



PLANNING COMMITTEE: 22nd January 2019
DEPARTMENT: Planning Service
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2018/1622

LOCATION: 68 Charles Street

DESCRIPTION: Change of use from dwelling house (Use class C3) to 5 person house in multiple occupation (Use class C4) including single and first floor rear extensions

WARD: Castle Ward

APPLICANT: Mr Harjinder Kooner
AGENT: LMR Designs

REFERRED BY: Councillor D Stone
REASON: Overdevelopment and pressure on parking

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 and would preserve the appearance and character of the conservation area. 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 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 to a 5 bedroom 5 person house in multiple occupation (Class C4). The proposal also includes single and first floor rear extensions.

3 SITE DESCRIPTION

- 3.1 The existing property is currently being used as a 3 person HIMO. However the lawful use is a family dwelling as it has not been demonstrated that the property has had formal permission as a HIMO.
- 3.2 The application site consists of a terraced dwelling along a street of similar properties. Parking is provided on street on a Permit basis. The site is within easy walking distance to the town centre. The property has private rear garden enclosed on three sides. The site is in the Boot and Shoe Quarter Conservation Area and is in a low risk flood zone (flood zone 1).

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

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.

5.2 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:

Paragraph 72 - ensure a variety of homes to meet the needs of different groups.

Paragraph 127 - 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 and Mix and Type of dwellings

Policy H5 - Managing Existing Housing Stock

Policy S10 - Sustainable Development Principles

Policy BN5 - Historic Environment and Landscape

Policy BN7 - Flood Risk

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 (new development)

Policy E26 Conservation Areas
Policy H30 Multi-occupation

5.5 **Supplementary Planning Documents**

Northamptonshire Parking Standards (September 2016)
Planning out Crime in Northamptonshire SPG 2004
Residential Extensions and Alterations Design Guide SPD 2011

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 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 **Highways (NCC)** The property is within a Permit Zone and all parking therefore controlled. The LHA holds the right to restrict the number of permits administered to any property as it sees fit
- 6.2 **Private Sector Housing (NBC)** No objection, property suitable for 5 occupants and would be subject to a HIMO License.
- 6.3 **Conservation (NBC)** no objection to change of use provided there is no over-concentration. The extensions will have limited effect on the appearance of the area.
- 6.4 **3 neighbour objections** received on following grounds;
- Parking concerns
 - Fly-tipping concerns
 - Increase in anti-social behaviour
 - Refuse and bin storage concerns
 - Impact on community
 - Over-development
- 6.5 **Councillor D Stone** - called application in on parking, over-development, anti-social behaviour and loss of community.

7 **APPRAISAL**

Principle of the development

- 7.1 The conversion of the existing property 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 8 other HIMO within a 50m radius of the application site out of 85 properties. The use of this property as a HIMO would equate to 10.6% concentration in the area. This would clearly fall within the 15% maximum threshold recommended by the Council's adopted Interim Planning Policy Statement in relation to HIMOs.

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. 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 has advised that they will be satisfied with the accommodation proposed meets their room size requirements.

Flood Risk

- 7.4 As the site is in a low risk flood zone, there would not be any concern over the effect on local flooding.

Highways/Parking

- 7.5 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 town centre, 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 walking distance of the town centre and it is considered that the application site is in a very sustainable location. 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.
- 7.7 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 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 5 parking spaces, which is an increase of 3 as compared to the lawful use as a 3 bedroom dwelling. The Highway Authority raise no objection as the site is in a Permit Parking Zone.
- 7.8 Some weight must be attached to the fact that the site is in a sustainable location. This is a view that has consistently shared by Inspectors on appeals. It is considered that due to the site's sustainable location, a refusal of the application on highway grounds would not be sustainable on appeal.

Refuse storage

- 7.9 No details have been submitted for cycle and refuse storage. There is sufficient space to the rear of the property, a condition is recommended to agree the details for the property to ensure it is of an appropriate size and well secured.

Impact on appearance and character of the conservation area

- 7.10 Given that the proposed extensions would not be visible from outside the site, it is considered that the proposed extensions would have a neutral impact on the character and appearance of the conservation area. This is a view supported by Council Conservation Officers.

Amenity

- 7.11 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. Due to the relationship with the 2 adjoining occupiers, the impact of the proposed extensions on light, outlook and privacy would be acceptable.

8 CONCLUSION

- 8.1 The proposed development would not lead to an unacceptable concentration of HIMO's within the locality that would adversely affect upon the character of the local area, conservation 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 not impact adversely on flood risk. The proposed development would be in accordance with the requirements of 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 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: 017-003-001, 002, 003F, 004, 005.

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

- 3) The external walls and roof of the extensions shall be constructed with materials of the same type, texture and colour as the external walls and roof of the existing building.

Reason: In the interests of visual amenity to ensure that the extension harmonises with the existing building in accordance with Policy E20 of the Northampton Local Plan and S10 of the West Northamptonshire Joint Core Strategy

- 4) The maximum number of occupiers shall not exceed 5 at any one time.

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

- 5) Prior to the occupation of development as a 5 person house in multiple occupation, 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 Policy H1 of the West Northamptonshire Joint Core Strategy.

- 6) Prior to the occupation of the development as a 5 person house in multiple occupation, 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: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy H1 of the West Northamptonshire Joint Core Strategy.

10 BACKGROUND PAPERS

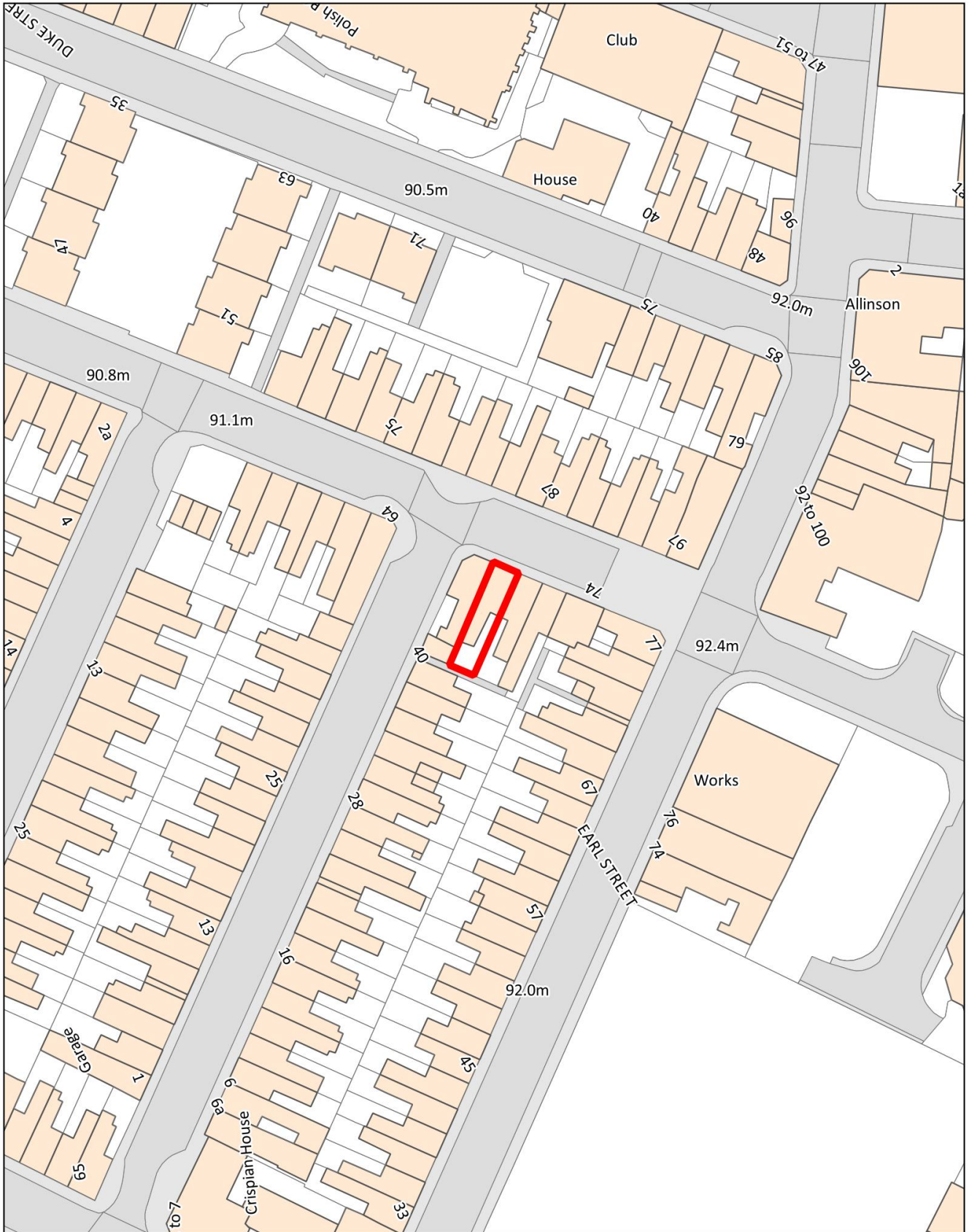
10.1 N/2018/1622

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: **68 Charles Street**

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Date: 08-01-2019

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