

PLANNING COMMITTEE: 10th April 2018
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2018/0020

LOCATION: 37 Henry Bird Way

DESCRIPTION: Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 4/5 occupants

WARD: Delapre & Briar Ward

APPLICANT: Ms Chooi Ling Len
AGENT: Wicken Design Associates

REFERRED BY: Councillor V Culbard
REASON: Parking and refuse concerns

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 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, BN7 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 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 4/5 people. No external alterations are proposed to the property. There is one off-street parking space to the front of the site.

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 three storey, mid terrace, three/four-bedroom property. It is located in a residential area consisting of a mixture of similar terraced dwellings and flats. To the west of the application site is 35 Henry Bird Way which is an end of terrace three storey dwelling, also subject of a planning application for change of use to a HIMO (for 3 persons). To the east of the site is 1-11 Johnson Court which is a block of 12 flats. To the north of the site is 15 Johnson Court.
- 3.2 The ground floor of the application property consists of an integral garage, an entrance hall with a WC and a lounge/bedroom with doors leading into the rear garden. The first floor has a lounge and kitchen and the second floor has three bedrooms (one with an en-suite bathroom), and a further separate bathroom. The property has one off street parking space to the front and a rear garden with gated access from Johnson Court.
- 3.3 The site is in close proximity to the new Waterside University Campus and facilities on London Road and St. Leonard's Road. It is also within close walking distance (across a foot bridge) to the supermarket site on Victoria Promenade and the town centre.
- 3.4 The site lies within Flood Zone 2.

4. PLANNING HISTORY

- 4.1 PA/2017/0363 – Pre-application advice regarding change of use to HIMO.

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.

National Policies

- 5.2 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.

West Northamptonshire Joint Core Strategy (2014)

5.6 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 BN7 - Flood Risk

Northampton Local Plan 1997 (Saved Policies)

5.7 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 H30 – Multi-occupation of a single dwelling

5.8 Supplementary Planning Documents

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

5.9 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** – States that there are already difficulties finding parking spaces in Henry Bird Way and noise levels and rubbish disposal could also be an issue with a mainly elderly population. Called in the application for consideration by the Planning Committee.

6.2 **Highway Authority (NCC)** – requests a parking beat survey due to the known pressure in the area for on-street parking and the expectation that the change of use could result in an increased level of parking demand immediate to the site.

6.3 **Private Sector Housing (NBC)** - advised that the property is not currently licensable however if the property is occupied by 5 occupants the HIMO will be subject to mandatory licensing when proposed new requirements come into effect in April 2018.

- 6.4 **Environment Agency** – the proposal falls under Environment Agency flood risk standing advice and have no comments to make.
- 6.5 **One neighbour objection** has been received. Concerned about parking and noise if the property is let to students. Refers to another property in the area where this is an issue.

7. APPRAISAL

- 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 no confirmed HIMOs within a 50m radius of the application site. The use of the dwelling as a HIMO would equate to 1.06% concentration in the area. However there is a current planning application for 35 Henry Bird Way to be changed to a HIMO also. If both applications were approved, 2 HIMOs out of the existing properties (94 total) would result in a 2.12% concentration. This would clearly fall below 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 would ensure over-development does not occur. All bedrooms would be served by adequate outlook and light. Private Sector Housing advised that original plans which proposed 5 bedrooms included a bedroom below the size standard for a single room. Revised plans have removed this bedroom. The proposal is still for 4/5 occupants as the property includes bedrooms that are large enough for double occupancy. A condition will restrict the number of occupants to a maximum of 5 only.
- 7.4 Revised plans indicate that the integral garage shall be used for bin and cycle storage. This is considered to be acceptable and a condition will ensure that this facility is retained.

Flood Risk

- 7.5 In respect of flood risk, the application site lies within Flood Zone 2 which has a medium probability of flooding and a Flood Risk Assessment has been submitted with the application.
- 7.6 This included data supplied by the Environment Agency showing that the site is outside the area of flood hazard mapping due to the fact that the house was built post 1998 floods and land levels were raised and flood risk mitigation implemented. The Environment Agency further stated in a letter appended to the Flood Risk Assessment that they would have no objection to a change of use of the property to a HIMO with ground floor sleeping accommodation.
- 7.7 As a result of consultation on the current planning application the Environment Agency states that the proposal falls under flood risk standing advice and they have no comments to make. Standing

advice indicates that the proposal is acceptable. Furthermore it is noted that the proposal does not include ground floor sleeping accommodation.

Highways/Parking

- 7.8 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.
- 7.9 The application property is located within easy walking distance to facilities at St. Leonards Road, London Road and the town centre. It is considered that the application site is in a sustainable location within 290 metres of a bus stop on London Road. In this regard, the proposal is 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. The application site has an integral garage which will provide 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 In this case, the Highway Authority object to the proposal due to the known pressure in the area for on street parking. They advised that the applicant undertakes a parking beat survey. This has been carried out and the Highway Authority has been consulted on the submitted survey. No response has been received from them at the time of writing this report. Any additional comments will be reported to the Planning Committee via the addendum.
- 7.14 Notwithstanding the Highway Authority's comments, there is no evidence to support that all 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.
- 7.15 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.
- 7.16 Notwithstanding the fact that there is an outstanding application for a HIMO adjacent to the site which may have the potential for cumulative impacts on parking within the locality, 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 secure bicycle storage will be provided, in accordance with the requirements of the IPPS, it is not considered that a refusal on highway grounds could be upheld.

Refuse storage

- 7.17 Amended plans have been submitted which indicate that the integral garage shall be used for bin storage in addition to cycle storage. This is considered to be acceptable and a condition will ensure that this facility is retained.

Amenity

- 7.18 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 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 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: Site Location Plan, Proposed Floor Plan HBW 2/1 (amended plan received 26th March 2018).

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 refuse and cycle storage shall be implemented in accordance with the details shown on the approved plan HBW 2/1 (amended plan received 26th March 2018) and be retained throughout the lifetime of 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

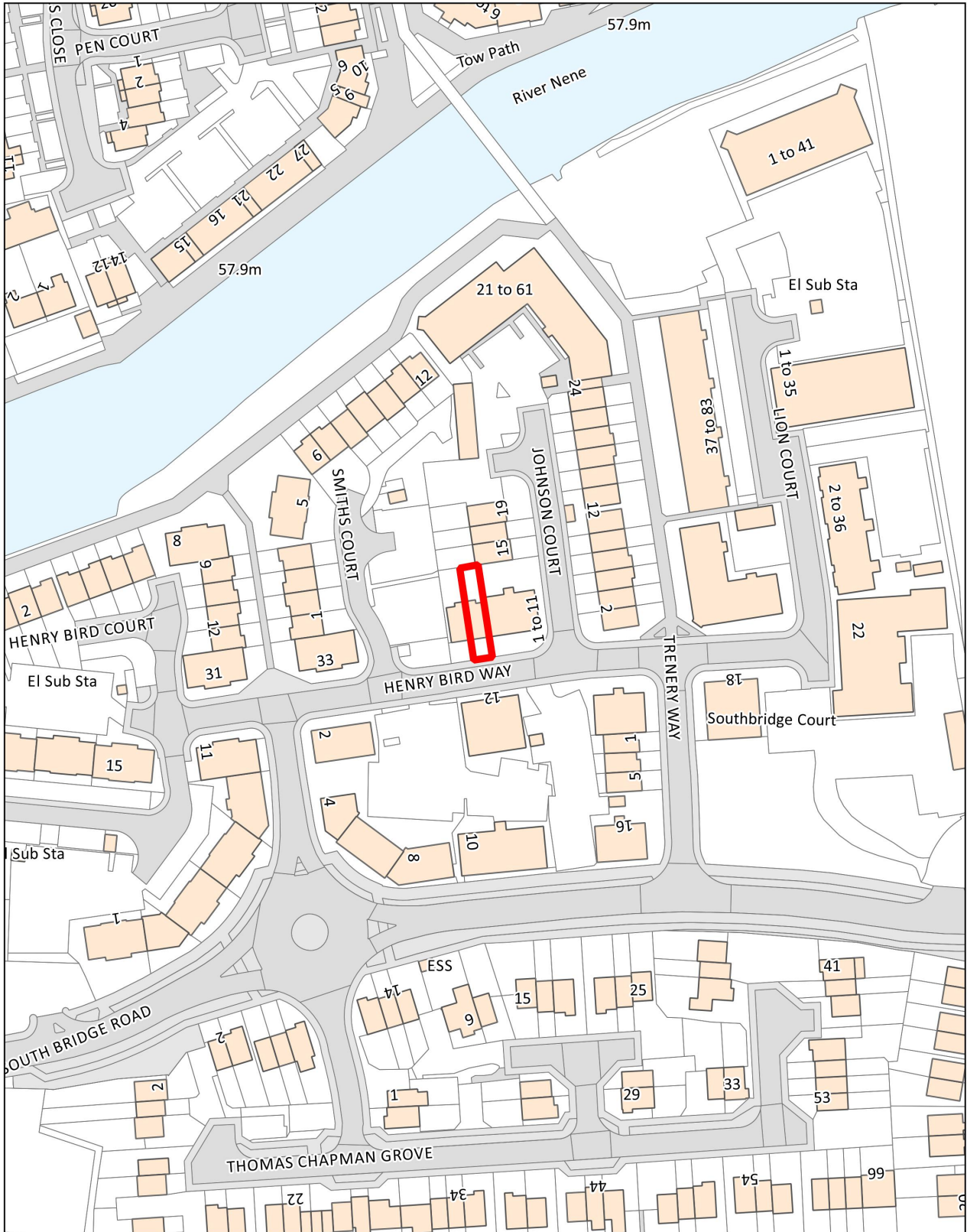
- 10.1 N/2018/0020.

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.



Title: **37 Henry Bird Way**

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Date: 20-03-2018

Scale: 1:1,250

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