

**PLANNING COMMITTEE:** 17<sup>th</sup> December 2019  
**DEPARTMENT:** Planning Service  
**HEAD OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2019/1165

**LOCATION:** 15 Burns Street

**DESCRIPTION:** Change of Use from Dwelling house (Use Class C3) to House in Multiple Occupation (Use Class C4) for 4 occupants, including single storey rear extension

**WARD:** Castle Ward

**APPLICANT:** NV Pro Limited  
**AGENT:** Architectural Solutions

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

**DEPARTURE:** No

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**APPLICATION FOR DETERMINATION:**

**1. RECOMMENDATION**

**1.1 REFUSAL** for the following reason:

The proposal would result in a concentration of 14.1% of properties within a 50m radius of the application site being in use as a house in multiple occupation, exceeding the maximum threshold of 10% as set down in the Council's Houses in Multiple Occupation SPD. This would be detrimental to the character of the area leading to potential adverse impacts on residential amenity and resulting in an imbalanced mix of housing in the area contrary to the aims and objectives of the National Planning Policy Framework, Policy H30 of the Northampton Local Plan and Policies H1 and H5 of the West Northamptonshire Joint Core Strategy and the adopted Houses in Multiple Occupation SPD.

**2. THE PROPOSAL**

- 2.1** Permission is sought for a change of use from a dwelling house to a House in Multiple Occupation (Use Class C4) for 4 occupants, including a single storey rear extension, which would be 3.3m deep and 2.6m wide and would have a flat roof. Parking would be on-street.
- 2.2** The site lies within an Article 4 Direction area, which removes permitted development rights for changes of use from a dwelling to a HIMO.

### **3. SITE DESCRIPTION**

- 3.1. The application site comprises a two storey, mid-terraced, 3 bedroom property on Burns Street located in a residential area with similar terraced properties on the street. The property has a kitchen, lounge, dining and a WC on the ground floor, 3 bedrooms and a bathroom on the first floor and a basement room.
- 3.2. The site is in close proximity to Kettering Road, which includes retails and commercial units. The site is also within close proximity to the bus routes on Kettering Road. The application site is located within the designated Boot and Shoe Quarter Conservation Area.
- 3.3. The application site lies in Flood Zone 1, which means very low risk of flooding.

### **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), 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:

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

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

Paragraph 193 - Great weight to be given to the heritage asset's conservation.

#### **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 BN5 - Designated heritage assets  
Policy H1 - Housing Density & Mix & Type of Dwellings  
Policy H5 - Managing the Existing Housing Stock  
Policy S10 - Sustainable Development Principles

#### 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

Policy E26 - Development in Conservation area

Policy H18 – Householders Extensions

Policy H30 - Multi occupation with a single dwelling

#### 5.5 Supplementary Planning Documents

Residential Extensions and Alterations Design Guide SPD 2011

Northamptonshire County Parking Standards 2016

Northampton Parking Standards SPD 2019

Houses in Multiple Occupation SPD 2019

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 10% of HIMOs 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

Comments received are summarised as follows:

- 6.1. **Councillor D Stone** - raises objection on the basis that application property would result in overdevelopment and loss of a family home. Calls in the application for consideration by the Planning Committee.
- 6.2. **Highway Authority (NCC)** – The LHA advised that due to terraced nature of the street no on street parking could be provided. The current parking provision is permit is an already saturated area. Also, raised concerns about the bikes being carried through the kitchen.
- 6.3. **Private Sector Housing (NBC)** – The proposed facilities and room sizes would meet the requirements.
- 6.4. **Conservation Officer (NBC)** – No objection. No alterations to the front elevation are indicated and the appearance of the street scene within the Conservation Area would not be affected. The rear extension would not be prominent and would not harm the Conservation Area.
- 6.5. **1 objection** has been received from local residents, the comments have been summarised as follow:
  - Parking issues in the local area particularly in evenings and weekends.
  - Impact on community cohesion.

- Over concentration of the HIMO properties in the street.
- Fly-tipping.

## 7. APPRAISAL

### Principle of the development

- 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 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, other data held by the Council and survey work. Within the 50m radius, there are currently 12 other HIMOs (established or with planning approvals) on Burns Street, Gray Street and Colwyn Road.
- 7.4. Council records evidence that the proposal would lead to an over-concentration of authorised and licensed HIMOs within a 50m radius of the application site. The inclusion of the proposed HIMO would result in a concentration of 14.1%. There are a total number of 92 properties within a 50m radius, and including the application site, 13 of these would be HIMOs. The proposed 14.1% concentration is above the threshold of 10% as described in the adopted SPD. The application therefore fails to comply with the SPD.
- 7.5. The HIMO SPD is up-to-date and adopted following extensive public consultation, therefore, it can be afforded substantial weight in decision making.
- 7.6. The increase in the concentration of HIMOs would result in an adverse impact on the character of the area with a higher density of similar uses, having potential to cause problems to residential amenity in terms of increased comings and goings and pressure in the area, such as anti-social behaviour and refuse. In addition, the proposal fails to comply with the Saved Policy H30 of the Northampton Local Plan and Policy H5 of the West Northamptonshire Joint Core Strategy which both seek to ensure the concentration of HIMOs does not adversely impact upon the character of the area.

### Size of property and facilities for future occupiers

- 7.7. 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. Private Sector Housing have confirmed that the proposals would meet the requirements for the proposal. All bedrooms would be served by adequate outlook and light. The application property has a basement but is proposed to be used for storage only and not for habitable accommodation.
- 7.8. Details have been submitted for storage of bins and bicycles, the details are deemed acceptable.

- 7.9 The proposed single storey extension would provide a shower room and would provide additional facility for future occupants.

### **Flood Risk**

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

### **Highways/Parking**

- 7.11 The Houses in Multiple Occupation 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.
- 7.12 No parking beat survey has been submitted with the application. It is considered that the application site is in a sustainable location within 380m of bus stops on Kettering Road and within walking distance of local facilities on Kettering Road. There are 6 bus routes that pass through the bus stops and have service in every 5-10 minutes on Monday-Friday and 4 bus routes on Saturday providing service in every 5-10 minutes. In this regard, the proposal is considered to be in accordance with the requirements of the HIMO SPD in respect of parking considerations.
- 7.13 The HIMO SPD recommends that storage space should be provided which is accessible to cycle users. Space is available to the rear of the house. The proposal is, therefore, in compliance with Principle 1 of the HIMO SPD.
- 7.14 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 4 parking spaces, which is an increase of 2 compared to the existing use, as parking requirement for a 3-bed dwelling is 2 spaces.
- 7.15 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 considered to be in accordance with the requirements of the Parking Standards SPD in respect of parking considerations.
- 7.16 In this case, the Highway Authority have raised concerns that the proposal would add to the existing parking demand of the street.
- 7.17 Notwithstanding this, regard must be paid to recent appeal decisions over the past few weeks where Planning Inspectors have consistently taken the view that where a site is close to local amenities and public transport, and no parking is provided, considerable weight has been given to the sustainable location of the site, and the appeals concerned have been allowed. Indeed, some Inspectors have taken the view that proposed occupiers in recognising the lack of parking provision and proximity to amenities, may choose the location for this purpose and not wish to have cars.
- 7.18 In view of the recent appeal decisions, and the weight the Inspectors have given to the sustainability of locations, and having regard to the sustainable location of the application site, the number of occupants proposed, and that there is sufficient room within the site to provide secure bicycle storage, in accordance with the requirements of the HIMO SPD and the Parking Standards SPD, it is not considered that a refusal on highway grounds could be upheld at appeal.

## **Refuse storage**

- 7.19 There is sufficient space to the rear of the property for bin storage, details have been submitted with the application.

## **Conservation Area**

- 7.20 The property is located within the designated Boot and Shoe Quarter Conservation Area. The proposed development for a change of use would not include any alterations to the front elevation. The Conservation Officer had not raised objection and stated that the proposal would have a neutral impact on the character of the Conservation Area and is considered acceptable.

## **Rear extension**

- 7.21 The proposed single storey rear extension would be screened behind the main dwelling and therefore would have a minimal impact on the character of the area. The proposed single storey rear extension would replace the existing 1m deep single storey element and would project 2.2m from the existing rear elevation.
- 7.22 Neighbouring property No.17 has a door to the rear and does not have any habitable window adjoining to the proposed extension. It is considered that owing to the siting and scale there would be minimal impact on this property. Neighbouring property No.13 have habitable windows on the side elevation overlooking the application site. Owing to the siting of the proposed extension towards the rear end of the building, it would have minimal impact on the residential amenity of this property in terms of overbearing or loss of light. Moreover, the proposed extension could be erected under the provision of the permitted development rights and would not require planning permission.
- 7.23 It is considered that the proposed single storey rear extension would not result in undue impact on the residential amenity of the neighbouring properties to the sides and would comply with the saved policy E20 of the Northampton Local Plan, Policy S10 of the JCS and advice contained in NPPF.

## **8. CONCLUSION**

- 8.1 The proposed development for a change of use from a dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4) would lead to an unacceptable concentration of HMOs within the locality that would adversely affect upon the character of the local area. The proposed development would have significant adverse impacts on local amenity.
- 8.2 The proposed development would be contrary to the requirements of Policies H1 and H5 the West Northamptonshire Joint Core Strategy, saved Policy H30 of the Northampton Local Plan, Principle 1 of the Council's Houses in Multiple Occupation SPD and the aims and objectives of the National Planning Policy Framework.
- 8.3 The proposal is considered to be unacceptable for the reasons cited above and is recommended for refusal.

## **9. BACKGROUND PAPERS**

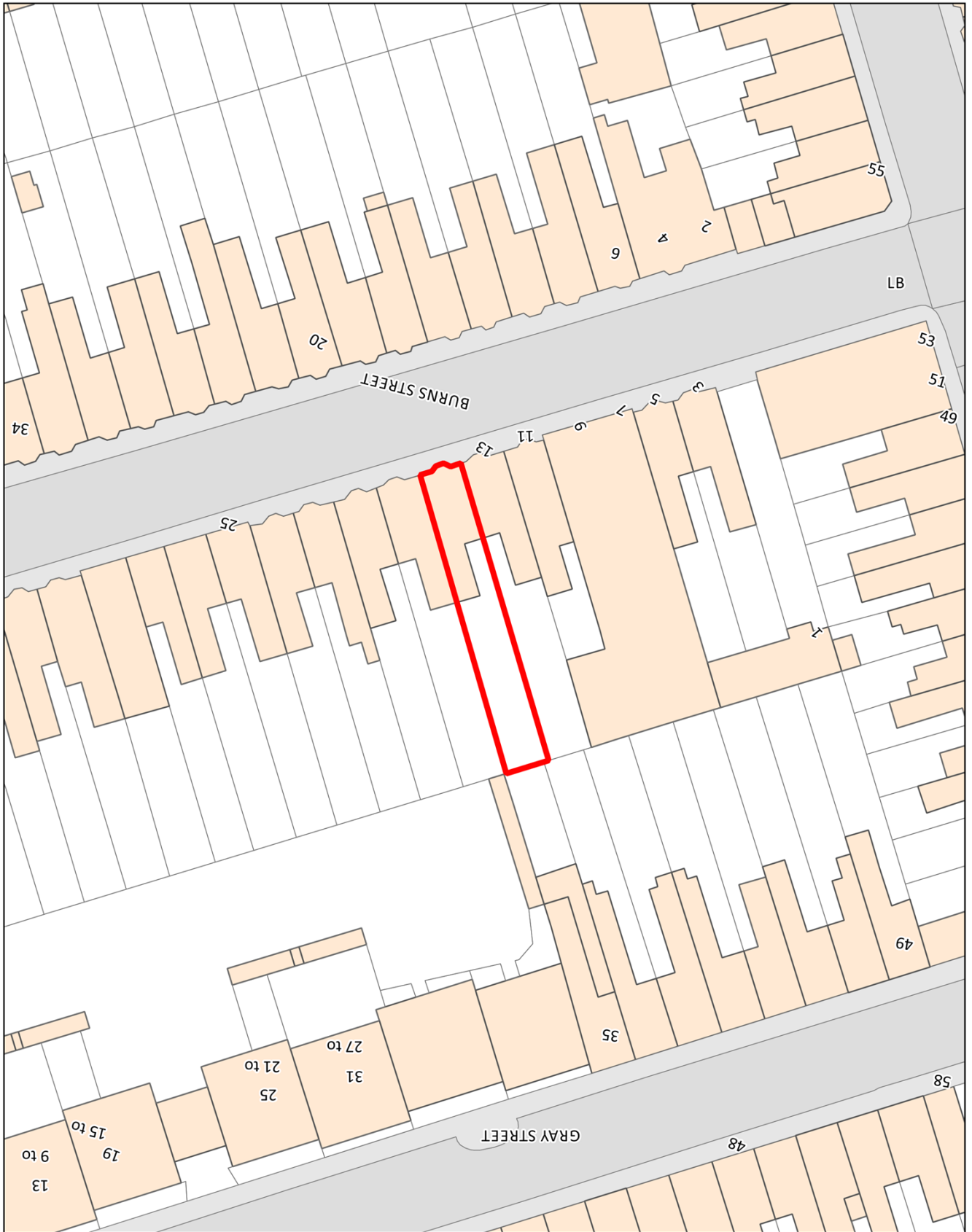
- 9.1 N/2019/1165.

## **10. LEGAL IMPLICATIONS**

- 10.1 The development is CIL not chargeable.

## **11. SUMMARY AND LINKS TO CORPORATE PLAN**

- 11.1 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: **15 Burns Street**

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