

**PLANNING COMMITTEE:** 19<sup>th</sup> November 2019  
**DEPARTMENT:** Planning Service  
**HEAD OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2019/1165

**LOCATION:** 15 Burns Street

**DESCRIPTION:** Change of Use from Dwelling house (Use Class C3) to House in Multiple Occupation (Use Class C4) for 4 occupants, including single storey rear extension

**WARD:** Castle Ward

**APPLICANT:** NV Pro Limited  
**AGENT:** Architectural Solutions

**REFERRED BY:** Councillor D Stone  
**REASON:** Overdevelopment

**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 proposed development for the change of use and single storey rear extension is acceptable. It is considered that the proposal would not result in an over concentration of the similar properties within the vicinity of the site. The proposal would provide adequate facilities for future occupants and would not be at risk from flooding. Notwithstanding existing parking conditions in the local area, the site is in a sustainable location close to a Local Centre, bus services and amenities and would provide adequate facilities for cycle storage and refuse storage. The proposal thereby complies with the National Planning Policy Framework; Policies H1, H5, BN5 and S10 of the West Northamptonshire Joint Core Strategy; saved policies E20, E26 and H30 of the Northampton Local Plan; and the Council's Houses in Multiple Occupation Interim Planning Policy Statement.

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

2.1 Permission is sought for a change of use from a dwelling house to a House in Multiple Occupation (Use Class C4) for 4 occupants, including a single storey rear extension, which would be 3.3m deep and 2.6m wide and will have a flat roof.

2.2 Parking would be on-street.

2.3 The site lies within an Article 4 Direction area, which removes permitted development rights for changes of use from a dwelling to a HIMO.

### **3. SITE DESCRIPTION**

3.1. The application site comprises a two storey, mid-terraced, 3 bedroom property on Burns Street located in a residential area with similar terraced properties on the street. The property has a kitchen, lounge, dining and a WC on the ground floor, 3 bedrooms and a bathroom on the first floor and a basement room.

3.2. The site is in close proximity to Kettering Road, which includes retails and commercial units. The site is also within close proximity to the bus routes on Kettering Road. The application site is located within the designated Boot and Shoe Quarter Conservation Area.

3.3. The application site lies in Flood Zone 1, which means very low risk of flooding.

### **4. PLANNING HISTORY**

4.1. None relevant.

### **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.

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

#### **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:

Paragraphs 72 (c) - ensure that a variety of homes to meet the needs of different groups in the community will be provided.

Paragraph 127 (f) - seeks to create safe and healthy places with a high standard of amenity for existing and future users.

Paragraph 193 - Great weight to be given to the heritage asset's conservation.

#### **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 BN5 - Designated heritage assets  
Policy H1 - Housing Density & Mix & Type of Dwellings  
Policy H5 - Managing the Existing Housing Stock  
Policy S10 - Sustainable Development Principles

#### 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  
Policy E26 - Development in Conservation area  
Policy H30 - Multi occupation with a single dwelling

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

Northamptonshire Parking Standards (September 2016)  
Planning out Crime in Northamptonshire SPG 2004  
Boot and Shoe Quarter Conservation Area Appraisal and Management Plan

#### 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 50 metre 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 provision of adequate storage for refuse and materials for recycling.

### 6. **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

- 6.1. **Councillor D Stone** - raises objection on the basis that application property will result in overdevelopment and loss of a family home. Calls in the application for consideration by the Planning Committee.
- 6.2. **Highway Authority (NCC)** – The LHA advised that due to terraced nature of the street no on street parking could be provided. The current parking provision is permit is an already saturated area. Also, raised concerns about the car being carried through the kitchen.
- 6.3. **Private Sector Housing (NBC)** – The proposed facilities and room sizes would meet the requirements.
- 6.4. **Conservation Officer (NBC)** – No objection. No alterations to the front elevation are indicated and the appearance of the street scene within the Conservation Area will not be affected. The rear extension will not be prominent and will not harm the Conservation Area.

- 6.5. **1 objection** has been received from local residents. The comments have been summarised as follows:
- Parking issues in the local area particularly in evenings and weekends.
  - Impact on community cohesion.
  - Over concentration of the HIMO properties in the street.
  - Fly-tipping.

## **7. APPRAISAL**

### **Principle of the development**

- 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.

### **Area concentration**

- 7.2. Council records evidence that there are 13 existing HIMOs within 50m radius of the application site on Burns Street, Gray Street and Colwyn Road. The use of this property as a HIMO would equate to 13.2% concentration in the area. This would fall within the 15% maximum threshold recommended by the Council's adopted Interim Planning Policy Statement in relation to HIMOs. It is considered that there would be a reasonable mixture of house types within the vicinity in order to meet the differing needs of residents.

### **Size of property and facilities for future occupiers**

- 7.3. 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 HIMOs to be of sufficient size to accommodate the proposed use. The property is considered to be of sufficient size, providing room sizes in accordance with the Council's HIMO Facilities and Amenities Guidance and appropriate kitchen/dining, WC and wash facilities. A condition restricting the use of the property to a maximum of 4 people would ensure over-development does not occur. Private Sector Housing have confirmed that the proposals would meet the requirements for the proposal. All bedrooms would be served by adequate outlook and light. The application property has a basement, so a condition has been recommended to use it only as a storage area.
- 7.4. Details have been submitted for cycle storage to the rear of the property that can be used for the storage of bins and cycles, the details are deemed acceptable and have been conditioned to be implemented prior to first occupation of the approved use and be retained thereafter
- 7.5. The proposed single storey extension would provide a shower room and a condition has been recommended to build the extension prior to the occupation of the property as a HIMO with 4 occupants to ensure adequate facility is provided.

### **Flood Risk**

- 7.6. The application site is located in Flood Zone 1 and with very low risk of flooding.

### **Highways/Parking**

- 7.7. The Interim Planning Policy Statement for HIMOs (IPPS) sets out clearly that where limited or no parking provision is proposed, the site must be either within 400m of a bus stop, or within walking distance of a district centre, local centre or neighbourhood parade. Only outside such locations is parking required to be provided.

- 7.8 It is considered that the application site is in a sustainable location within 380m of bus stops on Kettering Road and within walking distance of local facilities on Kettering Road. In this regard, the proposal is considered to be in accordance with the requirements of the IPPS in respect of parking considerations. Within such areas, the IPPS recommends that storage space should be provided which is accessible to cycle users. Space is available to the rear of the house, and a condition is recommended requiring details to be implemented prior to occupation of the property as HIMO.
- 7.9 The proposal is, therefore, in compliance with this principle of the IPPS. However, a further consideration in respect of parking is the Northamptonshire Parking Standards. This document was adopted in September 2016, after the IPPS. The Northamptonshire Parking Standards state that Houses in Multiple Occupation shall provide on plot parking at the ratio of one parking space per bedroom. The proposed development will produce a demand for 4 parking spaces, which is an increase of 2 compared to the existing use, as parking requirement for a 3-bed dwelling is 2 spaces.
- 7.10 In this case, the Highway Authority have raised concerns about the proposal will add to the existing capacity of the street, notwithstanding this is a permit area.
- 7.11 However, regard must be paid to recent appeal decisions over the past few weeks where Planning Inspectors have consistently taken the view that where a site is close to local amenities and public transport, and no parking is provided, considerable weight has been given to the sustainable location of the site, and the appeals concerned have been allowed. Indeed, some Inspectors have taken the view that proposed occupiers in recognising the lack of parking provision and proximity to amenities, may choose the location for this purpose and not wish to have cars.
- 7.12 It should also be noted that in the most recent appeal decision the Inspector, in taking the view that the IPPS is consistent with one of the core principles of the NPPF, which is to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, attached significantly more weight to the IPPS than to the Northamptonshire Parking Standards in determining the appeal.
- 7.13 In view of the recent appeal decisions, and the weight the Inspectors have given to the sustainability of locations, and having regard to the sustainable location of the application site, the number of occupants proposed, and that there is sufficient room within the site to provide secure bicycle storage, in accordance with the requirements of the IPPS, it is not considered that a refusal on highway grounds could be upheld at appeal.

#### **Refuse storage**

- 7.14 There is sufficient space to the rear of the property for bin storage, details have been submitted with the details, a condition has been recommended to implement it and retain thereafter.

#### **Amenity**

- 7.15 The proposed use falls within Use Class C4, which in effect categorises this as a residential use. There is no evidence to demonstrate that the proposal would generate adverse amenity impacts such as noise or anti-social behaviour over and above those created by a more conventional C3 dwelling. Consequently, it is not considered that a refusal of planning permission, or the imposition of conditions in relation to amenity issues would be reasonable or sustainable at appeal.

#### **Conservation Area**

- 7.16 The property falls within the designated Boot and Shoe Quarter Conservation Area. The proposed development for a change of use would not include any alterations on the front

elevation. The Conservation Officer had not raised objection and stated that the proposal would have a neutral impact on the character of the Conservation Area and is considered acceptable.

### **Rear extension**

- 7.17 The proposed single storey rear extension would be screened behind the main dwelling and therefore would have a minimal impact on the character of the area. The proposed single storey rear extension would replace the existing 1m deep single storey element and would project 2.2m from the existing rear elevation.
- 7.18 Neighbouring property No.17 has a door and does not have any habitable window adjoining to the proposed extension. It is considered that owing to the siting and scale there would be minimal impact on this property. Neighbouring property No.13 have habitable windows on the side elevation overlooking the application site. Owing to the siting of the proposed extension towards the rear end of the building, it would have minimal impact on the residential amenity of this property in terms of overbearing or loss of light. Moreover, the proposed extension could be erected under the provision of the permitted development rights and would not require planning permission.
- 7.19 It is considered that the proposed single storey rear extension would not result in undue impact on the residential amenity of the neighbouring properties to the sides and would comply with the saved policy E20 of the Northampton Local Plan, Policy S10 of the JCS and advice contained in NPPF.

## **8. CONCLUSION**

- 8.1 The proposed development for a single storey rear extension and change of use from dwelling house to a House in multiple occupation would not lead to significant adverse impacts on neighbouring amenity or parking provision and the property is of sufficient size to accommodate the level of accommodation as proposed.
- 8.2 The proposed development would be in accordance with the aims and objectives of the National Planning Policy Framework, requirements of Policies H1, H5, BN5 and S10 of the West Northamptonshire Joint Core Strategy, saved Policies E20, E26 and H30 of the Northampton Local Plan, the Council's Houses in Multiple Occupation Interim Planning Policy Statement.
- 8.3 The proposed development is recommended for approval subject to the following conditions.

## **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 plan: 19/K101/3, 19/K101/2.

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

3. The development hereby permitted shall be occupied by a maximum of four residents at any one time.

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

4. Facilities for the refuse and recycling storage as shown on drawing no. 19/K101/2 shall be implemented prior to the use hereby permitted commencing and retained thereafter.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

5. Facilities for the cycle storage as shown on drawing no. 19/K101/2 shall be implemented prior to the use hereby permitted commencing and retained thereafter.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

6. The basement room shall be used as storage room only and shall not be used as a bedroom at any time.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of accommodation is provided, in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

7. The external walls of the extension shall be constructed with materials of the same type, texture and colour as the external walls 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 E20 of the Northampton Local Plan.

8. The proposed single storey extension to provide the shower room hereby permitted shall be built before the premises are first occupied as a 4 people house in multiple occupation and should be retained thereafter.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of accommodation is provided, in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

## **10. BACKGROUND PAPERS**

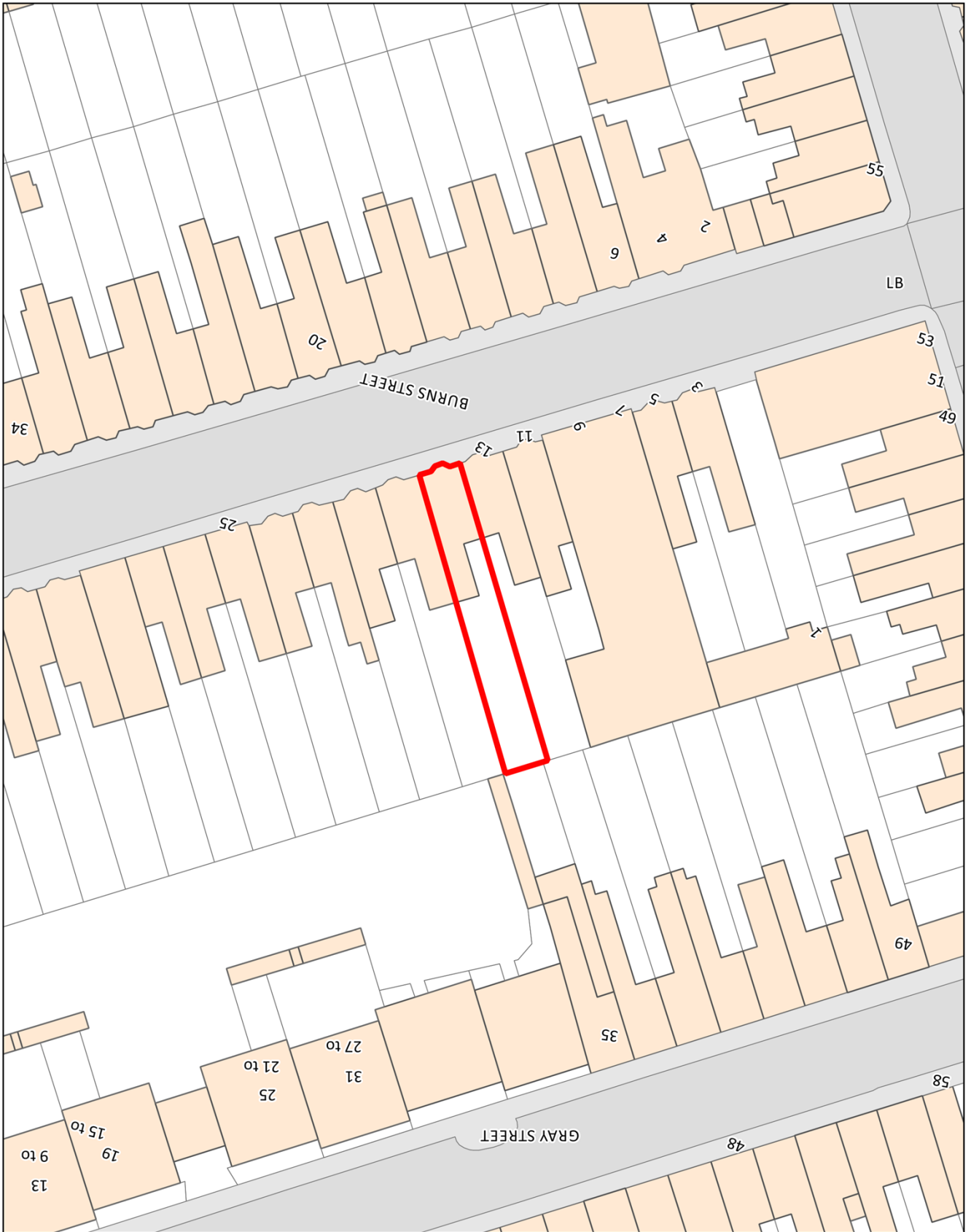
- 10.1 N/2019/1165.

## **11. LEGAL IMPLICATIONS**

- 11.1 The development is CIL not chargeable.

## **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: **15 Burns Street**

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Date: 02-10-2019

Scale: 1:500

Drawn by: -----