

North Northamptonshire Area Planning (Kettering) Committee 31/03/2022

Application Reference	NK/2021/1002
Case Officer	Louisa Johnson
Location	31 The Grove, Kettering
Development	Full Planning Permission: Change of use from C4 6 no. bed HMO to sui generis 7 no. bed HMO
Applicant	Mr P Ambler Auxilium Homes
Agent	Mr A Jones ADJ Architectural Services LTD
Ward	St. Michaels and Wicksteed
Overall Expiry Date	01/03/2022
Agreed Extension of Time	

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 there are unresolved, material objections to the proposal and an objection from Kettering Town Council.

1. Recommendation

- 1.1 That planning permission be GRANTED subject to conditions.

2. The Proposal

- 2.1 Full Planning Permission: Change of use from C4 6 no. bed HMO to sui generis 7 no. bed HMO

3. Site Description

- 3.1 The site is a three-storey terraced property in use as a 6 bed HMO on The Grove, Kettering. The site falls within the Kettering town centre conservation area.

4. Relevant Planning History

- 4.1 List all previous planning applications as follows:

None

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 Parish / Town Council

Objection – this development represents further over development in an already crowded street and policy 8 of the JCS (quality of life) should be applied to the consideration of this application. If the planning authority is minded to approve the application, it should seek to secure much better sound proofing and insulation standards than appear to be proposed

5.2 Neighbours / Responses to Publicity

Four letters have been received. The issues raised are summarised below:

This small street has many HMOs which contribute excessive rubbish and parking difficulties considering all residents require parking permits.

We have experienced excessive noise and antisocial behaviour. These houses are badly insulated, lack sound proofing and all noise is amplified through the chimneys due to the quirk of the flying freehold. Again, from experience of the HMO next door - as often fleeting through, tenants lack this consideration or respect for neighbours and create excessive noise.

The property 31, already has bins overloaded and general litter scattered around the front garden and street. Another resident would only add to this.

Residents in The Grove have residents only parking permits, we are assuming the new /extra residents will have cars and require a parking permit. This will make The Grove even more congested with parked cars and as usual they will use Bowling Green Avenue as an overflow car park., making it difficult for residents in Bowling Green Ave to park.

The drains of this house cannot cope with seven adults.

There are already approx. five houses in this small street that are multiple occupancy this is too many.

5.3 Local Highway Authority (LHA)

The LHA have no objections to the proposals.

The proposals increase the number of bedrooms of the existing HMO from 6 to 7. As a result, the revised HMO requires 7 car parking spaces and 7 secure, covered cycle parking spaces as per Northamptonshire Parking Standards 2016. Plan details a cycle store to the rear to accommodate 7 spaces.

All car parking is noted to currently be on street. As the proposal is for 1 further bedroom and therefore 1 further car parking space the proposals are deemed reasonable, and a parking beat survey is not thought to be required in this instance.

5.4 Environmental Health

No comment

5.5 Private Sector Housing

The property has sufficient space and amenities for 7 occupants and is well managed and compliant with HMO regulations. The applicant currently holds a licence for 6 occupants which can be varied if planning permission is granted for 7 occupants.

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)

Policy 2. Achieving sustainable development

Policy 5: Delivering a sufficient supply of homes

Policy 12. Achieving well-designed places

Policy 16. Conserving and enhancing the historic environment

6.3 North Northamptonshire Joint Core Strategy (JCS) (2016)

1. Presumption in favour of sustainable development

2. Historic environment

8. Place shaping

11. The Network of Urban and Rural Areas

29. Distribution of New Homes

30. Housing Mix and Tenure

6.4 Site Specific Part 2 Local Plan

LOC1 – Settlement Boundaries

6.5 Other Relevant Documents

Amenities and Spaces Standards for Houses in Multiple Occupation – A Landlord's Guide

7. Evaluation

The key issues for consideration are:

- Principle of Development
- Visual Impact and Character of the area
- Impact on Neighbouring Amenity
- Amenity of future occupiers
- Highway Matters
- Refuse collection and storage

7.1 Principle of Development

7.1.1 The application seeks a change of use from C4 6 no. bed HMO to sui generis 7 no. bed HMO. It is noted that the C4 6 no. bed HMO did not require planning permission as it fell under permitted development for a change of use under Class L, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

7.1.2 Subject to detailed consideration of the impact of the works, having an acceptable impact on the character and appearance of the area and residential amenity the development is considered acceptable in principle.

7.2 Visual Impact and Character of the area

7.2.1 Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a decision maker to pay special attention to the need to preserve or enhance the character or appearance of a conservation area.

7.2.2 There are no external changes proposed to the building as the proposal would involve internal changes to create a seventh bedroom on the second floor by splitting the large bedroom on that floor into two. The site has an existing bin store area in the rear garden which is adequate to store bins for seven bedrooms. The proposal would provide a new cycle stores at the rear of the property, to accommodate seven cycles, subject to a condition securing details of the cycle storey it is considered that this would not unduly impact on the appearance of the building. As such it is considered that the proposal would not have a detrimental impact on the appearance of the host building and the surrounding area.

7.2.3 The scheme is considered to be close to an overdevelopment of the site, however as discussed in more detail below the proposal complies with the required standards and no objection has been raised by consultees to warrant a reason for refusal.

7.2.4 An objection has been received on the grounds that there are already approximately five houses in this small street that are multiple occupancy this is too many. Private Sector Housing have confirmed that there are two licenced HMO's and one unlicenced HMO in the street including the site.

7.2.5 Accordingly, the proposal is considered to be acceptable and accords with the relevant parts of Policy 12 (NPPF) and Policy 8 (NNJCS).

7.3 Impact on Neighbouring Amenity

- 7.3.1 The existing C4 HMO has six bedrooms and could accommodate up to six people. The application is for a seven-bedroom HMO, all of which could accommodate one person.
- 7.3.2 As such, it falls to consider the impact of the additional number of people, over and above the minimum that the C4 HMO could accommodate, on the amenities of surrounding properties and occupiers.
- 7.3.3 An objection has been received on the grounds of noise from the HMO disturbing adjoining residents.
- 7.3.4 It is considered that one additional people would not result in noise and disturbance over and above that which could be expected from a six person HMO or a large family home – which could exceed more than six people – both of which do not need to apply for planning permission.
- 7.3.5 As discussed above the proposal does include any changes to the external elevations of the property. Therefore, the impact on neighbours would not change in this respect.
- 7.3.6 As such, it is considered the proposal would not lead to an adverse impact on the amenities of neighbouring residents in accordance with Policies 8 and 30 of the North Northamptonshire Joint Core Strategy.

7.4 Amenity of future occupiers

- 7.4.1 The proposal is for a House in Multiple Occupation for the occupation of up to 7 no. persons across 7no. en-suite bedrooms. None of the bedrooms have cooking facilities.
- 7.4.2 The Council's Private Sector Housing guidance 'Amenities and Spaces Standards for Houses in Multiple Occupation – A Landlord's Guide' requires 7sqm of kitchen space for 1-5 occupiers and 3sqm per each additional occupant; it also requires 2sqm of dining space per occupant where the rooms fall below the required size to provide in-room dining space, which applies to one bedroom. This would require a kitchen / dining space of a minimum of 15sqm to serve seven people, the space is 17sqm and so is adequate. Therefore, the HMO would not be able to accommodate more than 7 people and a suitably worded condition to limit occupancy is recommended to ensure compliance.
- 7.4.3 Therefore the proposed accommodation complies with the minimum requirements as set out by the Council's Private Sector Housing guidance on Houses in Multiple Occupation; and is considered to be acceptable in terms of the amenity of future occupiers in accordance with policy 8 of the NNJCS.

7.5 Highway Matters

- 7.5.1 The Local Highways Authority have no objection and state that the revised HMO requires 7 car parking spaces and 7 secure, covered cycle parking spaces as per

Northamptonshire Parking Standards 2016. They state that all car parking is noted to currently be on street. As the proposal is for 1 further bedroom and therefore 1 further car parking space the proposals are deemed reasonable, and a parking beat survey is not thought to be required in this instance. Plan details a cycle store to the rear to accommodate 7 spaces.

- 7.5.2 An objection has been received on the grounds that the proposal would worsen parking pressure in the street and on Bowling Green Avenue.
- 7.5.3 The application site is on The Grove and has no on-site car parking. The site is within walking distance of the town centre and the train station and is close to a main bus route with a number of bus stops within a short distance of the site.
- 7.5.4 The proposed cycle parking to the rear of the property is considered to be adequate subject to a condition securing details.
- 7.5.5 It is considered that the site's location in the town centre, close to shops, bus stops and the train station means that the site is in a highly sustainable location. As such it is considered that while parking is limited, this is mitigated by the location of the site. Given this it is considered that the site is in a sustainable location and the lack on-site parking can be justified in this case.
- 7.5.6 Therefore it is considered that subject to a condition regarding cycle storage the proposal is acceptable in terms of cycle storage, parking, and highway safety in accordance with policy 8 of the NNJCS.

7.6 Refuse collection and storage

- 7.6.1 With respect to the refuse storage facilities at the site, the bin store has been shown in the rear garden with space for an adequate number of bins so the bins will be stored out of the public realm. It is considered that a planning condition requiring details of refuse storage area on site should be attached.

8. Other Matters

- 8.1 None

9. Conclusion / Planning Balance

- 9.1 In light of the above the application is considered to be in accordance with the Development Plan with no other material considerations that would justify coming to an alternative view.

10. Recommendation

- 10.1 That planning permission be GRANTED subject to conditions.

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. Prior to the occupation of the development hereby permitted details of cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle storage shall be provided before the occupation of HMO and retained as approved thereafter.
REASON: Refuse details are necessary prior to the commencement of development in the interests of highway safety in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.
4. No more than seven residents 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 - pre-application advice
Building Regulations required

List of plans

Title	NK Ref.	Agent's Ref	Received Date
Location plan, existing block plan, ground, first and second floor plans		416-2021-100A	04/01/2022
Location plan, proposed block plan, ground, first and second floor plans		416-2021-101A	04/01/2022
Planning Statement	NK/2021/1002/1		16/12/2021
DAS	NK/2021/1002/2		04/01/2022



Title: NK/2021/1002 - 31 The Grove, Kettering

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