

**North Northamptonshire Area Planning (Kettering) Committee
13/12/2021**

Application Reference	NK/2021/0814
Case Officer	Natalie Westgate
Location	1 Lindsay Street, Kettering
Development	Full Planning Permission: Change of Use from residential dwelling (C3) to 9 bed HMO (Sui Generis)
Applicant	O.B.Regency Property Management Ltd
Agent	Mr Jelley Alpine Planning Ltd
Ward	All Saints
Overall Expiry Date	29/11/2021
Agreed Extension of Time	15/12/2021

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 are unresolved, material objections to the proposal and the agent is a member of NNC staff working within the Planning & Development Service / at Tier 4 level.

1. Recommendation

1.1 That planning permission be GRANTED subject to conditions.

2. The Proposal

2.1 Change of Use from residential dwelling (C3) to 9 bed HMO (Sui Generis)

3. Site Description

- 3.1. The site is located on the corner of Lindsay Street and Crown Street just outside Kettering town centre area. The site consists of a corner residential plot with a large three storey red brick with Welsh slate roof, 9 bedroom property located to the rear of the site. To the north of the site is a small car park owned by St Andrews Church, beyond this are a series of commercial yards and vacant land. To the east is a predominately residential area comprising of Victorian terraces. To the south is Eskdail Street which forms part of the inner distribution road and beyond this the fringe of the town centre. Directly to the west is the vicarage, or former vicarage, of St Andrews Church and beyond that the Church itself.
- 3.2. There are two main drive accesses to the site on Lindsay Street enabling an entrance and exit and a further vehicular access off Crown Street. A high wooden fence runs along the street boundary with Lindsay Street and Crown Street. There is high fencing along the boundary to the west. Dense landscaping and high fencing runs along the boundary to the north.
- 3.3. Site Constraints
Within setting of Listed Building

4. Relevant Planning History

- 4.1. KET/2018/0573 - Change of use from dwelling to residential care home for 5 young adults with learning difficulties – Approved – 25.09.2018
- 4.2. KET/2006/0192 - Demolition of existing dwelling and erection of 16 No. flats and parking spaces – Refused – 25.05.2006
- 4.3. KET/2004/1015 - Single storey and two storey front extensions – Refused – 22.06.2005
- 4.4. KET/1996/0664 - Erection of new vicarage, conversion of existing vicarage to 6 no. one bedroom flats & extension to church car park – Approved – 14.01.1997

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. Kettering Town Council
Objection for the following reasons:
- a) A 9 bed proposal represents over development of the site
 - b) There is insufficient parking on site for the no of units
 - c) There is insufficient information about the extent to which the development meets sustainable design, insulation and energy requirements within policy

In addition:-

- d) Safeguards are required to ensure the survival of the tree on site
- e) Bin storage is insufficient
- f) There are no EV charging points proposed
- g) There are inconsistencies in the plans about the inclusion of ornate windows in the elevations
- h) There is insufficient information about how traffic noise is to be mitigated.

5.2 Neighbours / Responses to Publicity

0 number of letters have been received.

5.3 Local Highway Authority (LHA)

The development requires 9 car parking spaces and 9 secure, covered cycle parking spaces. The proposal provides 8 car parking spaces via an existing private access off Lindsay Street. Whilst this is one short of the requirement as stated above, the site is acknowledged to be in a sustainable location with regards to proximity to public transport links given the 3 bus stops to the south of the site on Eskadill Street to the South. The Local Planning Authority are requested to take a view as to the provision of electric vehicle charging facilities. The proposals include the full quota of the required cycle parking. It is advisable for the cycle shelter to be a lockable facility. There should be a condition to ensure any debris deposited on the adopted highway during construction is to be removed and the highway cleansed.

5.4 Environmental Protection Officer

The proposal site is at the edge of Kettering town centre and is close to the A4300, Eskdaill Street. The published strategic noise mapping indicates that part of the site maybe impacted by unacceptable traffic noise levels. The applicant should demonstrate that acceptable noise levels can be achieved in the bedrooms, at all times, with windows open for ventilation and should be conditioned for protection from noise (all residential in close proximity to road, rail, and non domestic uses). The applicant should be encouraged to provide suitable electric vehicle charging facilities.

5.5 Waste Education and Communications Officer

The bins issued to this address will depend on the number of council tax bills issued at the property. For example, if each room is individually liable for council tax then 9 sets of bin capacity will be issued to the address. If this is the case 1620L of refuse and 1620L of recycling capacity will be issued to the site. If the developer is proposing communal bins to be accessed via Crown Street then the store needs to be no more than 20m from the public highway, stored on hard standing and there must be a clear and flat travel route from the bin store to the RCV. There must also be a dropped kerb to allow the crew to safely wheel the bin from the pavement to the vehicle. The location detailed on the plans looks suitable but there must be appropriate access arrangements put in place to allow the crew to empty from Crown Street.

If there is only one council tax bill issued for the property then only one set of bins will be issued. This will be insufficient for the number of residents and the owner/managing agent will need to pay for additional refuse capacity. This can either be through ourselves or another private contractor. We can provide additional recycling bins free of charge. If the property is issued with individual bins then it is the responsibility of the residents to present these on collection day. If the owner/agent decides to use a private contractor for the additional refuse (in this circumstance) they may not have the same collection day as the refuse bin issued by ourselves. North Northamptonshire Council will not empty any bins that do not belong to us.

5.6 Private Sector Housing Officer

The Private Sector Housing Officer and Fire Officer from NFRS confirm it has sufficient space and amenities for an 9 bedroom HMO with a maximum of 15 occupants (based on some double occupancy rooms). However, I understand the owner will be limiting the occupancy to 9 as only intends to have single occupants due to the nature or their care needs. The property has an interlinked alarm system and fire doors where required and was deemed satisfactory by the Fire Officer.

5.7 Northamptonshire Police

Recommends informatives on the following:

In addition to building regulation and fire safety requirements the following should apply: Ideally the doorsets used to access bedrooms from communal areas should be dual certified for both fire and security. A minimum requirement is that a bedroom doorset must meet building/fire safety regulations with the locking arrangement being multi-point or a certified BS lock fitted with internal thumb turn. Note: Only doorsets supplied as a complete product from a single source deliver the performance standard for fire safety, security, thermal transmittance and other criteria.

The application must meet the requirements of Part Q building regulation 2015 in relation to security as stated by the regulation. Part Q states: The guidance in this approved document applies to new dwellings only; this includes dwellings formed by a material change of use.

6. Relevant Planning Policies and Considerations

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)
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 2. Historic Environment
Policy 4. Biodiversity and Geodiversity
Policy 6. Development on Brownfield Land and land affected by Contamination
Policy 8. North Northamptonshire Place Shaping Principles
Policy 11. The Network of Rural and Urban Areas
Policy 28. Housing Requirements
Policy 29. Distribution of New Homes
Policy 30. Housing Mix and Tenure
- 6.4 Site Specific Part 2 Local Plan
Policy LOC1. Settlement Boundaries
Policy HOU1. Windfall and Infill Development: Principles of Delivery
- 6.5 Neighbourhood Plan
N/A
- 6.6 Other Relevant Documents
Kettering Town Centre Area Action Plan
Policy 15. The Shopping Quarter

7. Evaluation

The key issues for consideration are:

- Principle of Development
- Visual Impact
- Impact on Neighbouring Amenity
- Highway Matters

7.1 Principle of Development

7.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to determine planning applications in accordance with the Development Plan unless material planning considerations indicate otherwise.

7.1.2 The principle of proposing dwellings within the confines of a growth town is consistent with saved Local Plan Policy 35, Policy 11 and 29 of the North Northamptonshire Joint Core Strategy (JCS) and guidance contained within the National Planning Policy Framework (NPPF) seeks to focus development in towns in the interest of sustainability and to safeguard rural areas.

7.1.3 Policy 11 of the Joint Core Strategy directs development towards the growth town of Kettering. Policies 6 and 29 of the Joint Core Strategy asserts that priority will be

given to the reuse of suitable previously developed land, followed by other suitable land in urban areas.

- 7.1.4 Policy HOU1 of the Site Specific Part 2 Local Plan 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. Furthermore, the requirements of policy set out in the JCS need to be met and developments must be in conformity with policy contained within the Site Specific Part 2 Local Plan.
- 7.1.5 The property, while located outside of the Kettering town centre boundary, is within the Kettering Town Centre Area Action Plan area and forms part of the Shopping Quarter which requires applications to be assessed against Policy 15 of the KTCAAP. This sets out the key regeneration sites SHQ1 -7 within this area that will help to deliver the new retail floorspace during the plan period. The application site does not fall within one of these allocated sites and the policy states that *'development proposals that would put at risk the comprehensive retail led regeneration of Wadcroft/Newlands Phase 1 area, or would adversely affect the potential to enhance and redevelop shopping elsewhere in the Shopping Quarter, will not be supported.'* Given that the property is on the periphery of the shopping quarter and is a change of use, not involving any external changes to the outside of the property it is considered that this proposal will not affect any future regeneration schemes within this Quarter.
- 7.1.6 Policy 8 of the Joint Core Strategy is supportive of such development provided there is no adverse impact on character and appearance, residential amenity and the highway network. It also seeks a high standard of design.
- 7.1.7 Subject to detailed consideration being given to the impact of the proposed works and ensuring it complies with national and local policies, detailed above, the principle of development is considered acceptable.

7.2 **Visual Impact**

- 7.2.1 Policy 8(d) 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 council is required by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.
- 7.2.3 There are a range of residential building forms, house types and designs within the locality, including a large block of flats opposite the site. The dwelling is set back from the streetscenes on Lindsay Street and Crown Street. The proposed change of use to No.1 Lindsay Street is located in the proximity of St Andrew's Church which is a Grade II* listed building. The curtilage of the listed building extends directly to the

north of the application site. As the present application is for a change of use that will create minor external changes to the building consisting of two proposed windows on the north eastern elevation, then there will be no impact or harm caused to the heritage asset or significant change to the streetscene. There is condition attached to ensure the new windows will be using matching materials and colour to be in keeping with the other windows on the property and in keeping with the character of the area. As there are minor external alterations there would not be a requirement for sustainable design, insulation or energy improvements. Northamptonshire Police recommended informatives on security which are attached.

- 7.2.4 The existing and proposed floorplans demonstrate 9 bedrooms and the agent is seeking to limit the occupancy to 9 persons as they only intend to have single occupants so a condition is attached to limit the number of occupants within the HMO.
- 7.2.5 The application form states there will be no works to trees within the site and as the trees are not Tree Preservation Order nor is the site within the conservation area there would not be requirement to protect trees within the site. Given there is landscaping proposed there is a condition on landscaping. As there is acceptable existing boundary treatment there is no condition on boundary treatment.
- 7.2.6 The proposal would be appropriate for the locality. Therefore, the proposal is not considered to impact adversely upon the setting of the adjacent listed building nor on the character of the local area to any significant extent and therefore is in accordance with Policies 2 and 8(d) of the Joint Core Strategy.

7.3 Impact on Neighbouring Amenity

- 7.3.1 Policy 8(e)(i) of the JCS seeks to ensure that development prevents harm to the residential amenities of neighbouring properties, such as by reason of noise, smell, light, overbearing, loss of light or overlooking.
- 7.3.2 The property is set back from the pavement on Lindsay Street by approximately 15m; it is also separated from the terraced houses on Crown Street by a similar distance. The first floor windows on the detached dwelling to the west of the property (the Vicarage) are approximately 20m away and it is therefore considered that the change of use will not significantly increase any overlooking or reduce the privacy of the existing neighbours.
- 7.3.3 The proposed use remains for 9 bedrooms and there remains adequate space within the site for external amenity space. Given the change from 1 dwelling to 9 bedroom HMO there is requirement for additional refuse storage. There is adequate space for refuse within the site and full details on refuse is conditioned.
- 7.3.4 The proposal site is at the edge of Kettering town centre and is close to the A4300, Eskdaill Street. The published strategic noise mapping indicates that part of the site maybe impacted by unacceptable traffic noise levels. The applicant should demonstrate that acceptable noise levels can be achieved in the bedrooms, at all times, with windows open for ventilation and attached is the condition for protection from noise as recommended by the Environmental Protection Officer.

7.3.5 The proposed development is considered to be in accordance with Policy 8(e)(i) of the Joint Core Strategy and will not create an unacceptable impact upon the amenities of neighbouring properties nor the future residents.

7.4 Highways Matters

7.4.1 Policy 8(b) 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 The site is situated just outside the town centre with bus links south of the site. The surrounding locality is primarily on-street parking and there are public car parks nearby. Given there would be no additional number of bedrooms, town centre location and provision of sustainable transport then 8 parking spaces are acceptable in this instance. There is a condition attached to ensure adequate parking spaces are provided within the site. There are existing accesses within the site from Lindsay Street and Crown Street.

7.4.3 The site would provide adequate number of cycle parking within the site and there is a condition for full details of cycle storage.

7.4.4 As there is no highway works proposed and there are minimum alterations then I have not attached the recommended condition of the Highways Officer on ensuring debris deposited on the adopted highway during construction is to be removed and the highway cleansed.

7.4.5 It is considered that the proposed development is in accordance with Policy 8(b) of the North Northamptonshire Joint Core Strategy.

8. Other Matters

8.1 Neighbour comments:
No neighbour letters were received.

9. Conclusion / Planning Balance

9.1 For the reasons given above and conditions to be imposed then the proposal would be acceptable in terms of character, appearance, highway matters and impact on living conditions.

10. Recommendation

10.1 Subject to conditions for commencement of development, in accordance with approved plans, external materials of windows, details of the bin and cycle storages, parking spaces, details of landscaping, protection of noise levels, limiting

number of occupants and removal of permitted development rights on first floor windows to south west elevation, the proposal is recommended for approval.

11. 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. The window materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture, those on the existing building.
REASON: In the interests of visual amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.
4. The parking spaces hereby approved shall be provided prior to the first occupation of the building hereby permitted and shall be permanently retained and kept available for the parking of vehicles.
REASON: To ensure adequate on-site parking provision and to discourage parking on the adjoining highway in the interests of local amenity and highway safety in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.
5. Prior to first occupation of the development, details for the bicycle storage shall be submitted to and approved in writing by the Local Planning Authority and shall be retained as approved thereafter.
REASON: In the interests of general amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.
6. Prior to first occupation of the development, details for the storage of refuse shall be submitted to and approved in writing by the Local Planning Authority. The use of the building shall not commence until the approved scheme has been fully implemented and shall be retained as approved thereafter.
REASON: In the interests of general amenity and to ensure that no obstruction is caused on the adjoining highway in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.
7. Prior to first occupation of the development a scheme of hard and soft landscaping works which shall specify species, planting sizes, spacing and numbers of trees and shrubs to be planted, any existing trees to be retained, the layout, contouring and surfacing of all open space areas shall be submitted to and approved by the Local Planning Authority. The works approved shall be carried

out in the first planting and seeding seasons following the occupation of the building, unless these works are carried out earlier. Any newly approved trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON: To improve the appearance of the site in the interests of visual amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

8. Prior to the commencement of development a scheme for achieving the noise levels outlined in BS8233:2014 with regards to the 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 therefore 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.

9. No more than one resident per HMO flat shall live at the property at any one time.

REASON To protect the amenities of neighbouring residential properties in accordance with Policy 8 of the North Northants Joint Core Strategy.

12. Informatives

Positive/Proactive - amendments
Security

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)06	30.09.21
Proposed block plan		(00)05	30.09.21
Existing elevations, second floor plan		(00)02	30.09.21
Existing ground & first floor plans		(00)01	30.09.21
Proposed elevations & second floor plan		(00)08	30.09.21
Proposed ground & first floor plans		(00)07	30.09.21
Design & Access Statement	NK/2021/0814/1		30.09.21



Project Title:

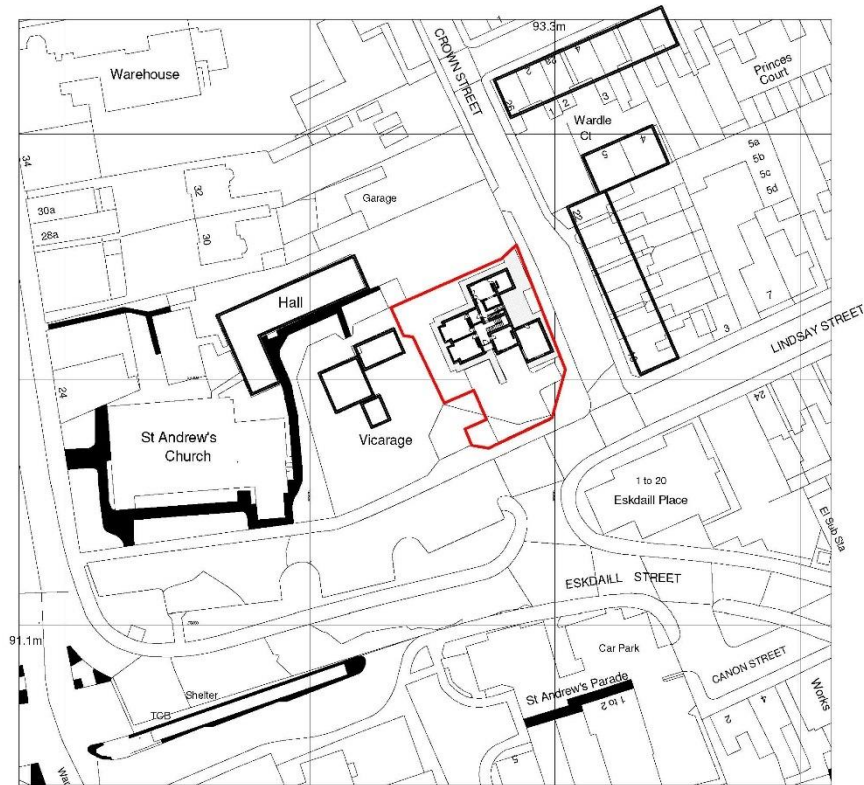
Conversion of Existing Building
into 9 Bed HMO - 21 Crown
Street Kettering

Drawing Title:

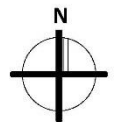
Site Location Plan

Client:

Mr Boateng



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