



Planning Committee Report

Committee Date: 7th September 2021

Application Number: WNN/2021/0185

Location: 3 Langham Place, Northampton, NN2 6AA

Development: Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Sui Generis) for 13no occupants, to include modifications to front lightwells

Applicant: LME Properties Limited

Agent: Architectural Solutions (Midlands) Limited

Case Officer: Hannah Weston

Ward: St. George Unitary Ward

Referred By: Councillor C Russell

Reason for Referral: Overdevelopment, impact on amenity & conservation area

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

Proposal

Permission is sought for the Change of Use from Dwellinghouse (Use Class C3) to House in Multiple Occupation (Sui Generis) for 13no occupants, to include modifications to front lightwells.

Consultations

The following consultees have raised **objections** to the application:

- Conservation Officer
- Northampton Town Council
- Semilong and Trinity Neighbourhood Forum
- Cllr Russell

The following consultees have raised **no objections** to the application:

- Public Protection
- Public Sector Housing
- Northamptonshire Police

18 letters and 1 petition with 16 signatures have been received objecting to the application, alongside 2 letters making observations.

The key issues arising from the application details are:

- Principle of Development
- Impact upon host property, street scene and Conservation Area
- Residential Amenity
- Neighbouring amenity
- Flood risk
- Parking/public transport
- Refuse

Conclusion

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

1.1 The application site is located on the eastern side of Barrack Road and comprises a mid-terrace residential property with accommodation over four floors including a basement. The site includes a large garden and garage to the rear (east) accessed via a service road to the north.

2. CONSTRAINTS

2.1. Barrack Road Conservation Area.

2.2. There are a number of listed buildings on Barrack Road, however none are adjacent or opposite the application site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. Permission is sought for the change of use of the property from a Dwellinghouse (Use Class C3) to House in Multiple Occupation (Sui Generis) for 13no occupants, to include modifications to front lightwells

4. RELEVANT PLANNING HISTORY

4.1 The following planning history is considered relevant to the current proposal:

Application Ref.	Proposal	Decision
N/2010/0200	Application for a new planning permission to replace extant planning permission N/2007/0210	Approved

	for the conversion of two storey double garage into single storey garage and new separate dwelling.	
N/2007/0210	Conversion of two storey double garage into single garage and new separate dwelling	Approved
N/1999/1018	Change of use of part of ground floor of dwelling to form non self-contained accommodation.	Approved

5. RELEVANT PLANNING POLICY AND GUIDANCE

Statutory Duty

- 5.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Development Plan

- 5.2. The Development Plan comprises the West Northamptonshire Joint Core Strategy Local Plan (Part 1) which was formally adopted by the Joint Strategic Planning Committee on 15th December 2014 and which provides the strategic planning policy framework for the District to 2029, the adopted Local Plan (Part 1 – saved policies) and adopted Neighbourhood Plans. The relevant planning policies of the statutory Development Plan are set out below:

West Northamptonshire Joint Core Strategy Local Plan (Part 1) (LPP1)

- 5.3. The relevant policies of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) are:
- S1 – The distributions of development
 - S3 – Scale and distribution of housing development
 - S10 – Sustainable Development
 - H1 – Housing
 - BN5 – Historic environment and landscape

Northampton Local Plan 1997 (Saved Policies) (NLP 1)

- 5.4. The relevant policies of the NLP 1 are:
- Policy E20 – Design for new development
 - Policy H30 – Multi-occupation within a single dwelling

Material Considerations

- 5.5. Below is a list of the relevant Material Planning Considerations

- **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 130 (f) - seeks to create safe and healthy places with a high standard of amenity for existing and future users.
- Northamptonshire County Parking Standards (November 2016)
- Northampton Parking Standards Supplementary Planning Document (November 2019)
- Houses in Multiple Occupation (HMO) SPD (2019)
Proposals for HMOs should:
 - Contribute towards the creation of a balanced and mixed community and protect the physical character of the street and the neighbourhood as a whole. It should not result in a material change or an adverse impact on the character and amenity of the area. No more than 10% of properties within a 50m radius shall be HiMOs in order to prevent over concentration of similar uses in one locality.
 - Secure the provision of adequate facilities, amenities and refuse disposal.
 - Minimise flood risk.
 - Secure provision of adequate parking whilst promoting sustainable travel movements;
 - Ensure provision of adequate storage for refuse and materials for recycling.

6. RESPONSE TO CONSULTATION

Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website.

Consultee Name	Comment
Conservation	Object – likely impact on Conservation Area. Existing property makes significant contribution to Barrack Road Conservation Area as single dwellinghouse. Loss of potential family home. Transient occupation would be unlikely to preserve or enhance the character and appearance of the area. Request condition on enlarged basement windows if consent granted.
Public Protection	No objection and no other comments to make.
Private Sector Housing	Advise room sizes and sanitary facilities are suitable for 13. Advise kitchen facilities are inadequate (following these comments the kitchen facilities have been increased and Private Sector housing have not raised any objection to the revised layout). Provide advice on fire safety measures.
Northamptonshire Police	No objection. Comment that frontage of house should be opened up to allow surveillance of house from the street, no front perimeter should be higher than 1 metre, any new doors and windows should meet secure standards, bike racks should at least be Sheffield hoops in secure store, and the fire service advise that there will need to be emergency lighting and alarms.
Northampton Town Council	Object – not in keeping with the quality of the location and transient occupation would be unlikely to preserve or enhance the character and appearance of the conservation area. Loss of potential single dwellinghouse.
Semilong and Trinity	Object – Impact on conservation area and listed buildings, parking concerns, lightwells are not viable fire escapes, concern

Neighbourhood Forum	there will be more than 13 occupants, communal space inadequate for 13, noise and anti-social behaviour, loss of single dwellinghouse, rubbish concerns, scale too large.
Cllr Russell	Call in application – overdevelopment, impact on parking, impact on Conservation Area, anti-social and criminal behaviour, insufficient kitchen facilities.

7. RESPONSE TO PUBLICITY

Below is a summary of the third party and neighbour responses received at the time of writing this report.

7.1. 18 letters and 1 petition with 16 signatures have been received objecting to the application, alongside 2 letters making observations on the application. The comments received are summarised as follows:

- Overdevelopment of site.
- Large number of flats/HiMO's in the vicinity.
- Change of use should not be allowed due to article 4 direction.
- Site should remain a family dwelling.
- Impact on traffic and subsequently existing businesses on street through use of rear lane.
- Parking is an issue in the street. Agent states parking survey cannot be provided due to COVID however it is due to there being no parking.
- Likely occupants would have cars as properties in this street have at least 1 each.
- Provision of cycle parking does not overcome lack of parking.
- Impact on Conservation Area.
- Impact on Listed Buildings in Area.
- Rubbish concerns.
- Concern rubbish and furniture will be left on pavements which encounter heavy footfall.
- Plans show bins however these are not used here and bags will be left on the street.
- Insufficient bin and bike storage.
- Potential rise in anti-social behaviour in access road to rear.
- Impact on stability of local community.
- Inappropriate location as close to doctors' surgeries, schools and university.
- Site has been empty for some time and in that time subject to crime issues.
- Sets precedent for more conversions.
- Noise concern from increased occupation.
- Concern as to how many occupiers would be smokers and impact on neighbours.
- Covenant that lane to rear is for properties 8-28 only and not for the application site.
- Would not be opposed to flats in the building.
- Believe building is listed so it should not be allowed (*Officer Comment: The building is not listed*).
- Impact on property values (*Officer Comment: This is not a material planning consideration*).

8. APPRAISAL

Principle of Development

- 8.1 The application proposes the conversion of the existing vacant dwelling into a 13 bedroom, 13 occupant HiMO.
- 8.2 The HMO SPD (2019) outlines that no more than 10% of properties within a 50m radius of the property can be HiMO's in order to prevent over concentration of similar uses within one locality. The intention of this policy is to protect the character and appearance of residential areas and to restrict the number of residential units used as HiMO's. The concentration within a 50 metre radius of this site would be 4.5% as a result of this proposal, with 1 other HiMO within this radius.
- 8.3 A Petition submitted by local residents includes a table with 10 HiMO properties it is believed are within the 50 metres radius of the application site. None of these properties are within the 50 metre radius.
- 8.4 A neighbour comment also raised that there is an Article 4 direction removing the right to have HiMO's and so no HiMO's should be approved. The Article 4 removes the right to convert properties into small HiMO's (6 or less occupants) without planning permission such that an assessment of whether these are acceptable in the proposed location can be made. This does not prohibit such applications being submitted to the Local Planning Authority for consideration or being approved for HiMO's.
- 8.5 A neighbour letter raised that the proposed use would be inappropriate in this location as it is close to doctors' surgeries, schools and the university. It is considered that the sustainable location of the site would be a positive of this scheme.
- 8.6 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. Subject to the considerations below, the principal of conversion to a HIMO is considered acceptable.

The impact of the proposed conversion on the character and appearance of the host property, street scene and Barrack Road Conservation Area.

- 8.7 The proposal only includes one alteration to the appearance of the host property. This is the enlargement of two existing light wells on the front elevation to allow the provision of a larger basement window. The proposed lightwell would be of a matching size and appearance as a lightwell seen to the front of 1 Langham Place.
- 8.8 In design terms the enlarged lightwells would not greatly alter the character and appearance of the property and, being of a similar appearance to existing lightwells seen on the street, are not considered to have an unacceptable impact upon the character and appearance of the street scene or Barrack Road Conservation Area. The Council's Conservation Officer has requested a condition requiring further details of the window to be used in this lightwell and this is considered reasonable to attach.
- 8.9 The Council's Conservation Officer, Northampton Town Council, Semilong and Trinity Neighbourhood Forum, Councillor Russell, and neighbouring properties have all raised concern as to the impact of the proposal on the Conservation Area. The Council's Conservation Officer advises that their concern relates to the loss of a potential family home and the transient nature of occupation of HIMOs.

- 8.10 It is the case that the only visual alteration to the building as a result of this proposal is the enlargement of two lightwells. All other alterations are internal other than the provision of bin and bike storage within the rear garden which would not be seen from the street scene. With the only visual alteration to the Conservation Area being two enlarged lightwells, it is not considered that the proposal would have an unacceptable impact upon the character and appearance of the Conservation Area, and would have a neutral impact. The Council's SPD restricts the concentration of HiMOs within a 50m radius in order to maintain a balanced and mixed community and protect the character of the area. The proposal falls within the 10% concentration limits as identified above. The application property is a large property currently with 9 bedrooms and may therefore not appeal for use as a single dwelling. Furthermore, the property is currently vacant and it is considered that bringing the property back into some form of residential use is of more benefit to the character of the area than the property remaining vacant. As such, whilst the concerns in respect of impact on the Conservation Area are noted, it is not considered a refusal on this basis could be sustained and that the proposal accords with the requirements of the Council's guidance.
- 8.11 Further concerns relating to the impact upon the Conservation Area raised by other parties were the impact of bin storage, lack of parking and anti-social behaviour, all of which are covered later within this report.
- 8.12 A neighbour letter also raised concern as to the impact of the proposal on listed buildings in the area. The site is not located adjacent to or opposite any listed buildings and is not listed or locally listed itself. As such, no harm is identified in this regard.

Residential Amenity

- 8.13 The proposal is for a 13 bedroom, 13 person HiMO. At basement level two en-suite bedrooms would be provided (served by the enlarged lightwells) alongside a large room providing individual storage cupboards for each occupant. At ground floor level an open plan dining area and kitchen would be provided alongside 1 en-suite bedroom and two further bedrooms and a bathroom. At first floor level a further kitchen area would be provided alongside 1 en-suite bedroom and three further bedrooms and a bathroom. At second floor level two en-suite bedrooms would be provided alongside two further bedrooms and a bathroom. The site has a secure rear garden within which bin and cycle storage are shown to be provided.
- 8.14 All of the proposed bedrooms far exceed the minimum bedroom sizes within the HiMO SPD, and the proposed communal space (kitchen, dining room) and bathroom facilities (shower, toilet and sink) also greatly exceed that required within this SPD. It is, therefore, considered that adequate living facilities for the occupiers of the proposed HiMO are provided. NBC Private Sector Housing have been consulted on the application and the only concern raised was with kitchen facilities, which were subsequently increased, with a second kitchen being provided on the first floor. Private Sector Housing have not raised any objection to this revised layout.

Neighbouring amenity

- 8.15 The application property is vacant, however it was previously a single dwellinghouse with 9 bedrooms. 8 of these bedrooms were double bedrooms and as such the existing property could easily accommodate at least 17 people. The application is now for 13 occupants.
- 8.16 Concern has been raised by neighbouring properties regarding potential noise from the proposed HiMO due to increased occupation. It is the case that a residential use (which

includes HiMOs) is by definition appropriate within this building as it is an existing residential property. There is no planning policy basis for a condition requiring soundproofing for these uses and it would be entirely unreasonable for the Council to require this. The Council's Public Protection team have been consulted on this proposal and have raised no objection and no conditions have been requested. With no objection from Public Protection and with the existing property already having the capacity for higher occupation than that now proposed, it is not considered that there would be likely to be an unacceptable impact upon neighbouring amenity as a result of this proposal.

- 8.17 Concern has also been raised within neighbour letters that a HiMO use would be more likely to result in crime and anti-social behaviour in the area. It is the case that both the Council's Public Protection team and Northamptonshire Police have not raised objections to this proposal. Furthermore, there is no evidence to demonstrate that this would be the case. In line with this it is not considered that the proposal would have an unacceptable impact upon neighbouring amenity.

Flood risk

- 8.18 The site is located outside of an area at risk of flooding.

Parking/use of public transport

- 8.19 The Houses in Multiple Occupation SPD sets out clearly that where limited or no parking provision is proposed, the site must provide a parking beat survey. Should a parking beat survey reveal that there is insufficient on-street parking capacity, the application site should be within 400m of a bus stop with at least one bus every 30 minutes between 0700 and 1900 Mondays to Sundays and be located within 400m of facilities and services contained in a town centre, district centre, local centre or neighbourhood parade. Only outside such locations is parking required to be provided.
- 8.20 On-street parking beat surveys are requested through the HiMO SPD for these developments, however, during the pandemic these are not being accepted by the Highways Department as the date is considered unreliable and as such there is no benefit in these being provided at this time. It would, however, be entirely unreasonable for the Council to restrict any development occurring until the Highways department are in a position to accept these.
- 8.21 Therefore, reference must be made to the sustainability of the location, as set out in the SPD. It is the case that the site is within close walking distance of the town centre, being approximately a 14 minute walk to the Market Square and bus interchange, and a 20 minute walk to the train station. In addition, the site is positioned a maximum walking distance of 1 minute from bus stops served by 7 bus routes which provide regular transportation in compliance with the requirements of the Houses in Multiple Occupation SPD.
- 8.22 Reference must also be made to the Northamptonshire Parking Standards which state that HiMOs shall provide on plot parking at the ratio of one parking space per bedroom. The proposed development will produce a demand for 13 parking spaces, which is an increase of 10 compared to the requirements for the current single dwellinghouse use, although it is noted that with the existing property being a 9 bedroom house with the potential for 17 occupants the parking demand from the existing use could be much higher than 3. No allocated parking exists for this property although there is a small garage fronting the lane to the rear.

- 8.23 The proposal complies with the HiMO SPD as set out above and the current use as a 9 bedroom dwelling could potentially result in 17 car driving adults being resident, meaning there would be a decrease in demand for parking from the proposed use. Furthermore, there is no evidence to support that all proposed residents of the proposed HiMO would own cars.
- 8.24 Additionally, it can be noted that in previous appeal decisions, inspectors have consistently taken the view that where a site is close to local amenities and no parking is provided, occupiers would choose the location for this reason and would be unlikely to wish to have cars. It would, therefore, be very difficult to sustain a refusal on the grounds of lack of parking provision or impact on parking availability in streets in the area.
- 8.25 Cycle storage is shown within the rear garage of the site within the submitted plans. In order to ensure adequate secure cycle storage is provided for each occupant a condition is proposed requiring further details of cycle storage for the site.

Refuse Storage

- 8.26 The submitted plan indicates the provision of bin storage within the rear garden. There is communal access to this garden through the kitchen. A condition requiring the provision of this bin storage is attached.
- 8.27 Concern was raised in a neighbour letter as to this being a wheelie bin store when this is a bag collect area. It is the case that such a bin store could also be used for the storage of bin bags until collection day. Neighbour comments also raised concern as to the potential for waste to be left on pavements. The provision of this bin store would ensure that adequate provision is provided on site for bin bag storage prior to refuse collection days.

Other matters

- 8.28 Northamptonshire Police raised that the existing hedge to the front of the garden should be lowered to 1 metre to allow surveillance of the front of the property. As this is an existing hedge the Council's planning department would have no control of the height of the hedge and it would not be reasonable to require the reduction of this within this application.
- 8.29 Concern was raised by Semilong and Trinity Neighbourhood Forum that the proposed lightwells would not be adequate fire escapes due to heavy bars covering these. It is the case that this is not a planning consideration and would be covered outside of the planning process.
- 8.30 A neighbour letter raised a question as to how many occupiers would be smokers and the impact of this on neighbours. Whilst it would not be possible for the Council to know this information or control the number of smokers, the site is on a large plot with large gardens and it is considered unlikely that smoking would have an unacceptable impact upon neighbouring amenity when compared to the current use, where all occupiers could also be smokers.
- 8.31 A neighbour letter raised concern that the application details outlined that there is access to the site to the rear along the lane. The neighbour advises that there is a covenant on the land and only properties 8-28 can use this lane. This would be a private matter and a covenant is not a planning consideration. In any case, the

application does not propose any parking served off this lane and as such the development is not impacted upon by this covenant.

9 FINANCIAL CONSIDERATIONS

9.1 The development is not CIL liable.

10 PLANNING BALANCE AND CONCLUSION

10.1 The proposed development is considered acceptable in principle as it would not result in an overconcentration of similar uses within the vicinity of the site, would not harm the character and appearance of the Conservation Area, 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 bus stops and amenities and would provide adequate facilities for cycle storage and refuse storage. The proposal thereby complies with Policies H1, H5, BN7 and S10 of the West Northamptonshire Joint Core Strategy, Policies E20 and H30 of the Northampton Local Plan, the Houses in Multiple Occupation Supplementary Planning Document (SPD) (November 2019) and the aims and objectives of the National Planning Policy Framework.

11 RECOMMENDATION / CONDITIONS AND REASONS

11.1 The proposed development is recommended for approval subject to the following 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: ASM-21-E9-04a Rev A, ASM-21-E9-03A Rev A, ASM-21-E9-02B Rev B.

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

3. Prior to any works being undertaken on the lightwells as shown within plans ASM-21-E9-03A Rev A and ASM-21-E9-02B Rev B full details of the basement windows for these lightwells (including the use of timber frames) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details, be fully implemented prior to the first occupation of the development hereby permitted and retained thereafter.

Reason: In the interests of the historic environment in accordance with Policy BN5 of the West Northamptonshire Joint Core Strategy.

4. The development hereby permitted shall be occupied by a maximum of 13 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.

5. Prior to the bringing into use of the building for the approved use, the bin storage details shown within plan ASM-21-E9-02B shall be provided on site and shall thereafter be retained for the storage of refuse associated with the approved use.

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. Prior to the bringing into use of the building for the approved use, and notwithstanding the submitted details, full details of secure and covered parking for bicycles shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and fully implemented prior to the development being first brought into use and retained thereafter.

Reason: To ensure the provision of adequate facilities in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

7. Prior to first occupation of bedrooms 1 and 2 as shown within plan ASM-21-E9-02B Rev B, the lightwells to these bedrooms at basement level as shown within plans ASM-21-E9-03A Rev A and ASM-21-E9-02B Rev B shall be provided in full and retained thereafter.

Reason: To ensure adequate living conditions for future occupiers in accordance with policy S10 of the West Northamptonshire Joint Core Strategy.

8. The basement store as shown on the approved plans shall not be used for habitable accommodation.

Reason: To ensure an adequate standard of amenity for proposed occupiers in accordance with Policy H1 of the West Northamptonshire Joint Core Strategy.



**West
Northamptonshire
Council**

Title: 3 Langham Place

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