

**PLANNING COMMITTEE:** 8<sup>th</sup> May 2018  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2018/0071

**LOCATION:** 39 St Michaels Mount

**DESCRIPTION:** Change of use of dwellinghouse (Class C3) to house in multiple occupation (Class C4) for 6 occupants

**WARD:** Castle Ward

**APPLICANT:** Mr S Patel  
**AGENT:** A Chhatralia

**REFERRED BY:** Councillor D Stone  
**REASON:** Overdevelopment and parking concerns

**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 a significant 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 and preserve the appearance and character 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 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 6 people. No external alterations are proposed to the property. Parking would be on-street.

##### **3. SITE DESCRIPTION**

3.1 The application site consists of a 6 bedroom terraced dwelling along a residential street of similar properties. Parking is provided on street and the site is in the Boot and Shoe Quarter Conservation Area. The property is within easy walking distance of Kettering Road.

#### **4. PLANNING HISTORY**

- 4.1 No recent planning applications. Planning permission was refused in 1989 (89/1066) for a house in multiple occupation on the grounds of impact on neighbours amenity and provision of no off road parking.

#### **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 - Core Principles 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:

H1 Housing Density, Mix and type of dwellings  
H5 Managing existing housing stock  
S10 Sustainable Development Principles  
BN5 Historic Environment and Landscape  
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:

E20 New development (Design)  
E26 Development conservation areas  
H30 Multiple occupation

## 5.12 **Supplementary Planning Documents**

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

## 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**

Consultation responses summarised as follows:

- 6.1 **Highways (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.
- 6.2 **Built Conservation (NBC)** - No objection. No external works are indicated and the proposal will have a neutral impact on the character and appearance of the Boot and Shoe Quarter Conservation Area.
- 6.3 **Private Sector Housing (NBC)** - No objection as room sizes are sufficient for a 6 person HIMO.
- 6.4 **Councillor D Stone** - called in the application on over-development and concern over parking and pressure on services.
- 6.5 One neighbour objection on the grounds of parking and refuse concerns.

## 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 14 other HIMOs within a 50m radius out of 106 properties of the application site. The use of this property as a HIMO would equate to 15.1% concentration in

the area. This would fall outside the 15% maximum threshold recommended by the Council's adopted IPPS in relation to HIMOs. However as the figure is just 0.1% above the required standard, it is difficult to argue that significant harm would result in planning terms. It would be difficult to defend on appeal in terms of demonstrable harm, bearing in mind comments from recent appeal decisions by the Planning Inspectors. 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 IPPS with appropriate kitchen/dining, WC and wash facilities. A condition restricting the use of the property to a maximum of 6 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 are satisfied that the accommodation proposed meets their requirements.

### **Flood Risk**

- 7.4 The site is not in a flood zone therefore there would be no impact on flooding.

### **Highways/Parking**

- 7.5 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.
- 7.6 The application property is located within easy walking distance to facilities on Kettering Road. It is considered that the application site is in a sustainable location within 200m of the nearest bus stop 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.
- 7.7 Within such areas, the IPPS recommends that storage space should be provided which is accessible to cycle users. Space is available in the existing basement and a condition is recommended requiring details to be submitted for approval for secure cycle storage.
- 7.8 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. The Northamptonshire Parking Standards state that HIMO shall provide on plot parking at the ratio of one parking space per bedroom. The proposed development will produce a demand for 6 parking spaces, which is an increase of 3 compared to the existing use, as parking requirement for a 6-bed dwelling is 3 spaces.
- 7.9 In this case, the Highway Authority object to the proposal because the potential impacts on highway safety are considered severe, and concern is raised regarding the potential negative impacts of an increase in parking demand on the amenity of neighbouring residents.
- 7.10 Notwithstanding the Highway Authority's objection, there is no evidence to support that all 6 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.
- 7.11 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**

- 7.12 There is sufficient space in the basement of the property for bin storage, a condition is recommended to agree the details of refuse storage.

## **Amenity**

- 7.13 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 dwellinghouse. 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.

## **Impact on appearance and character of Boot and Shoe Quarter conservation area**

- 7.14 As there are no external works proposed, it is considered that there would be a neutral impact on the conservation area which is a view supported by NBC 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 or parking provision. The property is of sufficient size to accommodate the level of accommodation as proposed and would have an acceptable impact on the conservation area. 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 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: 01, 02, 03A, 04, 05 and 06.

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

- 3) The basement cycle and bin storage shall be provided prior the use hereby permitted commences in accordance with further details to be agreed in writing with the Local Planning Authority prior to the occupation of development and the facilities shall be retained as such throughout the lifetime of development.

Reason: In the interests of residential amenity to comply with Policy H1 of the West Northamptonshire Joint Core Strategy.

- 4) The development hereby permitted shall be occupied by a maximum of 6 residents at any one time.

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

- 5) The basement area shall not be used as habitable rooms or bedrooms at any time.

Reason: In the interests of amenity of the proposed occupiers to comply with H1 of the West Northamptonshire Joint Core Strategy.

**10. BACKGROUND PAPERS**

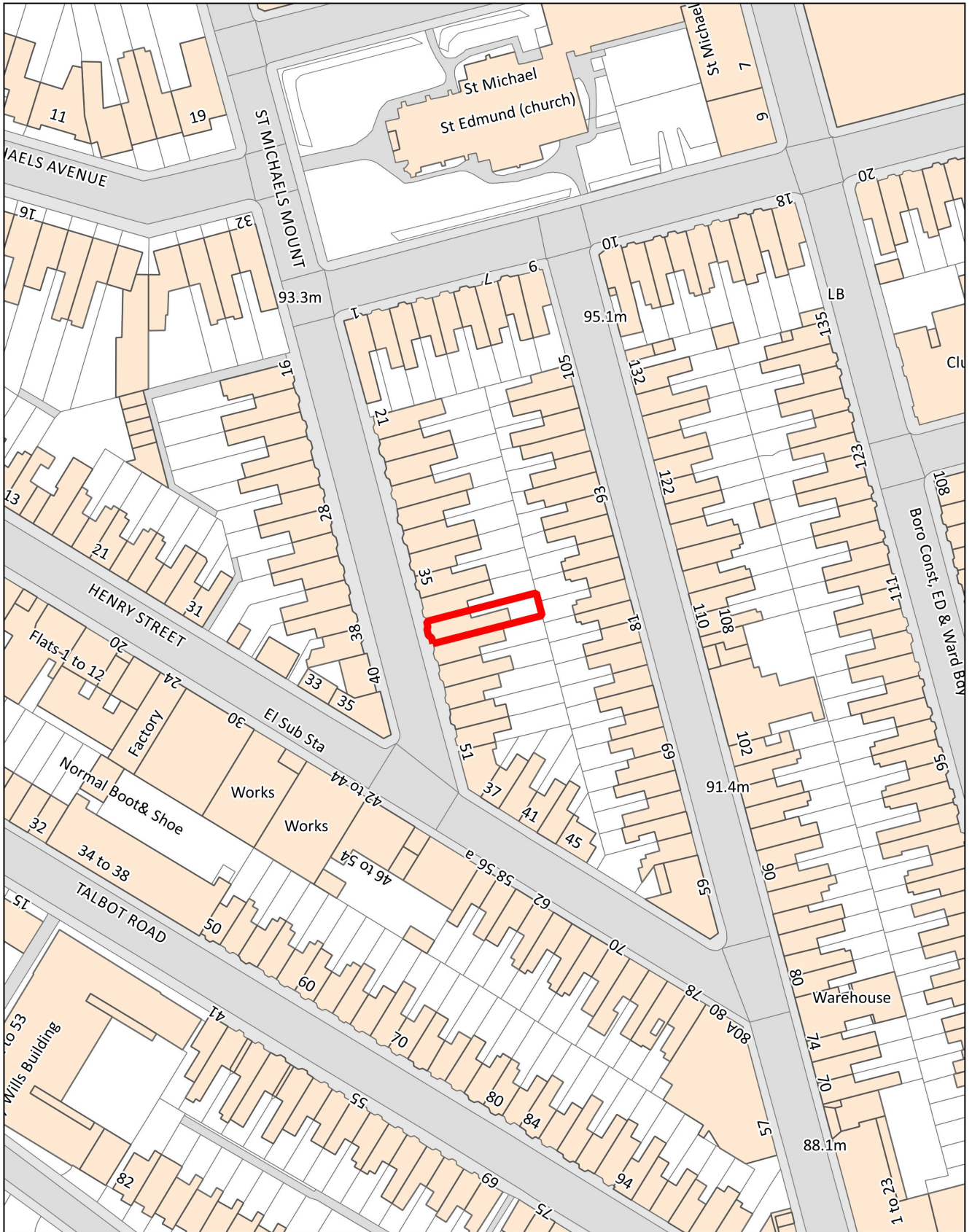
10.1 N/2018//0071.

**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.



**NORTHAMPTON**  
BOROUGH COUNCIL

Title: **39 St Michaels Mount**

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