

PLANNING COMMITTEE: 22nd October 2019
DEPARTMENT: Planning Service
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2019/1079

LOCATION: 11 - 13 Gold Street

DESCRIPTION: Change of Use of Ground Floor Retail Unit (Use Class A1) to House in Multiple Occupation (Use Class C4) for 6 occupants and alteration to windows (resubmission of N/2019/0778)

WARD: Castle Ward

APPLICANT: Mr Abdul Riaz
AGENT: Mr Adel Attia-Guindi

REFERRED BY: Councillor D Stone
REASON: Overdevelopment

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

1.1 **APPROVAL** subject to the conditions as set out below and for the following reason:

The proposed development is considered acceptable as it would not result in an over concentration of similar uses within the vicinity of the site and would provide adequate facilities for future occupants. The site is in a sustainable location close to bus services and local amenities and would provide adequate facilities for cycle storage and refuse storage. The proposal is in the Town Centre Conservation Area and would bring an attractive historic frontage back into use. The proposal thereby complies with Policies H1, H5, BN5, BN7 and S10 of the West Northamptonshire Joint Core Strategy, saved Policy 16 of the Central Area Action Plan, Policy H30 of the Northampton Local Plan, the Council's Houses in Multiple Occupation Interim Planning Policy Statement (IPPS) and the aims and objectives of the National Planning Policy Framework.

2 THE PROPOSAL

2.1 The proposal is for the change of use from retail (Use Class A1) into a House in Multiple Occupation (HIMO) (Use Class C4) for 6 occupants, including alteration to the existing windows. The application site forms part of a large storage area attached to an existing shop unit as The Eye Clinic.

3 SITE DESCRIPTION

- 3.1 The application site is sited south of Gold Street and adjacent to Kingswell Street and Woolmonger Street. It comprises a largely unused storage area relating to an existing opticians store which fronts Gold Street. However, the shop would be retained and access to the proposed HIMO would be taken from Kingswell Street. At first floor above the site is the Travel Lodge and it is located within a commercial area of the town centre, close to shops, facilities and other residential flats and apartments.

4 PLANNING HISTORY

- 4.1 N/2019/0778 Application for a change of use to HIMO for 7 persons (Sui Generis) was refused in August 2019 due to insufficient information relating to noise and amenity from the adjacent service yard.

5 PLANNING POLICY

5.1 Statutory Duty

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, Northampton Central Area Action Plan (2013), and emerging Neighbourhood Development Plans where relevant.

Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require Local Planning Authorities when considering development to pay special attention to preserving a listed building or its setting and to the desirability of preserving or enhancing the character or appearance of a conservation area.

6 National Policies

- 6.1 **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 60 - Housing needed for different groups in the community.

Paragraph 127 - Create places with a high standard of amenity for existing and future users.

Section 9 - Promoting sustainable transport

Section 12 - Achieving well-designed places

Section 16 - Conserving and enhancing the historic environment

6.2 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 and Mix and Type of Housing

Policy H5 – Managing Existing Housing Stock

Policy S10 – Sustainable Development Principles

Policy BN5 – Conservation Areas

6.3 Northampton Central Area Action Plan 2013

The Central Area Action Plan (CAAP) provides specific planning policy and guidance for the town centre and adjoining areas where significant regeneration and investment is proposed in the period up to 2026 and is in conformity with the objectives of the NPPF. Relevant policy include:

Policy 16 – Central Area Living

6.4 **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 (Design)

Policy E26 – Conservation Areas

Policy H30 – Multi-Occupation

6.5 **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;
- To secure the provision of adequate parking whilst prompting sustainable travel movements;
- Ensure provision of adequate storage for refuse and materials for recycling.

7 **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

7.1 **Public Protection** – no objections to the proposed change subject to conditions

7.2 **Private Sector Housing** – the property would be suitable for the licensing of six units as a HIMO.

7.3 **NBC Conservation** – no objection in principle to the proposed use, which will bring a vacant part of the locally listed building into use. Removal of the boarding to the window openings will improve the street scene. Given the size and prominence of the window openings on Kingswell Street, details of the proposed fenestration are required; timber or metal windows should be used.

7.4 **Local Highway Authority** – no observations to make.

7.5 **Councillor D Stone** – calls in the application to Committee on the grounds that it would constitute overdevelopment in an area earmarked as a gateway for the town centre.

8 **APPRAISAL**

Principle of the development

8.1 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.

Concentration of HIMO uses in the area and character of the area

- 8.2 Records indicate that there would be one existing HIMO within a 50m radius of the application site, giving a concentration of 0.6% and therefore the proposal would not result in an over-concentration of such uses.
- 8.3 Given the low level of existing concentration of such uses in the area, it must be concluded that the proposal would not adversely affect the character of the area.
- 8.4 The proposed development will involve the reopening of the windows and one door which front onto Kingswell Street. This would also provide passive surveillance onto Kingswell Street.

Heritage

- 8.5 During a site visit it was apparent that there were existing metal window frames to the existing windows. The proposal would bring the building back into use, including display of these large and attractive window frames.
- 8.6 The site is located within the town centre conservation area and therefore NBC Conservation require details of the proposed fenestration for all new windows. It is proposed that a condition be attached to the decision requiring the submission of window fenestration details to the Local Planning Authority, with either metal or timber frames, prior to the commencement of development.

Facilities

- 8.7 All bedrooms, all of which have en-suite bathrooms, and the kitchen area of the proposal is of sufficient size to serve the number of occupants and Private Sector Housing has no objection to the proposal.
- 8.8 The layout is considered to provide a good standard of living accommodation to occupants. Bedrooms are large and each have their own bathroom, the kitchen area is above the required size for a 6person HIMO and secure cycle storage is also provided within the building.
- 8.9 The proposal would therefore meet the standards as set out in the IPPS and in accordance with Private Sector Housing requirements.
- 8.10 A refuse storage area is shown on the submitted block plan close to Woolmonger Street next to an existing bin store. It is considered that the facility would adequately serve the proposed use. However, a planning condition is recommended to ensure timely provision of such facility.

Amenity

- 8.11 A noise assessment has been undertaken to assess the impacts of existing noise from the service yard at the rear of the property, and the town centre location. Environmental Protection have reviewed the submitted information and have no objections to the proposed change of use application subject to planning conditions.

Transport

- 8.12 The proposed development includes a large internal storage area which would provide enough space for at least 6 bicycles in line with NCC Parking Standards. The proposed development is located within the town centre, close to local facilities and the main bus and train stations. No objection has been raised by the Highway Authority. It is concluded that cycle storage and the sustainable location is adequate for a HIMO of this size. It is not considered that the proposal would have unacceptable impact on highway safety.

9 CONCLUSION

- 9.1 To conclude, the site is in an existing area of the town centre with a mix of uses including both retail and residential. It is located within the urban area of Northampton and the principle of residential development on the site is therefore acceptable under the development plan. The

10 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: GOLD-EP3 and Block Site Plan.

3. The development shall be undertaken in accordance with the acoustic assessments undertaken by Randtech Consulting, dated 26th March 2019, Ref MDR/J3905a and dated 8th August 2019, MDR/J3905b.

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

4. Before the development hereby permitted commences, details of an appropriate ventilation scheme shall be submitted to and approved in writing by the Local Planning Authority meeting the acoustic requirements set out within the Randtech report. The approved details shall be implemented prior to the development coming into use and shall be retained thereafter.

Reason: In the interests of residential amenity and to secure a satisfactory standard of development in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to ensure timely submission of details.

5. Before the development hereby permitted commences, full window fenestration details, including materials and cross-sections, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the development coming into use and shall be retained thereafter.

Reason: In the interests of visual amenity and to ensure that the development will harmonise with its surroundings in accordance with Policy E20 of the Northampton Local Plan and BN5 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to ensure timely submission of details.

6. Prior to first occupation, details of the provision for the storage and collection of refuse and materials for recycling shall be submitted to and approved in writing by the Local Planning Authority for approval. The scheme agreed shall be implemented prior to the development coming into use and shall be retained thereafter

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy H1 of the West Northamptonshire Joint Core Strategy.

Informative:

Works audible at the site boundary will not exceed the following times unless with the written permission of the LPA or Environmental Health. Monday to Friday 08.00 to 18.00 hrs, Saturday 08.30 to 13.30 and at no time whatsoever on Sundays or Public/Bank Holidays. This includes deliveries to the site and any work undertaken by contractors and sub-contractors.

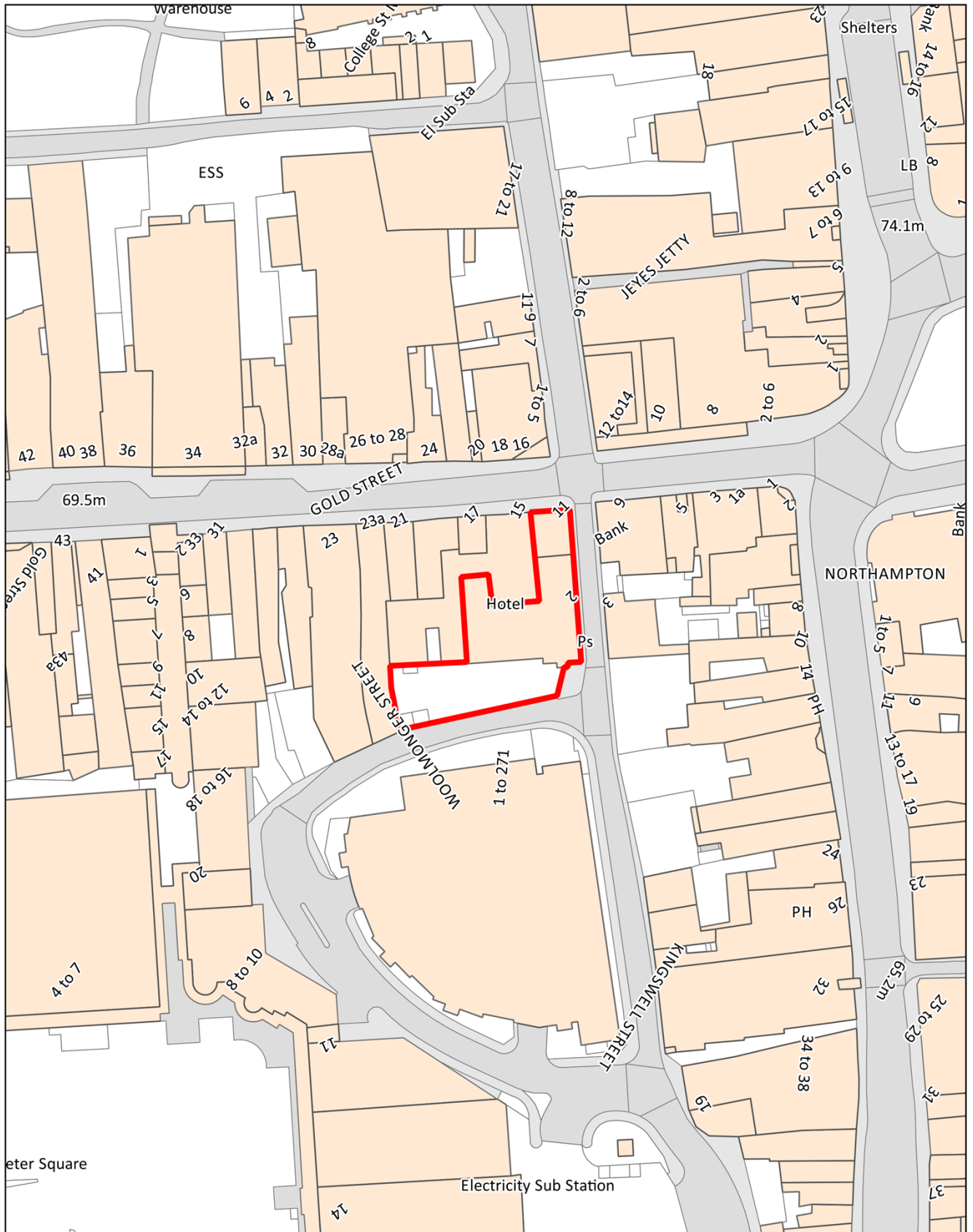
Please note that the premises will require licensing and room sizes and facilities will need to meet licensing requirements.

11 LEGAL IMPLICATIONS

11.1 The development is not CIL liable.

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.



Title: **11 - 13 Gold Street**

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Date: 02-10-2019

Scale: 1:1,000

Drawn by: -----