

PLANNING COMMITTEE: 7th May 2019
DEPARTMENT: Planning Service
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2019/0350

LOCATION: 64 Military Road

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

WARD: Castle Ward

APPLICANT: Mr Simon Phillips
AGENT: N/A

REFERRED BY: Councillor D Stone
REASON: Overdevelopment

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 without having an undue adverse impact on highway safety, residential amenity or flood risk and would not result in an overconcentration of similar uses to comply with Policies E20 and H30 of the Northampton Local Plan, Policies S10, H1 and H5 of the West Northamptonshire Joint Core Strategy, the Council's Houses in Multiple Occupation Interim Planning Policy Statement and the National Planning Policy Framework.

2 THE PROPOSAL

2.1 The proposal is for a change of use of an existing 2 bedroom dwelling to a 3 person House in Multiple Occupation (HIMO). This is a revision of a previous approval for the same use at the same premises, with the layout having been amended.

3 SITE DESCRIPTION

3.1 The site comprises a terraced house within a street of similar properties. The house is situated within the Boot and Shoe Quarter Conservation Area.

4 PLANNING HISTORY

- 4.1 N/2019/0007 - Change of use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use class C4) for 3 occupants – Approved 07/03/2019.

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 – 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 50m radius.
- Secure the provision of adequate facilities, amenities and minimise flood risk;
- To secure provision of adequate parking whilst promoting sustainable travel movements;
- Ensure provision of adequate storage for refuse and materials for recycling.

6 CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 6.1 **NBC Conservation** – No objection on heritage grounds.
- 6.2 **Private Sector Housing** – Support the change of use to HIMO because the bedrooms, communal area and kitchen sizes are within the standard required.
- 6.3 **Local Highway Authority** – No comments received at the time of writing the report, any received will be reported by means of the addendum.
- 6.4 **Councillor D Stone** – Requests call in of the application on the grounds of over development and lack of balance in the locality.

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.
- 7.2 It should be noted also that this is a resubmission and that the use of this property as a HIMO has previously been approved in March of this year. The current application proposes a revision of the internal layout of the building, as discussed further below. The principle of the use has already been established and the previous permission represents a fall-back position which could be implemented in the event that the current application was to be refused.

Concentration of HIMO uses in the area and character of the area

- 7.3 Records indicate that there are 4 existing HIMO uses within a 50m radius of the application site, giving a concentration of 5.6% including the proposed HIMO and therefore the proposal would not result in an over-concentration of such uses. In any event, as planning permission has already been granted for the change of use of this property to a HIMO, the level of concentration is not really material to the determination of this application because of the fall-back position.

Size of the property and facilities for future occupiers

- 7.4 All bedrooms, the living room, kitchen and bathroom are of sufficient size. The layout has been amended from the previous approval and now proposes, at ground floor, a communal room to the front of the house, with the kitchen behind and a bedroom in the rear wing. This is a variation from the previous layout which had a bedroom to the front, the communal room in the centre and the kitchen to the rear. This is a slight improvement for the majority of residents in terms of the layout, but does mean that the ground floor bedroom is smaller than previously proposed. However, all rooms still meet the criteria in the IPPS and either this layout or the previous approval would be acceptable.
- 7.5 Comments from Private Sector Housing indicate that this is an acceptable arrangement.

Flood Risk

- 7.6 In respect of flood risk, the site is located outside the areas at risk of flooding.

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 In this case the site is over 400m from the nearest bus stops on Barrack Road, but is a short walk from local shopping facilities in Bailiff Street and Barrack Road as well as being within a relatively short walk of the town centre. Whilst the criterion would not strictly speaking be met, it is considered that the premises are in a sustainable location.
- 7.9 The Northamptonshire Parking Standards state that HIMOs shall provide on plot parking at the ratio of one parking space per bedroom. The proposed development will produce a demand for 3 parking spaces, which is an increase of 1 compared to the requirements for the current 2 bedroom dwellinghouse use.
- 7.10 However, in practical terms it can be noted that the current use as a two bedroom dwelling could potentially result in three car driving adults being resident, meaning there would be no increase in demand for parking from the proposed use. Furthermore, there is no evidence to support that all 3 proposed residents would own cars.
- 7.11 Additionally, it can be noted that in previous appeal decisions, Inspectors have consistently taken the view that where a site is close to local amenities and no parking is provided, occupiers would choose the location for this reason and would be unlikely to wish to have cars. It would, therefore, be very difficult to sustain a refusal on the grounds of lack of parking provision or impact on parking availability in streets in the area.
- 7.12 No comments have been received from the Local Highway Authority (LHA) at the time of writing, and it can be noted that the LHA did not comment on the previous application, which was approved on the basis of being in a sustainable location. Any comments received will be reported to Committee by means of the addendum.
- 7.13 In accordance with the IPPS, a condition is proposed requiring the provision of secure cycle storage, precise details of which have not been included with the application.

Refuse Storage

- 7.14 The rear garden of the property already houses a refuse storage container and the dimensions of this have been specified. A condition requiring that this is provided as shown and retained is proposed.

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 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 use has recently been approved for the same number of occupants, with a different internal layout and therefore the principle of the use is

established and the previous approval could be implemented as a fall-back position. The proposal is therefore recommended for approval.

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: Ground Floor Proposed, First Floor Proposed, Garden Area Proposed.

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 3 residents at any one time.

Reason: In the interests of the amenity of the proposed occupiers and the surrounding area in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy.

4. Provision for the storage of refuse and materials for recycling shall be made as shown on the approved plans prior to the first occupation of the premises as a house in multiple occupation 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.

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 fully implemented prior to the premises being first brought into use as a house in multiple occupation and retained thereafter.

Reason: To ensure the provision of adequate facilities in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy.

10 BACKGROUND PAPERS

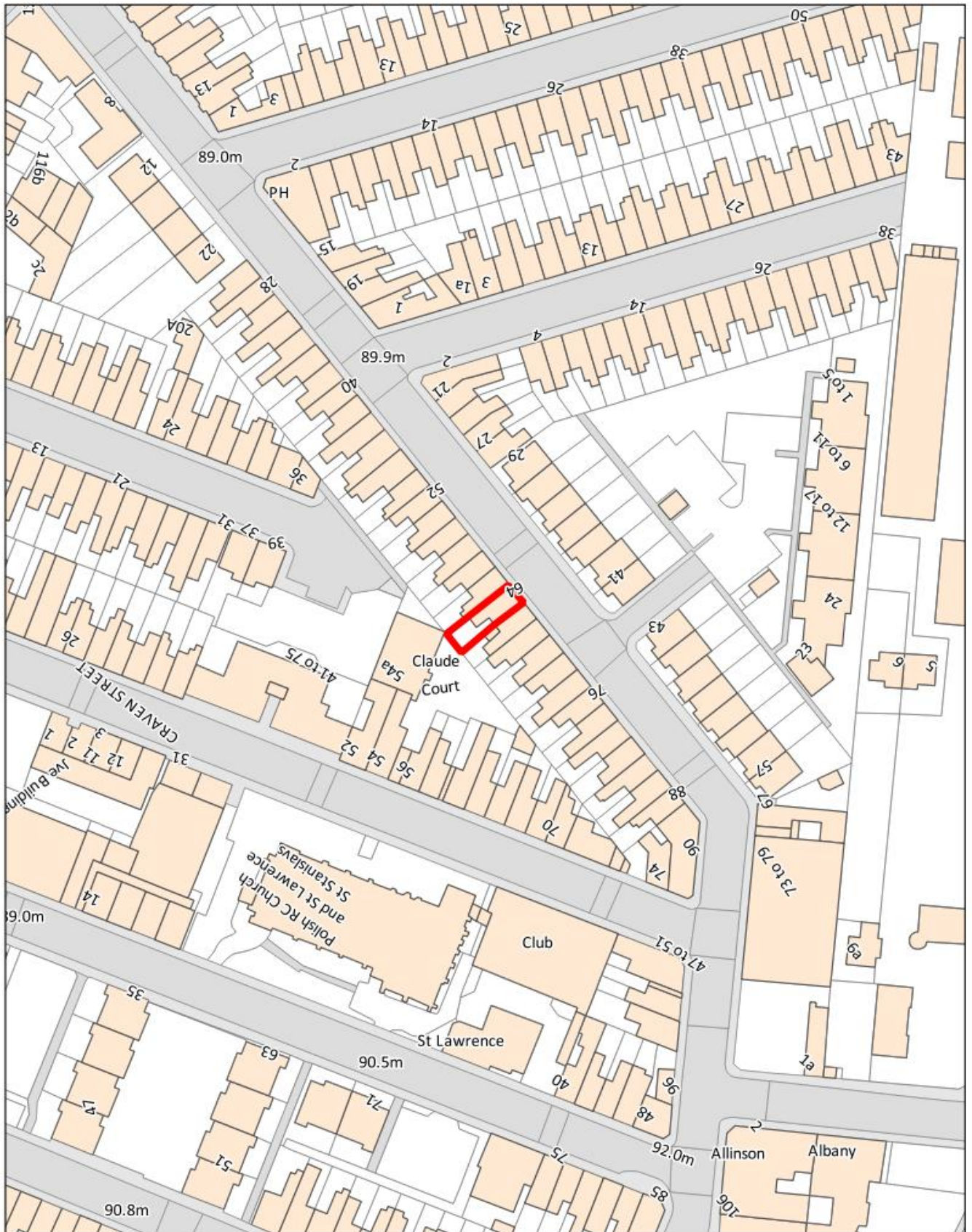
- 10.1 Application File N/2019/0350.

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: **64 Military Road.**

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Date: 24-04-2019

Scale: 1:1,000

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