

**PLANNING COMMITTEE:** 7<sup>th</sup> July 2020  
**DEPARTMENT:** Planning Service  
**DIRECTOR OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2020/0133

**LOCATION:** 53 St Matthews Parade

**DESCRIPTION:** Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Sui Generis) for 8 occupants

**WARD:** Phippsville Ward

**APPLICANT:** MSA Properties Ltd  
**AGENT:** LMR Designs

**REFERRED BY:** Councillors A King and C Russell  
**REASON:** Overdevelopment and parking concerns

**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 principle of the proposed use is considered acceptable in this location in line with national policy requirements to deliver a wide choice of homes. The proposed layout would provide adequate facilities for 8 occupants. Notwithstanding the existing parking situation in the local area, the site is in a sustainable location close to facilities on the Kingsley Park Parade. The proposal thereby complies with the National Planning Policy Framework; Policies H1, H5, BN5, BN7 and S10 of the West Northamptonshire Joint Core Strategy; saved Policy H30 of the Northampton Local Plan, and the Council's adopted Houses in Multiple Occupation Supplementary Planning Document.

### **2 THE PROPOSAL**

2.1 The application for a change of use from a dwellinghouse to a 10 occupant HIMO (Sui Generis) was considered by the Planning Committee on 19<sup>th</sup> May 2020. The Committee resolved to defer a decision on the application to enable further negotiation with the applicant to reduce the number of occupants for the proposal.

2.2 The application has subsequently been revised and the number of occupants has been reduced to 8. Further internal alterations have been proposed with no external changes to the property. Parking will be on-street.

### **3 SITE DESCRIPTION**

- 3.1 The site comprises a large mid terraced dwelling with an attractive frontage, facing St Matthew's Parade. There are existing residential properties in the vicinity, with businesses opposite and some businesses neighbouring the property. The property has a long rear garden with rear garage which has vehicular access from a shared driveway to Oakwood Road. The property is set over three floors, with an additional cellar in the basement.

### **4 PLANNING HISTORY**

- 4.1 None relevant.

### **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**

**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 72 (c) - ensure that a variety of homes to meet the needs of different groups in the community will be provided.

Paragraph 127 (f) - seeks to create safe and healthy places with a high standard of amenity for existing and future users.

Section 12 – seeks to achieve well designed places

#### **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  
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:

E20 – allows for new development providing that the design reflects the character of its surroundings in terms of layout, siting, form, scale & appropriate use of materials and that the proposal is designed and located to ensure adequate standards of privacy, daylight and sunlight.

H18 – allows for house extension provided design acceptably in keeping with character and appearance of the host dwelling; and effect upon adjoining properties.

H30 – Multi occupation with a single dwelling.

## 5.5 **Supplementary Planning Documents**

Planning out Crime in Northamptonshire SPG 2004

Northamptonshire County Parking Standards 2016

Northampton Parking Standards 2019

Houses in Multiple Occupation Supplementary Planning Document 2019

Proposals for HIMO 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 HIMO 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**

6.1 Comments received are summarised as follows:

6.2 **NCC Highways** – Due to the known pressure in the area for on-street parking and the expectation that the change of use could result in an increased level of parking demand on-street immediate to the site, especially after 6pm in an already congested area, Highways advise that the applicant undertakes an on-street car parking beat survey.

6.3 **Private Sector Housing** – The applicant should be advised that the premises will require licensing under the mandatory licensing scheme or a variation to the existing licence, as appropriate. The property is suitable for the 8 people in 6 households as requested. There are 6 rooms in the property. Hence, it is suitable for only 6 households. There are double sinks and double cookers which would be adequate for the number of persons requested. Sanitary amenities would be adequate for the number of persons requested. Fire protection, detection and alarm systems will be required to meet the appropriate standards.

6.4 **Environmental Health** – No objections subject to the recommended planning conditions being attached to any successful planning decision. Future occupiers may be subject to adverse noise annoyance from road traffic and early morning deliveries from commercial shops on the adjacent side of Kettering Road in close proximity to the development. Prior to any development commencing a full noise survey and assessment by a competent noise consultant must be prepared and submitted. A condition should be attached requiring details for the provision of storage and collection of refuse and recycling and this should be implemented prior to the development coming into use. No additional comments to make following revisions to the scheme for 8 occupants.

6.5 **Councillors Anna King and Cathrine Russell** call in the application on the grounds that it comprises overdevelopment which would detract from the residential nature of the street and add pressure to parking in the area.

6.6 **9 neighbour representations** received objecting to the originally submitted application and **8 additional objections** received from 7 neighbours following revisions to the scheme for 8 occupants. Some neighbour objections have been forwarded from the office of Michael Ellis MP. All representations are summarised as follows:

- Enough HIMOs in this area both legal/illegal.
- The development will change the character of this row of properties.
- The area has already become neglected, closure of local shops, crime increasing.
- Undesirable and intrusive overdevelopment of the property.
- The proposal would negatively affect the outlook and amenity for local residents.
- Application for 20 bedsits was refused in 1979 as it was considered to be overdevelopment.
- Will reduce the value of properties in this area.
- Not enough parking in the area and there is inadequate parking provided.
- A bus stop in the vicinity does not mean this is the preferred mode of transport for occupants.
- Increased vehicle movements in the shared service road.
- Tenants of the property currently operating a car workshop from the rear garage and exhibiting antisocial behaviour.
- Existing management of tenants is poor.
- Occupants of the neighbouring properties should be given a 24-hour channel of communication with landlord/management to raise problems. Can this be secured by a condition.
- Issues with refuse, littering and fly tipping.
- Increase noise and antisocial behaviour.
- Male only occupants of existing HIMOs have a different way of life to neighbouring families.
- Kingsley is overpopulated. Doctors/dentists in the area are already oversubscribed and there is a long wait for appointments. This will add strain on these services, additional people are not needed.
- Occupants tend to be transient.
- There may be a strain upon local schools.
- Occupants would not cope with self-isolation or social distancing.
- Provision of flats would provide a better-quality development and less transient tenants.
- Planning rules enable conversion of properties which further decrease the desirability of the area.

## 7 APPRAISAL

7.1 The principle of the conversion of the existing large dwellinghouse to a large 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 Houses in Multiple Occupation Supplementary Planning Document (HIMO SPD) states:

*“The proposal should not result in a concentration of similar uses in one particular locality. It should not result in a material change or an adverse impact on the character and amenity of the area. It should not result in more than 10% of the total number of HIMO dwellings, regardless of whether licensed or not, within a 50m radius of the application site, in order to prevent over concentration of similar uses in one locality”.*

7.3 The number of HIMOs is calculated from a number of data sources, including previous planning permissions, licences granted under the Housing Act and other data held by the Council. Within the 50m radius, there are no established HMOs licensed or with planning permission on St Matthews Parade, Kingsley Terrace, Oakwood Road or The Drive.

- 7.4 The inclusion of the proposed HIMO would result in a concentration of 2%. If both this application and the application at 51 St Matthews Parade (N/2020/0128) were to be approved, the concentration within a 50m radius of this site would be 4%.
- 7.5 The proposed 2% concentration is within the threshold of 10% as described in the adopted SPD. This would ensure there would be a good mix of family homes, shared homes and other facilities retained within the local area.

### **Size of property and facilities for future occupiers**

- 7.6 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.
- 7.7 The property is considered to be of sufficient size, it provides a mix of bedroom sizes. Two double bedrooms are proposed for the larger rooms with outlook to the front of the property and St Matthews Parade. These exceed the minimum bedrooms size of 10.22 sqm for two occupants set out within the HIMO SPD 2019. Four single bedrooms are also provided all of which exceed the minimum bedroom size requirement of 6.51 sqm for a bedroom for one occupant. For an 8 occupant HIMO set over 3 storeys and meeting the minimum size requirements, a 24 sqm combined kitchen/living/dining room is required. The ground floor provides a space of just over 24 sqm sufficient to accommodate this. The kitchen is large enough to accommodate two sinks and two sets of cooking appliances and this is considered sufficient by Private Sector Housing. This is also in accordance with the Council's HIMO Facilities and Amenities Guidance. The proposed development has also been amended following the previous Planning Committee discussions to provide an additional communal lounge within a larger circa 16 sqm room with a bay window the front elevation. This would provide a much improved quality living area in addition to the kitchen/diner.
- 7.8 The property provides a toilet and shower room on the ground floor, a large bathroom on the first floor and shower room on the second floor. This would meet the requirement as stated in Principle 2 of the HIMO SPD 2019. There is also an additional cellar which would be used for storage only.
- 7.9 The kitchen/living/diner would be served by large glazed rear doors with some additional side windows, and a window to the side elevation. This provides good outlook onto the garden and good natural light into this main shared space for future occupants. Each bedroom is served by at least one window, each providing sufficient light and outlook to the front or to the rear elevations of the property. The single ground floor bedroom has an additional shower and W.C. The main shared bathroom is spacious, serving 3 bedrooms on the first floor. The two bedrooms to the second-floor share one shower room between them. Every floor has a toilet provided within each bathroom.
- 7.10 A condition restricting the use of the property to a maximum of 8 people could be imposed. Private Sector Housing have confirmed that the room sizes, amenities and facilities indicated on the submitted plans indicate that the proposals would meet the requirements for an 8-occupant HIMO.
- 7.11 The property also has a basement cellar which would not be suitable for habitation and a condition could be imposed requiring this to remain for storage purposes only.
- 7.12 There are no external alterations proposed to the property as part of this change of use application. Elevations will remain as existing.

### **Flooding**

- 7.13 The application site is located in Flood Zone 1 and with very low risk of flooding.

### **Highways/Parking**

- 7.14 The HIMO SPD sets out clearly that where limited or no parking provision is proposed, the site 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.
- 7.15 No parking beat survey has been submitted with the application, although NCC Highways requested a survey; however, the applicant has submitted a short assessment of the existing parking and highways situation. In the assessment, the applicant has ascertained the property is located on Kettering Road, close to bus stops and the main route into the town centre. It is also located in close proximity to the local centre on Kingsley Park Terrace.
- 7.16 It is therefore noted that the location is sustainable and close to bus stops with regular bus routes and there are a variety of local facilities. It is clear that Kettering Road has existing pressure on parking and a number of objections have been received regarding the pressure on parking in the surrounding streets from use by both residents and businesses. The property is also within walking distance of local facilities at Kingsley Park Terrace. There are 4 bus routes that pass through the bus stops and have services every hour between Kettering and Northampton Town Centre, hourly between Blackthorn and the town centre and buses also run to Moulton Park and Rectory Farm. In combination, bus services stop locally more regularly than every 30 minutes providing services into town and therefore the proposed site location complies with requirements in the SPD. The proposal is therefore in accordance with the requirements of the HIMO SPD in respect of parking considerations.
- 7.17 The HIMO SPD recommends that storage space should be provided which is accessible to cycle users to encourage and facilitate sustainable transport. Space is available to the rear of the house for a sufficient amount of cycle storage (8 bicycles). Although these are not shown on the submitted floorplans, this can be secured via a condition. The cycle storage would be accessible within the rear garden and could be stored within the garage if necessary and taken out via the shared driveway. Further details including dimensions of the secure cycle storage for at least 8 bicycles can be secured via a condition to be agreed prior to occupation.
- 7.18 A further consideration in respect of parking is the Northamptonshire Parking Standards, which states that HIMO shall provide on plot parking at the ratio of one parking space per bedroom. The proposed development would produce a demand for 6 parking spaces, which is an increase of 3 compared to the existing use, as parking the requirement for a 5-bed dwelling is 3 spaces. It is noted that there is a garage to the rear of the property which may accommodate at least 1 car, however this would not be counted as formal parking provision as garages are not included within the calculations. It is also not possible to ensure that future occupants park cars within the garage. In the absence of the parking, Principle 5 of the Northampton Parking Standards SPD outlines the requirements, similar to the HIMO SPD, whereby the application site should be within a sustainable location. In this regard, the proposal is still considered to be in accordance with the requirements of the Parking Standards SPD in respect of parking considerations.

### **Refuse storage**

- 7.19 There is sufficient space to the rear and front of the property for the outdoor storage of waste prior to refuse collection days. A condition can be attached to secure details of the type of structure for bin storage prior to occupation of the HIMO and ensure that it is retained thereafter. Comments raised the potential for increased waste or fly tipping issues. However, the formal bin storage can be secured via condition and therefore easy access to the front for collection day would ensure that there is suitable provision for future tenants to utilise.

## **8 CONCLUSION**

- 8.1 The use of the property as an 8-person HIMO, following alterations to the layout as shown on the submitted plans, would provide an appropriate standard of accommodation for residents and taking into account all material planning considerations, would not have an undue impact upon the amenity of adjoining occupiers.
- 8.2 The proposed development would be in accordance with the requirements of Policies H1, H5, BN5, BN7 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 Supplementary Planning Document 2019 and the aims and objectives of the National Planning Policy Framework.

## **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: 019-091-103, 019-091-101, 019-091-102 revB.

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 8 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 development, details of facilities for the secure and covered parking of at least 8 bicycles shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and fully 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 hereby approved, details of facilities for refuse and recycling 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 and fully 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. Prior to the occupation of the development hereby approved, a full noise survey and assessment by a competent noise consultant to protect the development from external noise shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented prior to the occupation of the development and retained thereafter.

Reason: In the interests of residential amenity and to secure a satisfactory standard of development in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

7. For the avoidance of doubt, the existing cellar shall not be used as a bedroom/s or any habitable room at any time throughout the lifetime of the development as a house in multiple occupation.

Reason: In the interests of residential amenity to comply with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy

**Informative**

Please note that the premises will require licensing and room sizes and facilities will need to meet licensing requirements.

**10 BACKGROUND PAPERS**

- 10.1 N/2020/0133.

**11 LEGAL IMPLICATIONS**

- 11.1 The development is 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.





**NORTHAMPTON**  
BOROUGH COUNCIL

Title: **53 St Matthews Parade**

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