



Applicant: Clayson  
Country Homes Ltd

Application No:  
10/0022/FULWNN

Date Registered:  
18.02.2010

Expiry Date:  
15.04.2010

Ward:  
St Crispins

# Northampton UDA Planning Committee Paper

Report by Director of Planning Services

Date of Committee Meeting: 20/04/2010

Agenda Item: 4

Description: Change of use from 5 No. apartments to 13 No. bedroom student accommodation (House in Multiple Occupancy – HIMO)

Address: 2 Gray Street, Northampton, Northamptonshire, NN1 3QQ

## 1. Recommendation

1.1 That the application be **APPROVED** subject to the conditions set out in this report.

For the following reason:

1.2 The proposed application provides an acceptable use within the existing building in an area located close to Northampton University's Avenue Campus. The application has been considered against the provisions of all local development plan policies and is considered to be acceptable having regard to the planning objectives set out in policies E19, H6, H17, of the Northampton Local Plan (1997).

## 2. Summary

2.1 This is a full application for a change of use from 5 no. apartments to 13 no. bedroom student accommodation, which is classified as a House in Multiple Occupation (HIMO). HIMO's

do not fall within any of the use classes as set out in the Use Classes Order and are therefore classified as *sui generis*.

- 2.2 The site was previously granted planning permission for a change of use from a workshop to 5 self contained flats and that consent has been implemented by virtue of commencement of various external alterations that formed part of that application. This included a single storey rear extension, second floor extension and alteration to the roof.
- 2.3 The application states that it is for student accommodation; however it has been assessed as a general HIMO which could be occupied by different sections of society. It is considered that the proposal is acceptable providing an acceptable level of off street parking and subject to the conditions attached to the planning permission, the proposal is recommended.

### **3. Description of Proposal**

- 3.1 This is a full planning application for a change of use from 5 no. apartments to a 13 no. bedroom student accommodation, which is classified as a House in Multiple Occupation (HIMO). The Housing Act 1986 describes a HIMO as one occupied by persons who do not form a single household. It is considered appropriate to set out the position regarding the Use Classes Order and this particular use.
- 3.2 The Department for Communities and Local Government published Circular 05/2010 on 31<sup>st</sup> March 2010 titled '*Changes to Planning Regulations for Dwelling Houses and Houses in Multiple Occupation*'. This came into effect on 6<sup>th</sup> April 2010 and gives general guidance of the new use classes.
- 3.3 Until Circular 05/2010 came into effect, dwelling houses were classified as C3 under the Uses Classes Order. However, that has now been split into C3: Dwellinghouses and C4: Houses in Multiple Occupation. Within C3 there are 3 parts as follows:
- C3(a): those living together as a single household as defined by the Housing Act 2004 (basically a 'family');
  - C3(b): those living together as a single household and receiving care; and
  - C3(c): those living together as a single household who do not fall within the C4 definition of a house in multiple occupation.

C4 covers small shared dwellings occupied by between 3 and 6 unrelated individuals who share basic amenities. Large HIMO's, those with more than 6 people sharing,

remain unclassified and are therefore classified as *'sui generis'*. However, the Circular states that just because the number of persons exceeds 6 that does not simply imply a breach of planning control. A material change of use will occur only where the total number of residents has increased to the point where it can be said that the use has intensified so as to become a different character or the residents in relation to C3 no longer constitute a single household.

- 3.4 The publication of the Circular and its effect from 6<sup>th</sup> April 2010 is timely in the consideration of this planning application. It clarifies in greater detail the various ways in which a residential dwelling can be occupied and in particular provides clear guidance on HIMO's.
- 3.5 With respect to the detailed elements of the proposal, the building comprises four floors and it will effectively be split into two separate units. Five en-suite bedrooms are proposed at ground floor and they will share a kitchen lounge area which will be located in the basement. These two floors will only be accessible to the occupiers of those bedrooms and this will be controlled by an internal entrance door.
- 3.6 The remaining eight bedrooms will form a separate unit. Five bedrooms will be provided on the first floor, three of which will be en-suite with the remaining two sharing a bathroom and shower. Two bedrooms are proposed on the second floor, one of which is en-suite. The communal kitchen/lounge is provided on the first floor.
- 3.7 An off street parking area is to be provided to the rear and side of the building. This will comprise 9 car parking spaces and will also include a bicycle and bin store to be located in the south east corner. Access is from Gray Street and is proposed to be controlled by automated gates.

#### **4. Description of Site**

- 4.1 The site is located within the Mounts area of Northampton at the corner of Gray Street and Hunter Street. It was formerly a commercial premises similar to a number of properties at this end of Gray Street, some of which have also been converted to flats.
- 4.2 The surrounding area is predominantly residential in character and the application site is bounded on all sides by residential properties. The building itself is two and half storeys in height but provides four floors of accommodation which includes a basement. There is an existing vehicular access to the side of the building which serves a courtyard area to the rear. It is worth noting that in the immediate surrounding area

there are also a number of former commercial buildings that have since been converted to various types of residential use.

## 5. Policy Considerations

### WNDC Purpose:

- 5.1 Under S136(1) of the Local Government Planning and Land Act 1980, WNDC as an Urban Development Corporation has a statutory “objective” to deliver the regeneration of the area. The Secretary of State has determined that WNDC should have development control powers for certain types of development in order to carry out its objective.

### National Planning Policy Guidance

- 5.2 The following Planning Policy Statements / Notes should be taken into consideration in the determination of this application.

PPS1 – Sustainable Development

PPS1 – Sustainable Development: Planning and Climate Change

PPS 3 – Housing

PPG24 – Planning and Noise

## 6. **Development Plan:**

- 6.1 The Development Plan documents for the area comprise;

The East Midlands Regional Plan (RSS8) (2009);

The Milton Keynes and South Midlands Sub-regional Spatial Strategy (MKSM) (2005);

The Northamptonshire County Structure Plan (NSP) (2001) (saved policies);

The Northampton Borough Local Plan (NLP) (1997) (saved policies).

- 6.2 **East Midlands Regional Plan (RSS8) (2009) relevant policies;**

Policy 1 (Regional Core Objectives);

Policy 2 (Promoting Better Design);

Policy 3 (Distribution of New development)

Policy 11 (Development in the Southern Sub Area)

Policy 19 (Regional Priorities for Regeneration)

6.3 **The Milton Keynes and South Midlands Sub-regional Spatial Strategy (MKSM) (2005) relevant policies;**

Policy 1 (Spatial Framework Locational Growth);

Policy 3 (Sustainable Communities);

Northamptonshire Policy 1 (The Spatial Framework);

Northamptonshire Policy 2 (Northampton Implementation Area).

6.4 **The Northamptonshire County Structure Plan (NSP) (2001) (relevant saved policies);**

SDA1 Strategic Development Areas

6.5 **The Northampton Borough Local Plan (NLP) (1997) (relevant saved policies);**

6.6 The site is designated within the Northampton Local Plan as an existing school site .

Policy E19 Implementing development;

Policy H6 Other housing development: within primarily residential area;

Policy H17 Housing for people with disabilities

7. Other non-statutory documents

7.1 WNDC Planning Principles (2009):

1. To deliver development and infrastructure that enables regeneration and growth in Northampton, Daventry and Towcester.
2. To ensure that new development is supported by appropriate jobs, infrastructure and town centre regeneration.
3. To ensure that new development meets the Government's design quality and environmental standards and is integrated into existing communities.

7.2 WNDC Planning Obligation Strategy (POS):

The Planning Obligations Strategy sets out WNDC's approach to planning obligations, in particular, the arrangements for a 'Standard Charge' to be applied, initially, to new residential development within WNDC's area. The principal objective of the Strategy is to ensure that development contributes appropriately, both financially and/or in kind, towards the infrastructure needed across WNDC's area to deliver sustainable growth. Funding from planning obligations will be used, alongside other funding sources, to ensure that essential infrastructure, facilities and amenities are brought forward at the

appropriate time, so that the growth and regeneration outcomes sought for the area can be achieved. The POS is currently subject to a review.

## **8. Relevant Planning History**

- 8.1 N/2001/1516: Conversion to four flats. Approved 11/12/2002;  
08/0074/FULWNN: Conversion of existing workshop into 5 apartments including single storey rear extension and second floor extension and alteration to roof (Part retrospective). Approved 5/6/2008.

## **9. Consultations**

- 9.1 **Northampton Borough Council:** No comments received (consulted 3.3.2010)
- 9.2 **Environmental Health:** No comments received (consulted 3.3.2010)
- 9.3 **Housing Strategy Section:** No comments received (consulted 3.3.2010)
- 9.4 **NCC (Highways):** The conditions for the previous consent regarding car and cycle parking. A disabled parking space is required which will reduce the total number of spaces to 7. Although not previously requested, a condition should be included for the vehicular access to be electronically controlled and constructed in accordance with approved details and thereafter maintained.
- 9.5 **Northamptonshire Police:** No comments received (consulted 3.3.2010)
- 9.6 **Northamptonshire Fire and Rescue Service:** No comments received (consulted 3.3.2010)
- 9.7 **Councillors Ifty Choudary and Councillor Penny Flavell:** Councillor Choudary forwarded comments received from THAW Residents Association (Talbot Road, Henry Street, Artizan Road, Whitworth Road and Melville Street). Also stated that HH Residents Association (Hunter and Hervey Street) and Colwyn Road Residents Association.

## **10. Notifications and Responses**

- 10.1 15 letters of objection received on the following grounds:
- Not a HIMO, it is a halls of residence and out of character with the area;
  - Inadequate parking creating on street issues which are already inadequate;
  - Discrimination against wheel chair users as property is not suitable;
  - Too many HIMO's in the area, putting pressure on infrastructure;
  - Noise from occupants;
  - Litter;
  - Lack of supervision of the students;

- Will allow other properties to do the same and create further problems.

## 11. **Evaluation**

The following matters are relevant to the determination of this application:

Principle of development

Neighbouring amenity

Highway matters

Other Matters

### **Principle of Development**

- 11.1 There is no policy within the current development plan which restricts the use of the property as a HIMO, neither is there a policy which places any restriction on the number of properties available within an area for student accommodation. PPS 3 does not address HIMO's specifically but does promote the provision of a wide choice of housing to meet the various needs of the community.
- 11.2 In view of the development plan position the principle of the use of the property as an HIMO is considered to be acceptable and it is therefore the detailed elements of the proposed development that are the key consideration in this application.

### **Visual impact**

- 11.3 There are no external alterations to the building proposed as part of this application. External alterations including extensions have been carried out to the building under the previous planning permission. The only external works required as part of the application are those associated with the creation of the parking area, which in themselves do not require planning permission. The proposed development will therefore have no impact upon the appearance of the area.
- 11.4 Concerns have been raised regarding the affect of the proposals upon the character of the area due to the nature of the proposals. It is not considered that there will be any material impact as there are accommodation types in the area with other buildings having been converted to multiple occupation units. The proposal is therefore considered acceptable in this regard.

### **Neighbouring amenity**

- 11.5 A number of the letters of objection have raised concerns regarding the generation of noise from the occupants of the building. It is worth noting at this stage that this

application is assessed as an HIMO that could be occupied by different members of society and not solely by students. The occupation of the building by students is a matter for the applicant to decide and it would not be appropriate or reasonable in planning terms for the WNDL as a Local Planning Authority to impose a condition which would restrict the application for occupation solely by students.

- 11.6 In light of this it is therefore not considered reasonable to assess any potential problems associated with the behaviour of students as part of this application. Therefore a generalisation on the behaviour of students as generating additional noise over and above any other potential occupants cannot be used to support the suggestion that there would be any additional impact upon the amenities of surrounding residential properties as a result of noise. Further information on the management of the property is being sought and the Committee will be updated accordingly. The key issue is therefore the intensification of the use of the property due to the number of occupants, not the type of occupants.
- 11.7 The proposal to provide 13 bedrooms within the property is not considered to unacceptable in terms of an over-intensification of a residential type use within the property. It is anticipated that the occupation rate would be one person per bedroom. As a useful comparison, the previous application for the creation of 5 no. flats comprised 1 no. 2 bed flat and 4 no. 1 bed flats. The potential occupancy under that scheme could range from a minimum of 6 persons to potentially 10 persons.
- 11.8 It is not considered that the level of noise likely to be generated within the property will adversely impact upon the amenity of surrounding properties. Equally, any noise generated through the comings and goings from the property, in particular the parking area, is not considered to be unacceptable. The surrounding area is high density residential development and the proposed number of units is not an uncommon form of development in an urban environment such as this.
- 11.9 There are no other amenity considerations resulting from the use of the building as an HIMO that would adversely impact upon adjoining properties.

#### **Highway matters**

- 11.10 The proposal as submitted proposes nine car off street parking spaces in a parking court at the rear that is accessed from Gray Street. The Highways Officer has raised no objections subject to the attachment of conditions concerning car and cycle parking and the access to be controlled by electronic gates. In addition, a disabled parking

space is also required which will reduce the number of parking spaces to 8. This will be secured by condition and the submission of a revised parking layout.

- 11.11 The number of car parking spaces provided is considered to be acceptable in this location. Concerns have been raised in the representations received regarding current on-street parking issues. The concerns are noted, however in central locations such as this it is accepted that a certain amount of parking will need to be accommodated on-street. Equally, in central locations it is reasonable to assume that not all occupants will have ownership of a car as the property is within easy walking distance of the town centre. Cycle parking will also be secured as part of the development.
- 11.12 In light of the comments of the Highways Officer, the central location of the property, the amount of off-street parking provided, the subsequent effect on on-street parking is considered to be acceptable.

### **Other Matters**

- 11.13 Several other issues have been raised concerning supervision of the occupants, litter, the potential for other properties in the area, the lack of wheelchair accessible units and pressure on local infrastructure. The supervision of the occupants relates primarily to the proposed occupation by students. This is a management issue for the landlord of the property. Whilst not relevant, further information has been requested and this will be provided to the Committee accordingly. Equally, the comments regarding litter apply to the type of occupants, but again potential litter problems could be associated with any type of occupant and cannot be deemed to be more significant from students.
- 11.14 The concern regarding the potential for this application to act as a precedent and allow future similar developments is noted. However, each application must be judged on its own merits and any subsequent applications will be assessed accordingly. With regard to the provision of wheelchair accessible units, the applicant has stated in writing that bedrooms 4 and 5 on the ground floor can be mobility units and have level access onto the car park. This will be secured by a planning condition.
- 11.15 Finally, with regard to the impact on local infrastructure, it is not considered that a development will have any material effect on local infrastructure or services due to its size and nature.

## **12. Conclusion**

- 12.1 In light of the current development plan there is no objection in principle to the use of

the property as a HIMO. The extent of the use providing 13 bedrooms is considered to be acceptable. It is not considered that it would result in any undue noise and disturbance both within the property and its associated parking court. A number of the comments made have specifically referred to the occupation by students. As stated above, it is not considered appropriate to assess the application based on the assumption that student behaviour is different to any other potential occupant.

- 12.2 The concerns regarding parking are noted. However, the proposal will provide 8 off street parking spaces and the site is also within easy walking distance of the town centre. It is therefore considered acceptable in this respect.

### 13. 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 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule 1 of this permission.

**Reason:** For the avoidance of doubt and in the interests of proper planning.

3. The refuse bin and cycle storage areas hereby approved shall be provided in full prior to the first occupation of the development hereby permitted and thereafter retained at all times.

**Reason:** To ensure the development is served at all times by a satisfactory means of waste storage and provides a facility encouraging the use of cycles a more sustainable form of transport.

4. Prior to the first occupation of the development a revised parking layout to include the provision of one disabled space shall be submitted to and approved in writing by the Local Planning Authority. The parking spaces approved shall thereafter be provided and made available for use prior to the first occupation of the development

hereby approved and thereafter retained at all times as parking spaces of the development.

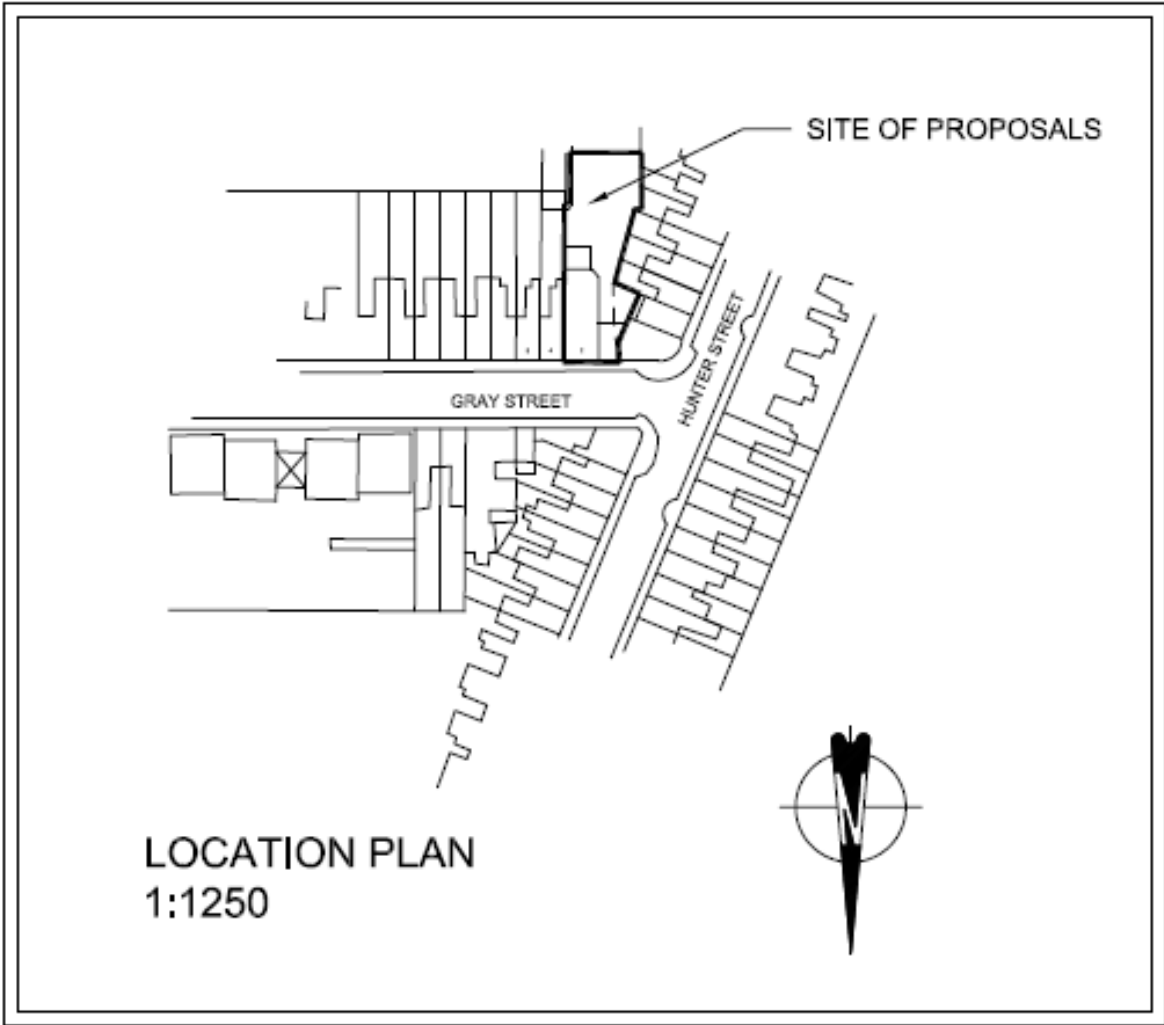
**Reason:** To ensure the development at all times is served by an off-street parking scheme.

5. A minimum of 10% of the total number of dwellings shall be constructed to the Local Planning Authority's mobility standards in accordance with further details to be submitted to and approved in writing by the Local Planning Authority and implemented concurrently with the development and thereafter retained as such.

**Reason:** To ensure the provision and retention of dwellings(s) suitable for use by people with disabilities in accordance with local plan policy.

6. The automated gates hereby approved shall be provided in full prior to the first occupation of the development hereby permitted and thereafter retained at all times.

**Reason:** In the interests of highway safety.



LOCATION PLAN  
1:1250