

PLANNING COMMITTEE: 23rd October 2018
DEPARTMENT: Planning Service
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2018/0390

LOCATION: 43 Clinton Road

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

WARD: Delapre & Briar Ward

APPLICANT: Mrs Jacqueline Abbott
AGENT: N/A

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 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. Notwithstanding existing parking conditions in the local area, the site is in a sustainable location close to bus stops and amenities and would provide adequate facilities for cycle storage and refuse storage. The proposal thereby complies with Policies H1, H5 and S10 of the West Northamptonshire Joint Core Strategy, 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 The proposal is for the change of use of an existing dwelling to a house in multiple occupation for 4 residents.
- 2.2 The proposed development has been amended during the course of the application and the ground floor bedroom is now proposed to have raised floor level.

- 2.3 No external alterations are proposed to the property. Parking would be on-street.
- 2.4 The site lies within an Article 4 Direction Area, which removes permitted development rights for change of use from a dwelling to a House in Multiple Occupation (HIMO).

3. SITE DESCRIPTION

- 3.1 The application premises consists of a two storey, three bedroom terraced house. This is located within a street comprising similar properties.
- 3.2 The property has a kitchen, dining, bathroom and a lounge on the ground floor, 3 bedrooms on the first floor.
- 3.3 The site is in close proximity to St. Leonard's Road, which contains some retail units and access to bus routes within 10 minutes walking distance.
- 3.4 The application site lies in the middle of the Flood Zone 2 and Flood 3.

4 PLANNING HISTORY

- 4.1 None.

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 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:

Paragraphs 72 (c) - ensure that a variety of homes to meet the needs of different groups in the community will be provided.

Paragraph 127 (f) - seeks to create safe and healthy places with a high standard of amenity for existing and future users.

5.3 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.

5.4 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 H30 – Multi-Occupation with a Single Dwelling.

5.5 Supplementary Planning Documents

Northamptonshire Parking Standards (September 2016)

Planning out Crime in Northamptonshire SPG 2004.

5.6 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 50 metre 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 **Private Sector Housing** – The room sizes, amenities and facilities shown on the submitted plans indicate that the proposed HIMO would meet the requirements for a four occupant HIMO.

6.2 **Local Highway Authority** – No objection. Highway engineer has advised that the parking surveys has demonstrated that there is sufficient residual capacity in the area so that the proposed increase in demand generated this development would not compromise highway safety. Any further application in the future will be requested to submit a revised survey.

6.3 **Environment Agency** – No objection on the revised scheme, following the raising the finished floor level for the ground floor bedroom. Therefore EA is satisfied that the flood risks posed to future occupants of the house have been sufficiently mitigated against and advised to condition the implementation of the raised levels.

6.4 **Councillor V Culbard** – Called-in this application on the following grounds:

- Clinton Road is a very busy road, with issues over traffic and parking.
- There are also problems regarding litter and rubbish disposal, as well as levels of noise.
- Any further increase in residents will only make these issues worse.

6.5 9 representations received from 7 neighbouring properties, making the following points in summary:

- Parking issues in the wider area.
- Inadequate refuse storage and fly tipping.
- Noise issues.
- 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.

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 is one established HIMO on Abbey Road, within a 50m radius of the application site. The use of this property as a HIMO would equate to less than 2.98% concentration in the area, which would fall well 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 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 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 the level of accommodation and facilities provided is appropriate for 4 occupants.
- 7.4 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

- 7.5 In respect of flood risk the application site is within Flood Zone 2 and at the edge of Flood Zone 3, which covers the front of the property. The Environment Agency had raised concerns initially but following the amendment to raise the finished floor level for the ground floor bedroom from the scheme, the objection has been withdrawn by the Environment Agency and the proposal is therefore considered acceptable subject to the condition.

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 is located within 210m of the nearest bus stop on Towcester Road and is also within easy walking distance of the Local Centre on St Leonard's Road which provides a full range of facilities. 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 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 1 parking space per bedroom. The proposed development will produce a demand for 4 parking spaces, which is an increase of 2 compared to the existing use, as the parking requirement for a 3-bed dwelling is 2 spaces.
- 7.11 The Highway Authority has not raised any objection and has confirmed that there is sufficient capacity on the streets to accommodate the proposed change of use such that there not be any adverse impact on the highway safety.
- 7.12 Moreover, 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, 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 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 not considered that a refusal on highway grounds could be upheld at appeal.

Refuse storage

- 7.16 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

- 7.17 The proposed use falls within Use Class C4, which in effect categorises this as a residential use. It is not considered 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. Indeed, without the Article 4 Direction, planning permission would not be required for the change of use. Consequently, it is not considered that any 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 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.

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.

8.3 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 Drawing 02 of 02 dated 06/08/2018 (Proposed floor plan).

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 refuse storage 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 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. Development shall be carried out in accordance with the approved details 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 development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) reference number MD1221/rep/001 compiled by M Design; applicant's email dated 14th August 2018 as forwarded by case officer on 15th August and drawing reference PP-06500628, Drawing 02 of 02 dated 06/08/2018 and the following mitigation measure detailed within it:

Finished floor levels of ground floor bedroom 04 (as reference PP-06500628 Drawing 02 of 02 dated 06 August 2018) are set no lower than 60.44m above Ordnance Datum.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

10. BACKGROUND PAPERS

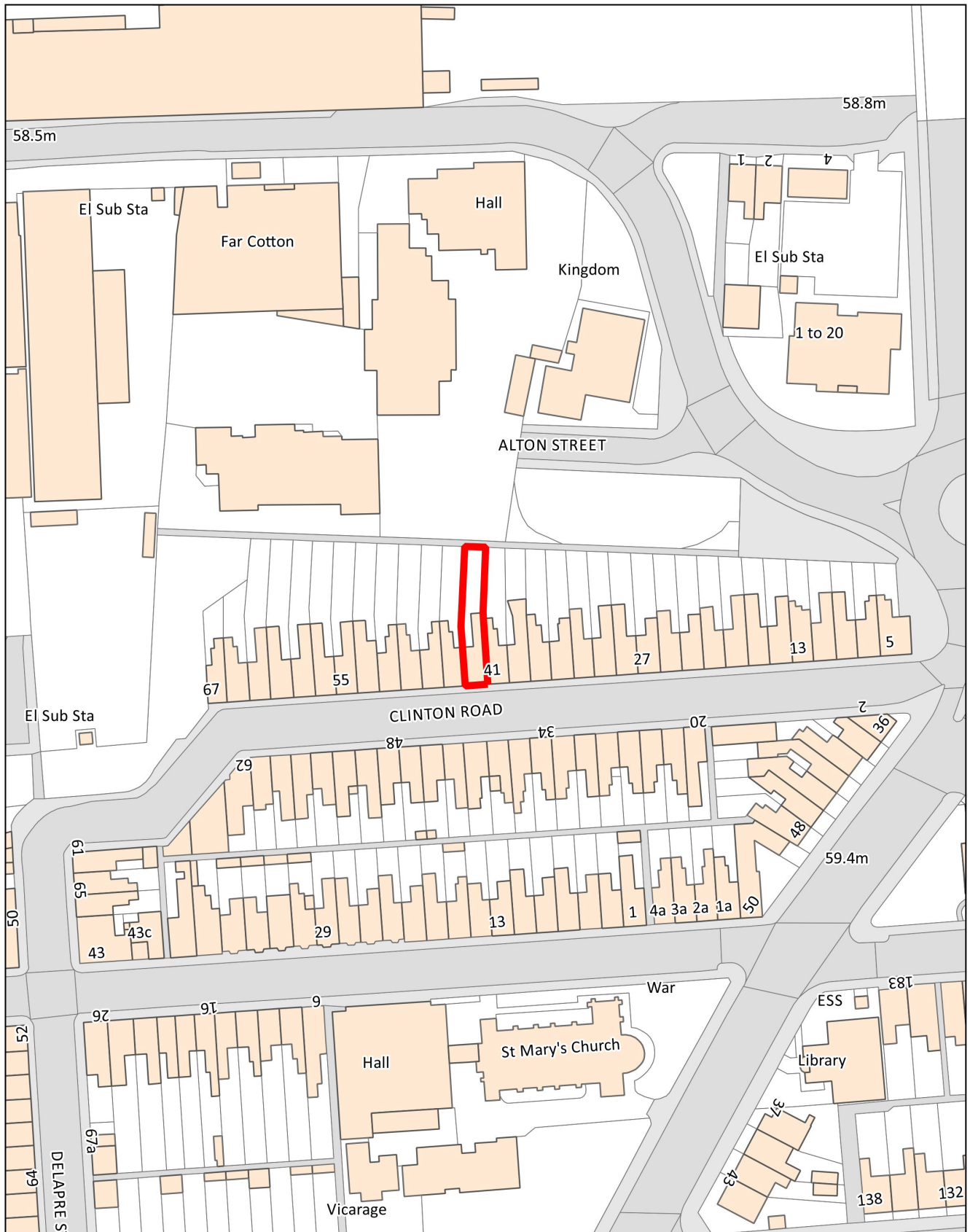
10.1 N/2018/0390.

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: **43 Clinton Road**

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Date: 04-10-2018

Scale: 1:1.000

Drawn by: -----

