

**PLANNING COMMITTEE:** 16<sup>th</sup> January 2018  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2017/1429

**LOCATION:** 35 Hunter Street

**DESCRIPTION:** Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) for 5 occupants

**WARD:** Castle Ward

**APPLICANT:** Suzanne Messinger  
**AGENT:** Ontime Design

**REFERRED BY:** Councillor D Stone  
**REASON:** Overdevelopment

**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 is considered acceptable in principle as it would not result in an over concentration of similar uses within the vicinity of the site, would provide adequate facilities for future occupants, would not be at risk from flooding or have significant adverse impacts on parking provision in this sustainable location. In addition, the proposal would preserve the character and appearance of the Conservation Area. The proposal thereby complies with Policies H1, H5, BN5, BN7 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 (IPPS) and the aims and objectives of the National Planning Policy Framework.

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

2.1 Change of use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (HIMO) (Use Class C4) for 5 occupants.

2.2 The site lies within an Article 4 Direction Area which removes permitted development rights for a change of use from a dwelling to HIMO.

##### **3. SITE DESCRIPTION**

3.1 The application site is located in Hunter Street, which consists of a traditional late 19<sup>th</sup> Century mid-terrace house, within the Boot and Shoe Quarter Conservation Area. The property has a small rear garden and parking is provided on-street along Hunter Street. To the rear of the site is the Territorial Army Centre which is a Grade II listed building.

#### **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:

Paragraph 17 - Seeks to secure high quality design and a good standard of amenity for existing and proposed occupiers.

Paragraph 49 - Housing applications should be considered with a 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, Local Planning Authorities are advised to 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 132 - In considering the impact of 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.

##### **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 Design Principles

Policy BN5: The Historic Environment and Landscape  
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 policies are material to this application:

Policy E20: New development (design)  
Policy H30: Multi-occupation with a single dwelling  
Policy E26: Development in Conservation Areas

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

Northamptonshire Parking Standards (September 2016)  
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 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 HIMOs 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 refuse and recycling storage.

### 6. **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

- 6.1 **NCC Highways** - Objected to the proposed change of use. The area has been the subject of a number of parking beat surveys which have identified that there is limited parking available in the area. The cumulative impact from the high concentration of HIMOs in the immediate vicinity is contributing to the excessive demand. This demand is resulting in parking on double yellow lines, across dropped kerbs, on the corners of junctions and double parking. The conversion of a residential dwelling to a house in multiple occupancy for 5 residents would further exacerbate the already severe impact on the HIMO properties in the area.
- 6.2 **NBC Private Sector Housing** – in the absence of figured dimensions or a scale bar, it is not possible to determine whether the letting room and shared kitchen sizes are sufficient for the proposed level of occupancy. The letting rooms would be required to have a minimum floor area of 10m<sup>2</sup> and the shared kitchen a minimum floor area of 7m<sup>2</sup>.
- 6.3 **NBC Conservation Section** - No objection on conservation grounds.
- 6.4 **Councillor D. Stone** – concerned over development, pressure on services. Refuse in the area undermining the efforts of both residents associations in the area who are working hard to maintain a clean, safe, balanced and cohesive community. Double and dangerous parking being a regular feature. Called in the application.

6.5 **Neighbours** – four neighbour objections were received which related to the increase in parking and the lack of parking within the area, which could lead to vehicles being parked illegally and causing a risk to residents. The increase in noise and rubbish from this type of accommodation.

## 7. APPRAISAL

### Principle of Use

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 JCS 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 surrounding area is predominantly residential in character. It would appear from Council records that there are six other HIMOs within a 50m radius of the application site that either are existing or have consents (in addition to this application). The addition of a further HIMO as proposed would lead to a concentration of 12%, this would fall within the 15% maximum threshold recommended by the Council's HIMO Interim Policy Statement. As such, the HIMO proposed would not lead to any significant impact on the character and amenity of the surrounding area as a result and the principle is therefore considered acceptable.

### 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/dining, WC and wash facilities. A condition restricting the use of the property to a maximum of 5 people would ensure over-development does not occur. All bedrooms would be served by adequate outlook and light. Private Sector Housing confirm they were unable to establish the room sizes and that letting rooms would be required to have a minimum floor area of 10m<sup>2</sup> and the shared kitchen a minimum area of 7m<sup>2</sup>, and should be in line with the IPPS room sizes. The plan shows the kitchen having an area of 7.5m<sup>2</sup>, with the letting rooms ranging from 12.2m<sup>2</sup> to 18.5m<sup>2</sup> and would comply with the IPPS room sizes.

7.4 Details have been submitted for cycle storage and bin storage which will be located at the rear of the property, within the communal garden area, which is accessed via the kitchen located on the ground floor.

### Highways/Parking

7.5 The IPPS sets out clearly that where limited or no parking provision is proposed, the site must be either within 400m of a bus stop, or within walking distance of a district centre, local centre or neighbourhood parade. Only outside such locations is parking required to be provided.

7.6 The application sites does not benefit from any on-site parking. The nearest bus stops on Kettering Road are approximately 482m from the property and the property is within approximately a 1 minute walk to the Local Convenience store, located on the junction of Clare Street and Hunter Street. In this regard, although the proposal does not meet the requirements to be within 400m of a bus stop, the policy within the IPPS set out that if the proposal is within walking distance of the town centre, district centre, local centre or neighbourhood parade, this would satisfy the requirements of limited or no parking provision on the site.

- 7.7 The site is centrally located to the town and is within walking distance of the facilities along Kettering Road. The JCS Policy S2 sets out the hierarchy of centres and identifies Kettering Road as a local centre. The site is within a 6 minutes' walk (440 metres) to Kettering Road from the site, which provides a range of retail facilities, along with, a Public House, and variety of takeaway premises. This is also where the closest bus stops are located. Therefore the proposal is considered acceptable in relation to the requirements of the IPPS in respect of parking considerations.
- 7.8 Within such area, the IPPS recommends that storage space should be provided which is accessible to cycle users. The plans indicate that five cycle racks will be provided in the rear garden area.
- 7.9 The proposal is, therefore, in compliance with this principle of the IPPS. However, a further consideration in respect of parking is the Northamptonshire Parking Standards. This document was adopted in September 2016, after the IPPS.
- 7.10 The Northamptonshire Parking Standards state that HIMOs shall provide on plot parking at the ratio of one parking space per bedroom and where the proposal is less than this requirement, the Local Highway Authority (LHA) will require a parking beat survey of the surrounding streets, to ascertain whether the additional parking demand resulting from the change of use can be accommodated.
- 7.11 The proposed development will produce a demand for 5 parking spaces, which is an increase of 2 compared to the previous dwelling, as the parking requirement for a 4-bed dwelling is 3 spaces. In this case, no on-site parking is proposed. The LHA did not request a parking beat survey be carried out as a number had been carried out recently in the area, which indicated that parking was at 85-90% capacity. Inspections were also carried out by the LHA during the early morning period (1am – 4am) where it was identified that there were no parking spaces available in the area.
- 7.12 The LHA has provided a very detailed analysis of the parking situation in this area, which demonstrates that there is no residual parking capacity on-street. Furthermore, the cumulative impact from the high concentration of HIMO in the immediate vicinity is contributing to the excessive demand. This demand is resulting in parking on double yellow lines, across dropped kerbs, on the corners of junctions and double parking. Although the cumulative impact of minimal development can lead to an impact on highways safety, it is noted that the application site is in a sustainable location close to existing services. The Highway response to the proposal also outlined that not all residents of a HIMO would have a car and that being in a sustainable location close to small shops can decrease vehicle use.
- 7.13 Notwithstanding the Highway Authority's objection, 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, and therefore, on balance, permission should not be refused on this basis.

### **Amenity**

- 7.14 All the bedrooms are of reasonable sizes and would meet the requirements for a HIMO. The bedrooms measure between approximately 12m<sup>2</sup> and 18m<sup>2</sup> in floor area. Where there is a separate lounge and kitchen the standards require at least 7m<sup>2</sup> floor area. In this instance the kitchen is 7.5m<sup>2</sup>, and the lounge is for exclusive use of bedroom two. On this basis, the space standards would be acceptable.

- 7.15 The HIMO is intended to provide accommodation for 5 persons. Anti-social behaviour and impact on quality of life of surrounding residents are often concerns raised by local residents, and a number neighbour objections were received, which related to the lack of parking in the area and the noise and rubbish that would be create from this type of accommodation. 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 there is a significant adverse impact on the surrounding area.
- 7.16 The Local Planning Authority has an obligation to determine planning applications submitted for consideration. Unless it can be demonstrated that there would be significant harm on the character of an area or its residents. In this instance harm cannot be demonstrated.

### **Impact on the Conservation Area**

- 7.17 The proposal does not involve any external alterations to the building and the use is not considered to have an adverse impact on the character of the area. It is therefore concluded that there is no demonstrable adverse impact on the setting and appearance of the Boot and Shoe Quarter Conservation Area.

## **8. CONCLUSION**

- 8.1 The proposed change of use would comply with the requirements of the IPPS on HIMOs, and would not result in an over concentration of HIMOs within the locality and would provide suitable accommodation for the number of occupants proposed.
- 8.2 The issues in relation to parking and highway safety are a concern, however, it is considered that the proposal complies with the IPPS in relation to parking considerations 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.
- 8.3 There are no external alterations proposed to the building and it is therefore considered there are no adverse impacts on the Boot and Shoe Quarter Conservation Area.
- 8.4 The proposal is therefore recommended for approval.

## **9. CONDITIONS**

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 35/HS/17/01 C.

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

2. 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.

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

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

4. Prior to the occupation of the development, full details of facilities for the storage of refuse and recycling shall be submitted to and approved in writing by the Local Planning Authority. The

approved details shall be implemented prior to the development being first brought into use 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 and the National Planning Policy Framework.

5. Prior to the occupation of the development, 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. The approved details shall be implemented prior to the development being first brought into use 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 and the National Planning Policy Framework.

6. The cellar shall be used as a lounge area only and shall not be used as a bedroom at any time.

Reason: In the interests of residential amenity and to secure a satisfactory standard of development in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

## **10. BACKGROUND PAPERS**

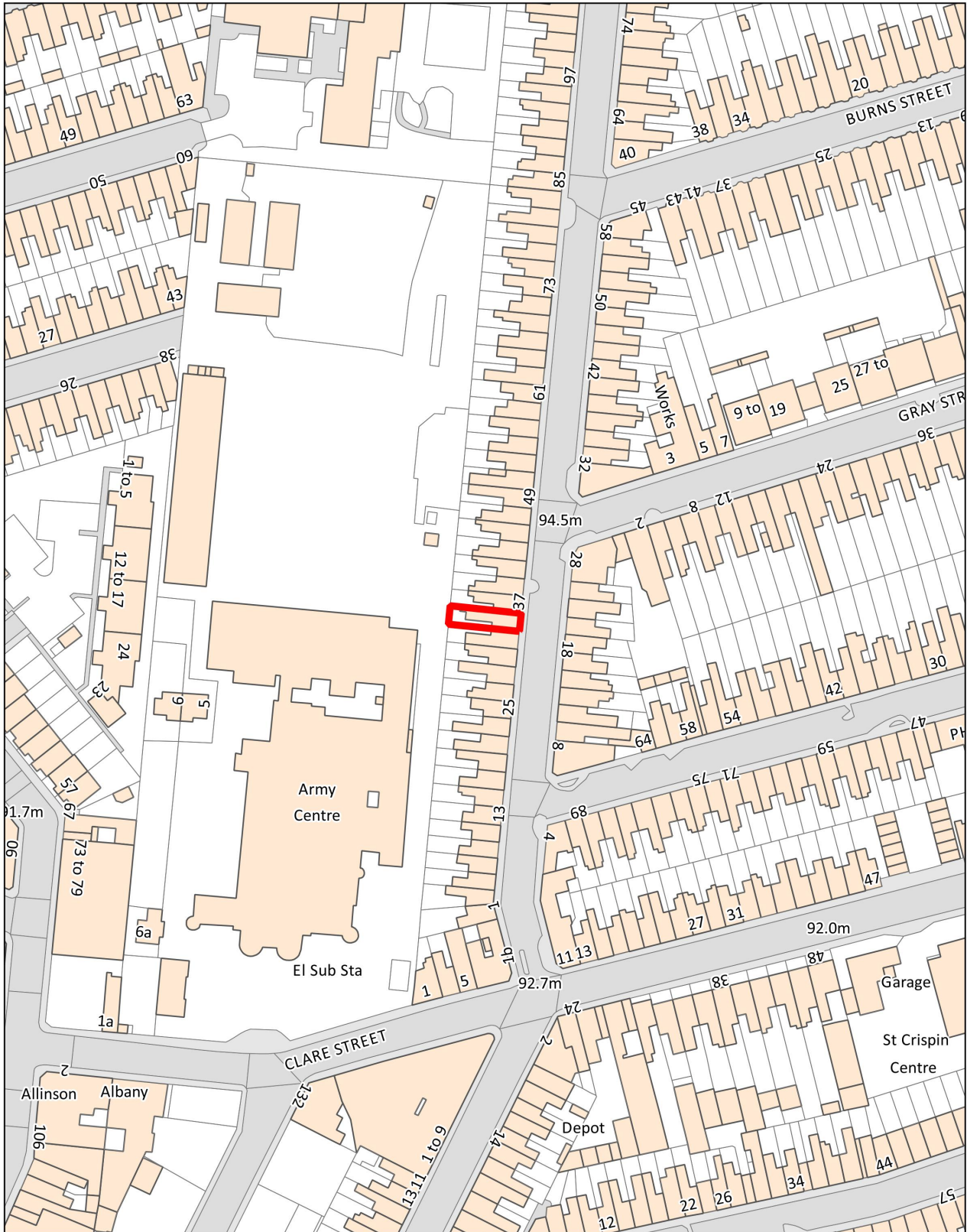
- 10.1 None.

## **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: **35 Hunter Street**

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Scale: 1:1,250

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