

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

APPLICATION REF: N/2019/1028

LOCATION: 10 The Crescent

DESCRIPTION: Change of Use from 3no self-contained flats (Use Class C3) to 3no separate Houses in Multiple Occupation units (Use Class C4) (G/F 3-bed 5 occupants; 1/F 4-bed 6 occupants and 2/F 3-bed 5 occupants), together with ancillary changes to existing windows at lower ground level, new windows to the existing roof slope and ancillary bin and bicycle stores

WARD: Phippsville Ward

APPLICANT: 10 The Crescent Ltd
AGENT: DRK Planning Ltd

REFERRED BY: Councillor D Stone
REASON: Waste, parking and other local 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 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 three existing two bedroom flats to three separate Houses in Multiple Occupation (HIMOs) two for five persons and one for six persons. External alterations are limited and relate to enlarged lightwells to the front and a new door to the side elevation, at the rear. Rooflights are also proposed to the rear of the main roofslope, together with a small area of solar panels.

- 2.2 No on-site parking is proposed.
- 2.3 The proposal has been amended during the course of the application to remove a bedroom from the basement room and to alter the use of this room to a living room.

3 SITE DESCRIPTION

- 3.1 The site comprises a three storey former terraced house which has been converted to three flats. This is located within a row of similar properties, several of which have also been converted to flats, and within a street where there is variation in house types including also detached and semi-detached houses. There is a garden to the rear of the application premises with rear access into a garage. This garage, however, is not proposed to be used for parking. The premises are a historic property retaining original features but is not listed and is not in a conservation area.
- 3.2 The ground and first floor flats as existing each have two double bedrooms, a bathroom, kitchen, and separate living room whereas the second floor flat has two double bedrooms, a bathroom and a combined kitchen / living room.

4 PLANNING HISTORY

- 4.1 49/0502 - The Conversion Of 2 Flats Into 3 Flats – Refused 01/11/1949
- 4.2 49/0542 - The Conversion Of Two Flats Into Three Flats – Approved 29/11/1949

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 **Private Sector Housing – *Comments on the original scheme*** - Providing the property meets all the HMO amenities & facilities criteria for NBC then this property could be licensed for 22 persons and 11 households.
- 6.2 **Local Highway Authority (LHA)** – No objection to the approval of the application. The access to the cycle parking area is considered acceptable, the parking beat survey shows capacity for 5 to 6 cars. The difference in car parking requirements between the existing and proposed developments is four spaces. Based on this, the LHA consider there is sufficient car parking for the proposed development.
- 6.3 **Councillor D Stone** – Calls in this application on the grounds that the HiMO would generate a huge amount of waste, parking need and other local pressures.

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.

Concentration of HIMO uses in the area

- 7.2 Records indicate that there are 4 existing HMOs within a 50m radius of the application site. Including the application premises, which creates three additional HMO properties, the concentration would be 12.96% if the change of use of each of the three separate flats to a separate HMO was carried out.
- 7.3 This would fall within the 15% maximum threshold recommended by the Council's adopted Interim Planning Policy Statement in relation to HMOs.

Size of the property and facilities for future occupiers

- 7.4 All bedrooms, the living room, kitchen and shower rooms are of sufficient size, when judged against the standards in the HMO interim policy.
- 7.5 Comments from Private Sector Housing indicate that the proposal is suitable for the number of residents, subject to room sizes and facilities being appropriate. It can be confirmed that these standards are met and therefore it is considered that the proposal would provide adequate amenity to serve the future occupiers.

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 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 within 400m of the nearest bus stops on Abington Grove, and is also within a short walking distance of the local shopping centre on Kingsley Park Parade. This criterion of the IPPS is therefore met and parking would not be required.
- 7.9 A further relevant consideration is the Northamptonshire Parking Standards which state that HMOs shall provide on plot parking at the ratio of one parking space per bedroom. The proposed development will produce a requirement for 10 parking spaces, which is an increase of 4 compared to the requirements of 6 spaces for the current 3, 2 bedroom flats. A parking beat survey was produced which shows that there would be parking available in the locality which would meet this potential increased demand.
- 7.10 Furthermore, in practical terms it can be noted that the current use as three 2 bedroom flats could potentially result in 3 to 4 car driving adults being resident in each flat, meaning there would be no increase in demand for parking from the proposed use. Furthermore, there is no evidence to support that all 4 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. Comments from the Local Highway Authority recognise the sustainable location of the premises and confirm no objection to the proposals.
- 7.12 In accordance with the IPPS, the provision of secure cycle storage is required. Precise details of this have not been included with the application and therefore a condition requiring such details is proposed.

Refuse Storage

- 7.13 The submitted plans indicate a refuse storage container within the front garden area. Precise details are not included and therefore a condition requiring this is recommended.

Amenity

- 7.14 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 change of use of the 3 existing flats to 3 separate HIMOs accommodating 5, 6 and 5 persons would not have any undue impact on the amenities of adjoining occupiers, would comply with the requirements of the IPPS, 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, NCC Highways do not object to the scheme 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 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: TCS.SP.P, TCS.GA.P A, TCS.GA.P2 A, TCS.ELE.2

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 5 residents in Unit 1 (ground floor and basement), 6 residents in Unit 2 (first floor) and 5 residents in Unit 3 (second and third floor), 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. Full details of facilities for the storage of refuse and materials for recycling shall be submitted to and approved in writing by the Local Planning Authority prior to first use of the building for the use hereby approved within this decision notice. The approved bin storage shall be provided on site in full accordance with the approved details prior to the premises being first brought into use as a house in multiple occupation and retained thereafter.

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 prior to first use of the building for the use hereby approved within this decision notice. The approved bicycle parking shall be provided 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.

6. The basement shall be used as a secondary living space for Unit 1 only and shall not be used as a bedroom at any time.

Reason: To ensure a satisfactory standard of accommodation for future residents, in accordance with Policy H30 of the Northampton Local Plan.

10 BACKGROUND PAPERS

- 10.1 Application File N/2019/1028.

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: **10 The Crescent**

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Date: 08-11-2019

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