

Appeal Decision

Site visit made on 11 October 2016

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 October 2016

Appeal Ref: APP/V2825/W/16/3154685

343 Wellingborough Road, Northampton NN1 4ER

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Colin Clayson Family Settlement Trust against the decision of Northampton Borough Council.
 - The application Ref N/2015/0540, dated 20 April 2016, was refused by notice dated 16 June 2016.
 - The development proposed is change of use from offices (use class B1) into House of Multiple Occupation for up to 5no. occupants (use class C4) including rear dormer extension and 2no. velux roof lights.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from offices (use class B1) into House of Multiple Occupation for up to 5no. occupants (use class C4) including rear dormer extension and 2no. velux roof lights at 343 Wellingborough Road, Northampton NN1 4ER in accordance with the terms of the application, N/2015/0540, dated 20 April 2016, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Colin Clayson Family Settlement Trust against the decision of Northampton Borough Council. This application is the subject of a separate Decision.

Procedural Matter

3. The Council have confirmed that Northamptonshire County Council Parking Standards referred to in the Council and appellant's statements were adopted in September 2016 since the appeal was submitted. The parking aims are similar to the earlier draft version of the guidance submitted and so neither party has been prejudiced by this change in policy circumstances.

Main Issue

4. The main issue is the effect of the additional car parking associated with the development on highway safety in the area.

Reasons

5. The appeal property consists of a mid-terrace three-storey building with estate agents at ground floor level and office use above located within a designated local centre on Wellingborough Road with a range of local services and
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facilities. The neighbouring properties comprise of a dense mix of generally two and three-storey terraced properties set in narrow plots with ground floor commercial uses and commercial/residential uses at the upper levels. The appeal site includes two off street car parking spaces which are accessed via a private drive off Allen Road.

6. Policy H1 of the West Northamptonshire Joint Core Strategy 2014 (JCS) states that development should provide a range of housing types to cater for different needs and make the most efficient use of land having regards to amongst other things, accessibility to services and facilities and public transport. Policy S10 of the JCS requires development to satisfy a range of sustainable development principles, including being located where services and facilities can be easily accessed by public transport, walking and cycling.
7. The Council's House in Multiple Occupation Interim Planning Policy Statement 2014 (IPPS) seeks to secure the provision of adequate parking whilst promoting the use of sustainable transport. Paragraph 4.2.28 of the IPPS outlines the need for a more flexible site specific approach when determining appropriate parking levels for Houses in Multiple Occupation (HiMOs) in accessible locations. Paragraph 4.2.29 and Principle 3 of the IPPS state applications for change of use to HiMO with limited or no additional car parking can be supported in principle if the property is located within easy walking distance to facilities and services including local centres or within 400m of a bus stop. The Council statement outlines that the intention of Principle 3 of the IPPS is to allow for a mechanism to make a decision based on the specific merits of the proposal weighing up the location of the development, the scale of the proposal, existing demand for parking spaces and the impacts of the future demand for car parking.
8. The approach in the IPPS is consistent with the National Planning Policy Framework (the Framework) which encourages solutions which reduce congestion and facilitate use of sustainable transport and specifies that local parking standards should take into account the accessibility of a development, type, mix and use of the development, the availability of and opportunities for public transport, local car ownership and an overall need to reduce the use of high-emission vehicles¹. This is underpinned by the core principle set out in paragraph 17 of the Framework to make the fullest use possible use of public transport, walking and cycling.
9. The Local Highway Authority (LHA) require one parking space per bedroom for a HiMO and where less parking is proposed require a parking beat survey in the surrounding area in line with the guidance in the Northamptonshire County Council Parking Standards. A parking survey was carried out in the immediate vicinity of the site on behalf of the appellant in May 2016 in accordance with the LHA requirements. The LHA state that the parking survey data provided by the appellant shows that the streets around the appeal site are heavily parked, particularly in the overnight period, with little or no residual parking capacity on the roads surveyed, with the exception of Christchurch Road.
10. In light of this, the LHA have objected to the development stating that the development does not have satisfactory parking provision and that the parking demand from the development and the current shortage of car parking in the area around the appeal site will lead to increased parking pressure on nearby

¹ Paragraphs 30 and 39 of the Framework

streets to the detriment of highway safety. However, I have not been provided with any substantive evidence as to how the local parking standards seek to be more flexible for a small scale development in such an accessible location as advocated in the Framework and the IPPS.

11. I acknowledge the properties along both Wellingborough Road and the surrounding predominantly residential terraced streets rely on on-street parking and there is likely to be competition for parking spaces at peak periods. However, whilst waiting is restricted on Wellingborough Road during the day, these restrictions do not apply in the evenings, thereby freeing up space when residents return from work or other daily activities. There are no parking restrictions on the surrounding streets and at the time of my site visit, there were parking spaces available in the nearby streets.
12. In any event, the appeal site is located in a sustainable location within easy walking distance of the local services and facilities and public transport services. With the limited off street parking provision, I consider it is likely be more attractive for occupation by people who do not use cars than those who do. Whilst I acknowledge the Council, LHA and the local objections regarding this proposal, in view of the scale of development and the evidence before me, I consider that the extra demand for on-street parking generated by the development is relatively small in the context of the overall supply and availability of parking in the area. Therefore, I consider that the effect is likely to be only marginal and certainly not severe, the test set by the Framework² for preventing development on highway grounds.
13. I have considered the appellant's comments regarding the existing use of the appeal site as an office and potential benefit if this scheme is approved on reducing the parking demand in the area particularly during the day. However, the LHA has identified from the parking survey data that the parking demand is at its highest in the overnight period and such the removal of the office would have limited benefit. I have afforded this limited weight.
14. I have noted the other developments drawn to my attention by the appellant. However, the recent planning permission granted³ involving the conversion of the appeal site to two apartments is materially different from the appeal scheme. The HiMO development at 219-225 Wellingborough Road, which is currently under construction, relates to a new build development that has different development characteristics. The apartment/HiMO developments on Spencer Parade, the former Penny Whistle Public House and Ethel Street have different development and locational characteristics to the appeal scheme. I therefore consider they are not directly comparable to the case before me and, as such, I afford them limited weight as a precedent in this case.
15. Consequently, I conclude that the development would not have an adverse effect on highway safety in the area and as such would not conflict with the Council's IPPS that seeks to promote the use of sustainable transport and the need to secure the provision of adequate parking. In addition, the development complies with paragraph 17 of the Framework for the reasons set out above and paragraph 35 of the Framework in that a safe and secure layout

² Paragraphs 32 of the Framework

³ N/2016/1004

can be achieved which minimises the conflicts between traffic and cyclists or pedestrians.

Other matters

16. The appellant states that the development would contribute towards the Council's shortfall in the five year housing land supply. Whilst the proposal would contribute toward meeting the local demand for a range of housing types and tenures in line with paragraph 50 of the Framework, the change of use would make little contribution generally to the total housing stock in the Borough. I have therefore afforded this limited weight.

Conditions

17. I have had regard to the planning conditions that have been suggested by the Council. In addition to the standard time limit condition, I have specified the approved plans as this provides certainty. A condition relating to the maximum occupancy is necessary in the interests of amenity and highway safety in the area. A condition relating to refuse and cycle storage is appropriate in the interests of amenity and promoting sustainable forms of transport. A condition requiring that the external surfaces of the proposed rear dormer extension match the external roof of the existing building is appropriate as it would safeguard the amenities and character and appearance of the area.

Conclusion

18. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

David Troy

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, 1238/1a, 1238/2a, 1238/2 and 1238/3.
- 3) The development hereby permitted shall be occupied by a maximum of five residents at any one time.
- 4) Full details of the refuse and cycle storage shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, be fully implemented prior to the first occupation of the development hereby permitted and shall be retained thereafter.
- 5) The external walls/cheeks of the dormer extension hereby approved shall be constructed with materials of the same type, texture and colour as the external roof of the existing building.