



**PLANNING COMMITTEE:** 30<sup>th</sup> September 2014  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**DIRECTOR:** Steven Boyes

**N/2014/0532:** Change of use from public house (Use Class A4) into 10-bed house of multiple occupation (Sui Generis) together with extension at former Shoemakers Tavern, 52 Bath Street

**WARD:** Castle

**APPLICANT:** Town and Country Properties (GB) Ltd  
**AGENT:** Planning and Development Solutions

**REFERRED BY:** Cllr Stone  
**REASON:** Overdevelopment and cuts across the proposed neighbourhood plan

**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 proposal would not have an undue detrimental impact on the character of the locality or on residential amenity of the area and would not give rise to highway safety problems. The proposal is therefore compliant with the National Planning Policy Framework and Policies E20 and E26 of the Northampton Local Plan.

#### **2. THE PROPOSAL**

2.1 The proposal was originally for the change of use of the former public house, which has been closed for some time, to an 11 person house in multiple occupation. The scheme has subsequently been amended to reduce the number of residents to 10 together with a small single storey extension to the rear.

- 2.2 Three off-street car parking spaces will be provided including cycle and bin storage areas.

### **3. SITE DESCRIPTION**

- 3.1 The site is located at the corner of Lower Cross Street and Bath Street. It comprises a two storey former public house, which is of a traditional design for a building of this type. The surrounding area consists largely of flatted development of various ages and styles.

### **4. PLANNING HISTORY**

- 4.1 None relevant.

### **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 the Central Area Action Plan, 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 50 states that local authorities are required to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive, mixed communities by identifying the size, type, tenure and range of housing that is required in particular locations, reflecting local demand.

#### **5.3 Northampton Local Plan 1997 (Saved Policies)**

The Local Plan states in Policy E20 that new developments should be of an acceptable design, whilst Policy H30 sets out the criteria for assessing proposals for Houses in Multiple Occupation. These are that the property should be of sufficient size to accommodate the proposed use, the use would not lead to an over-concentration of similar uses in the locality and would not lead to substantial demand for on street parking in area experiencing local difficulties.

#### **5.4 Central Area Action Plan (CAAP)**

Strategic objectives SO7 is to repopulate the Central Area, to substantially increase the resident population through the redevelopment of redundant industrial areas and the regeneration of Spring Boroughs.

Policy 24 sets out the detailed priorities for Spring Boroughs, one of which is to encourage a more balanced community in terms of age, wealth, household size and reducing the turnover of residents, through to appropriate provision of housing management, housing types and tenures and access to necessary social and physical infrastructure.

## 5.5 Other Material Considerations

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 the existing housing stock will be managed and safeguarded by allowing houses in multiple occupation (HiMOs) where they would not adversely affect the character and amenity of existing residential areas.

In December 2013, the Borough Council formally designated Spring Boroughs as a Neighbourhood Area and “Spring Boroughs Voice” as a Neighbourhood Forum, for the purposes of preparing a Neighbourhood Plan. Due to the early stages of the Neighbourhood Plan preparation, the Plan is considered to carry little weight at this time.

## 6. CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 6.1 **Environmental Health** – Suggest that the bin store area is conditioned to ensure that this is constructed and retained for future residents. Also suggest that the Private Sector Housing team are consulted for their comments.
- 6.2 **Private Sector Housing** – *Comments on original plans for 11 person Himo* - The space and bathroom, toilet facilities indicate that the property will be suitable to let to 11 individuals from 11 separate households. However the kitchen facilities only meet the standards for 10 persons, for 11 - 12 tenants at least two separate kitchens are required containing 3 sets of kitchen facilities.

- 6.3 **Private Sector Housing – Comments on amended plans for 10 persons** - The property has been assessed based on the plans submitted against the Housing Act 2004. The space and bathroom, toilet facilities indicate that the property will be suitable to let to 10 individuals from 10 separate households. The kitchen will require two complete sets of facilities. The property will require an automatic fire detection system, fire doors etc. Bins are required for each household.
- 6.4 **Police Crime Prevention Design Adviser** – The gates should be automatic and the bin store should be lockable. There is also a need for details of the cycle store, access control and other security measures.
- 6.5 **Local Highway Authority** - Parking area to be retained and constructed with a hard bound surface for first 5m back from the highway boundary, any gate to be 5.5m back from the boundary.
- 6.6 **Spring Boroughs Neighbourhood Forum – Comments on original plans** - The Spring Boroughs Neighbourhood Forum was shocked to see this application had been submitted. As people are aware the Spring Boroughs Area is one of great need but also a great community to live/work in. Whilst the neighbourhood plan is not yet drawn up the three priorities for the area so far identified and consulted upon are: to enable new family homes to be built in Spring Boroughs; to provide more play spaces for younger and older children; to provide a central community centre. Object to this application on the grounds of overdevelopment of the site; it does not increase family housing; residents of this development would need to use shared bathroom facilities; lack of car parking spaces; a loss of community space.
- 6.7 **Spring Boroughs Neighbourhood Forum – Comments on amended plans** - The updated plans do not address any concerns, there are too many bedrooms and not enough living space. The proposal is contrary to CAAP Policy 24. The Spring Boroughs Neighbourhood Forum has been designated under the Localism Act 2011 and is currently preparing a plan for the regeneration of the area, this proposal is contrary to community consultation where local residents have stated that any residential developments should be "Family sized properties with Gardens".
- 6.8 **Spring Boroughs Residents Association – Comments on original plans** - consider it to be an appalling application and misuse of the site. Insufficient detail has been provided on the plan submitted. Deplorable lack of facilities for the number of people proposed, insufficient space for each person.

Lack of parking. Development will be a hostel. Residents will have partners, girlfriends, boyfriends and friends to stay leading to even more overcrowding in an already crowded house. Only one kitchen facility for all of the residents/visitors is not good enough. Not enough toilet/washing facilities for residents/visitors. Health concerns. No parking facilities in an area that suffers from lack of parking.

- 6.9 **Spring Boroughs Residents Association – Comments on amended plans** – Concerns over entry and access points, kitchen facilities, parking, living space, access. Request that permission should be refused.
- 6.10 **Councillor Danielle Stone** – Object to the hostel nature of what is planned. Not appropriate to offer dwellings with shared facilities. Other issues regarding overdevelopment include car parking, rubbish disposal and pressure on local services. None of the consultation in the Neighbourhood Forum has suggested hostel type facilities, rather the need for family housing has been identified. *(Councillor Stone also expressed concern that a hostel was proposed and that vulnerable people may be accommodated – it has been confirmed with the agents that this is not proposed).*
- 6.11 Representations received from neighbouring properties at 14 Priory House, 106 Omega House, 37 St Peter’s House and 6 Simons Walk, with verbal comments also recorded from the occupant of 2 Priory House , raising the following points in summary (in respect of original plans, no further comments received in respect of revised plans):
- Insufficient car parking – two spaces for 11 units
  - Insufficient detail to see what is proposed
  - Over development
  - Loss of community resource
  - Amount of space per person would not be sufficient
  - Would not create a balanced community as Spring Borough has twice the number of single households as Northampton as a whole.
  - Would exert further pressure on local infrastructure.
  - People don’t lead isolated lives, visitors would need to share the little space available.
  - Request that gates are of a height to prevent overlooking, due to previous problems of antisocial behaviour from the pub.
  - Insufficient facilities, with only 1 kitchen for 11 units.

- 6.12 Letter received from the applicant stating that if the application is refused the use may have to revert to a pub, accompanied by signed copies of a flyer distributed by the applicants, signed from 33 residents in the area and from one business, stating a preference for residential use rather than re-opening as a pub. Further comments made on one of these that a pub has never worked and has led to trouble. One additional flyer returned unmarked therefore not expressing a preference.

## 7. APPRAISAL

### **Principle of residential use**

- 7.1 The principal issue to consider in respect of planning policy is whether residential use for the building is acceptable. The NPPF directs that local authorities provide a range of homes and tenure to ensure that people's housing requirements are met.
- 7.2 The CAAP seeks to encourage a more balanced community through the provision of various housing types and tenures. The proposal is for a house in multiple occupation, of which there are very few in the area at present and this would therefore assist in contributing to this mix of types, providing lower cost accommodation for which there is demand.
- 7.3 Whilst there are aspirations for more family housing in the area, the proposal relates to the change of use of an existing building to a house in multiple occupation and the application will therefore need to be considered on its own merits.
- 7.4 Reference has been made to the Neighbourhood Plan for the area by objectors, however given the early stage of preparation of this plan, this cannot be considered to carry significant weight, however this plan will be in conformity with CAAP policy 24, which is discussed above.
- 7.5 It is therefore considered that a residential use, of the type proposed, is acceptable in principle.

### **Suitability of the premises for the proposed use**

- 7.6 Policy H30 of the Northampton Local Plan remains a relevant consideration. This sets out the following detailed criteria for the consideration of a HiMO use:

#### *A) Whether the premises are of sufficient size*

- 7.7 The first of the criteria under Policy H30 is that the property should be of sufficient size to accommodate the use proposed. In this respect, comments from Private Sector Housing on the initial plans indicated the requirement for a second kitchen for over 10 residents.

Amendments were therefore made to the plans to reduce the occupancy to 10 residents, thereby removing this requirement and it has now been confirmed by Private Sector Housing that the facilities would be adequate for 10 residents. In addition, a small extension will be added to enlarge one of the bedrooms. On this basis it is considered that the premises are of sufficient size and the proposal would comply with this criterion of Policy H30.

*B) Whether there would be an overconcentration of such uses*

- 7.8 Policy H30 also states that the change of use should not result in an overconcentration of such uses in the area. The area surrounding the application site is characterised by flatted development, however, records held by the Council indicate very few HiMOs in this area and therefore the proposal would comply with this criterion on the policy.

*c) Parking*

- 7.9 The final criteria of the policy relates to parking. In this respect, three spaces are proposed for 10 bedrooms. It is considered that the use is of a type which would not generally attract high level of car ownerships and which is in any event in close proximity to the amenities and transport links of the town centre, meaning that occupiers need not have cars. It can be noted also that there has been no objection raised by the Highway Authority.

**Impact on the character and amenity of the area**

- 7.10 It is also necessary to consider the impact on the character of the area from physical changes to the property.
- 7.11 The proposal in fact indicates very limited physical changes to the building, principally these related to the infilling of the existing doorway and some additional windows. A small extension is proposed to the rear but it is considered that the proposed design would be in keeping with the existing building and would not cause undue impact on nearby properties due to great separation distance. On this basis it is considered that the street scene would not be unduly affected.
- 7.12 There are also benefits in bringing a vacant property back into use, not just from its improved physical appearance but also as an occupied property is more likely to contribute to the character of the area than a vacant unit, which can also be prone to vandalism.

**Impact on neighbouring residents**

- 7.13 The premises are located in a residential area and it is considered that a residential use in this area would not in itself have a detrimental impact on existing residents.

Whilst the intensity of the use could, in theory, have more impact than the small level of family housing which could be accommodated on this site, this would not necessarily be the case and any anti-social behaviour which may result from the occupiers of either type of residential use is a matter which falls outside the scope of a planning application. However, it is relevant to note that there was reportedly a problem with anti-social behaviour from the previous use, and this use would be removed by this proposal.

### **Other matters**

- 7.14 Comments from the Local Highway Authority refer to the need for the gates to be set back 5.5m. It is considered that setting back the gates would result in a feature which would be alien to the street scene and would also be a security risk for the residents of the building. It is not considered that this can reasonably be justified in any event, due to the fact that this access is for only three cars.

## **8. CONCLUSION**

- 8.1 It can be concluded that the principle of using the property as a HiMO is acceptable as is the detailed layout and that the character and amenity of the area and its residents would not be adversely affected by the proposed change of use.

## **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: A0292-001, A0292-002, A0292-005a, A0292-006 and A0292-007.

Reason: For the avoidance of doubt and to accord with the terms of the planning application.

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 prior to the commencement of development, implemented prior to the occupation or bringing into use of the building and thereafter maintained.

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. The premises shall be used as a house in multiple occupation for a maximum of 10 residents only.

Reason: To ensure a satisfactory standard and layout of accommodation is provided in the interests of the amenity of occupants and nearby residents in accordance with Policy H30 of the Northampton Local Plan.

5. Full details of facilities for the secure and covered parking of bicycles shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development hereby permitted, provided prior to the development being first brought into use and retained thereafter.

Reason: To ensure the provision of adequate facilities in accordance with Policy H30 of the Northampton Local Plan.

6. The external walls and roof of the extension shall be constructed with materials of the same type, texture and colour as the external walls and roof of the existing building.

Reason: In the interests of visual amenity to ensure that the extension harmonises with the existing building in accordance with Policy H18 of the Northampton Local Plan.

7. Full details of the proposed surface treatment of the access, parking and turning areas, which for the avoidance of doubt shall include a hard bound surface for first 5m back from the highway boundary, shall be submitted to and approved in writing by the Local Planning Authority. These areas shall be constructed in accordance with the approved details prior to the commencement of the use and retained thereafter.

Reason: To secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

## **10. BACKGROUND PAPERS**

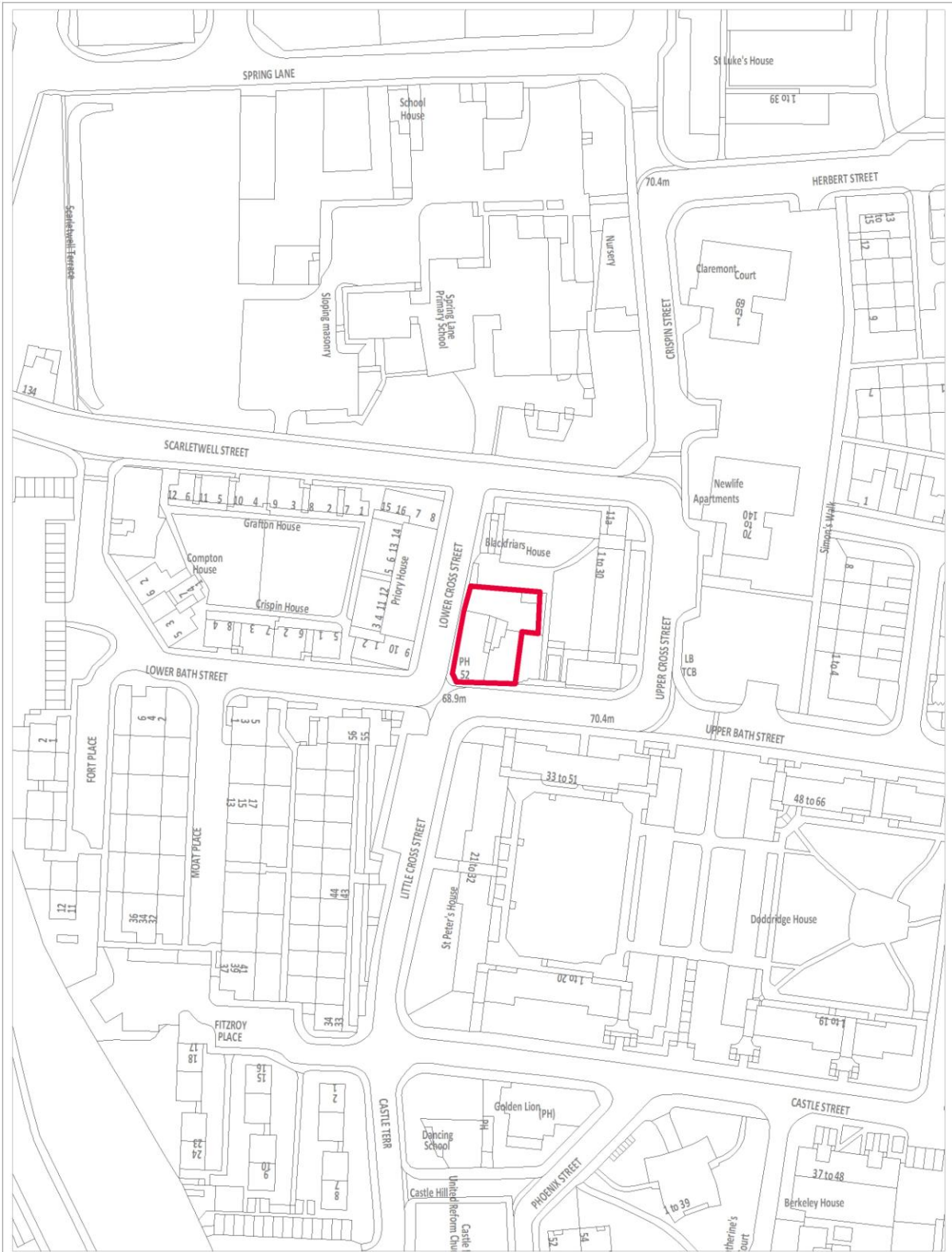
- 10.1 Application file N/2014/0532.

## **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: 15th September 2014  
 Scale: 1:1250  
 Dept: Planning  
 Project: Planning Committee

Title  
**Shoemakers Tavern, 52 Bath Street**

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