



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

**PLANNING COMMITTEE:** 11 June 2013  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**HEAD OF PLANNING:** Susan Bridge

**N/2013/0379**                      **Variation of Conditions 2 & 3 of planning permission 95/0468 to increase the number of letting units from seven to nine and allow for the use of the front room of the basement as living accommodation at 20 St Michaels Avenue**

**WARD:** Castle

**APPLICANT:** Mr Geoff Porton  
**AGENT:** Miss Alison Cleaver, AJ Cleaver Consulting Ltd

**REFERRED BY:** Cllr Stone  
**REASON:** Would result in an overdevelopment of the building

**DEPARTURE:** No

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**APPLICATION FOR DETERMINATION:**

**1. RECOMMENDATION**

**1.1 APPROVAL IN PRINCIPLE** subject to the conditions and reason below:

The property is considered to be of sufficient size and capable of providing sufficient amenity to accommodate the proposed increase in occupants. The proposal would not lead to any undue detrimental impact on the character or residential amenity of the area or lead to any significant adverse impact on existing highway conditions in accordance with Housing Policy 30 of the Northampton Local Plan and the National Planning Policy Framework.

**1.2** As the statutory consultation period does not expire until 13 June 2013, it is requested that the final decision on this application be delegated to the Head of Planning providing that no material considerations additional to those presented to the Committee are raised within this

timescale.

## **2. THE PROPOSAL**

- 2.1 The application as originally submitted proposed the variation of Condition 2 of planning permission 95/0468 to allow for the number of letting units stipulated by the original house in multiple occupation permission to increase from seven to nine. The application has subsequently been amended to include the variation of Condition 3 to allow for the use of the front room of the basement as living accommodation, as restricted by the original condition.
- 2.2 The proposal includes the conversion of the existing ground floor living room and basement store room to create a further two bedrooms. All bedrooms within the property would have shower facilities with toilet facilities on each floor. A further kitchen is proposed on the second floor in addition to the existing kitchen and dining facilities on the ground floor.
- 2.3 The only external alterations proposed are to remove a cover over the existing lightwell and insert a new escape window to the basement with an internal step up to the window providing safe access out.

## **3. SITE DESCRIPTION**

- 3.1 The site is located within an area identified in the Local Plan as residential. The application property forms part of a row of four-storey Victorian terraces with basement and attic rooms and gardens to the rear.
- 3.2 St Michaels Avenue has been subject to an Article 4 Direction since March 2012 removing permitted development rights for change of use to a house in multiple occupation, albeit that HIMOs the size of the application site are not affected by this Direction (i.e. change of use to a HIMO for seven or more residents requires planning permission regardless of the Article 4 Direction).
- 3.3 The street comprises some twenty six properties, seven of which comprise three care homes (nos. 1/3, 6/8 and 5-9). Of the rest, records indicate that most are either in HIMO use or have been converted to flats. This high density occupation is reflected in the character and appearance of the street scene, and it is presumed that this has been long established, as the area is defined as being subject to Policy H31 (HIMO cumulative effect) in the 1997 Local Plan.
- 3.4 St Michaels Avenue is a one-way street and parking is predominantly on-street.

## **4. PLANNING HISTORY**

- 4.1 87/0162 – Continued use as guesthouse. Permitted 5.05.87.

Condition restricting use of front room of basement for habitable purposes.

- 4.2 95/0468 – Change of use to a house in multiple occupation. Permitted 16.08.95. Condition restricting use of front room of basement for habitable purposes & restricting number of letting units to 7.

## 5. PLANNING POLICY

### 5.1 Development Plan

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 current Development Plan comprises of the saved policies of the Northampton Local Plan 1997.

### 5.2 National Policies:

Paragraph 17 of the National Planning Policy Framework seeks to secure high quality design and good standard of amenity for all existing and future occupants of land and buildings.

### 5.3 Northampton Borough Local Plan

H30 - Use of Single Residential Unit for Multi-Occupation  
H31 - Cumulative effect of HMOs

## 6. CONSULTATIONS/ REPRESENTATIONS

- 6.1 **Councillor Stone** objects to the proposal on the grounds of overdevelopment.
- 6.2 **Environmental Health** has no objection.
- 6.3 **Private Sector Housing** has no objection to the proposed increase from seven to nine bedrooms. The window to the proposed bedroom to the front basement is of sufficient size to allow for sleeping purposes. The proposed kitchen to the second floor affords the building sufficient kitchen facilities and also brings the property into line with regard to HMO licence conditions causing no bedroom to be further than two floors distance from a kitchen.
- 6.4 The consultation/notification period has not expired at the time of writing this report. Any further comments received prior to Committee will be reported as an addendum to this report.

## 7. APPRAISAL

### *Principle*

- 7.1 The site is in a location where Policy H31 of the Local Plan restricts further Houses in Multiple Occupation. The principle of the use of the property as a house in multiple occupation has previously been

established with the grant of permission in 1995 prior to the adoption of the Local Plan. The main issue for consideration with the application as proposed is whether the property is of sufficient size to accommodate an additional two occupants, whether this increase would lead to an over-concentration of HIMO use within the area and any significant adverse impact on surrounding residential amenity and on-street parking contrary to the requirements of Housing Policy 30 which allows for multiple residential use of residential units within primarily residential areas.

***Over concentration of use/Impact on Amenity***

- 7.2 NPPF paragraph 17 seeks to ensure that development proposals provide a good standard of amenity for existing and future occupants of land and buildings.
- 7.3 Previous applications for use as a guest house and as a house in multiple occupation are conditioned that the front room of the basement shall not be used for habitable purposes in the interests of general amenity and to secure a satisfactory standard of development. The application proposes the conversion of the front room basement for use to create an additional bedroom. The cover over the existing lightwell would be removed to provide additional light and a new escape window inserted the same size as the existing window with an internal step up to the window to ensure safe egress. Private Sector Housing has inspected the property and has no objection to the use of the basement as a habitable room and additional accommodation and alterations proposed. Sufficient communal space would be provided in the form of the dining room/kitchen area on the ground floor. All rooms, with the exception of one adjoining a bathroom, would have shower facilities with toilet facilities on each floor. A further kitchen is proposed on the second floor in addition to the existing kitchen and dining facilities on the ground floor. The property is considered to be of a suitable size to accommodate the increase proposed in accordance with Local Plan Policy.
- 7.4 A Management Plan has been submitted as additional information which advises that the property would be managed by a professional letting agent on Wellingborough Road who will undertake weekly inspections. Tenants will be interviewed and referenced with a minimum 6 month tenancy. A front door bell will be fitted to the property with sounders located throughout the house to prevent visitors having to continually knock on the front door. Door closers will also be fitted to internal doors to prevent slamming. A cleaner will visit the property fortnightly and a gardener/general maintenance person will visit the property monthly (twice a month in the summer). Bin storage is provided at the rear of the property and the tenancy agreement will state that bins must be put out once a week in the relevant containers. The proposal could be conditioned to be in accordance with the submitted Management Plan to ensure adjacent amenity is protected.

- 7.5 It is not considered that an increase of two additional people occupying the premises would lead to any significant intensification of the existing use or increased impact on the amenity of the surrounding area.

### ***Highways***

- 7.6 Parking provision on St Michaels Avenue is predominantly on-street with unrestricted parking opportunities. The Highway Authority has indicated that it would require 0.5 spaces per tenant equating to an additional requirement of 1 space for the proposed increase of two tenants, albeit that there are no adopted parking standards for this type of use. The site is in a sustainable location within easy access of public transport and the Kettering Road centre/ shopping facilities. In view of the relatively minimal increase in occupants proposed to that currently permitted it is not considered that there would be any significant impact on existing parking conditions arising from the proposal.

## **8. CONCLUSION**

- 8.1 The proposal would not lead to any significant impact on the character or amenity of the surrounding area and is considered to be in accordance with policy and guidance.

## **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. This permission shall relate to the provision of 9 letting units of accommodation for a total occupancy of 9 persons only.  
Reason: In the interests of the amenity of the occupiers and of the surrounding area.
3. The development hereby permitted shall be carried out in accordance with the following approved plans: 12007-01 received 15 May 2013.  
Reason: For the avoidance of doubt and to accord with the terms of the planning application.
4. The existing lightwell cover shall be removed prior to the occupation of the basement front room indicated as Bedroom 8 on the submitted plans.  
Reason: To ensure a good standard of amenity for the proposed occupier.
5. The development hereby permitted shall be carried out in full accordance with the Management Plan received 22 May 2013.  
Reason: In the interests of safeguarding residential amenity in accordance with Policy H30 of the Northampton Local Plan.

**10. BACKGROUND PAPERS**

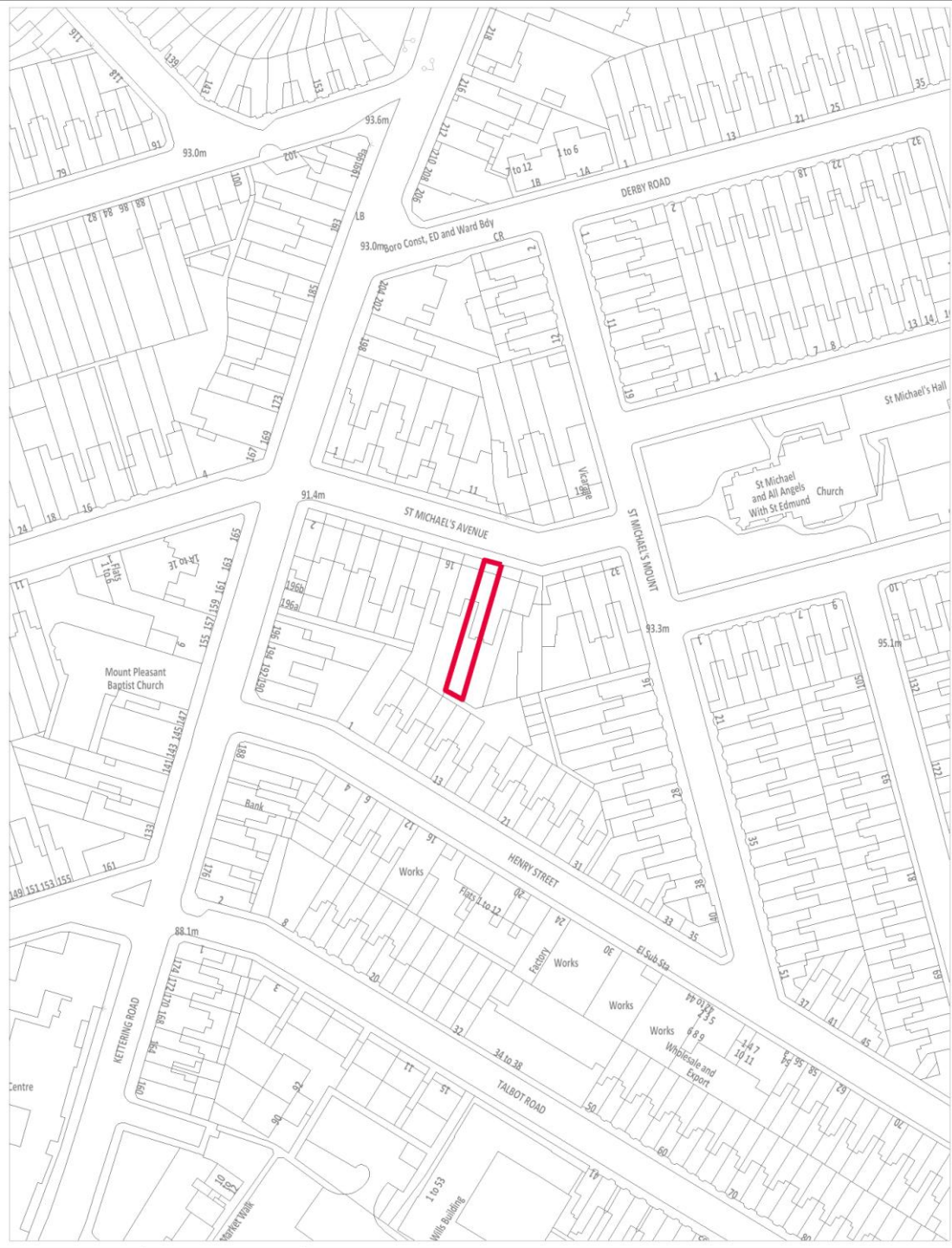
10.1 N/2013/0379.

**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.



Name: Planning  
 Date: 24th May 2013  
 Scale: 1:1250  
 Dept: Planning  
 Project: Committee

Title  
**20 St Michaels Avenue**

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