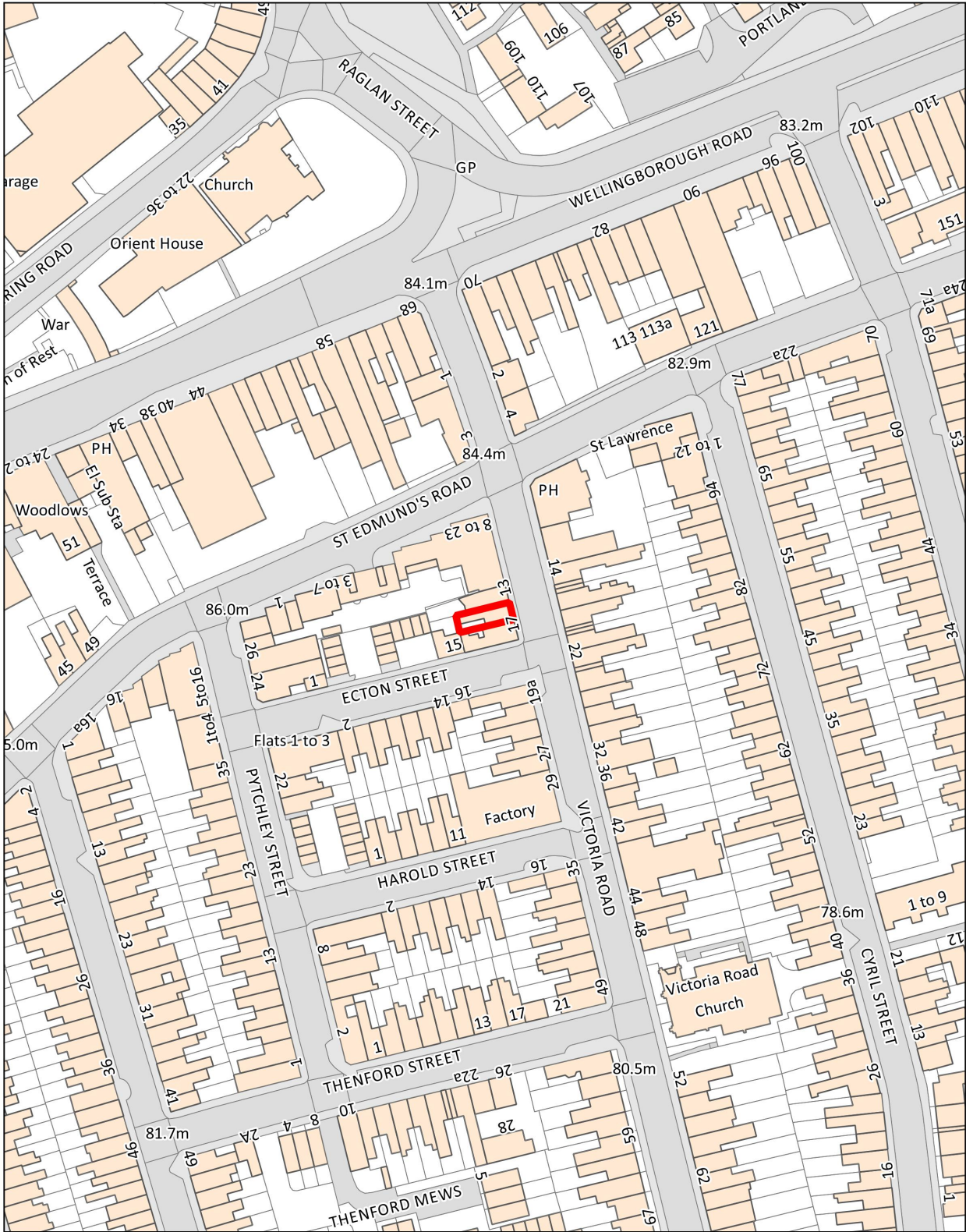
- 10.1 N/2017/1454.

## **11. LEGAL IMPLICATIONS**

- 11.1 The development is not CIL 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: **15 Victoria Road**

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Date: 20-03-2018

Scale: 1:1,250

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