

PLANNING COMMITTEE: 17th December 2019
DEPARTMENT: Planning Service
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2019/1211

LOCATION: 22 Bostock Avenue

DESCRIPTION: Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 4 occupants

WARD: Abington Ward

APPLICANT: Mr Lee Adcock
AGENT: N/A

REFERRED BY: Councillor Z Smith
REASON: Parking and refuse 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 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, would not be at risk from flooding and would not adversely impact on parking. 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. 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 Policy H30 of the Northampton Local Plan, Council's adopted Houses in Multiple Occupation Supplementary Planning Document.

2 THE PROPOSAL

- 2.1 Permission is sought for a change of use from a dwellinghouse (Use Class C3) to a house in multiple occupation (HIMO) (Use Class C4) for 4 people. 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 site consists of a 5 bedroom, mid-terraced house located in a predominantly residential area, with the majority of properties being used as domestic dwellings. There is a general reliance upon on-street provision of car parking spaces.
- 3.2 Bostock Avenue is in close proximity to Wellingborough Road, which is an allocated centre and contains a number of commercial and leisure facilities and also a public transport route.
- 3.3 The application site lies in Flood Zone 1.

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), Northampton Local Plan (1997) saved policies.

National Policies

- 5.2 **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 would be provided.

Paragraph 127 (f) - seeks to create safe and healthy places with a high standard of amenity for existing and future users.

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 E20 – New development
Policy H30 – Multi occupation with a single dwelling

5.5 Supplementary Planning Documents

Northamptonshire County Parking Standards 2016
Northampton Parking Standards (November 2019)
Houses in Multiple Occupation SPD (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 received are summarised as follows:

- 6.1 **Councillor Z Smith** - raises objection on the basis that application would exacerbate existing parking and refuse issues. Calls in the application for consideration by the Planning Committee.
- 6.2 **Highway Authority (NCC)** – The LHA advised that LPA should satisfy themselves that an increase in the number of vehicles requiring parking space on the public highway would not adversely affect the amenity of the existing residents.
- 6.3 **Private Sector Housing (NBC)** – The proposed facilities and room sizes would meet the licensing requirements.
- 6.4 **Environmental Health Officer (NBC)** – No comments made.
- 6.5 2 public representations have been received in objection. The comments have been summarised as follow:
- 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

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 Council records evidence that there are 5 existing HIMOs within 50m radius of the application site. The use of this property as a HIMO would equate to 8% concentration in the area. This

would fall within the 10% maximum threshold recommended by the Council's adopted HIMO SPD. There is a mix of dwelling houses and a flatted development on Bostock Avenue, therefore, it is considered that there would be a reasonable mixture of house types within the vicinity in order to meet the differing needs of residents.

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/dining, 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 indicated on the submitted plans indicate that the proposals would meet the requirements for a 4 occupant HIMO. All bedrooms would be served by adequate outlook and light. The application property has a basement so a condition has been recommended to use it only as a storage area.
- 7.4 No details have been submitted for cycle storage. The property has a large rear garden, which can accommodate cycle storage. A condition is recommended to submit the details.

Flood Risk

- 7.5 The application site is located in Flood Zone 1 and with very low risk of flooding.

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 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.
- 7.7 Parking beat survey is not submitted with the application, so a further consideration has been given to the access to the available bus routes.
- 7.8 It is considered that the application site is in a sustainable location within 380m of bus stops on Wellingborough Road and within walking distance of local facilities on Wellingborough Road. There are 6 bus routes that pass through the bus stops and have service in every 10 minutes on Monday-Friday and 5 bus routes on Saturday on different routes, providing service in every 10 minutes. In this regard, the proposal is considered to be in accordance with the requirements of the HIMO SPD in respect of parking considerations.
- 7.9 The HIMO SPD recommends that storage space should be provided which is accessible to cycle users. Space is available to the rear of the house, and a condition could be recommended requiring details to be implemented prior to occupation of the property as a HIMO. The proposal is, therefore, in compliance with Principle 1 of the HIMO SPD.
- 7.10 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 1 compared to the existing use, as parking requirement for a 5-bed dwelling is 3 spaces.
- 7.11 In the absence of the parking, the Principle 5 of the Northampton Parking Standards outlines the requirements, similar to the HIMO SPD, whereby the application site should be within a

sustainable location. In this regard, the proposal is considered to be in accordance with the requirements of the Parking SPD in respect of parking considerations.

- 7.12 The Highway Authority have raised concerns about the proposal would add to the existing capacity of the street and have advised the LPA to satisfy themselves that the additional pressure on the street should not affect the amenity of the existing residents.
- 7.13 Notwithstanding this, regard must be paid to recent appeal decisions over the past few weeks 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.
- 7.14 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

- 7.15 No details have been submitted for refuse storage. However, there is enough space in the rear garden to accommodate bin storage. A condition has been recommended to submit the details.

Amenity

- 7.16 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 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.
- 8.2 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.
- 8.3 The proposed development is recommended for approval subject to the following 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: Site Location Plan, Proposed Ground Floor Plan, Proposed First Floor Plan, Proposed Second Floor Plan.

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 four 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. Full details of facilities for the cycle storage shall be first submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the use hereby permitted commences 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 and the National Planning Policy Framework.

5. Full details of facilities for the recycling and refuse storage shall be first submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the use hereby permitted commences 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 and the National Planning Policy Framework.

6. The basement room shall be used as storage room only and shall be maintained as such for the duration of the use hereby permitted and shall not be used as a bedroom at any time.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of accommodation is provided, in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework

10 BACKGROUND PAPERS

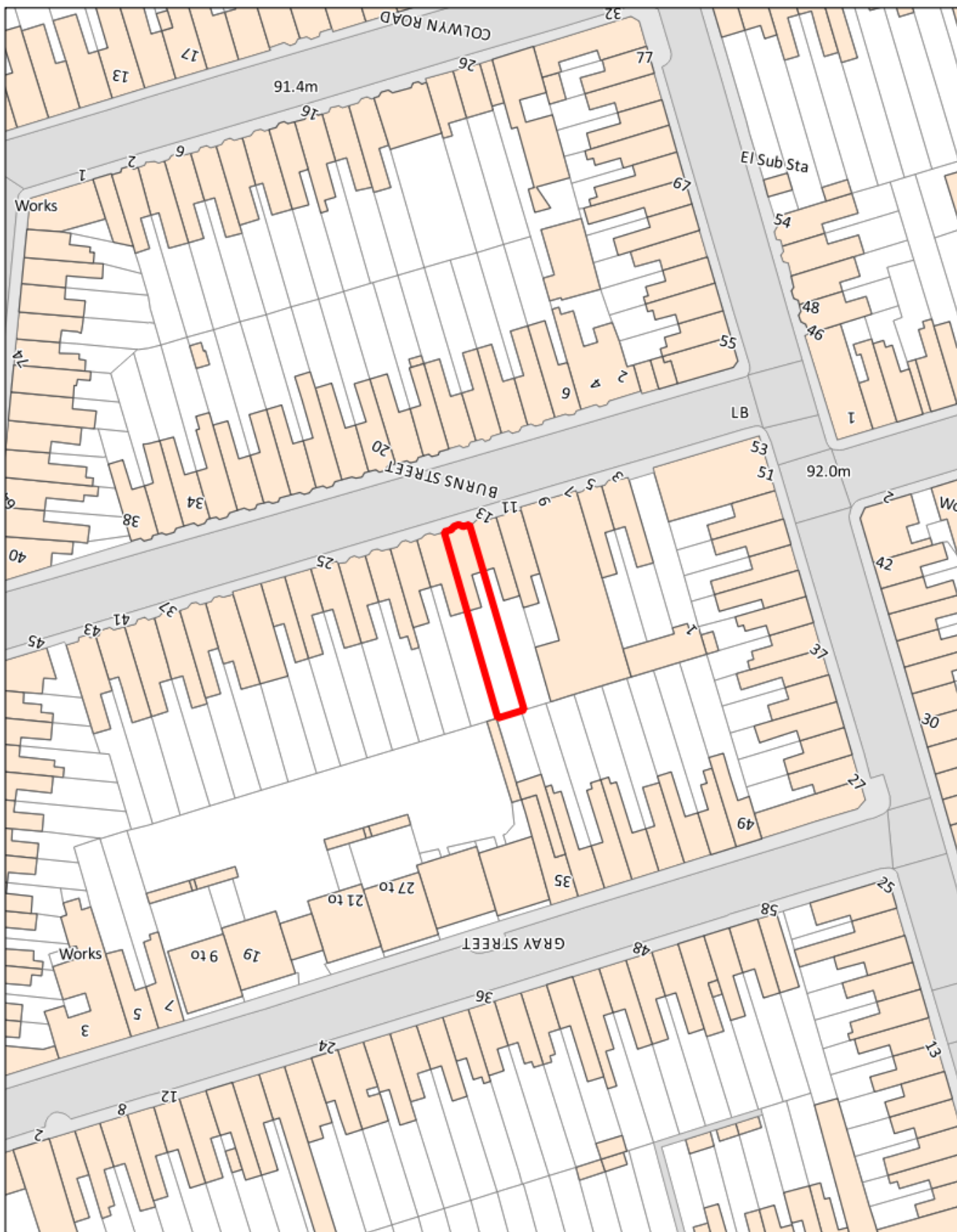
- 10.1 N/2019/1211.

11 LEGAL IMPLICATIONS

- 11.1 The development is 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: **22 Bostock Avenue**

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Date: 02-12-2019

Scale: 1:800

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