

PLANNING COMMITTEE: 19th February 2019
DEPARTMENT: Planning Service
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2018/1713

LOCATION: 94 St Leonards Road

DESCRIPTION: Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 3 occupants (retrospective)

WARD: Delapre & Briar Ward

APPLICANT: Mr Arandeep Singh
AGENT: CC Town Planning

REFERRED BY: Councillor J Davenport
REASON: Refuse and parking 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 a change of use of the property to a three person house in multiple occupation.
- 2.2 Two of the rooms proposed would have en-suite facilities. Parking will be on-street.

3 SITE DESCRIPTION

- 3.1 The application site consists of a former three bedroom terraced house, now in use as a house in multiple occupation for five people.

4 PLANNING HISTORY

- 4.1 N/2017/0942 – Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 5 occupants – Refused 22/12/17 on flooding and poor layout grounds, appeal dismissed 01/11/18.
- 4.2 N/2018/0454 – Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 4 occupants together with first floor rear extension – Refused 04/07/2018 on parking and overlooking issues, appeal pending.

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:

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

Paragraphs 49 has a presumption in favour of sustainable housing development.

Paragraph 50 seeks to deliver a wide choice of high quality homes to meet a wide range of differing housing needs.

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.
Policy H18 – Residential Extensions

5.5 **Supplementary Planning Documents**

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

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 50m 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 refuse and recycling storage.

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 three occupant HIMO.
- 6.2 **Local Highway Authority** – No comments to make.
- 6.3 **Environment Agency** – No objection.
- 6.4 **Councillor E Roberts** – This application should be opposed for all of the reasons the original applications were opposed. The proposed works at 93, 94 & 95 will cause significant disruption. The parking safety does not really alter with the reduction in numbers to 3 from 5. There is still likely to be at least 2 vehicles and with a single visitor to each you reach 5. The area is not equipped for this development.
- 6.5 **Councillor J Davenport** – Calls in the application due to ongoing issues with the HIMO that it already is. In addition to the parking, refuse and noise issues it is and will create.
- 6.6 Eight representations received from nearby occupiers, making the following points in summary:
- Already have to deal with anti-social behaviour.
 - 5 -7 people have been occupying the property, this has continued since the appeal was dismissed.
 - Conversion work has been done at all hours, disturbing the peace.
 - Parking is already a major issue, this will be made worse.
 - Tenants have no respect for neighbourhood.
 - Shame to lose an affordable family home.
 - University should not have been given permission without catering for student parking.
 - Rubbish is being dumped in the street.
 - Anti-social behaviour.
 - If granted would be near to or exceed 15% threshold within 50 metres.

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 3 other HIMOs within a 50m radius of the application site. The use of this property as a HIMO also equates to 5.3% concentration in the area. This would fall within the 15% maximum threshold recommended by the Council's adopted Interim Planning Policy Statement in relation to HIMOs. It is considered 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 Interim Planning Policy Statement for HIMOs (IPPS) also includes minimum sizes for all rooms within a HIMO.
- 7.4 In this case, the room sizes all meet the requirements of the IPPS and it has been further confirmed by Private Sector Housing that the building as proposed is suitable for occupation by 3 persons.
- 7.5 A condition restricting the use of the property to a maximum of 3 people would ensure over-development does not occur.

Flood risk

- 7.6 In respect of flood risk, the site is located within Flood Zone 3. The original application, which was refused and subsequently dismissed at appeal, included ground floor sleeping and was therefore refused partially on the basis that residents would not be adequately protected from flood risk. The current scheme has no ground floor sleeping accommodation and the Environment Agency now has no objection to this proposal.

Highways / Parking

- 7.7 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.
- 7.8 The application property is located 70m from the nearest bus stop on St Leonards Road and is opposite and surrounded by the St Leonards Road Local Centre which provides a wide 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.
- 7.9 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 should be submitted for the secured cycle storage. There is scope for this to be provided within the existing shed at the rear of the premises.
- 7.10 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.

- 7.11 The Northamptonshire Parking Standards state that HIMO's shall provide on plot parking at the ratio of one parking space per bedroom. The proposed development will produce a requirement for 3 parking spaces, this represents an increase of one over the requirement for the lawful use of a three bedroom house.
- 7.12 In this case, the Local Highway Authority has made no objection to the proposal. Furthermore, there is no evidence to support that all 3 residents would own cars. Given the number of occupants arising from the lawful 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 where Planning Inspectors have consistently taken the view that where a site is close to local amenities, 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 In view of the sustainable location of the application site and number of occupants proposed, and that there is sufficient room within the site to provide secure bicycle storage, it is not considered that highway impacts would be so adverse as to recommend refusal on this basis.
- 7.15 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.
- 7.16 It can be noted that the previous application at this location was refused partially on the grounds of parking, and that an appeal into this refusal is pending. In consideration of this, it should be noted that the current proposal differs from the previous refusal in that three rather than four occupants are proposed. In this respect, it is considered that the occupation by only three residents is comparable to the lawful use of the property as a three bedroom dwelling, whereas occupancy by the one additional resident would, in an area suffering from severe parking pressure, result in a significant enough impact to warrant refusal, when the cumulative impact is considered. It can be noted also that the Local Highway Authority objected to the previous refused proposal but have not raised an objection to the current application.

Refuse storage

- 7.17 As with cycle storage, it would be possible to provide refuse storage within the rear garden area and a condition requiring details of such provision is recommended.

Impact on the amenity of adjoining and nearby residential occupiers

- 7.18 The previous application, which was refused and in respect of which an appeal is pending, included a first floor rear extension and the impact of this, specifically the side face facing window, formed part of the reason for refusal. This is no longer proposed and there are no extensions or external alterations to the property proposed. There would, therefore, be no impact in this regard.
- 7.19 In respect of the change of use, the proposed use falls within Use Class C4, which in effect categorises 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 Class 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.

Current Use of the Property

- 7.20 The property is currently in use a HIMO for five occupants. This is not an authorised use, and an application for this was refused with an appeal subsequently dismissed. Following on from this the application for four residents, including the extension, as referred to above, was submitted and also refused. An appeal is pending.
- 7.21 The current application represents another alternative use of the premises and would represent a “fall-back” if the current appeal is dismissed, or if the current appeal is allowed would be another alternative.
- 7.22 Should the Committee decide to refuse the current application also, it would be necessary to wait for any further appeal before enforcement action could be taken. Ultimately, however, the current unauthorised use will be required to cease. If no other application is approved, it would have to revert to a single dwelling. However, this current application is recommended for approval on the basis that a three person HIMO is considered acceptable.

8 CONCLUSION

- 8.1 The proposed change of use to a 3 person HIMO would not have any undue impact on the amenities of adjoining occupiers, would comply with the requirements of the Interim Planning Policy Statement on HIMOs, and would not result in an over concentration of HIMOs within the locality and would provide suitable accommodation for the number of occupants proposed. The issues in relation to parking and highway safety are finely balanced, however, it is considered that the proposal complies with the IPPS in relation to parking considerations and, in view of recent appeal decisions and the potential number of people that could occupy the property under the existing use, it would be difficult to uphold a refusal at appeal. The proposal is therefore recommended for approval.

9 CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 131016 - 101 rev 10.

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

2. Within one month of the date of this approval, 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 within one month of the approval thereof and thereafter retained.

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.

3. Within one month of the date of this approval, 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. The approved details shall be implemented within one month of the approval thereof 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. The development hereby permitted shall be occupied by a maximum of three 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.

10 BACKGROUND PAPERS

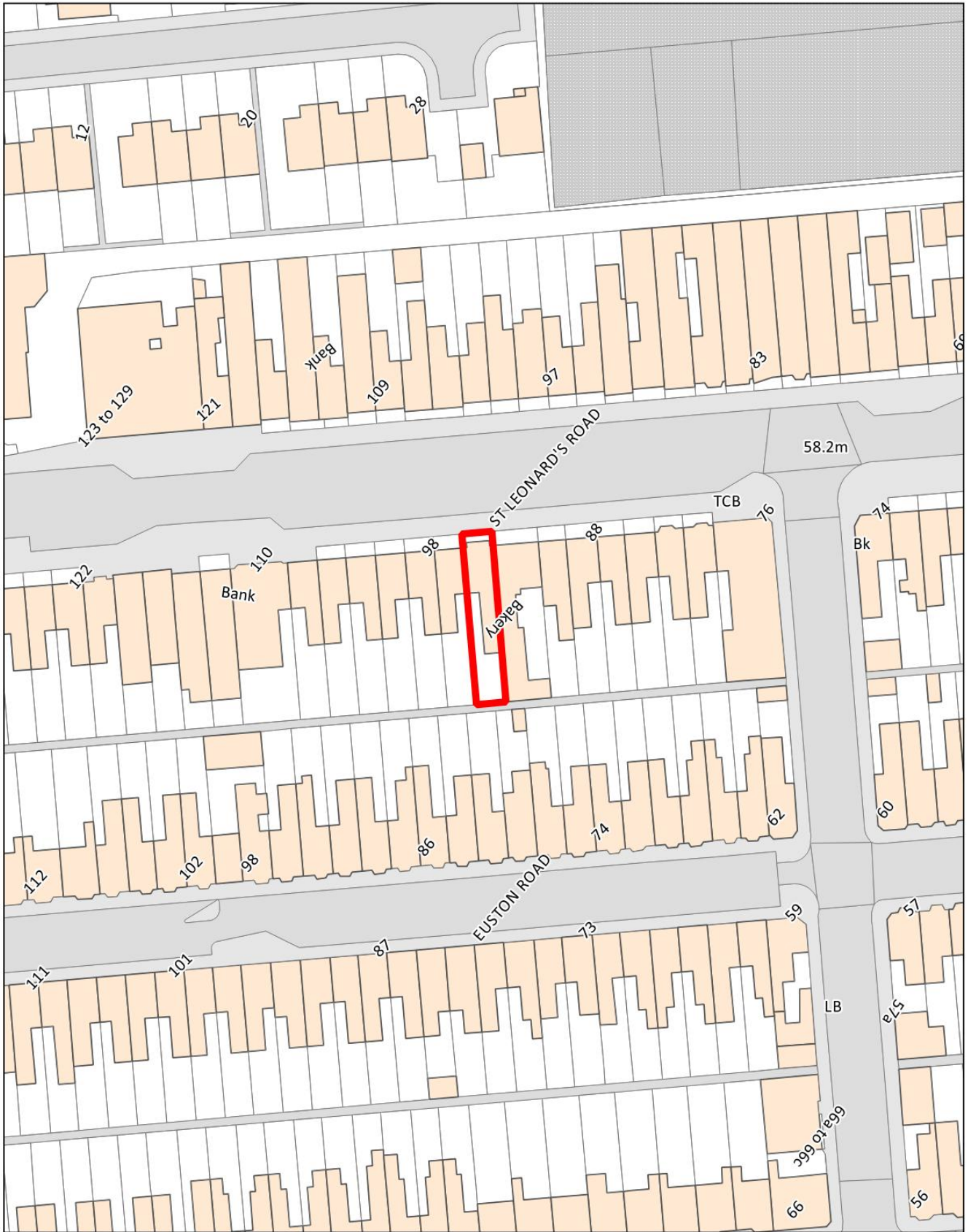
10.1 Application file N/2018/1713.

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.



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