

## North Northamptonshire Area Planning (Kettering) Committee 18/11/2021

Application Reference	NK/2021/0789
Case Officer	Alan Chapman
Location	98 Lower Street, Kettering
Development	Full Planning Permission: Conversion of dwelling to 2 no. flats
Applicant	Mr A Thakrar
Agent	Mr M Rahman Design Board-Architectural Services
Ward	Northfield
Overall Expiry Date	15/11/2021
Agreed Extension of Time	22/11/2021

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

### **Scheme of Delegation**

This application is brought to committee because it falls outside of the Council's Scheme of Delegation because there is an unresolved, material objection to the proposal from the Town Council.

#### **1. Recommendation**

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- 1.1 That planning permission be GRANTED subject to conditions.

#### **2. The Proposal**

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- 2.1 Full Planning Permission: Conversion of dwelling to 2 no. flats
- 2.2 Planning permission is being sought to convert this 3-bedroom dwellinghouse into two (no.2) 1-bedroom flats. Each proposed flat would have a single bedroom for a single bed. No external alterations are proposed. The submitted plans show that

both proposed flats would have access to the shared rear garden, with a shared access into the garden from the passageway to the property's side.

### 2.3 Background

This proposal is identical to the previous proposal (KET/2018/0856) which was granted planning permission, subject to conditions, by a Planning Committee (former Kettering Borough Council) on the 16 January 2019. The Committee Minutes from 15 January 2019 are provided below:

*'Members received a report which sought planning permission to convert a 3-bedroom dwellinghouse into two (no.2) 1-bedroom flats.*

*Member made enquiries regarding adequate refuse storage at the proposed development. Officers confirmed that this was covered within the proposed conditions.*

*Members agreed that the proposed development was satisfactory and saw no issue with approving the application as per the officer's recommendation.*

*It was agreed that the application be APPROVED subject to conditions.'*

The Agent has stated that this 2021 application has been submitted as the approval KET/2018/0856 expires on the 15 January 2022. As there are no provisions in the Town and Country Planning Act 1990 (Section 73) to amend a condition as to the time within which the development to which it related was to be begun, then this fresh full planning application is being made.

It should be noted that approval KET/2018/0856 contained a pre-commencement condition (No.3) for the submission and approval of a noise attenuation scheme, and to date, no application has been made and this condition has not been discharged. It is assumed that NK/2021/0789 has been submitted not only to renew consent on the property but also to allow the applicant/agent more time to prepare their noise attenuation scheme and submit it for determination by the local planning authority. Regarding this issue the Agent advised that the Applicant does not wish to provide acoustic reports at this time. It should also be noted that approval KET/2018/0856 contained a pre-first-occupation condition (No.4) for the approved refuse storage/collection facilities to be provided and retained thereafter.

In response to the comments first received from Kettering Town Council (KTC), Environmental Protection (EP) and Highways the Agent submitted an Energy Statement and re-consultations were then undertaken. Both KTC and EP responded with secondary comments.

## **3. Site Description**

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- 3.1 The application site is an end of terrace two-storey 3-bedroom property constructed in 1905. It is located at the lower end of the street within this town centre location with semi-detached residential properties to the east, a medical centre opposite, and flatted development to the south-west and to the west.

3.2 The property has a small front garden and pedestrian access along its eastern side into the small rear garden. The rear of the property has a two-storey outrigger with a small single storey lean-to attached. Residential development surrounds the site to the north and east. The site does not benefit from any on-site parking, although parts of Lower Street and Carlton Street have un-restricted on-street parking. A large multi-storey car park is located just some 110 metres due south of the site.

3.3 Constraints:

A Road

Outside of, but immediately located to the north of the Kettering Town Centre Area Action Plan boundary

#### 4. **Relevant Planning History**

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4.1 List all previous planning applications as follows:

Application No	Decision	Date	Address	Description
KET/2018/0856	APPROVED	16-01-19	98 Lower Street, Kettering Northamptonshire	Conversion of dwelling to 2 no. flats

#### 5. **Consultation Responses**

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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 Kettering Town Council

First response:

Objection – the Town Council regrets the loss of a larger family home in favour of yet further small flats in the town centre and the local authority should consider the impact of this application on the mix of housing options in the area.

Clarification is required on the application's proposed means of energy usage and insulation, and the installation of zero carbon technologies ought to be included within the proposals.

Second response on receipt of the submitted energy statement:

The Town Council does maintain its position. What has changed since 2018 is the large number of applications and consents for conversion of premises into small flats and our comment was to ask the LPA to consider the impact of this application on the mix of housing options in the area, which is significantly changed from 2018.

5.2 Neighbours / Responses to Publicity

No comments received at time of writing.

5.3 Local Highway Authority (LHA)

No objection subject to the LPA satisfying itself regarding parking and servicing the site and ensuring debris deposited on the highway is removed and cleansed by the developer.

5.4 Environmental Protection (Health)

First response:

The application has not demonstrated how the proposal will comply with Policy 8.e), i) & ii) of the North Northamptonshire Joint Core Strategy, in particular:

The site is located on the A4300 (Lower Street) which is a main route into Kettering. The Strategic Noise Mapping for England indicates that traffic noise levels at this location are probably high enough (up to 70dB LAeq,16hr (daytime) and 65dB L night) to have a significant adverse impact on health and quality of life unless suitable mitigation measures can be incorporated into the design. It is accepted that the premises have an existing residential use, but this proposal provides an opportunity to reduce the risks associated with high noise levels. Noise impact and minimisation are material considerations under NPPF para. 185.

It is proposed to install a kitchen facility in the 1st floor front room positioned against the party wall. Unless this is carefully installed to break noise and impact transmission paths it may have a detrimental impact on the neighbouring property particularly if the neighbouring room is still used as a bedroom.

It is noted that the proposed bedrooms are located to the rear of the property which will provide them with protection from direct traffic noise.

The floor to the 1st floor flat will have to meet the requirements of Part E of the Building Regulations but this does not guarantee that noise nuisance or a loss of amenity through impact noise transmission will not occur.

No information has been provided to demonstrate how adverse impacts on air quality from the development will be minimised or mitigated.

Recommendations.

It is recommended that this application should not be approved until it is demonstrated that Policy 8.e), i) & ii) have been complied with regard to traffic noise impacts.

The ability to provide a healthy noise environment for the future residents needs to be demonstrated prior to consent being granted as it may prove to be impractical to provide any necessary mitigation at a later stage.

Second response:

I was not aware that the application was for the extension of an existing permission.

That being the case I am happy to withdraw our comments for this application.

- 5.5 Environmental Care (Waste)  
No comments received at time of writing.

## **6. Relevant Planning Policies and Considerations**

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- 6.1 Statutory Duty  
Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

- 6.2 National Policy  
National Planning Policy Framework (NPPF) (2021)  
Policy 1: Introduction  
Policy 2: Achieving sustainable development  
Policy 4: Decision-making  
Policy 5: Delivering a sufficient supply of homes  
Policy 9: Promoting sustainable transport  
Policy 12: Achieving well-designed places

National Planning Practice Guidance (NPPG)  
National Design Guide (NDG) (2019)

- 6.3 North Northamptonshire Joint Core Strategy (JCS) (2016)  
Policy 1: Presumption in Favour of Sustainable Development  
Policy 6: Development on Brownfield Land  
Policy 8: North Northamptonshire Place Shaping Principles  
Policy 9: Sustainable Buildings  
Policy 11: The Network of Urban and Rural Areas  
Policy 29: Distribution of New Homes  
Policy 30: Housing Mix & Tenure

- 6.4 Saved Policies in the Local Plan for Kettering Borough  
35: Housing Within Towns

- 6.5 Site Specific Part 2 Local Plan (Inspector's Main Modifications 'sound' July 2021)  
LOC1: Settlement Boundaries  
HOU1: Windfall and Infill Development

## **7. Evaluation**

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The key issues for consideration are:

- Principle of development
- Character and Appearance
- Impact on Living Conditions
- Highway Matters
- Environmental Matters
- Waste Management
- Other (Objection comments)

## **7.1 Principle of Development**

- 7.1.1 Policy 5 of the NPPF supports the supply of homes that provide a variety of choices that can meet the needs of specific housing groups and is supportive of new affordable homes.
- 7.1.2 The broadest principle of providing residential development within settlement boundaries is consistent with Local Plan Policy 35 and JCS Policies 11 and 29 that seek to focus such development to the Growth Towns in the interest of the NPPF's sustainability principles and the protection of the rural areas.
- 7.1.3 In addition Policy 6 and 29 of the JCS are consistent with Policy 11 of the NPPF which seeks the re-use of buildings within urban areas.
- 7.1.4 Emerging Policy LOC1 and HOU1 of the Site Specific Local Plan part 2 are generally supportive of residential development within settlement boundaries subject to their compliance with the listed policy criteria and all other development plan policies.
- 7.1.5 The Site Specific Part 2 Local Plan is at an advanced stage with the Inspector's Report (2 July 2021) on the recommended Main Modifications of the Local Plan being found 'sound'. The Local Plan is now moving forward for full adoption status in the next few months. Accordingly, these policies are now given significant weight at this time and at full adoption stage, these policies will carry full weight.
- 7.1.6 As the site lies within the settlement boundary of Kettering it is opined to be in a suitable location in principle for the proposed development. The proposed development is further assessed below against the other relevant Development Plan policies.
- 7.1.7 As detailed above the site benefits from an extant permission (will not expire until mid January 2022) and this is a material consideration in the determination of this current application.

## **7.2 Character and Appearance**

- 7.2.1 Policy 8(d)(i) of the North Northamptonshire Joint Core Strategy requires new development to respond to the site's immediate and wider context and local character.
- 7.2.2 The development site is located within the town and immediately adjacent to the defined town centre. The immediate area is characterised by residential development to the north, dense flatted residential development to the west and mixed-use development to the south and east where there is a multi-storey car park and a medical centre.
- 7.2.3 The proposal does not entail any external alterations to the dwellinghouse. As such the proposed internal conversion to a ground floor and a first floor flat would not have any impact of the area's appearance. With regards to character, then this form of flatted residential development is reflective of the area and is also considered to be in accordance with NPPF Policies 7 and 12 (paragraphs 86(f)

and 130) as this very minor intensification of residential development would help to ensure the vitality of the adjacent town centre and would sustain the mixed residential and commercial nature of this part of the town.

7.2.4 For the reasons given it is considered that the proposal will preserve the character and appearance of the buildings and their settings and, therefore, accords with Policy 8 of the North Northamptonshire Joint Core Strategy.

### 7.3 Impact on Living Conditions

7.3.1 Policy 8(e)(i) of the North Northamptonshire Joint Core Strategy seeks to ensure that development prevents harm to the residential amenities of neighbouring properties, such as by reason of noise, vibration, loss of light or overlooking.

7.3.2 The main concerns regarding residential amenity impacts are opined to be overlooking, privacy and noise disturbance to the future occupiers and to the neighbouring occupiers.

7.3.3 No external alterations are proposed. At first floor level the existing dwellinghouse has a side facing window that is obscurely glazed and serves the bathroom. The proposal would not alter this position as this bathroom would serve the first floor flat. A clearly glazed window at first floor level is in the rear elevation, and currently serves a very small bedroom. The proposal would entail this bedroom becoming a study/store as the room would fail the National Space Standards for it to be a 1-bed bedroom.

7.3.4 Whilst the first floor would become a self-contained flat it is considered that there would be no material differences in use of the small habitable room located at the rear most part of the property from a small bedroom to that of a proposed study/storeroom. Evidently, this existing rear bedroom could be used as a study/storeroom even if this proposal were not granted planning permission. Accordingly, it is opined that the neighbouring occupiers who are near the site would not experience any additional overlooking or loss of privacy because of this proposal.

7.3.5 The proposal entails the conversion of a 3-bedroom dwellinghouse into 2no. 1-bedroom (single bed spaces) flats. This situation would give rise to a potential increase in noise disturbance to the adjoining property, particularly where the proposal would convert the first-floor front bedroom into a lounge. This situation could potentially cause noise disturbance to the occupiers of the front bedroom on the other side of the party wall.

7.3.6 The Environmental Protection officer has withdrawn their initial comments. This current application should be considered in the context of both the existing residential use of the site and also the extant planning permission which could still be implemented. With regard to Environmental Protection's comments made against the earlier KET/2018/0856 there were no objections cited but conditions recommended to control working hours and for the installation of sound insulation (internally between the proposed flats and the adjoining terraced house) be imposed.

- 7.3.7 It is reasonable to re-impose the same conditions (Nos.2 and 3) applied to KET/2018/0856 to this 2021 scheme to ensure working hours are controlled and the residential units have adequate sound mitigation measures to safeguard the living conditions of residents.
- 7.3.8 Accordingly, a scheme of measures for acoustic separation between the proposed flats and between Nos. 98 and 100 Lower Street shall be submitted to and approved by the local planning authority before development commences. These approved measures shall then be implemented and permanently retained as such to mitigate any noise propagation between the existing and proposed residential units.
- 7.3.9 To mitigate and modify disturbance to the neighbouring occupiers, then a condition shall be imposed to control the hours of construction to Monday to Friday 08.00 to 18.00 hrs and Saturday 08.30 to 13.30.
- 7.3.10 For the reasons and conditions given above it is considered that the proposal accords with Policy 8 of the North Northamptonshire Joint Core Strategy in that it does not result in an unacceptable impact on the amenities of future and surrounding occupiers.

#### 7.4 Highway Matters

- 7.4.1 Policy 8(b)(ii) of the North Northamptonshire Joint Core Strategy seeks to ensure a satisfactory means of access and provision for parking, servicing, and manoeuvring in accordance with adopted standards.
- 7.4.2 As described above the proposal site is located very close to a multi-storey car park and is in a sustainable location with easy access to town centre facilities, services and public transport links including bus and rail. Due to the site's location, on the edge of the town centre, it is considered that it is in accord with paragraphs 104, 110 to 112 of Policy 9 of the NPPF in that the future occupiers would have highly accessible sustainable transport options for their daily needs.
- 7.4.3 The existing 3-bedroom dwellinghouse does not currently have any on-site parking provision. Given the character of the proposal there is not considered to be a material change in the amount of traffic to be generated by the site and therefore the requirement for parking on site would be unreasonable in this case. In accordance with Paragraph 111 of the NPPF this proposal should not be refused on highways grounds as no unacceptable impacts on the road network have been identified.
- 7.4.4 By Local Highway Authority standards there is opined to be no net difference in the parking demands between the existing and proposed development. In this regard, it is considered that the proposed development would not give rise to an increase in traffic that would in turn not prejudice highway safety.
- 7.4.5 The LHA's comments concerning debris on the highway is noted and a suitable note is recommended to be put on any decision.



7.4.6 For the above reasons and conditions, the proposal would accord with JCS Policy 8(b).

## 7.5 **Environmental Matters**

7.5.1 During the determination of KET/2018/0856, the Environmental Protection officer identified that this site was in radon gas sensitive area. It is recommended a radon gas note be applied to this proposal.

## 7.6 **Waste Management**

7.6.1 The Environmental Care (Waste services) department were consulted but no response was received. However, during the determination of KET/2018/0856, the Environmental Protection officer recommended the imposition of a condition for refuse storage and collection facilities be provided on site.

7.6.2 Accordingly, due the unchanged circumstances then it is reasonable to apply the same condition to any decision notice that is forthcoming for this 2021 proposal.

## 7.7 **Other (Objection comments)**

7.7.1 Objection comments concerning the loss of a larger family home in favour of two small flats adjacent to the town centre and the impact of this on the mix of housing options in the area are noted.

7.7.2 The current dwellinghouse is not considered to be a large family home as it is an end of terrace property with kitchen, lounge and dining room on the ground floor and 3 bedrooms upstairs, where the bedroom at the rear of the property measuring 2.6 metres long by 1.6 metres wide (4.16 square metres in area) would fail the Government's National Space Standards (adopted by JCS Policy 30) and would not be treated as a bedroom if the site were an application for a new end-of-terrace house. The proposed flats at 42 square metres and 43 square metres and therefore exceed the National Space Standards for 1-person 1-bedroom flats (37/39 square metres).

7.7.3 Joint Core Strategy Policy 8 is the main policy on which this application should be assessed against. Bearing in mind that this proposed development was previously approved in 2018, and there is no policy change which would weigh against the proposal and no evidence is available to demonstrate any significant changes in the local environment has occurred, then it would be unreasonable to refuse the application on these grounds.

7.7.4 Kettering Town Council commented that clarification is required on the application's proposed means of energy usage and insulation, and the installation of zero carbon technologies.

7.7.5 The Agent supplied a Design and Access Statement that included an Energy Statement to describe how the development would achieve a reduction in carbon-dioxide emissions, incorporate energy efficient appliances, low water usage and insulation materials (reduce heat loss). It is considered that such measures would be in accordance with JCS Policy 9 and NPPF Policy 14 and Policy 2 (Paragraph

8) in so far that energy/water usage are efficient, and the development demonstrates a move towards a low carbon economy. At present the Development Plan and the NPPF do not include statutory/policy requirements for zero carbon technologies.

7.7.6 It is noted that the Energy Statement states that energy efficiency of the proposed build, and its environmental impact, and that a full SAP (Standard Assessment Procedure) calculation (Part L of Building Regulations) will be submitted to Building Control in accordance with their requirements.

## **8. Other Matters**

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8.1 Neighbour comments: No comments received.

## **9. Conclusion / Planning Balance**

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9.1 Subject to conditions to control the working hours of construction, the implementation of noise attenuation measures and recycling/waste storage facilities, then the proposal is acceptable in planning terms and planning permission is recommended.

## **10. Recommendation**

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10.1 That planning permission be GRANTED subject to conditions.

## **11. Conditions**

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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 demolition, construction, deliveries of plant and materials for construction shall occur outside of the following times. Monday to Friday 08.00 to 18.00 hrs, Saturday 08.30 to 13.30 and at no time whatsoever on Sundays or Public/Bank Holidays. This includes deliveries to the site and any work undertaken by contractors and sub-contractors.  
REASON: In the interests of safeguarding residential amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

4. Prior to the commencement of development a scheme for achieving the noise attenuation outlined in British Standard BS8233:2014 with regards to the insulation between residential units shall be submitted and approved in writing by the Local Planning Authority. Once approved the scheme shall be implemented

before first occupation of the residential units and thereafter maintained in the approved state at all times. No alterations shall be made to the approved structure including roof, doors, windows and external facades, layout of the units or noise barriers.

REASON: Details are required prior to the commencement of development because any noise measures required are likely to be an integral part of the design and in the interest of safeguarding residential amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

5. Prior to the first occupation of the development hereby approved, refuse storage and collection facilities shall be made available for use. The refuse storage area shall be in a separate room not connected to any habitable area. These facilities shall be retained at all times thereafter.

REASON: In the interest of public health and safeguarding residential amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

## 12. Informatives

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Positive/Proactive - pre-application advice  
 Building Regulations consent required  
 Party Wall Etc. Act  
 Radon - Protection of Dwellings Informative  
 Acoustic separation (all domestic dwellings) informative  
 Mud on road

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:

<b>Title</b>	<b>NK Ref.</b>	<b>Agent's Ref</b>	<b>Received Date</b>
Location plan, block plan		A747-SLP	20.09.21
Existing & proposed floor plan		A747-1a	20.09.21
Design & Access Statement		A747-DAS	20.09.21
Energy Statement		A747-ES	18.10.21



Title: 98 Lower Street

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