



PLANNING COMMITTEE: 10th June 2014
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2014/0214: Change of use from dwelling (Use Class C3) to seven bedroom house in multiple occupation (Sui Generis) – Retrospective Application at 37 Semilong Road

WARD: Semilong

APPLICANT: Mr. M. Mitchell
AGENT: Mr. R. Parkhill

REFERRED BY: Cllr. L. Marriott
REASON: Due to the over provision of house in multiple occupation in the locality and parking problems in the area

DEPARTURE: Yes

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 APPROVAL subject to conditions and for the following reason:

The proposed development would provide accommodation of a suitable standard and have a neutral impact upon the character and appearance of the area, neighbour amenity and highway safety. The proposal is therefore in accordance with the requirements of the National Planning Policy Framework, Policy H6 of the submitted version of the West Northamptonshire Joint Core Strategy (as subsequently modified) and Local Plan Policy H30.

2. THE PROPOSAL

2.1 The applicant seeks planning permission to operate the building as a house in multiple occupation for seven people. The application is submitted retrospectively as the use commenced in February 2014. No

external changes have been made to facilitate the change of use; however, a first floor room has been divided in order to create an additional bedroom and the ground floor of the building has been converted to form two bedrooms.

3. SITE DESCRIPTION

- 3.1 The building comprises a four storey, residential building that was constructed during the latter part of the 19th century. The building also features a large rear garden. No car parking spaces are provided on site. The application site is situated directly adjacent to a local centre as allocated in the Northampton Local Plan. This contains a number of small retail units. The remainder of the site's environs are characterised by residential accommodation comprising single dwellings, flats and some houses in multiple occupation.
- 3.2 The application site is also within close proximity of Barrack Road (approximately 200m). This contains a wider array of retail and leisure facilities. A number of bus routes operate in Barrack Road running to the north and the town centre.

4. PLANNING HISTORY

- 4.1 None.

5. PLANNING POLICY

- 5.1 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 Northampton Local Plan 1997 saved policies, and whilst not yet adopted, weight can be attributed to the Submitted West Northamptonshire Joint Core Strategy (as subsequently modified)

5.2 National Planning Policies

A number of areas of the National Planning Policy Framework (NPPF) are pertinent to this application. In particular, paragraph 14 states that on matters where there are no up to date development plan policies, the presumption in favour of sustainable development takes precedence. Paragraph 17 requires that new developments be of a good standard of design and secure a satisfactory standard of amenity. Paragraph 47 requires that an evidence base is used to meet the full and objectively assessed housing needs of an area.

5.3 Northampton Local Plan 1997 (Saved Policies)

The Local Plan (states that new developments should have an acceptable layout (Policy E20); that houses in multiple occupation should be of a sufficient size and have a neutral impact on the

character of an area (Policy H30) and that there is an over concentration of houses in multiple occupation in certain streets – including Semilong Road (Policy H31).

5.4 **Other Material Considerations**

Submitted West Northamptonshire Joint Core Strategy (as subsequently modified)

An increasing amount of weight can be given to the West Northamptonshire Joint Core Strategy (JCS), which provides an up to date policy basis as it fully considers the current Government requirements for plan making and is in full conformity with the NPPF. The plan has been the subject of an examination in public and the findings of the Inspector are awaited. The examination focused upon policies that had been the subject of unresolved objections.

Policy H6 of the JCS states that existing houses should be permitted to change to houses in multiple occupation in instances where they would not adversely impact upon the character and amenity of residential areas. Housing related policies in the JCS have also been formulated following an objectively assessed housing needs assessment. Given that this policy has not been the subject of any objection, it was therefore not debated at the examination and therefore must be given some weight in the determination of this planning application.

6. **CONSULTATIONS/ REPRESENTATIONS**

Representations received are summarised as follows:

- 6.1 **Environmental Health (NBC)** – The proposal is acceptable, subject to a condition requiring the submission of details regarding the attenuation of noise for residents of the proposed development.
- 6.2 **Highway Authority (NCC)** – Request that a minimum of three off street car parking spaces be provided. The street currently experiences car parking problems.
- 6.3 **Private Sector Housing (NBC)** – The property has been inspected and a full licence for the property under the Housing Act can be issued.
- 6.4 **Cllr. L. Marriott** – Request that the application be determined by the Planning Committee due to the number of houses in multiple occupation within the vicinity of the site and parking problems.
- 6.5 **Semilong Forum** has commented as follows:
 - Semilong is very densely populated with HMOs, some licensed, many not, which makes a mockery of the Article 4 which should limit the number of landlord owned properties in an area. Change

of use from a house to HMO is often allowed by planning as there are already many such dwellings in the area.

- Many landlords who have been renting out their properties are now registering with the Council to prevent fines and retrospective planning is also passed. More applications are passed than declined in Semilong leading to a huge imbalance, fewer families and a breakdown of our community.
- Many landlords do not maintain their properties, overcrowd them and allow rubbish/ broken furniture/ human waste to collect in both front and back gardens. Many absentee landlords sub-let their properties and the turnover in these HMOs is frightening.
- In a recent report it stated that a “significant proportion of two-storey HMOs are being managed sufficiently ineffectively”. This report also stated the fire service identified 616 as deficient HMOs out of 770 inspected, 80% of HMOs inspected in Northampton were deficient by the Fire Service.
- The people of Semilong do not want any further properties given over to HMOs. In fact, we would like to see HMOs in Semilong closed down with other areas in Northampton being opened up to landlords/ rented accommodation.

6.6 No objections have been received from the occupiers of neighbouring properties.

7. APPRAISAL

Principle of Use

7.1 The site is located in an allocated residential area as defined in the Northampton Local Plan therefore a house in multiple occupation use is in keeping with the existing land uses. The building includes seven bedrooms, two bathrooms, a living room and a kitchen. Each of the bedrooms has a satisfactory level of light, outlook and privacy, which ensures that a suitable level of residential amenity has been secured for the residents of the development. The development has not required any external alterations and as a consequence of this, the development has not resulted in any adverse impact upon the amenities of neighbouring properties in terms of light and outlook.

Policy Implications

7.2 Policy H30 of the Local Plan can be given some weight in the determination of this application due to its general conformity with the NPPF. However, due to this age of the Policy, it may not reflect up to date evidence of housing need. Policy H6 of the submitted JCS is up to date and therefore relevant. Whilst Policy H30 is dated, it is considered

that as the rooms are of a suitable size and have a satisfactory level of light, outlook and privacy, this policy has been complied with.

- 7.3 Policy H31 of the Local Plan identifies a number of streets where it is considered that, due to cumulative impacts, planning permission should not be granted for any further house in multiple occupation. This list includes Semilong Road. This policy is exceedingly dated due to the age of the Local Plan. Whilst the proposed development is contrary to the requirements of this policy, it is necessary to establish whether harm would emanate from this breach in order for the assessment to comply with the NPPF.
- 7.4 By reason of the mix of house types within the vicinity of the application site (i.e. a number of houses occupied by single households, flats and houses in multiple occupation), it is considered that the retention of the building as a house in multiple occupation would not cause any undue detriment to the character of the surrounding area. Whilst the development provides accommodation for seven people, it should be recognised that this figure is not substantially higher than the number of people that could occupy the building as a single dwelling as a result of its scale. As a consequence of this, the development has a neutral impact on the area's character.
- 7.5 In addition, the application site is located adjacent to a small, allocated local centre in Semilong Road, which contains a number of facilities and is a short distance (approximately 200m) away from Barrack Road, which contains a larger array of retail and leisure facilities and access into the town centre. The site is also approximately 400m away from the Racecourse. Accordingly, it is considered that the site has good access to a variety of commercial, leisure and recreation facilities and therefore, with reference to paragraph 5.2 it is considered that the siting of the proposal represents sustainable development.
- 7.6 In addition, JCS provides a significantly more up to date policy approach for the assessment of applications of this type and is therefore material to this application. As discussed in paragraph 5.5, Policy H6 of the submitted JCS states that Houses in Multiple Occupation will be permitted in instances where they would not adversely affect the character and amenity of the surrounding areas. For the reasons discussed in paragraphs 7.4 and 7.5 of this report, the proposal complies with this policy.

General Amenity and Parking

- 7.7 In order to ensure that the development does not pose an undue detrimental impact upon the occupiers of neighbouring properties as a result of increased noise and disturbance and to provide certainty as to the impacts arising from the development, a condition is recommended that would ensure that the number of residents of the property does not exceed seven. Given the scale of the building and the fact that a

satisfactory standard of amenity can be secured, this figure is not excessive.

- 7.8 In order to ensure a satisfactory standard of development, details of refuse and cycle storage are to be secured by condition. It is accepted that the proposal does not include any off street car parking and the comments of the Highway Authority are noted; however, the application site is in close proximity to a variety of commercial and leisure facilities and major routes that contain access to public transport. As a consequence, it is considered that the lack of off street car parking does not render the application unacceptable.

8. CONCLUSION

- 8.1 In conclusion, it is considered that a satisfactory standard of accommodation has been provided. The use of conditions can prevent any undue loss of amenity to the occupiers of surrounding properties. Furthermore, the development does not create an adverse impact upon the surrounding highway system.

9. CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan; Existing Floor Plans; and Proposed Floor Plans.

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 no more than seven residents at any one time.

Reason: In the interests of securing a satisfactory standard of development in accordance with the requirements of Policy H30 of the Northampton Local Plan.

3. Details of the provision for the storage of refuse and materials for recycling shall be submitted to and approved in writing by the Local Planning Authority within one month from the date of this permission. The approved details shall be fully implemented within three months from the date of this permission and retained thereafter.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

4. Details of the provision for the secure storage of bicycles shall be submitted to and approved in writing by the Local Planning Authority within one month from the date of this permission. The approved details shall be fully implemented within three months from the date of this permission and retained thereafter.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

10. BACKGROUND PAPERS

10.1 N/2014/0214

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: 23rd April 2014
 Scale: 1:1250
 Dept: Planning
 Project: Committee

Title
37 Semilong Road

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