

North Northamptonshire Planning Committee (North) 6th December 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 1 Previous Committee Report: 2 August 2023
Appendix 2 Site Plan

Scheme of Delegation

This application (a non-major scheme) has received more than 5 unresolved, material objections and is therefore referred to Planning Committee.

1. Recommendation

1.1 That planning permission be APPROVED subject to conditions.

2. Deferred Item Update

- 2.1 At its meeting on the 2nd of August this year, the North Northamptonshire Planning Committee (North) considered and resolved to defer this application to enable officers to obtain comments from the Design Out Crime Officer (Northamptonshire Police).
- 2.2 The Crime Prevention Design Advisor provided the following response:
- *The applicants have stated “The main entrance to the first floor is located at the front, off the existing street elevation”. This isn’t how I view the entrance. The entrance is off the street, down a side alleyway, as such the gate becomes the “front door”. It would be preferable for the gate to be moved forward in line with the building elevation (or as far forward as possible). Full details on locking and structure should be provided. I suggest a minimum certified security rating LPS1175 sr2 or equivalent security rating;*
 - *No Parking provision is being supplied for the residents of the application site. Parking accommodation should be provided in accordance with the Northamptonshire Parking Standards, Local Highway Authority (LHA) guidance and satisfy Policy 8 of the North Northamptonshire Joint Core Strategy; and*
 - *The planning statement includes a crime prevention statement 4.40: The scheme must be implemented in accordance with the agreed details and thereafter retained in accordance with the details supplied.*
- 2.3 In response, the Applicant submitted amended plans with the following changes:
- The gate has been moved as far forward as is possible, given the constraints of the site (need to access the ground floor unit from the existing door, and lack of a pedestrian footway on that side of the road;
 - Further details on locking and structure have been provided as requested; and
 - The sliding door onto the laundry room has been replaced with a standard door type, to avoid any issues at the Building Control stage.
- 2.4 The Crime Prevention Design Advisor is satisfied with the changes and made the following observations:
- *With reference to the updated plans, Northamptonshire Police have the following comments, which if implemented will reduce the likelihood of crime, disorder and anti-social behaviour occurring. This is in the interest of the security and quality life of future occupants of the development in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.*
 - *The planning statement includes a crime prevention statement 4.40: The scheme must be implemented in accordance with the agreed details and thereafter retained in accordance with the details supplied.*
- 2.5 Burton Latimer Town Council (BLTC) comments:
1. Believes that this application should not be delegated but should be considered by the NNC Planning Committee;
 2. That Planning Application Reference NK/2023/0254 should be refused for the following reasons:

Highway Safety:

Church Street has a number of older properties, is part of a protected Conservation area and has some 21 listed properties. The road has narrow footpaths and at the proposed entrance to the HMO the property in question has no footpath at all. Therefore residents will be exiting the building onto the Highway.

Vehicles making deliveries to the Conservative Club must park in the vicinity.

The road is a bus route, has several bends and is difficult for anyone pushing a buggy or using a mobility scooter. Due to lack of space for bins, the road is more hazardous on bin collection days.

Traffic and Parking issue:

The proposals do not include any off-road parking.

Church Street has extremely limited parking availability. Over recent years BLTC has received a series of complaints about the state of parking in the road, both near to the Olde Victoria Pub (opposite the Conservative Club) and to St Mary's Church. While acknowledging the accuracy of these complaints it has not proved possible to take action to increase parking availability because of the nature of the area.

There is a 37-space public car park near to the Olde Victoria Pub and the application describes this as "ample unrestricted car parking almost immediately adjacent to the site". However, this car park is invariably full, especially in the spring and summer. Consequently, people park anywhere they can which includes nearby streets such as Bakehouse Lane, Meeting Lane and Spring Gardens. This causes increased parking problems for residents.

The application refers to the Parking Stress Survey submitted with the application stating that it "clearly demonstrates that this would not be an issue". This survey was for some unknown reason conducted in the early hours of the morning (*stated hours between 1am and 5.30am*) in February; it states that "on street parking was only ever at 56.52% occupancy" – this is hardly surprising in the middle of the night. For example, the Olde Victoria Pub is usually closed between 1am and 5.30am resulting in less demand on the car park. The survey ignores the parking problems experienced by those wishing to park during the daytime and into the evenings and the increased parking problems in spring and summer.

The submission by the Local Highway Authority includes the following observation:

"At least 6 parking spaces are required in line with Northamptonshire Parking Standards (2016)".

There is no possibility of providing these 6 parking spaces on the site and any attempt to accommodate them on the road would make parking for existing residents even more difficult than it is at present. A previous planning application, code KET/2014/0525, was refused because it was impossible to provide the required two parking spaces.

Privacy- impact on the privacy of adjoining properties:

Residents are entitled to privacy and the peaceful enjoyment of their homes. The use of the fire escape area as one of two amenity areas would provide full visibility into neighbouring properties.

Impact on the neighbourhood of an area :

When this matter was considered by the BLTC Planning Committee, 14 local people attended the meeting in order to give their views to committee members. This shows a level of anxiety by the people who will have to live with the consequences of the proposed development. 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.

2.6 At the last meeting, some Members also raised several concerns – each of which is addressed by the case officer below:

- Concerns in relation to the fire escape and its amenity impact:
At the August meeting, officers informed Members that an additional condition would be imposed to restrict the use in emergency situations only such as fire outbreak;
- Cllrs MacDonald and Davies referred to the fact that the HMO didn't have a licence. It should be noted that the licensing process is separate from planning and is therefore not a material planning consideration.
Securing planning approval is the first process and a licence and building control approvals would follow;
- Cllrs MacDonald and Davies suggested that the parking stress survey was carried out at an unusual time.
It is understood that the parking stress survey methodology was agreed in advance with the Highways Authority. The times of day, alongside the area of survey, are specifically required by the Highways Authority;
- Cllr MacDonald suggested that the cladding proposed wouldn't pass fire safety requirements – including a suggestion that the fire escape is insufficient.
The robustness of the materials will be considered under Building Regulations;
- Cllr O'Hara suggested that it was inappropriate to have an HMO in a Conservation Area or in a Public Protection Area.
As every application must be assessed in relation to the prevailing Development Plan provisions, there is no specific policy objection to HMOs in Conservation Areas;

- Cllr O'Hara suggested that the car park opposite is subject to a restriction on overnight parking.
It is understood that there is no restriction on parking;
- Cllr O'Hara suggested that the fire escape was unacceptable.
This is a matter covered under the Building Regulations. Furthermore, there is an existing fire escape in place, so concerns relating to overlooking are not defensible as people could already sit on it and look across the adjacent rear gardens. It is recommended that, in addition to the restriction on the use of the emergency access, a further condition be imposed to prevent the flat roof area above the ground floor being used as a sitting out area and for recreation;
- Cllr O'Hara suggested that the kitchen area is too small.
The kitchen is designed to meet the requirements from HMOs based on the number of bedroom spaces to be provided. This is, in any case, not a subject for planning consideration – but part of the HMO licensing process;
- Cllr Jan O'Hara suggested that there is simply no need for an HMO in this area. *There is no specific planning policy objection to substantiate this;*
- Cllr Carter expressed surprise that there was no police comment.
This has now been provided above;
- Cllr Dell suggested the bin storage/collection details were inadequate.
The Waste Management Team have advised that they have no objection to the scheme.

Additional Conditions

- 2.7 In addition to the four conditions in the original report, two additional conditions are recommended to be imposed if the Committee resolves to consent the proposal. These are listed as conditions number 5 and 6 of this report.
- 2.8 The original officer assessment and recommendation remains unchanged save for the additional two conditions set out below.

3. Recommendation

- 3.1 That planning permission be APPROVED subject to conditions.

4. Conditions

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.

5. The roof of the single storey addition to the rear of the building shall not be used as a balcony, roof garden, sitting out area or for any other purpose of a similar nature without the prior written approval of the Local Planning Authority.

REASON: To safeguard the amenity and living conditions of the adjoining occupiers in relation to overlooking, loss of privacy and other disturbance as required by policy 8 of the adopted North Northamptonshire Joint Core Strategy.

6. Unless otherwise agreed in writing by the Local Planning Authority, the door annotated as 'fire exit only' on the approved first floor plan shall only be used in times of emergency and not for any other purpose or at any other time.

REASON: To safeguard the amenity and living conditions of the adjoining occupiers in relation to overlooking, loss of privacy and other disturbance as required by policy 8 of the adopted North Northamptonshire Joint Core Strategy.

5. 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
Location plan		(00)05	26/04/23
Block plan		(00)04	26/04/23
Existing elevations & floor plans		(00)001	26/04/23
Proposed elevations & ground floor plan		(00)02B	08/09/23
Proposed first floor plan		(00)03A	08/09/23
3D plan		(00)06	26/04/23
Planning statement	NK/2023/0254/1		26/04/23
Parking stress survey report		V01	26/04/23
Parking stress survey report appendix 1	NK/2023/0254/2		26/04/23
Parking stress survey report appendix 2	NK/2023/0254/3		26/04/23
Parking stress survey report appendix 3	NK/2023/0254/4		26/04/23
Parking stress survey report appendix 4	NK/2023/0254/5		26/04/23
Photos		Appendix A	26/04/23