

PLANNING COMMITTEE: 21st January 2020
DEPARTMENT: Planning Service
DIRECTOR 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 one House in Multiple Occupation unit (Sui Generis) for 16 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: Overdevelopment and parking 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 without having an undue adverse impact on highway safety, residential amenity or flood risk and would not result in an overconcentration of similar uses. The proposal thereby complies with Policies H1, H5 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 The proposal is for a change of use of three existing two bedroom flats to one single House in Multiple Occupation (HIMO) for sixteen persons in 10 bedrooms. 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 from three separate HIMOs to one single unit. Plans have also been amended to remove a bedroom from the basement 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 it 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 2 Flats into 3 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)
Parking Standards (2019)
Houses in Multiple Occupation SPD (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 **Private Sector Housing – Comments on the original scheme** - Providing the property meets all the HIMO amenities and facilities criteria for NBC then this property could be licensed for 22 persons and 11 households.
- 6.2 **Local Highway Authority (LHA) – Comments on the original scheme** - 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 Stone –** Calls in this application on the grounds of overdevelopment. The area is already at maximum with car parking and cannot absorb any further need for car spaces. 16 tenants will put undue pressure on services in the area, like sewage and rubbish collection. Need to support community cohesion, this proposal undermines this because of the inbuilt transient nature of the proposed tenancies.

7 **APPRAISAL**

Principle of the development

- 7.1 The conversion of the existing dwellings 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 3 existing HIMOs within a 50m radius of the application site. Including the application premises, the concentration would be 8.33% with the change of use of the three separate flats to one single HIMO. Therefore the proposal would not result in an over-concentration of such uses in line with the SPD.

Size of the property and facilities for future occupiers

- 7.3 All bedrooms, the living room, kitchen and shower rooms are of sufficient size, when judged against the standards in the HIMO interim policy.
- 7.4 Comments from Private Sector Housing (on the previous proposal for three separate units) 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

- 7.5 In respect of flood risk, the site is located outside the areas at 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 applicants 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 In this case the parking survey which has been produced shows that parking was not at capacity i.e. on street parking was available. The Local Highway Authority has no objection to the application.
- 7.8 However, notwithstanding the survey, it can be noted that the application site is in a sustainable location within 400 metres of bus stops on Kettering Road with buses stopping at intervals of 15 and 25-30 minutes.
- 7.9 The site is also located within 400m of local facilities on Kingsley Park Parade, which has a range of shops including convenience stores. 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.
- 7.10 Within such areas, the SPD recommends that storage space should be provided which is accessible to cycle users. This is indicated within the rear garden area.
- 7.11 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 proposed residents would own cars.
- 7.12 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.

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 outside any use class, being a Sui Generis use. However, the use is in effect 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 more conventional residential dwellings. 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 a single HIMO accommodating 16 persons would not have any undue impact on the amenities of adjoining occupiers, 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 SPD 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 B, TCS.GA.P2 B, 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 16 residents 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 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

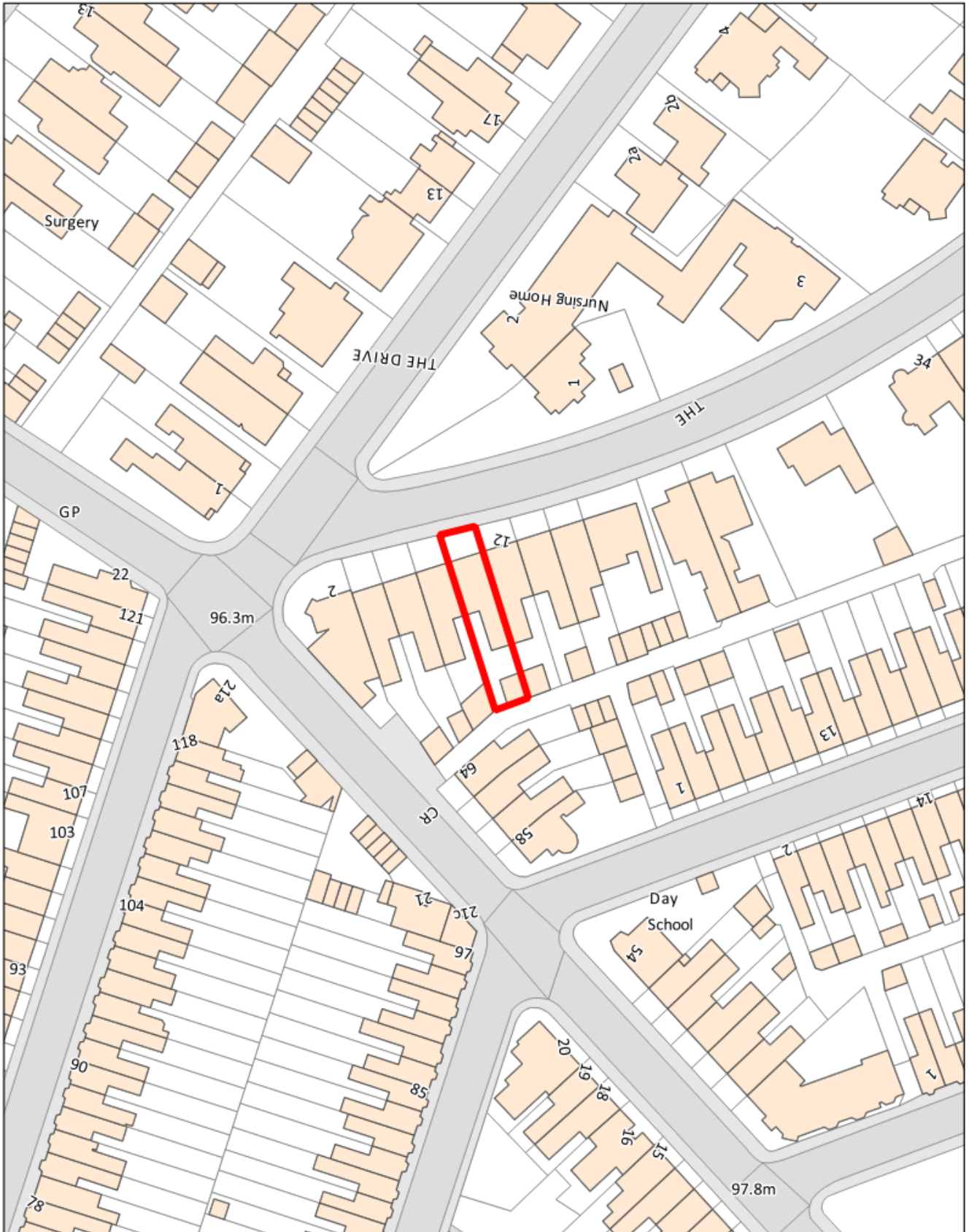
- 10.1 Application File N/2019/1028.

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: 02-12-2019

Scale: 1:1,000

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