



PLANNING COMMITTEE: 2nd September 2014
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2014/0735: Change of use from dwelling (Use Class C3) to house in multiple occupation for eight people (Sui Generis use) – retrospective application at 74 Earl Street

WARD: Castle

APPLICANT: KAAZ Estates Ltd
AGENT: Mr B. Waine

REFERRED BY: Head of Planning
REASON: A Councillor is a director of the company making the planning application

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 **APPROVAL** subject to conditions and for the following reason:

The development has a neutral impact upon the character and appearance of the conservation area and, subject to conditions, does not adversely affect neighbour amenity or highway safety. The development is therefore in conformity with the National Planning Policy Framework, Policies 1 and 16 of the Central Area Action Plan and Policy H30 of the Northampton Local Plan.

2. THE PROPOSAL

2.1 The application seeks planning permission to retain the use of the property as a House in Multiple Occupation (hereafter referred to a HMO) for eight people. The applicant contends that this use commenced in 2001; however, it has not been possible to substantiate

this point. Accordingly, this planning application has been submitted in order to regularise the situation. No external alterations are proposed.

3. SITE DESCRIPTION

- 3.1 The application site consists of an end of terrace, two storey property located within a primarily residential area. Notwithstanding this, there are some commercial properties within the surrounding area, including some retail and takeaway units. The application site is also in close proximity to the town centre and within the Boot and Shoe Conservation Area.
- 3.2 A free standing building to the rear of the property has previously been converted to residential accommodation. This unit is accessed via an archway that is situated within the confines of the building which is the subject of this application.
- 3.3 Car parking demand within the vicinity is met through on street provision; however, there are some parking restrictions within Earl Street.

4. PLANNING HISTORY

- 4.1 N/2002/0404 – Conversion of builders store and office to two residential units – Approved

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 the Northampton Central Area Action Plan and the saved policies of the Northampton Local Plan.

5.2 National 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 Central Area Action Plan

The Central Area Action Plan (CAAP) requires that new developments be of a good standard of design and have a neutral impact upon the town's Conservation Areas (Policy 1), whilst ensuring that a mixture of residential developments are provided (Policy 16).

5.4 **Northampton Local Plan**

The Local Plan requires that houses in multiple occupation should be of a sufficient size and have a neutral impact on the character of an area (Policy H30).

5.5 **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.

5.6 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.

5.7 **Supplementary Planning Guidance**

Parking

6. **CONSULTATIONS/ REPRESENTATIONS**

6.1 **Conservation (NBC)** – No objections.

6.2 **Highway Authority (NCC)** – No objections as there is likely to be sufficient on street spaces to meet the needs of the occupiers of the development.

6.3 **Cllr D. Stone** – Objects as the development represents overdevelopment, has a detrimental impact upon the neighbourhood and puts pressure on services.

6.4 At the time of preparing this report, the consultation period had yet to conclude. Therefore any further consultation responses will be reported

to members via an addendum, which will be circulated prior to the meeting commencing.

7. APPRAISAL

Principle of the use

- 7.1 The proposed development would represent the change of use from a single dwelling to a HMO; however, the predominant house type within the vicinity is single households. As a consequence of this, the retention of a HMO in this location would not cause an undue detrimental impact upon the character of the locality.

Planning policy implications

- 7.2 The development assists in providing a mixture of housing in the environs of the site, which ensures compliance with the requirements of the NPPF. In addition, the site is located in a sustainable location given its proximity to the town centre and other local facilities. The submitted JCS provides an 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 the preceding paragraph, it is considered that this objective has been complied with.

Impact on amenity and the Conservation Area

- 7.4 The building is of a sufficient size to accommodate eight residents. Whilst the number of residents is reasonably high, it is considered that due to the character of the surrounding area (i.e. a combination of residential and commercial functions) in close proximity to some busy streets, the overall impact upon neighbour amenity is neutral. In order to provide certainty of this, a condition is recommended that would limit the potential number of residents of the development to a maximum of eight at any one time.
- 7.5 Prior to being used as a HMO, the building was in use as a single dwelling house (within Use Class C3). As a consequence of this, there is a history of the site being used for residential accommodation, with the resultant impacts. As this application does not seek permission for any external alterations to the building, it therefore follows that the development does not give rise to any greater impacts upon the occupiers of neighbouring properties in terms of consideration such as light, outlook and privacy. The lack of external alterations means that the proposal would not adversely impact upon the character and appearance of the surrounding Conservation Area.

- 7.6 Notwithstanding the preceding assessment, it is necessary to ensure that refuse storage is provided in order to ensure that a satisfactory standard of development is secured and to prevent an adverse impact upon the occupiers of neighbouring properties. A condition is recommended that would require the submission of details for the Council's agreement regarding refuse storage and for this to be implemented within a reasonable timeframe, which would then be retained thereafter. It is likely that this would need to be situated within the courtyard area to the side of the property, which would also prevent any significant detrimental impact on visual amenity arising from the storage of refuse.

Highway impacts

- 7.7 As the development is located within a sustainable location in close proximity to the town centre, with other retail, commercial and leisure facilities and major public transport routes, it is likely that not all residents of the HMO would need to have access to a private car. Therefore the development is not likely to pose a significant adverse impact upon highway safety. Furthermore, the application has been assessed by the Highway Authority, which has resolved to raise no objections as there is sufficient capacity within the surrounding roads to accommodate any vehicles associated with the use of the building as a HMO.

8. CONCLUSION

- 8.1 In conclusion, it is considered that the development does not adversely affect the character and appearance of the locality and subject to conditions relating to the number of residents and refuse storage, a neutral impact upon neighbouring properties can be secured.

9. CONDITIONS

1. The development hereby permitted shall be occupied by no more than eight 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.

2. 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 and the approved details 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 1 of the Central Area Action Plan.

10. BACKGROUND PAPERS

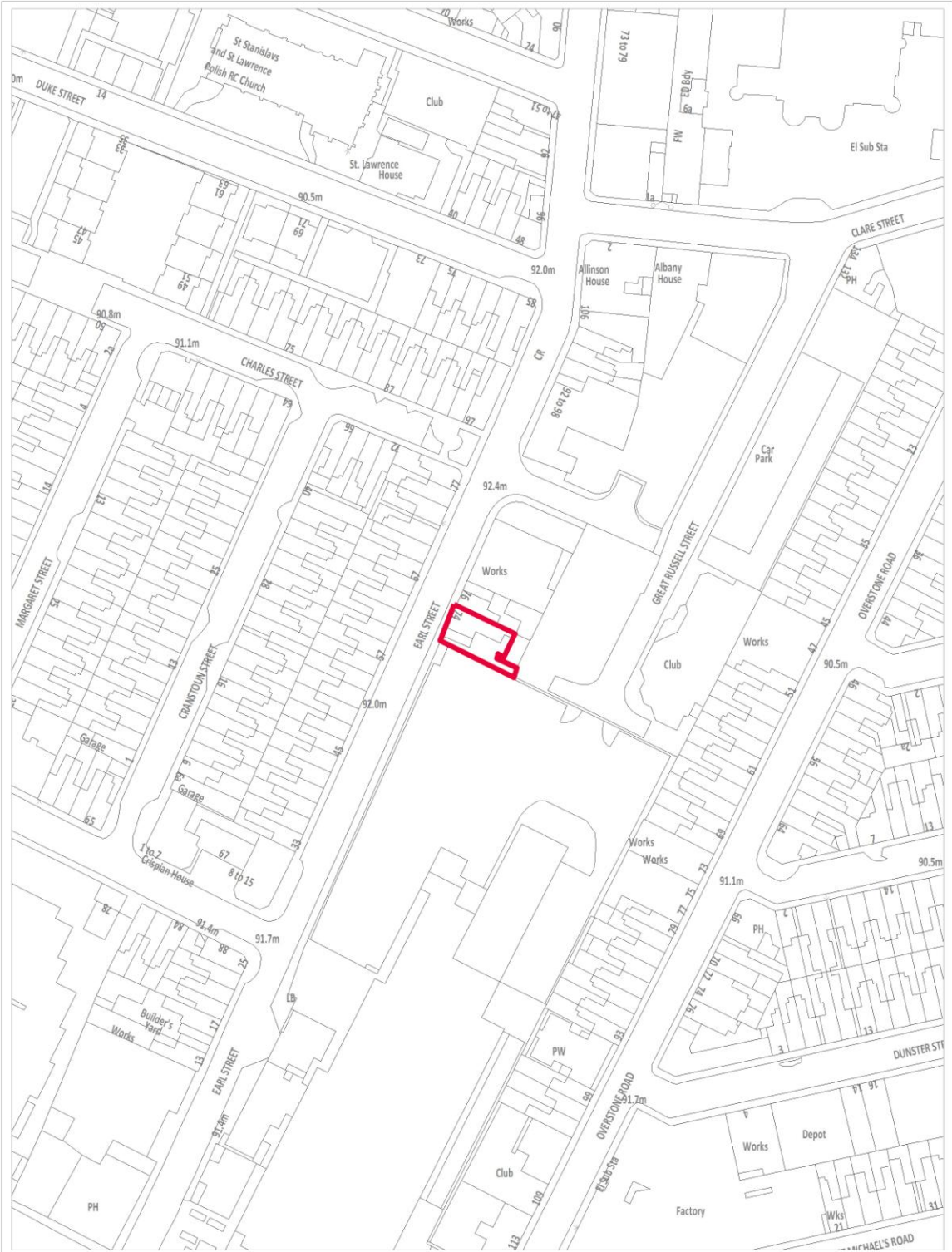
10.1 N/2014/0735

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: Location Plan
 Date: 13th August 2014
 Scale: 1:1250
 Dept: Planning
 Project: Committee

Title
74 Earl Street

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