

**PLANNING COMMITTEE:** 9<sup>th</sup> May 2017  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2017/0008

**LOCATION:** 38 Clare Street

**DESCRIPTION:** Change of use from dwelling (Use Class C3) to a house in multiple occupation for 5 persons (Use Class C4). (Retrospective)

**WARD:** Castle Ward

**APPLICANT:** Mr Akik  
**AGENT:** Plan My Property

**REFERRED BY:** Councillor D Stone  
**REASON:** Pressure on parking, litter and anti-social behaviour

**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 proposed development for a change of use from a dwelling to a house in multiple occupation (HIMO) would not lead to an unacceptable concentration of HIMOs within the locality that would adversely affect upon the character of the 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, in accordance with the requirements of Policies H1, H5, BN5 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 Interim Planning Policy Statement and the aims and objectives of the National Planning Policy Framework.

#### **2. THE PROPOSAL**

2.1 Retrospective permission is sought for a change of use from a residential dwelling (Use Class C3) to a house in multiple occupation (HIMO) (Use Class C4) for 5 people. No external alterations are proposed as a part of this Planning application. 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 comprises a two storey, mid-terraced, five-bedroom property on Clare Street, located in a primarily residential area with similar terraced properties on both sides of the street. The site is located within the Boot and Shoe Quarter Conservation area.

3.2 Clare Street is in close proximity to the Town Centre as well as Kettering Road, which is an allocated centre and contains a number of commercial and leisure facilities. In addition, it is in close proximity to a number of public transport routes, including those into the town centre.

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

4.1 None.

#### **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,

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:

5.3 Paragraph 17 seeks to secure high quality design and good standard of amenity for existing and proposed occupiers.

5.4 Paragraph 49 requires that housing applications are considered with presumption in favour of sustainable development.

5.5 Paragraph 50 states that planning should 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.

5.6 Paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

##### **5.7 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:

- 5.8 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, and the impact on the amenities of occupiers of neighbouring properties.
- 5.9 Policy H5 – Managing the existing housing stock - 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.
- 5.10 Policy S10 – Sustainable Development Principles - 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.
- 5.11 Policy BN5 – designated heritage assets & their setting will be conserved and enhanced. Designated and non-designated heritage assets and their settings and landscapes will be conserved and enhanced in recognition of their individual and cumulative significance and contribution to west Northamptonshire’s local distinctiveness and sense of place.

5.12 **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:

- 5.13 Policy E20 – new development should adequately reflect the character of surroundings and ensure adequate standards of privacy, daylight and sunlight.
- 5.14 Policy E26 – allows for new development in the Conservation area providing the proposed development preserve or enhances the character and appearance of those areas
- 5.15 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.

5.16 **Supplementary Planning Documents**

Northamptonshire Parking Standards (September 2016)  
Planning out Crime in Northamptonshire SPG 2004

5.17 **Other Material Considerations**

Houses in Multiple Occupation (HIMO) Interim Planning Policy Statement (IPPS) (November 2014)

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 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.

## 6. CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 6.1 **Councillor Danielle Stone** - raised objection on the basis that the street is already under intense pressure in regards to parking, fly tipping, litter, and anti-social behaviour. There are already some other HMOs within 50 metres of radius. Called-in the application to be determined by the Planning Committee.
- 6.2 **Conservation Officer (NBC)** - there is no objection on the Conservation grounds as there are no external alterations proposed. The proposed development would have neutral impact on the historic character of Boot and Shoe Quarter Conservation Area.
- 6.3 **Private Sector Housing (NBC)** have advised that the property is the subject of a current and valid application for a mandatory HMO licence. It is considered that, subject to inspection of the property, the facilities and amenities are met and suitable for 5 persons. It is therefore likely that a draft licence proposal will be issued in the near future.
- 6.4 **Highway Authority (NCC)** – Requested a parking beat survey. (A parking beat survey was carried out and NCC Highways comments are awaited and will be reported to the Committee via the addendum).

## 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. In principle, houses in multiple occupation are considered acceptable in a residential area.

### Size of property

- 7.2 The submitted plans show provision of five letting bedrooms, including a kitchen/dining, living room, utility room and one bedroom on the ground floor, three bedrooms and one bathroom and wc on the first floor and an en-suite bedroom on the second floor. The response from Private Sector Housing indicates that the property is suitable to be licensed and can accommodate up to 5 people. The maximum number of residents could be secured through a condition. It is considered that the property is of sufficient size to accommodate the proposed development.

### Area concentration

- 7.3 Council records evidence that there are three confirmed HMOs and five licensed HMOs within a 50m radius of the application site. The use of this property as a HMO would equate to less than

7.9% concentration in the area. This would clearly fall within the 15% maximum threshold recommended by the Council's adopted Interim Planning Policy Statement. It is considered that there would still be a reasonable mixture of house types within the vicinity in order to meet the different needs of residents.

## **Parking**

- 7.4 Parking within the vicinity of the site is on-street. The nearest bus routes are within walkable distance on the Clare Street. There are parking restrictions on the street with parking allowed only on one side of the street.
- 7.5 A parking beat survey was carried out and NCC Highway's comments are awaited. These will be reported as an addendum to this report.
- 7.6 Principle 3 of Interim Planning Policy states that HIMO applications with limited or no parking will be required to satisfy the following criteria:
- Be located within 400 m of bus stop or
  - Be located within the walking distance to services and facilities contained in the two centre, district centre, local centre or neighbourhood parade.
- 7.7 The application property is located within the walking distance to the town centre, which is considered to be a sustainable location and within close proximity to facilities on Kettering Road and public transport.
- 7.8 The existing property is a four-bedroom property and would generate the requirement of 3 parking spaces, whereas the parking requirements for a proposed HIMO would be 5 parking spaces i.e. 2 additional parking spaces as per the Northamptonshire Parking Standards adopted September 2016. There is no evidence to support that all 5 residents would own cars. Given the number of occupants arising from the existing use and the sustainable location of the property, it is not considered that a refusal on highway grounds could be upheld at appeal. This view has been upheld by recent appeal decisions, which are material considerations.
- 7.9 A planning appeal in relation to the provision of apartments at 133 Colwyn Road (N/2016/0112) was allowed recently. The Inspector concluded that the appeal site was located in a sustainable location within easy walking distance of local services and facilities and public transport services. The Inspector considered that with no off-site parking provision, the development was more likely to be more attractive for occupation by people who do not use cars than those who do. Consequently, in view of the scale of development and, on the basis of the evidence, the Planning Inspector concluded that 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.
- 7.10 In appeal decision at 26 Burns Street for a change of use to a HIMO for up to 4 people, the appeal was dismissed on the basis of over concentration. However the Inspector emphasised and concluded that the sustainable location of the HIMO could be disregarded.
- 7.11 In another appeal decision at 343 Wellingborough Road, for a change of use from office to a house in multiple occupation for 5 occupants, the Inspector allowed the appeal on the same conclusion that the appeal site is located in a sustainable location, within easy walking distance of the local services and facilities and public transport services.
- 7.12 It is considered that in view of the recent appeal decisions where Inspectors have given considerable weight to the sustainability of locations, while considering the impact on parking, and in view of the sustainable location of the application site, and number of occupants proposed,

and that there is sufficient room within the site to provide secure bicycle storage, it is not considered that highway impacts would be so adverse as to recommend refusal on this basis.

### **Refuse and cycle storage**

- 7.13 No details have been submitted for the storage of bicycles, refuse and materials for recycling. A condition has been recommended to submit the details for cycle and refuse storage.

### **Amenity**

- 7.14 The proposed use falls within Use Class C4 which in effect categorises this as a residential use. It is not considered 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. Indeed, without the Article 4 Direction, planning permission would not be required for the 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.

### **Impact on Conservation area**

- 7.15 The proposed development for conversion of a C3 dwelling to a house in multiple occupation would not include any external changes to the application property. It is confirmed that the special attention has been given to the desirability to preserve or enhance the character or appearance of a conservation area. On balance, the proposed development would have a neutral impact on the character of the Conservation area.

## **8. CONCLUSION**

- 8.1 The proposed development for a change of use from a dwelling to a house in multiple occupation (HIMO) would not lead to an unacceptable concentration of HIMOs within the locality that would adversely affect upon the character of the conservation 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 requirements of policies H1, H5, BN5 and S10 of the West Northamptonshire Joint Core Strategy, saved Policies E20, E26 and H30 of the Northampton Local Plan, the Council's Houses in Multiple Occupation Interim Planning Policy Statement and the aims and objectives of the National Planning Policy Framework.

## **9. CONDITIONS**

1. The development hereby permitted shall be carried out in accordance with the following approved plan: 38CS: PA: 01/01.

Reason: For the avoidance of doubt and to accord with the terms of the planning application.

2. The development hereby permitted shall be occupied by a maximum of five residents at any one time.

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

3. Within the 1 month of the date of this approval, full details for the provision of secure storage for bicycles shall be submitted to and approved in writing by the Local Planning Authority. The details

shall be implemented within two months following the approval of the details and shall be retained thereafter.

Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy.

4. Within the 1 month of the date of this approval, full details for the details of refuse storage shall be submitted to and approved in writing by the Local Planning Authority. The details shall be implemented within two months following the approval of the details and shall be retained thereafter.

Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy.

## **10. BACKGROUND PAPERS**

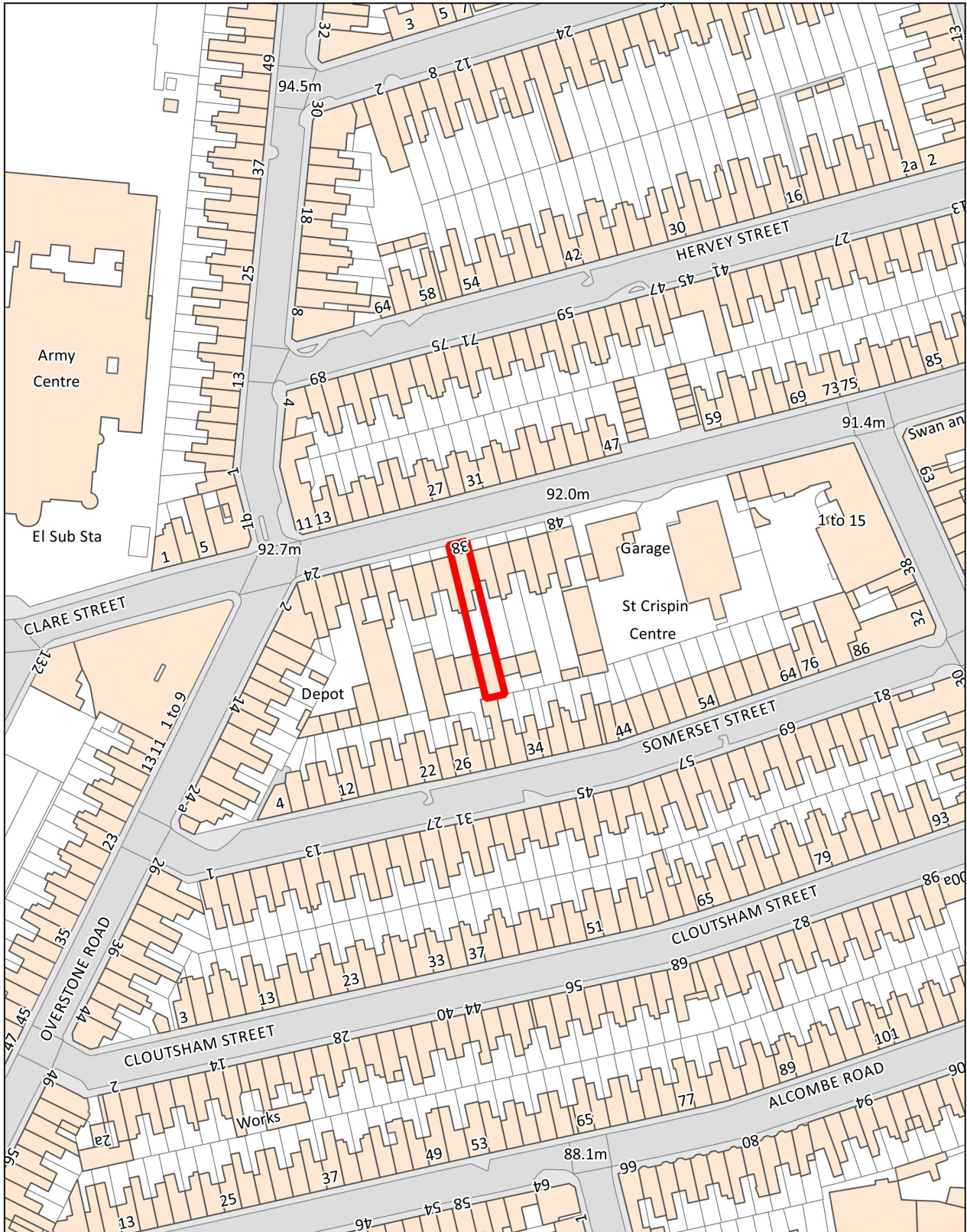
- 10.1 N/2017/0008.

## **11. LEGAL IMPLICATIONS**

- 11.1 The development is not CIL chargeable.

## **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: **38 Clare Street**

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Date: 20-04-2017

Scale: 1:1,250

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