

North Northamptonshire Planning Committee (North) 2nd August 2023

Application Reference	NK/2023/0254
Case Officer	Olawale Duyile
Location	4 Church Street, Burton Latimer
Development	Full Planning Permission: Change of Use of first floor from function room (sui generis) to a 6 no. bedroom, 6 no. person HMO (sui generis). Partial demolition of lean-to structure and replace with timber clad lobby. Timber cladding to existing staircase, additional first floor window in north elevation, secure pedestrian access gate, bin collection/storage points, cycle storage
Applicant	Mr G Tomkins Cycle Developments
Agent	Mr A Jelley Alpine Planning Ltd
Ward	Burton and Broughton Ward
Overall Expiry Date	05/07/2023
Agreed Extension of Time	

All plans and documents can be viewed using the application reference number at <https://www.kettering.gov.uk/planningApplication/search>

List of Appendices

Appendix A – Site Plan

Scheme of Delegation

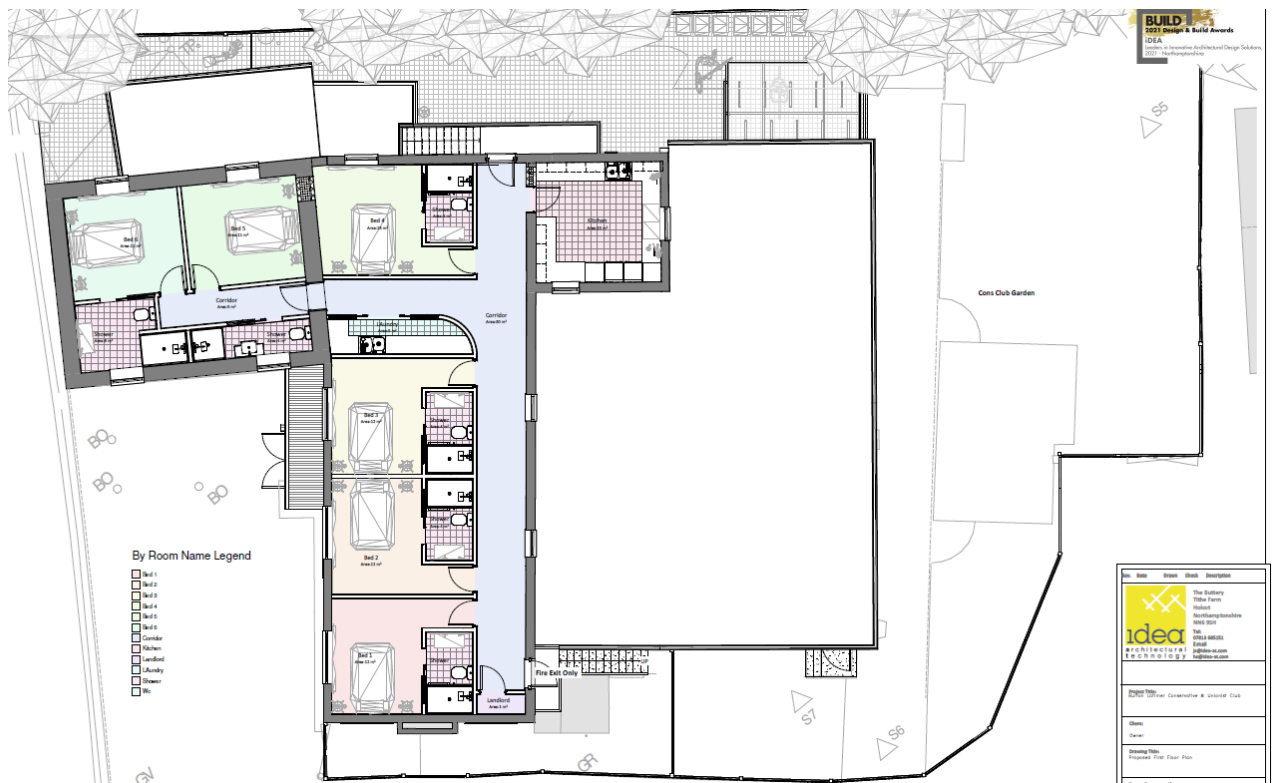
The Burton Latimer Town Council have raised objection to the proposal and requested it to be referred to the Planning Committee for determination in view of the number of objections from residents.

1. Recommendation

1.1 That planning permission be APPROVED subject to conditions

2. The Proposal

- 2.1 The proposal seeks permission to convert only the first floor of the 2-storey building from a private members' function room to a 6 bed, 6 person House in Multiple Occupation (HMO). The associated works include the partial demolition of an existing lean-to structure, and replacement with new timber clad lobby, external timber cladding to existing staircase. new first floor window on the north elevation, the installation of new pedestrian access gate and the creation of refuse collection / storage points and cycle storage. The ground floor of the building is not part of the proposal and would continue to function as members' room.



3. Site Description

- 3.1 The application site is the Burton Latimer Conservative and Unionist Club, a 2-storey detached building with an open forecourt and located on the south-east side of Church Street in Burton Latimer. There are other structures within the rear garden and photographic evidence suggests that the first floor of the property has been out of use for a considerable period of time and has fallen into a state of disrepair. The upper floor of the building is accessed via a side extension to the northeast of the main building.
- 3.2 The site lies on the edge but outside the Burton Latimer Town Centre boundary as defined in the adopted Local Plan. The building is not listed but within the designated Burton Latimer Conservation Area.

4. Relevant Planning History

- 4.1 KET/2001/0946: Renovations and refurbishments – Approved 12 March 2002.
- 4.2 KET/1990/0737: Form an area for children’s swings etc under supervision of existing lawn – Approved 12 September 1990.

5. Consultation Responses

A full copy of all comments received can be found on the Council’s website at:
<https://www.kettering.gov.uk/planningApplication/search>

- 5.1 Burton Latimer Town Council have raised objection and commented as follows: – While there is always a need for such accommodation, it should not be provided in such a way as to impact on existing residents by causing new problems or exacerbating existing ones. It is the Committee’s unanimous view that this development would have a deleterious impact on residents of Church Street and surrounding roads and the Committee therefore strongly opposes the application.
- 5.2 NNC Environmental Health
The application has not provided enough information to demonstrate that the proposal will comply with Policy 8, e), i) & ii) of the Joint Core Strategy, paras. 185 and 187 of the National Planning Policy Framework or has considered Planning Policy Guidance – Noise. The applicant will need to demonstrate that there is suitable acoustic isolation between the ground floor club and the first-floor residential use.
- 5.3 NNC Highways
The Highway Authority (LHA) acknowledge the parking report submitted. A parking beat survey has been provided by the applicant to the LHA’s specifications - which are applied uniformly across North Northamptonshire. The results of this survey outline a number of roads within the survey zone for which parking is not possible e.g. Spring Gardens which aligns with the findings of the report, and/or has at present, high stress levels. However, the survey also identifies a number of roads which, when viewed in combination in the survey zone, would be able to accommodate the minimum parking arrangements. It is acknowledged that the proposals would result in more on-street parking and this may result in amenity issues however this along with the wider matter of parking is one the LPA will need to make a rounded decision on. From an LHA perspective, it would be difficult to object to the findings of the survey provided by the applicant.
- 5.4 NNC Waste Management
It should be noted that as a large HMO the majority of waste will be classed as commercial. Otherwise, no comment from NNC Waste Management.
- 5.5 NNC Ecology
Request for a Preliminary Ecological Appraisal (PEA) for birds and bats to ensure there are no protected species issues. Whether it is demolition or renovation there is still potential to impact on protected species (taking off the roof and walls) with the poor state of repair giving an increase in the likelihood of it being used.

A survey at the start will allow us to determine the potential impacts from the start of the work, rather than coming across something half way through the development which would lead to a multi week delay whilst it was sorted out and the necessary licenses obtained (meaning cost and delays to the owner).

5.6 Neighbours / Responses to Publicity

Twenty-five (25) responses were received – all raising objections to the proposal. A summary of the objections is as follows:

- Noise disturbance;
- Health and safety concerns;
- Parking provision / availability;
- Traffic generation, no footpath and highway safety;
- Building process, construction access and traffic;
- Inadequate and unsatisfactory waste storage provision;
- Impact on residential amenity re loss of privacy;
- Impact on the Conservation Area; and
- Increase in anti-social behaviour.

6. Relevant Planning Policies and Other Material Considerations

The Development Plan

6.1 Section 38(6) of the Planning & Compensation Act 2004 replaces section 54A of the Town & Country Planning Act 1990 and states that if regard is to be had to the development plan for the purpose of any determination (including the assessment of any planning proposal) to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

6.2 The Development Plan comprises the North Northamptonshire Joint Core Strategy 2011 – 2031 (JCS), adopted in July 2016 and the Kettering Site Specific Part 2 Local Plan (LP) – adopted in December 2021. The relevant policies applicable to the proposal under consideration are:

North Northamptonshire Joint Core Strategy (2016)

Policy 1 - Presumption in favour of Sustainable Development

Policy 2 – Historic Environment

Policy 4 – Biodiversity and Geodiversity

Policy 5 - Water Environment, Resources and Flood Risk Management

Policy 6 - Development on Brownfield Land and Land Affected by Contamination

Policy 7 - Community Services and Facilities

Policy 8 - North Northamptonshire Place Shaping Principles

Policy 11- The Network of Urban and Rural Areas

Policy 28 - Housing Requirements

Policy 29 - Distribution of New Homes

Policy 30 - Housing Mix & Tenure

Kettering Site Specific Part 2 Local Plan (2021)

Policy LOC1 - Settlement Boundaries

Policy HOU1 - Windfall and Infill Development: Principles of Delivery
Policy TCE3 - (Residential Development within the Town Centres)
Policy HWC2 - (Protection of Community Facilities and Proposals for New Facilities)
Policy BLA1 - (Burton Latimer Town Centre Development Principles)

The National Planning Policy Framework (NPPF)

6.3 The NPPF was published on 27 March 2012 but has been amended on several occasions, with the most recent in July 2021. Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. In consonance with section 54A of the Town and Country Planning Act 1990 (referred to above), paragraph 47 states that applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise. The Framework is a material consideration in the assessment and determination of planning applications.

6.4 The following headings and content of the NPPF are relevant to the consideration of the proposal under consideration:

Section 2: Achieving sustainable development
Section 4: Decision-making
Section 5: Delivering a sufficient supply of homes
Section 8: Promoting healthy and safe communities
Section 9: Promoting sustainable transport
Section 11: Making effective use of land
Section 12: Achieving well-designed places
Section 15: Conserving and enhancing the natural environment
Section 16: Conserving and enhancing the historic environment

National Planning Practice Guidance (NPPG)

6.5 In March 2014 the Government launched its planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning policy guidance documents cancelled when the NPPF was launched. The NPPG contains a range of subject areas, with each area containing several subtopics. Those of particular relevance to the assessment of this proposal comprise:

- Design
- Determining a planning application
- Use of planning conditions

Other Relevant Legislation and Documents

6.6 Section 149 of The Equalities Act 2010 created the public sector equality duty which requires public authorities to have due regard where there are equality implications arising from a proposal in the assessment and determination of planning applications.

6.7 - Sustainable Design SPD
- Planning Out Crime in Northamptonshire SPD
- Northamptonshire Parking Standards SPD

- North Northamptonshire Council: Amenity Standards A guide to amenity and space standards for landlords of Houses in Multiple Occupation

7. Evaluation and Assessment

7.1 Having regard to the provisions of the NPPF and the Development Plan, it is considered that the proposal raises the following issues, with each addressed in turn.

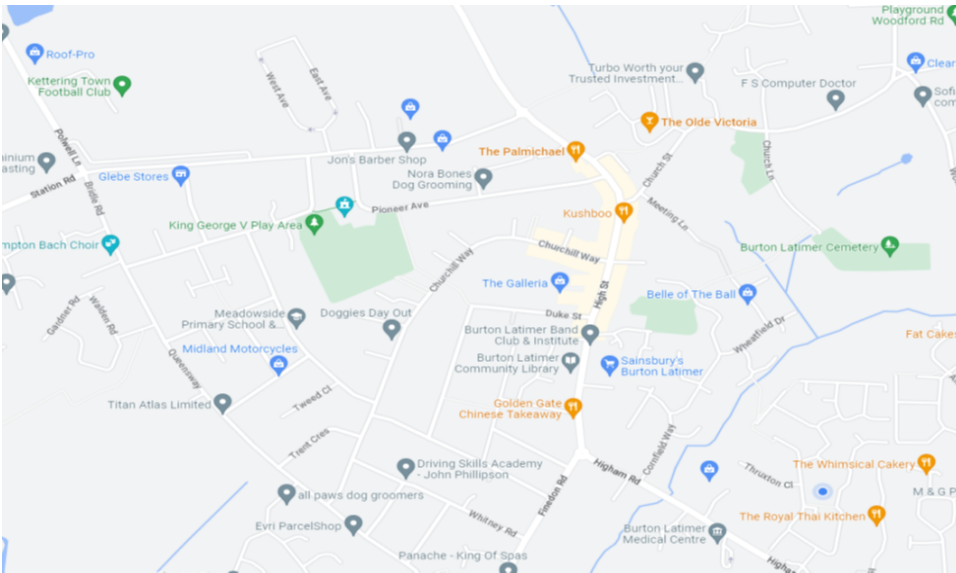
- Principle of Development
- Character and Appearance of the Conservation Area & Heritage Impact
- Impact on Living Conditions and Residential Standards
- Parking Provision and Highway Safety

Principle of Development

7.2 The Development Plan (JCS and LP) seeks to safeguard community facilities. A social club is listed at page 52 of the LP as one of the uses which is regarded as a community facility. The objectives of JCS policy 7(c) and LP policy HWC2 are to protect, support and enhance community services where appropriate. Proposals that result in the loss of community facilities will be resisted, unless it can be demonstrated that: the loss of the service or facility will not have a negative impact on the vitality and viability of a settlement or local area; and the site is no longer viable to the market as a community facility as demonstrated by evidence that it has been actively marketed as a community facility for a period of 12 months.

7.3 The existing use of the first floor of the building is linked to the extant use of the ground floor as a social club. It is understood that the first floor (the application site) has been vacant for over 10 years and photographic evidence suggests that it is dilapidated with accumulation of rubbish. It is also used for storage ancillary to the ground floor use as a social club. The site has not been marketed, but nonetheless, its conversion is not in conflict with the Development Plan as there is no material loss of a community facility.

7.4 Notwithstanding the foregoing, it should be noted that there is no shortage of community facilities in Burton Latimer. Function rooms of that kind are available in several locations nearby, including facilities at Meeting Lane (Baptist Church), the High Street (at the Harold Mason Centre), and at the George V Recreation Ground (the Community Centre) to mention a few.



7.5 There is no specific policy objection to the provision of HMOs in the Development Plan but LP policy HOU1 states that windfall and infill development within settlement boundaries will generally be accepted in principle providing there is no erosion to the character and appearance of the area and no detrimental effects to the environmental quality, amenity and privacy enjoyed by existing residents.

7.6 In view of the foregoing, the proposal is acceptable in principle and is consistent with the provisions at paragraph 86 (f) of the NPPF, which recognises residential development as playing an important role in ensuring the vitality of centres.

Character and Appearance of the Conservation Area & Heritage Impact

7.7 Policy 2 of the JCS sets out the policy background for the protection, preservation and enhancement of the historic environment. The policy aligns with section 16 of the NPPF and section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which places a statutory duty on the decision maker to pay special attention to the need to preserve or enhance the character or appearance of a conservation area.

7.8 The scale, design and detail of the existing structure would be retained in full. The only changes would be in the use of the first floor concerning necessary repairs and renovation to ensure that the spaces are fit for habitation and that the structural integrity of the property is secured.

7.9 The proposed alterations to the lobby and stairwell would enhance the appearance of the existing building and the wider Conservation Area. Furthermore, the proposal would bring a vacant part of the building into productive use and in the circumstances, the proposed use and the associated alterations are satisfactory with no adverse impact on the character and appearance of the area, in compliance with JCS policies 2 and 8, section 16 of the NPPF and therefore passes the statutory test under section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

7.10 The buildings on the site are neither listed nor in proximity of any listed buildings or other heritage assets. As the proposal only involves minor external alterations with no physical increase in the scale or built envelope, it is considered that it would not be harmful to the setting and significance of any heritage asset.

Impact on Living Conditions and Residential Standards

7.11 JCS policy 8, amongst other things, seeks to ensure that the living conditions of the existing and future occupiers are protected from noise, vibration, smell, light or other pollution, loss of light or overlooking; and the prevention of both new and existing development from contributing to or being adversely affected by unacceptable levels of soil, air, light, water or noise pollution or land instability.

7.12 Although LP policy HOU1 is supportive of windfall and infill residential development within settlement boundaries, it is caveated that such development is only acceptable providing there is no erosion of character and appearance of the area and no detrimental effects to the environmental quality, amenity and privacy enjoyed by existing residents.

7.13 The Development Plan policies referred to above are both consistent with section 12 of the NPPF which refers to design and the standard of amenity. Paragraph 130 paragraph f) states among other things that planning policies and decisions should ensure that developments:

“Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.”

7.14 There would be no loss of light, no loss of privacy or overbearing impact as a result of the proposed change of use, as the existing structure would be retained with only one window opening on the north elevation, which faces the street and away from the residential properties surrounding the site.

7.15 The proposed HMO is compatible with the surrounding uses and the necessary noise insulation measures from the noisy activities on the ground floor would be dealt with at the Building Control stage. In response to the Council's Environmental Health Officer's observations, the applicant has submitted details of flooring in relation to noise and fire insulation. This notwithstanding, a pre-commencement condition requesting details of noise insulation measures is recommended.

7.16 Several residents are concerned about noise impact and disturbance arising from the proposed use, but it is worth noting that the first floor could be reoccupied as an extension to the ground floor use, which could result in far higher levels of noise generation than the proposed HMO.

7.17 The submitted plans illustrate the type and location of bin stores associated with the proposed HMO. These are separated from the ground floor use and are secured and covered in accordance with standards. The Council's Waste Management Team have not raised any concerns about the refuse storage arrangement.

7.18 In the light of the foregoing, the proposal complies with JCS policy 8 and LP policy HOU1 and therefore consistent with the relevant NPPF provisions.

7.19 There are no documented applicable national and local standards in relation to Development Management for HMOs. However, it should be noted that Environmental Health (Licensing) and Building Control, through their respective legislative provisions would ensure that the units are fit for habitation. All the 6 units exceed 10 square metres – suitable for single occupancy and where no separate communal living room is provided. The shared kitchen measures 15 square metres, which is suitable for 6 occupants, thereby complying with the Environmental Protection Licensing standards: ***Amenity Standards A guide to amenity and space standards for landlords of Houses in Multiple Occupation***'.

Parking Provision and Highway Safety

7.20 The proposal makes no provision for off-street vehicle spaces. However, the parking provision requirement for the proposed use has to be weighed and balanced against the existing lawful use. There are no time restrictions in relation to the existing lawful use of the site and there can be no doubt that if the first floor were to be regularly used as a function room, it would result in many more vehicular movements greater disturbance than the proposal. The Highways Authority have not objected to the scheme and have accepted the findings of the parking stress survey – which identifies the availability of parking spaces in the surrounding area to meet the needs of the proposal.

7.21 It should also be noted that the site is located in an urban area with proximity to public transport. Furthermore, this part of Church Street has restrictions (double yellow lines) to deter on-street parking and ensure free flow of traffic in the main thoroughfare. The proposed units are for single person occupation and are unsuitable for family households and this is likely to reduce demand for car parking spaces. These factors combined, make this site suitable for car-free development in accordance with the relevant NPPF provisions. Therefore, the lack of off-street vehicle parking is not sufficient to decline the application.

7.22 The proposals will incorporate secure cycle storage for each bed space; as required by the Development Plan. This is shown on the accompanying plan. and has been designed in accordance with the Council's adopted standards.

8. Other Matters

8.1 There are no identified habitats within the site's open curtilage. However, given that the application part of the building has been vacant for many years, a comprehensive preliminary ecological survey and appraisal of the building is necessary to ensure that there are no habitats such as bat roosts present. A pre-commencement condition in this regard is also recommended.

9. Conclusion / Planning Balance

- 9.1 The proposed conversion is acceptable in principle as there would no material loss of a functioning community facility. Notwithstanding, the theoretical loss has to be weighed against the benefits of the conversion. The current state of the first-floor space and the fact that it has not been used for a considerable period, and the availability within the immediate surroundings of a number of alternative function rooms for hire together, make a compelling case for consenting the proposal.
- 9.2 The proposed conversion would bring a vacant space into productive use, which would be beneficial and enhance the appearance and character of the designated conservation area. The scheme would have no material impact on any heritage assets.
- 9.3 The proposed use is compatible with the surrounding uses and the scheme would not have a detrimental impact on the living conditions of the existing and future occupiers. Given the location, scale and nature of the proposal, it is considered that its impact would not be to a level that would undermine highway safety.
- 9.4 In the circumstances, subject to the imposition of suitably worded conditions requiring the development to be carried out in accordance with the approved plans and the submission of a pre-commencement ecological survey of the building and details of noise insulation, the proposal accords with the Development Plan and is consistent with the NPPF and is therefore recommended for approval.

10. Recommendation

- 10.1 APPROVE with conditions.

11. Conditions / Reasons for Refusal

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.
2. The development hereby permitted shall not be carried out other than in accordance with the approved plans and details listed below.
REASON: In the interest of securing an appropriate form of development in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.
3. No development shall commence on site until a scheme for limiting the transmission of noise between the ground floor and the units of accommodation on the first floor of the building has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved scheme and the scheme shall be completed before any of the units of accommodation is occupied.

REASON: Measures to limit the transition of noise are necessary prior to the commencement of development to protect the amenity of occupants of the proposed flats and adjacent residential properties and because the noise measures may need to be incorporated early in the construction in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

4. Prior to the commencement of the development (including site clearance and demolition), a suitably licenced Ecologist shall inspect the interior of the building and shall provide a Preliminary Ecological Appraisal (PEA). If any bats, roosts, protected species, or habitats are identified from these surveys a European Protected Species Mitigation licence will be required along with appropriate mitigation measures before works in connection with the approved scheme commence and if necessary, the development shall not be carried out other than in accordance with the approved measures.

REASON: In the interest of safeguarding biodiversity (bats) in line with the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (as amended) and Section 9 of the NPPF.

12. Informatives

Positive/Proactive - amendments

List of plans

The plans and documents, some of which may have been subsequently referenced by the LPA, are set out below and form the basis for this decision:

Title	NK Ref.	Agent's Ref	Received Date	Status
Location plan		(00)05	26/04/23	Approved
Block plan		(00)04	26/04/23	Approved
Existing elevations & floor plans		(00)001	26/04/23	Information
Proposed elevations & ground floor plan		(00)02A	10/05/23	Approved
Proposed first floor plan		(00)03	26/04/23	Approved
3D plan		(00)06	26/04/23	Approved
Planning statement	NK/2023/0254/1		26/04/23	Information
Parking stress survey report		V01	26/04/23	Information
Parking stress survey report appendix 1	NK/2023/0254/2		26/04/23	Information
Parking stress survey report appendix 2	NK/2023/0254/3		26/04/23	Information
Parking stress survey report appendix 3	NK/2023/0254/4		26/04/23	Information
Parking stress survey report appendix 4	NK/2023/0254/5		26/04/23	Information
Photos		Appendix A	26/04/23	Information

