

PLANNING COMMITTEE: 29th September 2020
DEPARTMENT: Planning Service
DIRECTOR OF PLANNING: Peter Baguley

APPLICATION REF: N/2020/0764

LOCATION: 110 Lutterworth Road

DESCRIPTION: Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 4no. of occupants

WARD: Abington Ward

APPLICANT: Mr Raj Mayoornathan
AGENT: Faluck Raman Patel

REFERRED BY: Councillor Z Smith
REASON: Concerns of parking and loss of a family home

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 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. The site is in a sustainable location close to a Local Centre, bus services and amenities and would provide adequate facilities for cycle storage and refuse storage. and have an acceptable impact on flood risk. The proposal thereby complies with the aims and objectives of the National Planning Policy Framework., 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 SPD 2019.

2 THE PROPOSAL

- 2.1 Permission is sought for a change of use from a dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 4 occupants. Parking would be on-street.
- 2.2 The site lies within an Article 4 Direction area, which removes permitted development rights for change of use from a dwelling to a HIMO.

3 SITE DESCRIPTION

- 3.1 The application property consists of a two-storey, mid-terraced property on Lutterworth Road with similar terraced properties on both sides of the street. The property has a kitchen, dining room, lounge, a storeroom on the ground floor, three bedrooms and one bathroom on the first floor. There is also a basement to the property.
- 3.2 The application site is located within a predominantly residential area. The site is in close proximity to Wellingborough Road, which contains some retail units and access to bus routes.

4 PLANNING HISTORY

- 4.1 None relevant.

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 the Northampton Local Plan (1997) saved policies.

6 National Policies

- 6.1 **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.

6.2 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 BN7 - Flood Risk

6.3 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 – New development
H30 - Multi occupation within a single dwelling

6.4 Supplementary Planning Documents

Planning out Crime in Northamptonshire SPG 2004
Northamptonshire County Parking Standards 2016
Northampton Parking Standards 2019

6.5 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

7 CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 7.1 **Councillor Z Smith** - call in and object to on grounds of impact of parking, loss of family home and noise.
- 7.2 **Private Sector Housing (NBC)** - has advised that the applicant will require licensing under the mandatory licensing scheme. The property is suitable for the 4 people in 4 households and the amenities and facilities are adequate.
- 7.3 **NCC Highways** – No comments have been received from Highways. Any comments received after the publication of the report would be reported via the addendum.
- 7.4 1 objection received and the comments have been summarised as follow:
- Loss of family home.
 - Parking issues in the area
 - Over concentration of the HIMO in the area
 - Infrastructure of the area cannot support the increased number of HIMO
 - Anti-social behaviour
 - Refuse storage issues and fly tipping

8 APPRAISAL

Principle of the development

- 8.1 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

- 8.2 NBC records evidence that there are 3 other HIMOs within a 50m radius of the application site. The use of this property as a HIMO would equate to 5.2% 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

- 8.3 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 Supplementary Planning Guide 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. 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 not be used as a habitable room.

Flood Risk

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

Highways / Parking

- 8.5 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 30 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.
- 8.6 No parking beat survey was submitted with the application, however, the applicant did provide a Sustainability Statement. It is considered that the application site is in a sustainable location within 400 metres of bus stop with buses stopping, on average, every 30 minutes. The site is also located within 190m of the nearest bus stop on Wellingborough Road to the north of the site. 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).
- 8.7 Within such areas, the SPD recommends that storage space should be provided which is accessible to cycle users. Full details have been submitted for the cycle storage located to the rear of the property, which are secured by condition. The proposal is, therefore, in compliance with this principle of the SPD. A further consideration in respect of parking is the Northamptonshire Parking Standards, which states that HIMO shall provide on plot parking at the ratio of one parking space per bedroom. The proposed development would produce a demand for 4 parking spaces, which is an increase of 2 compared to the existing use, as parking requirement for a 3-bed dwelling is 2 spaces.
- 8.8 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.
- 8.9 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 HIMO SPD and the

Parking SPD, it is not considered that a refusal on highway grounds could be upheld at appeal.

Refuse storage

- 8.10 Details have been submitted for refuse in the rear amenity space, which are deemed acceptable. A condition has been recommended to secure the arrangement and provision.

Amenity

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

9 CONCLUSION

- 9.1 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, 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.
- 9.2 The proposed development would be in accordance with the aims and objectives of the National Planning Policy Framework, Policies H1, H5, and S10 of the West Northamptonshire Joint Core Strategy, saved Policies E20 and H30 of the Northampton Local Plan and the Council's Houses in Multiple Occupation SPD.
- 9.3 The proposed development is recommended for approval subject to the conditions listed below:

10 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: 2020/51 -04, 2020/51 -02, 2020/51 -03, 2020/51 -05.

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: In order to prevent over-development to accord with Policy H5 of the West Northamptonshire Joint Core Strategy and H30 of the Northampton Local Plan.
- 4) Facilities for the refuse and recycling storage as shown on drawing no. 2020/51-04 shall be implemented prior to the use hereby permitted commencing and retained thereafter.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy S10 of the Joint Core Strategy and E20 of the Northampton Local Plan.

- 5) Facilities for the secure and covered parking of bicycles as shown on drawing no. 2020/51-04 shall be implemented prior to the use hereby permitted commencing and retained thereafter.

Reason: To ensure the provision of adequate facilities in accordance with Policy S10 of the Joint Core Strategy and E20 of the Northampton Local Plan.

- 6) The basement shall not be used as a habitable room at any time during the lifetime of the development.

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

10 BACKGROUND PAPERS

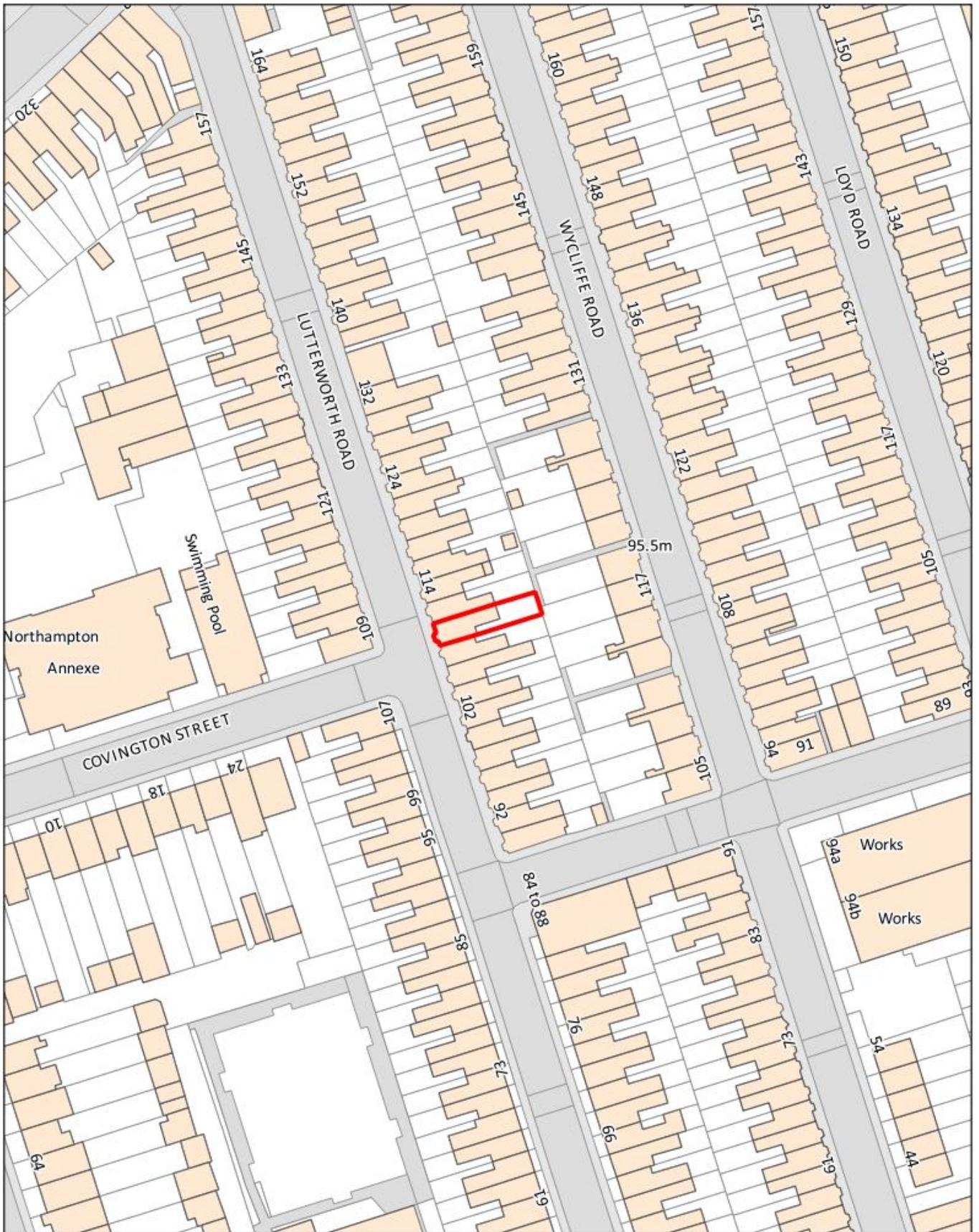
- 10.1 N/2020/0764.

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.



NORTHAMPTON
BOROUGH COUNCIL

Title: **110 Lutterworth Road**

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Date: 17-09-2020

Scale: 1:1,000

Drawn by: -----