

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

APPLICATION REF: N/2019/1370

LOCATION: 85 Lea Road

DESCRIPTION: Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 6 occupants, including single storey rear extension (Amendment to Planning Permission N/2019/0866)

WARD: Abington Ward

APPLICANT: NV Pro Limited
AGENT: Architectural Solutions

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 principle of the proposed use is considered acceptable as planning permission has recently been granted for the change of use of the property to a house in multiple occupation for 5 occupants. The proposed extension and to increase the number of occupants to 6 is considered acceptable as 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 a local shopping 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 proposed extension would not have undue adverse impact on visual or residential amenity. The proposal thereby complies with Policies H1, H5, BN7 and S10 of the West Northamptonshire Joint Core Strategy, saved Policies E20, 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 dwelling house into a House in Multiple Occupation for 6 persons (Use Class C4) including single storey rear extensions. This is a revised planning application following approval for a 5-person HIMO under planning permission N/2019/0866 granted in

September 2019. The previous proposal also included a small single storey rear extension and five bedrooms. Parking would be on street on an unrestricted basis.

3 SITE DESCRIPTION

- 3.1 The application site comprises a mid-terraced, 4 bedroom property on Lea Road located in a residential area with similar terraced properties on the street. The property has a kitchen, lounge, family room and on the ground floor, 3 bedrooms and a bathroom on the first floor, second floor bedroom and a basement room.
- 3.2 The site is in near to Wellingborough Road which includes retail and commercial units in a Local Shopping Centre. The site is within close proximity to bus routes on Abington Avenue, Allen Road and Wellingborough Road. The site is not in a conservation area and is in a low risk flood zone (flood zone 1).

4 PLANNING HISTORY

- 4.1 **N/2019/0866** Change of Use from dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 5 occupants and replacement of a conservatory with a single storey rear extension - APPROVED.

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.

5.2 National Policies

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

Section 12 – seeks to achieve well designed places

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 and 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 three policies are material to this application:

E20 – allows for new development providing that the design reflects the character of its surroundings in terms of layout, siting, form, scale & appropriate use of materials and that the proposal is designed and located to ensure adequate standards of privacy, daylight and sunlight.

H18 – allows for house extension provided design acceptably in keeping with character and appearance of the host dwelling; and effect upon adjoining properties.

Policy H30 – Multi occupation with a single dwelling

5.5 Supplementary Planning Documents

Planning out Crime in Northamptonshire SPG 2004

Residential Extensions and Alterations Design Guide SPD 2011

Northamptonshire County Parking Standards 2016

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 received are summarised as follows:

- 6.1 **Councillor Z Smith** - raises objection on the basis that application property will exacerbate parking issues and concern on refuse. Calls in the application for consideration by the Planning Committee.
- 6.2 **Highway Authority (NCC)** Raise objections. It is acknowledged that being in a relatively sustainable location, with easy access to small shops and bus stops can decrease vehicle usage for short journeys. However, the LHA would argue that it does not necessarily correlate to decreased vehicle ownership.

Although in isolation one might consider the increase in demand generated by this development to be minimal or negligible, the LHA would argue that the cumulative impact of “minor” developments such as this need to be considered as a whole. The information above demonstrates that there is no residual parking capacity on-street. Furthermore, it shows the cumulative impact from the high concentrations of HIMO properties contributes to the excessive demand, which in turn leads to inappropriate or dangerous parking. In conclusion, this development will increase the demand further and will increase dangerous parking practices. The LHA considers any impact that will compromise the safety of motorists and pedestrians to be a severe developmental impact.

- 6.3 **Private Sector Housing (NBC)** The property would require an emergency lighting system being a 3 storey property, with certification to be supplied upon application of a licence. The ground floor communal area would require dining facilities, table and chairs as Bedroom 5 is two floors from the kitchen.

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 The property has received planning approval for a change of use to a House in Multiple Occupation in July 2019 under reference N/2019/0866 and as such, the area concentration is no longer a material consideration as the principle of the use as a HIMO has already been considered acceptable and approved.

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 6 people would ensure over-development does not occur. Private Sector Housing have confirmed that the room sizes, amenities and facilities are acceptable. The kitchen together with the proposed extended lounge, would meet room space standards. 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.

Highways / Parking

- 7.4 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.
- 7.5 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 400m of local facilities on Wellingborough Road and Abington Avenue. 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).
- 7.6 Within such areas, the SPD recommends that storage space should be provided which is accessible to cycle users. Details have been submitted for the cycle storage located to the rear of the property. The proposal is, therefore, in compliance with this principle of the SPD.
- 7.7 In this case, the Highway Authority have raised objections to the application stating that the development would increase the demand for parking and would increase dangerous parking practices and the impact would be severe.

- 7.8 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 3 additional spaces than the current approved 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 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.
- 7.10 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 been submitted for refuse storage which are deemed acceptable. A condition has been recommended to secure the arrangement and provision.

Design and appearance and impact on the character of the host building and area

- 7.12 Given that the proposed extension would be screened from Lea Road behind the existing house, there would have no effect on the street scene. While the flat roof design is not ideal, it would nonetheless reduce the bulk of built form. It is considered that the proposed extension would be acceptable in terms of materials, size and appearance, any approval would be subject to matching materials to ensure a satisfactory appearance of development.

Impact on adjoining occupiers are a result of single storey rear extension

- 7.13 The main impact would be on the two adjoining occupiers at 83 and 87 Lea Road. In terms of number 87 Lea Road, the proposed communal living room extension would project 3 metres off the rear wall and given that it could be erected as permitted development the effect on this occupier would be considered as acceptable. In terms of the rear extension to create bedroom 6, although this would have an impact, it would be set back one metre from the boundary and therefore the effect would not be overly significant in terms of tunnelling, loss of outlook and light. Overlooking would be limited as the side window would be conditioned to be obscure glass.
- 7.14 In terms of the impact on number 83 Lea Road, the proposed rear extension would extend just under 4m beyond the rear bay window of this occupier which is likely to serve a habitable room. There is an existing low boundary wall separating the two properties. The proposed extension would have some impact on the bay window to number 83. Given that a 3m projection extension could be built without planning permission in the same position, it is considered that a refusal of the application would not be sustainable at appeal.

Amenity

- 7.15 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 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 extension would not lead to unacceptable adverse impact on surrounding properties. The proposed development would be in accordance with the requirements of Policies H1, H5, 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 Supplementary Planning Document 2019 and the aims and objectives of the National Planning Policy Framework. 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: 19/K98/10, 11 and 12.

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 6 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) Notwithstanding the submitted details, details of the provision for the storage of refuse and materials for recycling shall be first 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) Notwithstanding the submitted details, full details of facilities for the secure and covered parking of bicycles 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 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 not be used as a bedroom or habitable room throughout the lifetime of the use of the building as a house in multiple occupation.

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

- 7) The external walls of the rear extension shall be constructed with materials of the same type, texture and colour as the external walls of the existing building.

Reason: In the interests of visual amenity to ensure that the extension harmonises with the existing building in accordance with Policy S10 of the West N Northamptonshire Joint Core Strategy and Policy E20 of the Northampton Local Plan.

- 8) The proposed single storey extension to provide Bedroom 6 hereby permitted shall be built before the premises are first occupied as a 6 people house in multiple occupation.

Reason: 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

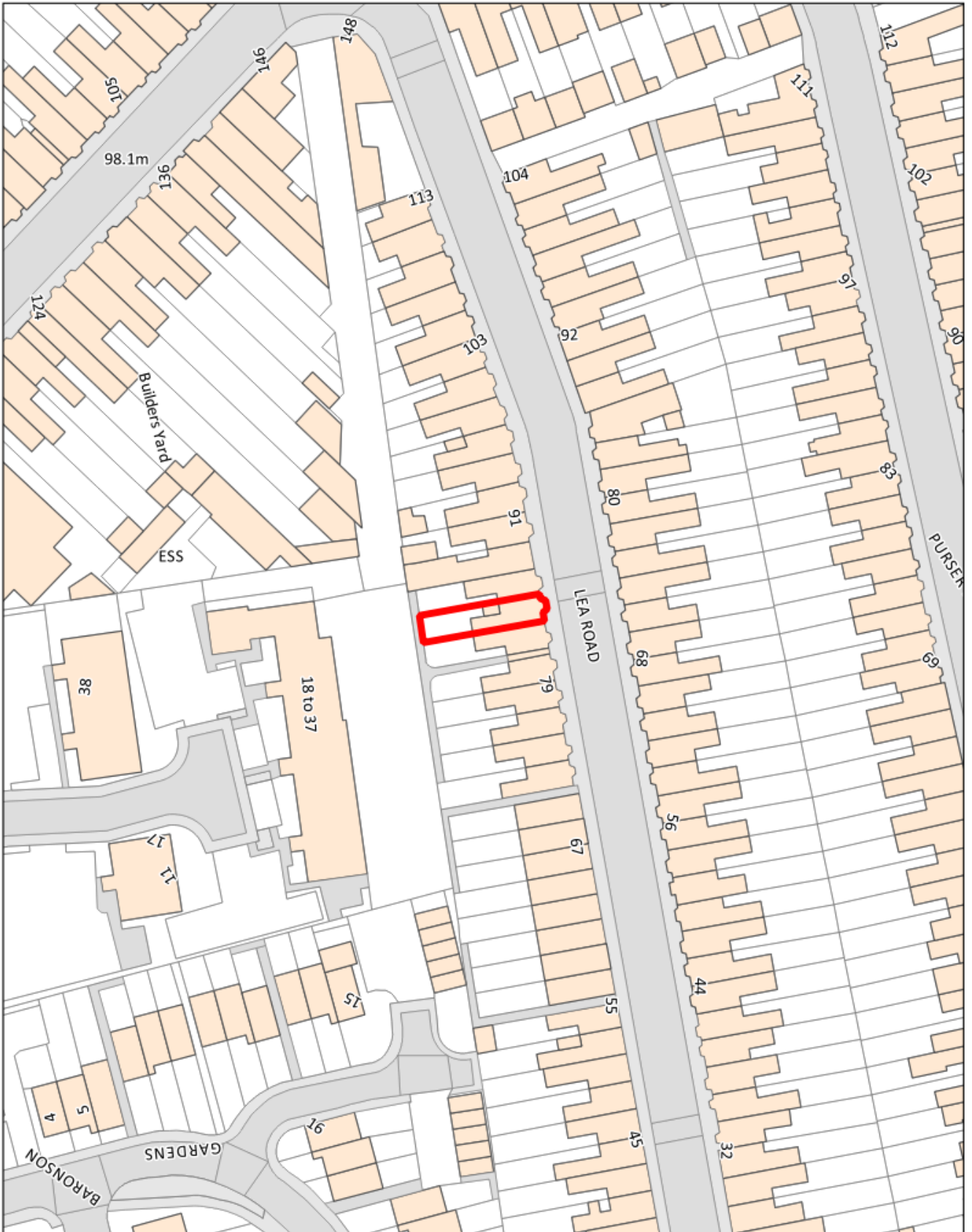
10.1 N/2019/1370 and N/2019/0866

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: **85 Lea Road**

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