

PLANNING COMMITTEE: 16th March 2021
DEPARTMENT: Planning Service
DIRECTOR OF PLANNING: Peter Baguley

APPLICATION REF: N/2020/1551

LOCATION: 11 Moore Street

DESCRIPTION: Change of Use from Dwellinghouse (Use Class C3) to a 5-bedroom (for 5 occupants) House in Multiple Occupation (Use Class C4)

WARD: Kingsley Ward

APPLICANT: Jaxartes Ltd
AGENT: Fox Architectural Design Ltd

REFERRED BY: Councillor Russell
REASON: Amenity and Parking Issues

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, BN7 and S10 of the West Northamptonshire Joint Core Strategy, Policies E20 and H30 of the Northampton Local Plan, the Houses in Multiple Occupation Supplementary Planning Document (SPD) (November 2019) and the aims and objectives of the National Planning Policy Framework.

2. THE PROPOSAL

2.1 The proposal is for the change of use of an existing three bedroom dwelling to a house in multiple occupation for five residents. This would be achieved by internal partitions within the lounge / diner and one of the existing bedrooms and alterations to windows and doors to the rear of the property. Parking would be on-street, cycle storage is proposed to be provided.

3. SITE DESCRIPTION

3.1 The application premises consists of an existing three bedroom mid-terraced house. It has two ground floor reception rooms (knocked through into one), a kitchen, utility room and a toilet. There is also a garage/store to the side of the property. At first floor there are three bedrooms and a bathroom.

4. PLANNING HISTORY

4.1 **N/2017/0994** - Change Of Use From Dwellinghouse (Use Class C3) To House In Multiple Occupation (Use Class C4) For 5 Occupants – Approved 18/10/17 (This remains an extant permission due to Covid extension to time limit).

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 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 17 sets out core planning principles that include seeking to secure high quality design and a good standard of amenity for existing and future occupiers; encouraging the effective use of land by using brownfield sites; managing patterns of growth to make fullest use of sustainable transport methods and in sustainable locations.

Paragraph 56 seeks to ensure good design is a key aspect of sustainable development and should contribute to making places better for people.

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
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 H30 – Multi occupation with a single dwelling.

5.5 Supplementary Planning Documents

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

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

- Principle 1 – To create a balanced, mixed and inclusive community and to protect the streetscene character. Should not result in a concentration of similar uses, should not result in a material change or adverse impact on the character and amenity of the area. Should not result in more than 10% concentration of HIMOs within a 50 metre radius.
- Principle 2 – To secure the provision of adequate facilities and amenities. Must comply with “Guide to Amenities and Facilities for Houses in Multiple Occupation (2018)”. Measured space must be useable space. All occupants must have direct access to waste and recycling facilities. Protect the amenities of neighbouring and local occupiers as well as future residents.
- Principle 3 – To minimise flood risk. Basement and ground floor sleeping will not be appropriate in a flood hazard area or flood zone 2 or 3, unless the finished floor level is set to minimise the risk. Applications within flood zone 2 or 3 must be accompanied by a Flood Risk Assessment.
- Principle 4 – To secure the provision of adequate parking. Must demonstrate through a parking beat survey that there is sufficient capacity for on street parking in the area. If there is insufficient parking the site must be located within 400m of a bus stop providing at least one bus every 30 minutes between 0700 and 1900 Mondays to Saturdays and be within 400m of a facilities and services in the town centre, a district centre, local centre or neighbourhood parade.

6. CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 6.1 **Private Sector Housing** – The property is suitable for 5 people in 5 households as requested.
- 6.2 **Local Highway Authority** – Due to the known pressure in the area for on-street parking and the expectation that the change of use could result in an increased level of parking demand on-street immediate to the site, especially after 6pm in an already congested area, I would advise that the applicant undertakes an on-street car parking beat survey. Due to the ongoing coronavirus situation however, we cannot accept transport data for the time being. As a result, the LHA cannot make informed comments regarding the highway impact of this application. It is known that the area is heavily parked due to its proximity to the town centre and being a Victorian terraced street. Therefore, you may wish to consider residential amenity.
- 6.3 Councillor Russell calls the application to Committee raising the following concerns:
- Overcrowding
 - Difficulty in getting additional recycling and also 5 bicycles from the back of the property to the street.
 - Parking issues
 - Proliferation of HIMOs
 - Increase noise and anti-social behaviour
- 6.4 Six representations received from neighbouring occupiers, making the following points in summary:

- Moore St is a quiet street of mostly family homes.
- Very few houses have off road parking, already difficult to park
- Do not have wheelie bins, therefore regular build-up of rubbish.
- Were told previously parking would not be affected as residents would use bikes or buses, does that apply this time?
- Parking survey done during lockdown so of little value. Does not reflect how difficult it is to find a space.
- Noise pollution will increase – slamming of doors etc.
- Another house in multiple occupancy is not in keeping with the community.
- Building work will result in noise.
- The more homes which are lost the less likely the Government is to provide affordable homes.

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 The Houses in Multiple Occupation Supplementary Planning Document (HIMO SPD) states: “The proposal should not result in a concentration of similar uses in one particular locality. It should not result in a material change or an adverse impact on the character and amenity of the area. It should not result in more than 10% of the total number of HIMO dwellings, regardless of whether licensed or not, within a 50m radius of the application site, in order to prevent over concentration of similar uses in one locality”.
- 7.3 The number of HIMOs is calculated from a number of data sources, including previous planning permissions, licences granted under the Housing Act and other data held by the Council.
- 7.4 Council records evidence that there is only one recorded HIMO within a 50m radius of the application site. The use of the application premises as a HIMO also would equate to a 4% concentration in the area. This would fall within the 10% maximum threshold.

Size of property and facilities for future occupiers.

- 7.5 The plans indicate to scale all rooms proposed. All bedrooms and the kitchen area are of sufficient size in compliance with the standards in the “Guide to Amenities and Facilities for Houses in Multiple Occupation (2018)” and an appropriate level of facilities for the number of occupants proposed would be provided. Private Sector Housing raise no objection.
- 7.6 Refuse storage is indicated within the rear garden area although full details of this are not provided and a condition requiring such details is therefore recommended.

Flood risk

- 7.7 In respect of flood risk, the application site is outside of the areas of the town identified as being at risk from flooding.

Parking / use of public transport

- 7.8 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.

- 7.9 In this instance a document titled Parking Beat Survey was included with the application, however this does not specify the area surveyed and so is of little value. In any event, the Local Highway Authority are not accepting parking beat surveys during the current pandemic as the data would be inaccurate.
- 7.10 Therefore reference must be made to the sustainability of the location, as set out in the SPD. In this respect, the application property is located in close proximity to the nearest bus stops on Kettering Road which are approximately 200m from the premises. There are four bus routes served by these stops, with frequencies of between 20 minutes and one hour for different services. The property is also within easy walking distance of the nearest local centre on Kettering Road, which provides a wide range of shops and other facilities.
- 7.11 Reference must also be made to the Northamptonshire Parking Standards which 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 5 parking spaces, which is an increase of 2 compared to the requirements for the current 3 bedroom dwellinghouse use.
- 7.12 Comments from the Local Highway Authority state that the LPA must be satisfied that any additional demand for parking would not affect the amenities of existing residents.
- 7.13 However, it can also be noted that the proposal complies with the SPD as set out above and also that the current use as a five bedroom dwelling could potentially result in four car driving adults being resident, meaning there would only a minimal increase in demand for parking from the proposed use. Furthermore, there is no evidence to support that all proposed residents would own cars.
- 7.14 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
- 7.15 In accordance with the SPD a condition is proposed requiring full details of the provision of secure cycle storage, as shown in outline form on the submitted plan.

Other Matters

- 7.16 There is no evidence to suggest that the occupation of the property as an HIMO for the number of occupants proposed would result in any significant noise increase to the current use as a family dwelling, or that the proposal would result in increased anti-social behaviour, such that the proposal should be refused on this basis.

8. CONCLUSION

- 8.1 The proposed development would not lead to significant adverse impacts on neighbouring amenity and the property is of sufficient size to accommodate the level of accommodation as proposed.
- 8.2 The proposed development would be in accordance with the requirements of Policies H1, H5, and S10 of the West Northamptonshire Joint Core Strategy, saved Policy 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.

- 8.3 It can be noted also, in this case, that there is a fall-back position as the previous permission for the same use, albeit that the detailed layout differs, is still extant and could be implemented even if this current application is refused, subject to the discharge of conditions.

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: 20-25-P01, 20-29-P05 A, 20-29-P06A.

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 five 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.

4. Prior to the bringing into use of the building for the approved use, 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 development being first brought into use 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.

5. Prior to the bringing into use of the building for the approved use, provision shall be made for the secure and covered parking of bicycles. Full details 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 Policies H1 and H5 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

10. BACKGROUND PAPERS

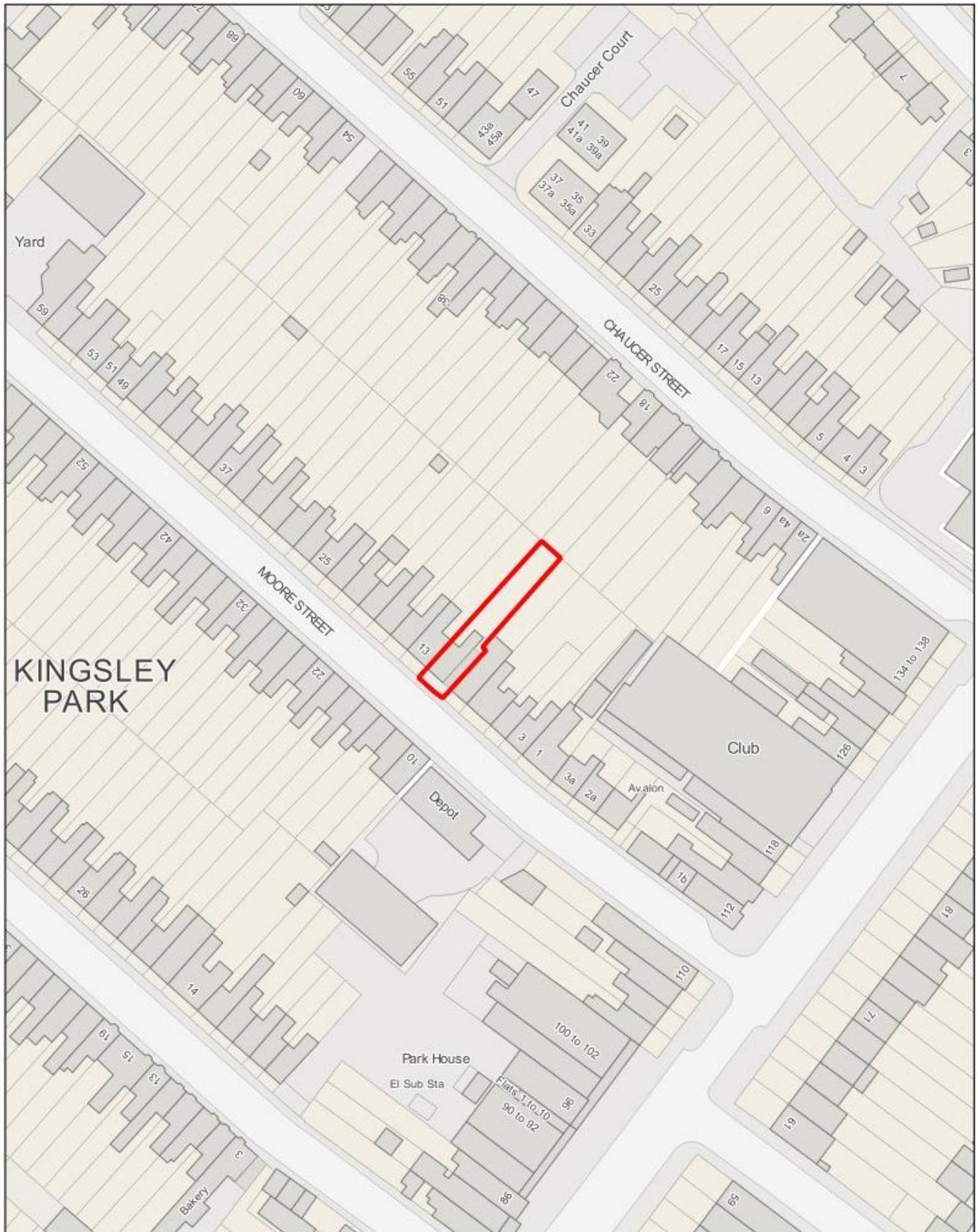
- 10.1 N/2020/1551

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: **11 Moore Street**

Date: 05-03-2021

Scale: 1:1,000

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