



**PLANNING COMMITTEE:** 28<sup>th</sup> July 2015  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**DIRECTOR:** Steven Boyes

**N/2015/0630:** Change of use from single dwelling into a house in multiple occupation (HIMO) for 3 residents (Use Class C4) – retrospective application at 75 Somerset Street

**WARD:** Castle

**APPLICANT:** Mr David Croissant  
**AGENT:** None

**REFERRED BY:** Director of Regeneration, Enterprise and Planning  
**REASON:** As a similar application at 76 Somerset Street has been called in by Member

**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 development proposed would not lead to an unacceptable concentration of HIMOs within the locality that would adversely impact on the character and appearance of the property, the street scene, conservation area, nor would the proposal have any significant impacts on neighbouring amenity or parking provision. The property is of sufficient size to accommodate the level of accommodation as proposed and is in accordance with the requirements of Policies H1, H5, BN5 and S10 of the West Northamptonshire Joint Core Strategy, Policies E20, E26 and H30 of the Northampton Local Plan, the Houses in Multiple Occupation Interim Planning Policy Statement and the aims and objectives of the National Planning Policy Framework.

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

2.1 The applicant seeks permission to convert a dwelling into a house in multiple occupation for 3 people. The application is retrospective. No external alternation to the property is proposed.

- 2.2 The site lies within a Non Immediate Article 4 Direction area which removes permitted development rights for change of use to a HIMO.

### **3. SITE DESCRIPTION**

- 3.1 The property is a 2-storey terraced dwelling with a rear garden. The basement is currently used for storage. The site lies in the Boot and Shoe Quarter Conservation Area.

### **4. PLANNING HISTORY**

- 4.1 None recent.

### **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 Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014), Northampton Local Plan (1997) saved policies,

#### **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:

Paragraph 17 - Core Principles - seeks to secure high quality design and good standard of amenity for existing and proposed occupiers.

Paragraph 49 - Housing applications considered with presumption in favour of sustainable development.

Paragraph 50 - To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.

Paragraph 56 - Good design is a key aspect of sustainable development.

Paragraph 131 – Sets out the importance of sustaining and enhancing heritage assets.

#### **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 H1 - Housing Density & Mix & Type of Dwellings - States that development should provide for a mix of house types, sizes and tenures to cater for different accommodation needs. Housing developments will be expected to make the most efficient use of land having regard to the location and setting of the site, the existing character and density of the local area, accessibility to services and facilities, proximity to public transport routes, the implications of density for affordability and viability, the living conditions provided for future residents, the impact on the amenities of occupiers of neighbouring properties.

Policy H5 - seeks to manage and safeguard existing housing stock, including through HIMOs where they would not adversely impact upon the character and amenity of residential areas.

Policy S10 - requires development to satisfy a range of sustainable development principles including through achieving the highest standards of sustainable design; maximising opportunities for reuse and recycling; and promoting walking and cycling and protecting, conserving and enhancing the natural and built environment and heritage assets and their settings.

Policy BN5 – designated heritage assets and their settings will be conserved and enhanced in recognition of their individual and cumulative significance.

#### **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 should adequately reflect the character of surroundings and ensure adequate standards of privacy, daylight and sunlight.

Policy E26 – development should preserve or enhance the character and appearance of the Conservation Area.

Policy H30 – requires HIMOs to be of sufficient size to accommodate the proposed use and not result in an over concentration to the detriment of the character and amenity of the area or result in a substantial demand for on street parking in areas judged to be experiencing difficulties.

#### **5.5 Supplementary Planning Documents**

Northamptonshire County Parking Standards SPG 2003  
Planning out Crime in Northamptonshire SPG 2004

#### **5.6 Other Material Considerations**

Houses in Multiple Occupation (HIMO) Interim Planning Policy Statement (IPPS)  
(November 2014)

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 15% of HIMOs within a 50m radius.
- Secure the provision of adequate facilities, amenities and minimise flood risk.
- Promote use of public transport, cycling and walking and secure provision of adequate parking.
- Ensure adequate refuse provision and storage.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development within a conservation area to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

## 6. CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 6.1 **Highway Authority** - as the proposed site falls within an area currently covered by on-street permit parking the level of parking can be controlled via the issue of on-street residents parking permits. In line with the Northamptonshire County Council operational policy for the management of controlled parking zones and permit parking areas, no additional parking permits would be issued to this property following any change of use in order to limit the impacts on the parking amenity of neighbouring properties.

**Built Conservation** – no objection as there are no external alterations proposed to the property.

**Private Sector Housing**- no objection. The property is large enough to accommodate 3 individuals and also will require a License under Environmental Health legislation.

## 7. APPRAISAL

### Principle

- 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.
- 7.2 The surrounding area is predominantly residential in character. It would appear from Council records that there is not a significant concentration of HIMOs in the surrounding area, with no established HIMOs within a 50 metre radius of the property. This would clearly fall within the 15% recommended by the Council's adopted Interim Planning Policy Statement in relation to HIMOs.
- 7.3 The proposal could be conditioned to restrict the use of the premises to a maximum of 3 occupants, the impact of which would not be significantly different to that of a conventional family home. It is therefore considered that the proposal would not lead to an over-concentration of HIMOs within the locality and that there would not be a significant impact on the character and amenity of the area as a result.

## **Amenity and Refuse Storage**

- 7.4 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 HMOs to be of sufficient size to accommodate the proposed use. The application is for 3 residents and the Council's Private Sector Housing Team has confirmed that the level of facilities provided is acceptable. The property is considered to be of sufficient size for the proposed use and a condition restricting the use to a maximum of 3 persons would ensure an acceptable standard of development. Given the use is for only 3 persons, it is considered that noise and disturbance is unlikely to be a significant concern over and above the lawful use as a dwelling house.
- 7.5 Bin storage can be provided in the rear yard of the property, and can be secured by a planning condition.

## **Highways/Parking**

- 7.6 The Highway Authority comment that as the site is covered by on-street permit parking the level of parking can be controlled via residents parking permits. No additional parking permits would be issued to limit the impact on parking amenity of neighbouring properties. Given the sustainable location of the site within walking distance of the services and facilities on Kettering Road and the town centre, it is considered that the impact on car parking would not be unduly significant. The applicant also confirms that none of his current three tenants own a car. Cycle storage can be agreed by condition.

## **Impact on the Conservation Area**

- 7.7 As there would not be any external changes to the building, the proposed development would have no impact upon the appearance of the conservation area.

## **8. CONCLUSION**

- 8.1 It is considered that the development would not lead to an unacceptable concentration of HMOs within the locality that would adversely impact on the character or amenity of the area or parking provision. The property is of sufficient size to accommodate the level of accommodation as proposed and is in accordance with policy and guidance requirements and therefore the application is recommended for approval.

## **9. CONDITIONS**

- (1) The property shall be occupied by no more than three persons at any one time.

Reason: In the interests of the amenity of the proposed occupiers and the surrounding area in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy.

- (2) Within one month of the date of this permission, the applicant shall provide details of refuse and cycle storage within the site boundary to be approved in writing by the Local Planning Authority and these shall be implemented in

accordance with the approved details within one month of the date of approval and retained thereafter.

Reason: To secure a satisfactory standard of development in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy.

**10. BACKGROUND PAPERS**

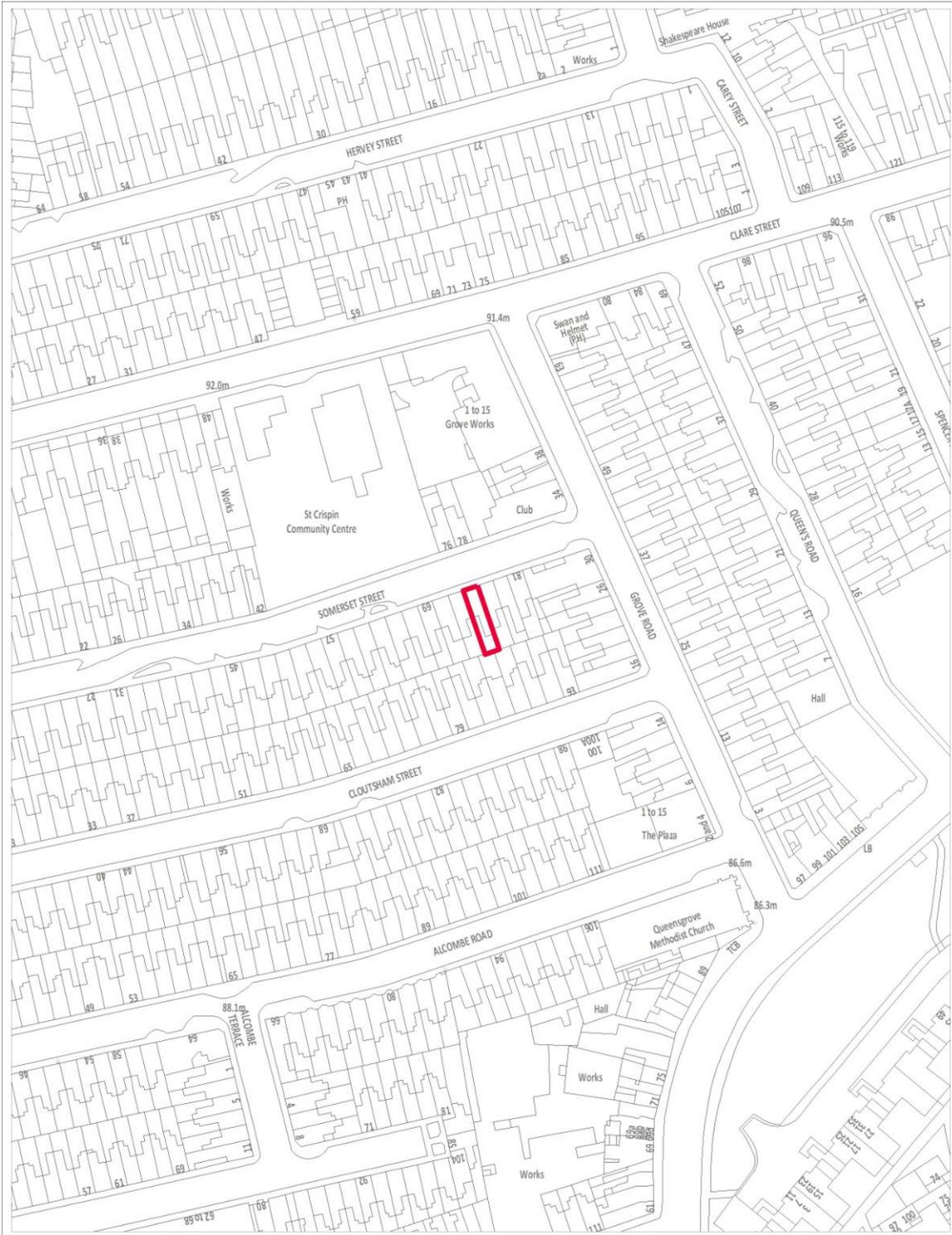
10.1 N/2015/0630

**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: Site Location Plan  
 Date: 13th July 2015  
 Scale: 1:1250  
 Dept: Planning  
 Project: Planning Committee

**Title**  
**75 Somerset Street**

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