

PLANNING COMMITTEE: 21st January 2020
DEPARTMENT: Planning Service
DIRECTOR OF PLANNING: Peter Baguley

APPLICATION REF: N/2019/1282

LOCATION: 46 Palmerston Road

DESCRIPTION: Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 4 occupants, including installation of rear conservation roof windows and removal of existing rear dormer (part retrospective)

WARD: Castle Ward

APPLICANT: Mistry & Parmar Investment Management Ltd
AGENT: CC Town Planning

REFERRED BY: Councillor D Stone
REASON: Overdevelopment 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 principle of the proposed use is considered acceptable within an established residential area. The premises would provide adequate facilities for future occupants. 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 and have an acceptable impact on flood risk and 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, E26, H18 and H30 of the Northampton Local Plan, the Council's Houses in Multiple Occupation SPD 2019 and the aims and objectives of the National Planning Policy Framework.

2 THE PROPOSAL

2.1 Permission is sought to convert a dwellinghouse into a House in Multiple Occupation for 4 persons (Use Class C4) including rear roof windows and removal of the existing rear dormer. This is a revised planning application following refusal under planning application N/2018/1377 for a proposed HIMO for 6 residents. Parking would be on street in a Permit Zone.

- 2.2 Although the lawful use of the property is a dwellinghouse, the property is currently divided into 7 bedrooms and let out to 6 occupiers in the form of an unauthorised HIMO. If the current application is approved, the property would revert back to a 4 person HIMO.

3 SITE DESCRIPTION

- 3.1 The application site comprises a mid-terraced, property located in a residential area with similar terraced properties on the street. The property has 3 ground floor bedrooms and utility room, 3 bedrooms and a bathroom on the first floor, second floor bedroom and a basement space used as kitchen and lounge.
- 3.2 The site is near to Billing Road and within easy walking of the town centre and Wellingborough Road Local Centre. The site is within close proximity to bus routes in the town centre and Billing Road. The site is in a conservation area and is in a low risk flood zone (flood zone 1). The property is not listed.

4 PLANNING HISTORY

- 4.1 **N/2018/1377** Permission refused for conversion to HIMO for 6 occupants and installation of rear conservation windows: This was refused on the following ground:

The basement kitchen has no outlook and limited light from any window openings providing an unsatisfactory level of residential amenity for its occupiers contrary to Policy H30 of the Northampton Local Plan, Policies H1 and H5 of the West Northamptonshire Joint Core Strategy, the Council's Interim Planning Policy Statement on Houses in Multiple Occupation and the aims and objectives of the National Planning Policy Framework.

- 4.2 The refusal was subsequently dismissed on appeal. The Planning Inspector concurred with the Council that the basement room as the only communal space would not provide sufficient natural light or outlook to provide acceptable living conditions for the occupiers.
- 4.3 The current proposal is a revised scheme which does not involve conversion of the cellar and would provide living accommodation for 4 occupants only.

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

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.

Paragraph 192 - development to be sympathetic to heritage assets.

Section 12 – seeks to achieve well designed places.

5.4 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 and Type of Dwellings

Policy H5 - Managing the existing Housing Stock

Policy S10 - Sustainable Development Principles

Policy BN5 - Heritage Assets

Policy BN7 - Flood Risk

5.5 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 - extensions

E26 - Conservation Areas

H18 - extensions/ alterations

H30 - Multi occupation within a single dwelling

5.6 Supplementary Planning Documents

Northamptonshire Parking Standards (September 2016)

Planning out Crime in Northamptonshire SPG 2004

Residential Extensions and Alterations Design Guide SPD 2011

Parking Standards SPD 2019

Houses in Multiple Occupation (HIMO) Supplementary Planning Document (November 2019)

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 10% of HIMOs within a 50 metre radius.
- Secure the provision of adequate facilities and amenities
- Provide adequate waste and recycling facilities and sufficient refuse storage
- Minimise flood risk
- Secure provision of adequate parking
- Provide adequate secure cycle storage in accordance with relevant parking standards documents and SPDs

6 CONSULTATIONS/ REPRESENTATIONS

Comments are summarised as follows:

- 6.1 **Councillor D Stone** – called in to committee given objections to parking, over-development and loss of family home.

- 6.2 **Highway Authority (NCC)** - note that site is in a Permit Zone which indicates that parking is likely to be already an issue in the area. The LHA are satisfied that parking issues should not be intensified though details of cycle storage to be provided.
- 6.3 **Private Sector Housing (NBC)** - the proposed HIMO would appear to meet the requirements for 4 occupants.
- 6.4 **NBC Conservation** - No objection to change of use and proposed roof windows, provided there is no over-concentration and windows are flush with roof slope.
- 6.5 **Town Centre Conservation Area Advisory Committee** - no objections provided application is assessed against NBC HIMO Policy.
- 6.6 Two neighbour objections were received on the following grounds:
- Want a break from more residential developments in the locality
 - Object to properties being snapped up for profit
 - Concern over parking and traffic in the area

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 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 2 other HIMOs (out of 70 properties) within a 50m radius of the application site. The use of this property as a HIMO would equate to 4.3% concentration and would clearly fall within the 10% maximum threshold recommended by the Council's adopted SPD in relation to HIMOs. It is considered therefore that there would still be a reasonable mixture of house types within the area.

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, 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. Private Sector Housing have confirmed that the room sizes, amenities and facilities are acceptable. All bedrooms would be served by adequate outlook and light. The application property has a basement and a condition has been recommended to ensure that it would be used as a storage area only.
- 7.4 In terms of the recent appeal decision, the applicant has taken on board the Inspector's objections in terms of lack of outlook and light to the basement living room and kitchen and the current plans show this to be used as a cellar only. A condition that this is not used as habitable accommodation would be secured on any planning approval.

Flood Risk

- 7.5 The site lies in a low risk Flood Zone (Zone 1) where there is limited risk from flooding to the proposed use.

Highways / Parking

- 7.6 The Houses in Multiple Occupation SPD sets out clearly that where limited or no parking provision is proposed, the site must provide a parking beat survey. Should a parking beat survey reveal that there is insufficient on-street parking capacity, the application site should be within 400m of a bus stop with at least one bus every 20 minutes between 0700 and 1900 Mondays to Sundays, and be located within 400m of facilities and services contained in a town centre, district centre, local centre or neighbourhood parade. Only outside such locations is parking required to be provided.
- 7.7 No parking beat survey was submitted with the application. It is considered that the application site is in a sustainable location within 400 metres of bus stop with buses stopping, on average, every 20 minutes. The site is also located within 180m of the nearest bus stop on Wellingborough Road to the north of the site and similar from the Wellingborough Road Local Centre. In this regard, the proposal is considered to be in accordance with the requirements of the SPD in respect of parking considerations. It also complies with Principle 5 of the Parking Standards SPD (2019).
- 7.8 Within such areas, the SPD recommends that storage space should be provided which is accessible to cycle users. Details have not yet been submitted for the cycle storage located to the rear of the property, however, this can be secured by condition. The proposal is, therefore, in compliance with this principle of the SPD. 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 1 additional space than the lawful use, as a 4 bedroom dwelling would normally require 3 parking spaces.
- 7.9 There is no evidence to support that all the residents would own cars. Furthermore, regard must be paid to recent appeal decisions 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.
- 7.10 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, it is not considered that a refusal on highway grounds could be upheld at appeal.

Refuse storage

- 7.11 Details have not been submitted for refuse storage however there is capacity for this in the rear amenity space which are deemed acceptable. A condition has been recommended to secure the arrangement and provision.

Impact on the appearance and character of the Conservation Area

- 7.12 The existing unauthorised rear dormer window would be replaced by conservation roof windows in the back roof plane which are considered more sympathetic to the appearance and character of the conservation area, a view which is supported by NBC Conservation Officers. The proposal would preserve the appearance and character of the conservation area.

Amenity

- 7.13 The proposed use falls within Use Class C4, which in effect categorises this as a residential use. 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.

8 CONCLUSION

8.1 The proposed development would not lead to an unacceptable concentration of HIMOs within the locality that would adversely affect the character of the local area, 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 or 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, E26 and H30 of the Northampton Local Plan, the Council's Houses in Multiple Occupation SPD 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: 1909/21, 1909/31, location plan.

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

3 The maximum number of occupiers shall not exceed four at any one time.

Reason: To prevent over-development to accord with Policy H5 of the West Northamptonshire Joint Core Strategy and H30 of the Northampton Local Plan.

4 Prior to the occupation of the premises as a 4 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 use hereby permitted commences 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.

5 Prior to the occupation of the premises as a 4 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 use hereby permitted commences 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 and the National Planning Policy Framework

6 The basement shall only be used for storage and not be converted to a bedroom or habitable room at any time throughout the life time of the development

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

7. Within three months of the decision date, the rear dormer shall be removed and replaced by the approved roof lights which shall be of conservation type and finished flush with the rear roof plane of the property.

Reason: In the interests of preserving the conservation area to comply with Policy S10 and BN5 of the West Northamptonshire Joint Core Strategy and E26 of the Northampton Local Plan.

10 BACKGROUND PAPERS

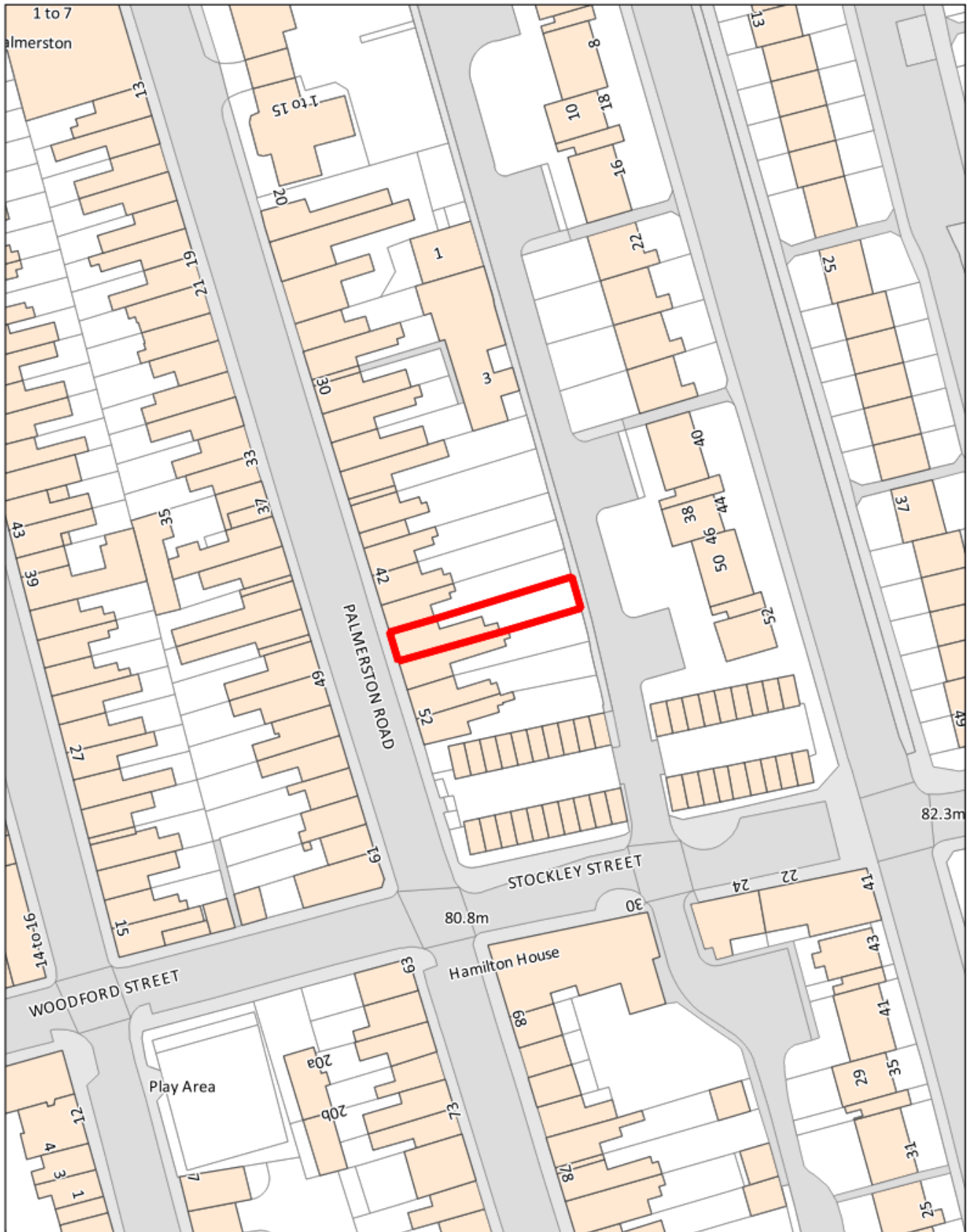
10.1 N/2019/1282

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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Date: 10-01-2020

Scale: 1:750

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