



**NORTHAMPTON**  
**BOROUGH COUNCIL**  
Planning Committee

**PLANNING COMMITTEE:** 15 March 2016  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**DIRECTOR:** Steven Boyes

**APPLICATION REF:** N/2015/1424

**LOCATION:** 35 Cowper Street, Northampton, NN1 3QR

**DESCRIPTION:** Change of use from dwelling (C3) to House in multiple occupation (C4) for three residents

**WARD:** Castle Ward

**APPLICANT:** Mr Luthra  
**AGENT:** Archi-tec Architectural Design

**REFERRED BY:** Director of Regeneration, Enterprise and Planning  
**REASON:** Previously dismissed on appeal.

**DEPARTURE:** No

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**APPLICATION FOR DETERMINATION:**

**1. RECOMMENDATION**

1.1 **APPROVAL** subject to the conditions as set out below and for the following reason:

The development would not lead to an unacceptable concentration of HIMOs within the locality that would adversely impact upon the character of the street, 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 and is in accordance with the requirements of Policies H1, H5, BN5 and S10 of the West Northamptonshire Joint Core Strategy, Policies E20, E26 and H30 of the Northampton Local Plan, the Houses in Multiple Occupation Interim Planning Policy Statement and the aims and objectives of the National Planning Policy Framework.

**2. THE PROPOSAL**

2.1 Permission is sought to change the use from single dwelling to house in multiple occupation (HIMO) for 3 people.

**3. SITE DESCRIPTION**

3.1 A two storey mid-terrace dwelling of the Victorian era, within the Boot and Shoe Quarter Conservation Area, and within a residential area as so designated in the

Northampton Local Plan. The area is included in the Article 4 Direction which has removed permitted development rights for Class C4 use.

- 3.2 The property fronts directly on to a street of approx. 60 houses, and has a long rear garden, with no car parking spaces provided on site. Surrounding uses include single family dwelling houses, flats, and houses in multiple occupation. Three bedrooms and a bathroom are provided upstairs, with two lounges, a kitchen, utility room and WC provided on the ground floor, with a basement room for storage.

#### **4. PLANNING HISTORY**

- 4.1 N/2014/1025 – change of use from dwelling to house in multiple occupation for 4 people – retrospective – refused and dismissed at appeal.

#### **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).

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

##### **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** - Core Principles - seeks to secure high quality design and good standard of amenity for existing and proposed occupiers.

**Paragraph 49** - Housing applications considered with presumption in favour of sustainable development.

**Paragraph 50** - To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.

**Paragraph 56** - Good design is a key aspect of sustainable development.

**Chapter 12** – Conserving and enhancing the Historic Environment.

##### **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 - States that development should provide for a mix of house types, sizes and tenures to cater for different accommodation needs. Housing developments will be expected to make the most efficient use of land having regard to the location and setting of the site, the existing character and density of the local area, accessibility to services and facilities, proximity to public transport routes, the implications of density for affordability and viability, the living conditions provided for future residents, the impact on the amenities of occupiers of neighbouring properties.

**Policy H5** - seeks to manage and safeguard existing housing stock, including through HIMOs where they would not adversely impact upon the character and amenity of residential areas.

**Policy S10** - requires development to satisfy a range of sustainable development principles including through achieving the highest standards of sustainable design; maximising opportunities for reuse and recycling; and promoting walking and cycling and protecting, conserving and enhancing the natural and built environment and heritage assets and their settings.

**Policy BN5 – Historic Environment:** Designated heritage assets and their settings will be conserved and enhanced in recognition of their individual and cumulative significance.

#### 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 should adequately reflect the character of surroundings and ensure adequate standards of privacy, daylight and sunlight.

**Policy E26** – the character and appearance of conservation areas should be enhanced or preserved.

**Policy H30** – requires HIMOs to be of sufficient size to accommodate the proposed use and not result in an over concentration to the detriment of the character and amenity of the area or result in a substantial demand for on street parking in areas judged to be experiencing difficulties.

#### 5.5 **Supplementary Planning Documents**

Northamptonshire County Parking Standards SPG 2003  
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 HMOs 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 HMOs within a 50m radius.
- Secure the provision of adequate facilities, amenities and minimise flood risk;
- Promote use of public transport, cycling and walking and secure provision of adequate parking;
- Ensure provision of adequate storage for refuse and materials for recycling.

#### Boot and Shoe Quarter Conservation Area Appraisal 2011

## 6. CONSULTATIONS/ REPRESENTATIONS

- 6.1 **NBC Conservation** – no physical changes to the building fabric are proposed, and use would have a neutral impact on the character and appearance of the Conservation Area.  
**NBC Private Sector Housing** – space and amenities provided are suitable to let to 3 individuals from 3 separate households. The property is already licenced under Part 2 of the Housing Act.  
**Ward Councillors** – no response.  
**Highway Authority** – whilst parking is at a premium in the area, the LHA does not believe that the potential increase in parking demand created by the change of use to a three bedroom HMO will compromise highway safety or amenity in the area.
- 6.2 Letters sent to immediate neighbours, site notice posted and newspaper advertisement placed.
- 6.3 25 responses from neighbours received objecting on the grounds that Cowper Street is being targeted by landlords who want to make money, most of the time ignoring planning permission, multiple occupied houses already overpopulate the street with an impact on car parking, noise, anti-social behaviour, refuse on street and increased public nuisance.

## 7. APPRAISAL

### **Principle of the development**

- 7.1 The conversion of an existing dwelling to a HMO is considered to be in accordance 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 HMOs where they would not adversely affect the character and residential amenity of an area.
- 7.2 In principle, houses in multiple occupation are considered to be acceptable in a residential area.

### **Size of property**

- 7.3 The plans indicate two lounges, kitchen, utility and a WC on the ground floor and three bedrooms and a bathroom on the first floor. The response from Private Sector Housing indicates that the property can accommodate 3 people from three separate households, and holds a licence for the same under the Housing Act 2004. It is considered that the application therefore complies with Principle 2 of the Council's

adopted Planning Policy Statement on HIMOs, that adequate facilities and amenities would be provided for occupants.

### **Area Concentration**

- 7.4 Updated Council records evidence that the application would not lead to an over-concentration of HIMOs within a 50m radius of the application site; i.e. there would be a total of 8 HIMOs within the 50m radius, which would equal 11% out of 72 properties. The application therefore complies with Principle 1 of the Council's adopted Planning Policy Statement on HIMOs.
- 7.5 The previous application for a 4 person HIMO at this site (N/2014/1025) was refused (and dismissed at appeal) in October 2014 for the reason of '*undue concentration of such premises in this locality to the detriment of the general amenities and character of the area, contrary to Policy H30 of the Northampton Local Plan ....*' However, it should be noted that the HIMO Interim Planning Policy Statement was not adopted at that time, and the method of assessing over-concentration was different, i.e. data was collected for Cowper Street as a whole, as opposed to a wider area (50m radius) around the property. Also since that time, the Council has updated its records for HIMO properties.

### **Parking**

- 7.6 No off-street parking is provided, and neighbours have objected on this issue. However, the amended plan indicates cycle storage in the rear garden and also the site is located within walking distance (130m) of a main bus route, and a Local Centre. This therefore complies with Principle 3 of the Council's adopted Planning Policy Statement on HIMOs.
- 7.7 The Highway Authority has raised no objections to this application, on the basis that whilst parking is at a premium in the area, the LHA does not believe that the potential increase in parking demand created by the change of use to a three bedroom HMO will compromise highway safety or amenity in the area.

### **Bin Storage**

- 7.8 The amended plan indicates an area for refuse bins in the back garden. This is therefore considered to be in compliance with Principle 4 of the Council's adopted Planning Policy Statement on HIMOs.

### **Amenity**

- 7.9 The use proposed falls within Class C4 of the Use Classes Order, which in effect categorises this as a residential use which would not generate amenity impacts, such as noise or anti-social behaviour, on local residents over and above those created by a more conventional C3 dwelling. Indeed without the Article 4 Direction planning permission would not be required for this change of use. Consequently it is not considered that any refusal of planning permission or the imposition of conditions, in relation to amenity issues would be reasonable or sustainable at appeal.
- 7.10 Several objections have been received from neighbours concerning anti-social behaviour and refuse, however such matters would need to be addressed through other agencies and other, non-planning, legislation.

## **8. CONCLUSION**

- 8.1 Taking the above into account, it is considered that the use of this property as a HIMO for 3 people is in compliance with Policy requirements, and 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: location plan, L13-1A.

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 three residents at any one time.

Reason: In the interests amenity of the proposed occupiers and the surrounding area in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy.

- (4) The bin storage and cycle storage provision as indicated on the approved plans shall be implemented prior to the use commencing and retained thereafter.

Reason: For the avoidance of doubt and to secure a satisfactory standard of development in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

- (5) The basement area shall not be used for habitable accommodation at any time.

Reason: For the avoidance of doubt and to avoid overdevelopment of the site in the interests of amenity in accordance with Policy H5 of the West Northamptonshire Joint Core Strategy.

## **10. BACKGROUND PAPERS**

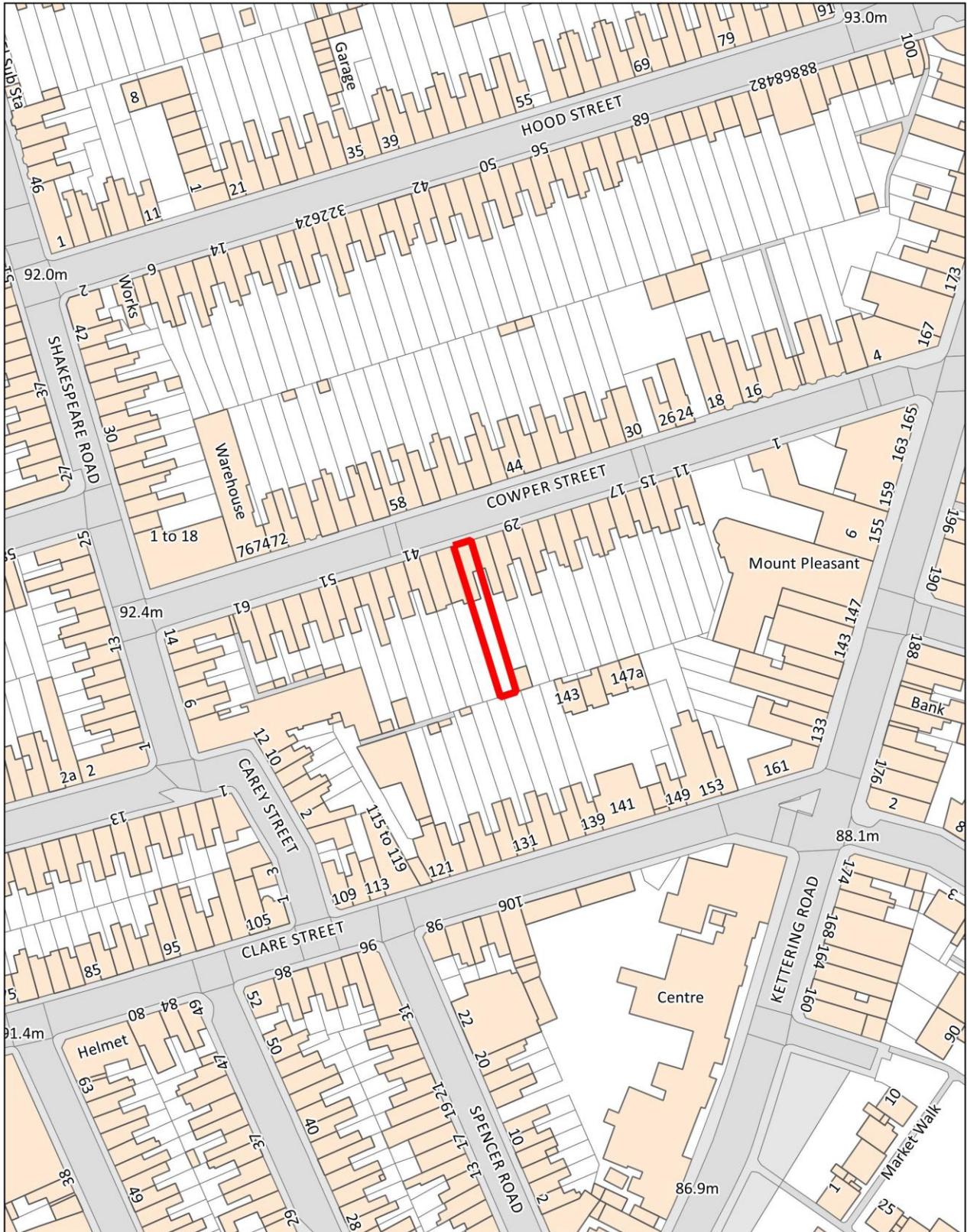
- 10.1 N/2015/1424

## **11. LEGAL IMPLICATIONS**

- 11.1 None

## **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: **35 Cowper Street**

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