



# Planning Committee Report

**Committee Date:** 4<sup>th</sup> October 2022

**Application Number:** WNN/2022/0407

**Location:** 21B Gold Street, Northampton

**Development:** Change of Use from 4 bed flat (Use Class C3) to House in Multiple Occupation (Use Class C4) for 5 occupants

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**Applicant:** TJM Group

**Agent:** FLH Architectural Design Services

**Case Officer:** Satu Pardivalla

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**Ward:** Castle Unitary Ward

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**Referred By:** Called in by Councillor D Stone

**Reason for Referral:** Overdevelopment, inappropriate form of development, Size of rooms

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## **EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION**

**RECOMMENDATION:** GRANT PERMISSION SUBJECT TO CONDITIONS as set out below with delegated authority to the Assistant Director for Place and Economy to approve any amendments to those conditions as deemed necessary.

### **Proposal**

The application seeks planning permission for a change of use of the second and third floors from a flat (Use Class C3) to House in Multiple Occupation (Use Class C4) for 5 occupants.

### **Consultations**

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

- Councillor Danielle Stone.

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

- Local Highway Authority
- Private Sector Housing
- Conservation Section
- Environmental Protection

No public representations have been received.

## **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 key issues arising from the application details are:

- Concentration of HIMO's within the locality
- The living environment of the occupiers of the application building and the neighbouring buildings.
- Parking and highway safety

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 This application relates to a 4-storey terraced building located on the south side of Gold Street some 90m to the west of its junction with Bridge Street. The site is within the All Saints Conservation Area. The site is not neighboured by listed buildings, but there are locally listed buildings opposite and to the rear of the property.
- 1.2 All the proposed changes are internal, no external changes to the building are involved.

### **2. CONSTRAINTS**

- 2.1 The site is within the All Saints Conservation Area, there are locally listed buildings in the immediate vicinity.

### **3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1 The application seeks planning permission for a change of use from Class C3 (dwellinghouse) to Class C4 (House in Multiple Occupation).
- 3.2 This application relates only to the second and third floors, the ground and first floors are not part of the application, however, floor plans for the ground and first floors have been submitted to indicate shared access arrangements. The attic remains unused.
- 3.3 There are no changes proposed to the external front and rear facades. Internally, the second floor remains substantially as existing, and the third floor remains unchanged.
- 3.4 Essentially, planning permission is sought for a change of use for the second and third floors from a flat in single occupation with 5 rooms to a flat in multiple occupation

for up to 5 persons. The internal changes are minor and do not constitute development.

#### 4 RELEVANT PLANNING HISTORY

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

Application Ref.	Proposal	Decision
<b>WNN/2022/0508-21 Gold Street</b>	Internal conversion to create 3no one-bedroom residential apartments and a studio apartment	Approved
<b>N/2019/1490</b>	Variation of Condition 4 of Planning Permission N/2012/1227 (Change of use of ground floor and basement from A1 retail to A3 restaurant with ancillary take-away facility) to amend the trading hours to 08:00 to 23:00.	Approved
<b>N/2012/1227</b>	Change of use of ground floor and basement from A1 retail to A3 restaurant with ancillary take-away facility and erection of ventilation system and extraction flue to rear (as amended by revised plan received on 5 April 2013)	Approved
<b>N/2007/0135</b>	Change of use from sandwich shop to sandwich shop with hot food sales (A1 and A5) open 8am – 9pm (WNDC application)	Approved
<b>N/1996/705</b>	Change of use of upper floors to student 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.

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

##### Development Plan

5.3 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 15<sup>th</sup> December 2014 and which provides the strategic planning policy framework for the District to 2029 and the adopted Northampton Local Plan. The relevant planning policies of the statutory Development Plan are set out below:

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

5.4 The relevant policies of the LPP1 are:

- H1 - Housing Density & Mix & Type of Dwellings
- H5 - Managing the Existing Housing Stock
- S10 - Sustainable Development Principles
- BN7 - Flood Risk

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

5.5 The relevant policies of the NLP1 are:

- Policy E20 – Design for new development
- Policy H30 – Multi-occupation with a single dwelling

## **Material Considerations**

5.6 Below is a list of the relevant Material Planning Considerations

- **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 62 - ensure that a variety of homes to meet the needs of different groups in the community will be provided
- Paragraph 126 – the planning systems should achieve the creation of high quality, beautiful and sustainable buildings and places.

- **Northampton Local Plan Part 2 (2011-2029) (Emerging)**

Following the decision at the Full Council on 18 January 2021, the former Northampton Borough Council submitted the Northampton Local Plan Part 2 (2011 – 2029) and supporting documents to the Secretary of State for Housing, Communities and Local Government (now Secretary of State for Levelling Up, Housing and Communities) on 4 February 2021 for examination. In response to the Inspector's letter dated 24 January 2022 the Council has prepared modifications which are out to consultation and carry increased weight.

In line with Paragraph 48 of the National Planning Policy Framework, the policies contained within the emerging Northampton Local Plan Part 2 are therefore a material consideration in the determination of planning applications. The weight afforded to the policies relevant to this application are set out below:

- Policy 1 – Presumption in favour of sustainable development (Significant weight)
- Policy 2 – Placemaking (Moderate weight)
- Policy 15 – Delivering houses in multiple occupation (Significant weight)
- Policy 33 – Highway network and safety (Significant weight)
- Policy 35 – Parking standards (Significant weight)

## **Supplementary Planning Documents**

- Residential Extensions and Alterations Design Guide 2011
- Northamptonshire County Parking Standards (November 2016)
- Northampton Parking Standards Supplementary Planning Document (November 2019)
- Houses in Multiple Occupation Supplementary Planning Document (November 2019). The HIMO SPD details that 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 10% of HIMO's within a 50 metre radius.
- Secure the provision of adequate facilities and amenities
- Provide adequate waste and recycling facilities and sufficient refuse storage
- Minimise flood risk
- Secure provision of adequate parking
- Provide adequate secure cycle storage in accordance with relevant parking standards documents and SPDs

## 6 RESPONSE TO CONSULTATION

6.1 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	Position	Comment
Environmental Protection Section	No objection	Recommends conditions for noise, insulation, odour, CEMP, and air quality.
Local Highway Authority	No objection	The local highway authority has no comments to make regarding this application.
Private Sector Housing	Comment	The indicated rooms sizes would meet the requirements for 5 persons. The kitchen and sanitary facilities are adequate. Fire protection is not shown on the submitted drawings and will be required to meet the appropriate standards.
Conservation Section	No objection	The conversion from a single use to a HIMO will have a neutral impact on the character of the conservation area. No alterations are proposed, and the appearance of the conservation area will not be harmed.
Councillor Danielle Stone	Object	Please could I call this application in on the grounds of overdevelopment leading to an unbalanced community, negatively impacting local services, and contributing to the population churn in this area.

## 7 RESPONSE TO PUBLICITY

7.1 There have been no public comments received in response to the publicity of the application.

## 8 APPRAISAL

### Principle of Development

- 8.1 The basement and ground floor of the property are in use as a restaurant with ancillary take away. The upper floors were granted permission in 1996 for student accommodation. It now seems that the first floor may have been in use as a single flat, and the two floors above as another. The attic is unused and lit by a dormer window on its rear roof slope.
- 8.2 Permission has recently been granted (WNN/2022/0508) for the upper floors including the attic to be converted from a seven-bed unit to four, one-bedroom flats.
- 8.3 This application seeks permission to convert the second and third floors from a five-bed unit to use as an HMO for up to five persons set on the same two floors (the attic is to remain unconverted).
- 8.4 The NPPF supports an appropriate mix of uses within town centres to support its vitality and viability and seeks a variety of different house types and tenures. Policy 16 of the CAAP also supports residential uses in the central area and indicates support for a mix of dwelling types, sizes and tenures, indicating that one or two-bedroom apartments and student accommodation would be acceptable in the town centre.
- 8.5 In addition, JCS Policy H5 allows for HMOs where the proposal would not adversely impact on the character of the area and amenity of residential areas.
- 8.6 Although dated Local Plan Policy H30 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.
- 8.7 The HMO SPD seeks to ensure acceptable standards for a range of space and facilities and sets out minimum space standards for bedrooms, kitchens, living and dining space as well as a minimum number of bathroom facilities for the intended occupiers. Policy 15 of the emerging Local Plan 2 states that schemes should be compliant to the Council's existing space standards for houses in multiple occupation.
- 8.9 Given the planning history of the property where permission for student accommodation has previously been granted, its sustainable location in the town centre, and accordance with policy the principle of the use is considered to be acceptable.

### Area concentration

- 8.10 Council records indicate that there are only two other HMOs within a 50m radius of the application site. The use of this property as a HMO would equate to a 1.63% concentration and would clearly fall within the 10% maximum threshold recommended by the Council's adopted SPD in relation to HMOs. It is considered therefore that there would still be a reasonable mixture of house types within the area.

### Size of property and facilities for future occupiers

- 8.11 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.
- 8.12 The property is considered to be of sufficient size, providing room sizes in accordance with the Council's HMO SPD and appropriate kitchen, WC and wash facilities. Furthermore, it is noted that Private Sector Housing have assessed the application and have raised no objections detailing that all rooms sizes are adequate and have advised for an informative that the property would require a mandatory HMO licence.
- 8.13 Each bedroom is to be occupied by a single person. The minimum size of a single person bedroom prescribed by law and required by the HMO SPD is 6.61m<sup>2</sup>. This standard is easily exceeded as the proposed room sizes vary between 10.61m<sup>2</sup> to 16.042m<sup>2</sup>. The shared kitchen/dining room area at 18.06m<sup>2</sup> matches the requirement of the SPD.
- 8.14 All the habitable rooms are lit by a window, and benefit from good outlook and light. It should be noted that the property does not enjoy any outdoor amenity space. However, such restrictions are commonplace within tight urban settings and considered to be acceptable given access to town centre facilities.
- 8.15 To conclude, the proposed five person HMO satisfies the space standards as set out within the HMO SPD and as such it is considered that the property would provide an acceptable living environment for the occupiers.
- 8.16 A condition restricting the use of the property to a maximum of 5 people would ensure that the use is commensurate with space and facilities.

### Heritage Assets

- 8.17 The application property is located in the All Saints Conservation Area and, therefore, consideration must be given to preserving or enhancing its character or appearance of a Conservation Area, with great weight given the conservation of the heritage asset.
- 8.18 In this instance, the proposal involves no external alterations to the property on the front. As such and given that the Conservation Officer does not object to the application, it is considered that the proposal would not impact on the character or appearance of the Conservation Area or the neighbouring locally listed buildings.

### Highways / Parking

- 8.19 The application site does not benefit from any onsite parking nor is there any scope of providing any, however, there are no highway safety reasons for resisting the proposal as the site is in a sustainable location within the Town centre in close proximity to public transport facilities. Furthermore, provision can be made for cycle storage within the application site.
- 8.20 In the absence of any objections from the Highway Engineer the proposal is considered to accord with the requirements of the HMO SPD and the Parking SPD.

### Refuse and cycle storage

- 8.21 Provision can be made for internal refuse and cycle storage; this can be secured by condition.

### Noise

- 8.22 The property is located within a town centre location with numerous commercial premises in the locality with potential noise impact from these sources, and within the building. In order to ensure that proper living conditions are secured for residents the Environmental Protection Section has recommended conditions which require the submission of an acoustic assessment, and implementation of noise insulation before commencement of the use.

### Odour

- 8.23 The submission of an odour assessment is recommended by the Environmental Protection Section due to the restaurant/takeaway use on the ground floor and basement. Although the upper floors have a residential use currently, as emissions from the restaurant takeaway could have a detrimental impact on future occupiers a condition which requires odour assessment/mitigation is considered to be reasonable and necessary.

### Construction Management Plan

- 8.24 A condition requiring the submission of a Construction Management Plan is suggested by the Environmental Protection Section. It is considered that as the proposed internal works to facilitate the proposed change of use are minor the requirement for such a plan is not necessary.

### Air Quality

- 8.25 The concern here is reduce exposure to emissions from traffic by promoting sustainable transport and emission friendly heating and cooling systems. The town centre location of the proposed development close to public transport and other facilities and provision of cycle storage would meet the first objective.
- 8.26 There is much debate about the use of alternative energy sources for heating and cooling. It must be accepted however that there may be no financially viable options currently available to retro fit existing dwellings in marginal locations and as such it would not be reasonable to insist upon these solutions.

### Land Quality

- 8.27 As the proposed works are internal and restricted to the upper floors the issue of ground contamination does not arise.

### Flood Risk

- 8.28 The site lies in a low-risk Flood Zone (Zone 1) where there is limited risk from flooding to the proposed use.



### Refuse and cycle storage

- 8.29 Provision can be made for internal refuse and cycle storage; this can be secured by condition.

### CIL Implications

- 8.30 The development is not CIL liable.

## **9. FINANCIAL CONSIDERATIONS**

- 9.1 The development is not CIL liable.

## **10. PLANNING BALANCE AND CONCLUSION**

- 10.1 The proposed development would not lead to an unacceptable concentration of HIMO's within the locality, would not adversely affect the character of the conservation area, highway safety nor would the development have significant adverse impacts on neighbouring amenity or parking provision. The property is of sufficient size to accommodate the level of accommodation as proposed.

- 10.2 It is considered that the proposed development would be in accordance with the and the aims and objectives of the National Planning Policy Framework, requirements of Policies H1, H5, S10, BN5, BN7 and BN9 of the West Northamptonshire Joint Core Strategy, saved Policy H30 of the Northampton Local Plan, Policies 1, 11 and 16 of the Central Area Action Plan, the Council's Houses in Multiple Occupation Supplementary Planning Document.

## **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:

1. Drawing No: Drawing No: A4137-11-0 (Block and Location Plan).
2. Drawing No: Drawing No: A4137-09.01 (Proposed Loft Floor Plan).
3. Drawing No: Drawing No: A4137-08-02 (Proposed Third Floor Plan).
4. Drawing No: Drawing No: A4137-07.02 (Proposed Second Floor Plan).
5. Drawing No: Drawing No: A4137-06.02 (Proposed Ground Floor Plan).
6. Drawing No: Drawing No: A4137-01-03 (Survey Drawing Existing Plans).

Reason: For the avoidance of doubt and to accord with the terms of the planning application/listed building consent application.

3. Before the commencement of the use hereby approved an odour impact assessment and mitigation measures to minimise the level of odour emanating from the restaurant/takeaway use on the ground floor/basement of the property shall be submitted to and approved in writing by the local planning authority. The scheme as approved shall be fully implemented before the use hereby permitted is commenced and shall thereafter be retained in strict accordance with the approved details.

Reason: In the interest of safeguarding residential amenity and reducing pollution in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

4. Before to the commencement of the use hereby approved an odour impact assessment and mitigation measures to minimise the level of odour emanating from the restaurant/takeaway use on the ground floor/basement of the property shall be submitted to and approved in writing by the local planning authority. The scheme as approved shall be fully implemented before the use hereby permitted is commenced and shall thereafter be retained in strict accordance with the approved details.

Reason: In the interest of safeguarding residential amenity and reducing pollution in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

5. The attic within the property shall not be occupied as a bedroom.

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

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

Reason: In the interests of the amenity of the occupiers of the property and the surrounding area, and to accord with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy.

7. Prior to the commencement of the use hereby approved provision for the secure storage of at least 5 bicycles shall be made within the property. The cycle spaces shall thereafter be retained as such.

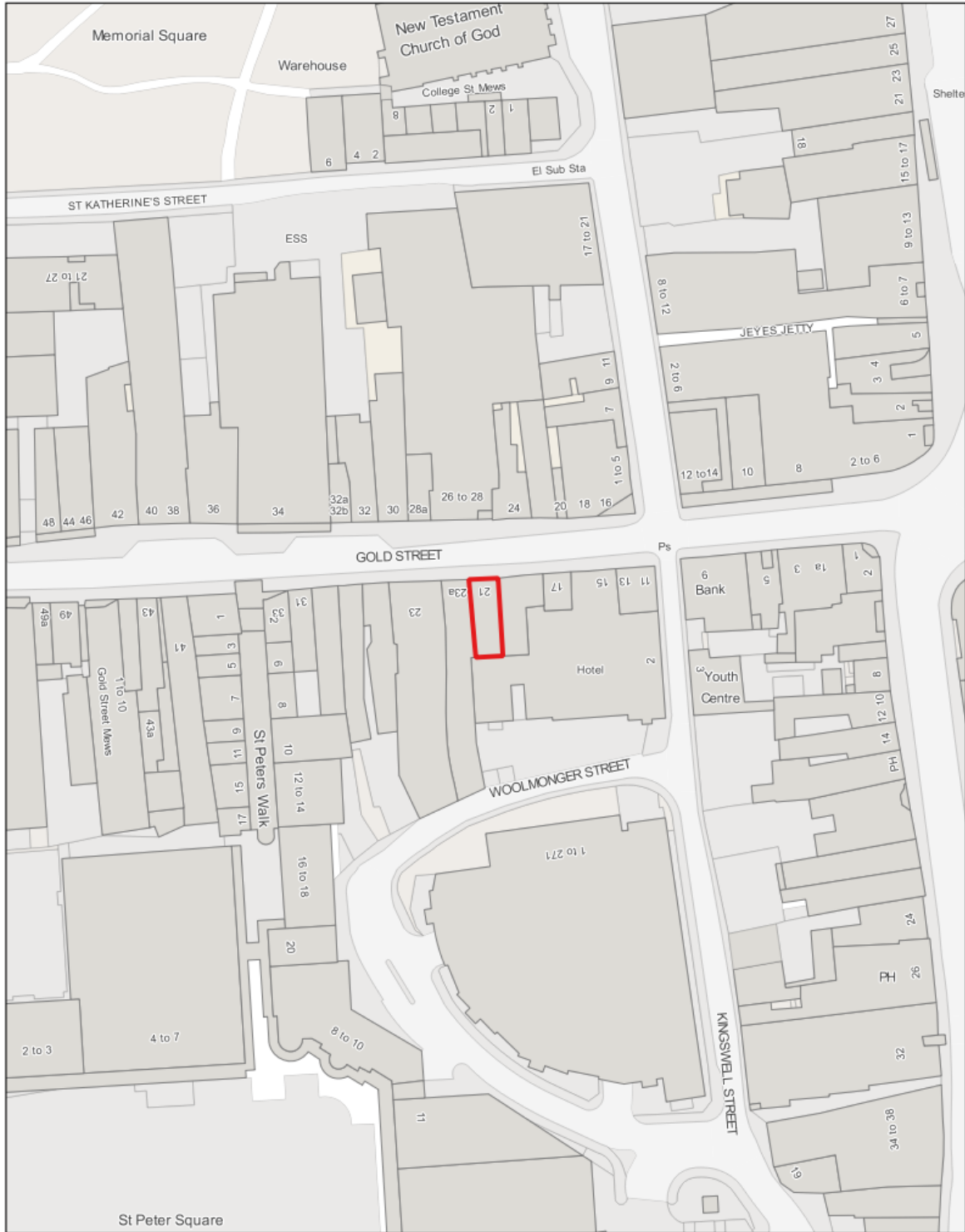
Reason: To promote sustainable modes of transport and in the interests of crime prevention and to accord with Policies H1, H5 and S10 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

8. Prior to the commencement of the use hereby approved 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 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.

## **INFORMATIVES**

1. Attention is drawn to the attention of the applicant that the premises may require licensing under the Council's HMO licensing scheme.



**West  
Northamptonshire  
Council**

Title: **21B Gold Street**

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Date: 24-08-2022

Scale: 1:1,000 @A4

Drawn: M Johnson