

North Northamptonshire Area Planning (Kettering) Committee 15/06/2022

Application Reference	NK/2022/0174
Case Officer	Alan Chapman
Location	32 Havelock Street, Kettering
Development	Full Planning Permission: Conversion of dwelling house into 2 no. flats with ground and first floor rear extensions
Applicant	Mr M Babad Nerston Ltd
Agent	Alexandra Luksza al design (uk)
Ward	All Saints
Overall Expiry Date	05/05/2022
Agreed Extension of Time	17/06/2022

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 the relevant town / parish council has a material written objection.

1. Recommendation

- 1.1 That planning permission be GRANTED subject to conditions.

2. The Proposal

- 2.1 Full Planning Permission: Conversion of dwelling house into 2 no. flats with ground and first floor rear extensions

2.2 Background

This latest planning application follows on from the two earlier planning applications (NK/2021/0665 & NK/2021/0940) that were refused.

2.2.1 NK/2021/0665 was refused for three reasons:

- (1) Proposed internal arrangements would result in unacceptable noise transmission.
- (2) Adequate cycle storage not provided.
- (3) Bin store and bin access arrangements not adequate.

2.2.2 NK/2021/0940 subsequently and satisfactorily addressed (according to the Officer's recommendation report) the three refusal reasons of NK/2021/0665, but was refused for the following reason:

- (1) Internal floorspace of the flats would fail the required standards (NSS).

2.2.3 Thus this NK/2022/0174 application now seeks to address the outstanding refusal reason concerning the internal floorspace dimensions for each proposed new home.

2.2.4 In light of comments received concerning access, bin& cycle stores the Agent submitted an amended plan to show a ramped access to the front. Re-consultations were performed. Additional comments following this process are reflected below where received or applicable.

3. **Site Description**

3.1 The site is situated within a residential area characterised by terraces.

3.1.1 The site is currently a two-storey terraced property with long rear garden that has a means of pedestrian access to its rear garden and onto Havelock Street via a private passageway. The property does not benefit from any direct access onto Havelock Street other than through its front door.

3.2 Constraints:

Approximately 170 metres from the defined Town Centre.

4. **Relevant Planning History**

4.1 List all previous planning applications as follows:

Application No	Decision	Date	Address	Description
NK/2021/0665	REFUSED	19-11-21	32 Havelock Street, Kettering Northamptonshire	Conversion of house to form 2 no. flats with ground floor rear extensions
NK/2021/0940	REFUSED	08-02-22	32 Havelock Street, Kettering Northamptonshire	Conversion of house to form 2 no. flats with ground floor rear extensions

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

This development represents an over development of the site. There are issues relating to the proposals for bin storage and cycle storage which are not practical, and which will cause on-street problems in an area already plagued by these problems.

NB:

In accord with the new Scheme of Delegation liaisons occurred with KTC to seek withdrawal of said objections by means of explanation, amendment to the proposal, or by means of condition. In this case it was by means of explanation and small amendments to the REFUSED NK/2021/0940 proposal.

Notwithstanding your explanation we wish to maintain our objection that the proposed development represents over development of the site.

Amended Plans:

Further comments expected on 2nd June, or thereafter.

5.2 Neighbours / Responses to Publicity No comments received at time of writing.

5.3 Environmental Care (Waste Services) We strongly advise against any internal bin storage.

Regards the bins being stored in the back garden. We are aware that properties on Havelock Street have rear access in theory, in practice most properties store their bins on the public footpath outside their houses due to rear access being through several neighbours' gardens. Therefore, as both properties are individually billed for council tax, two sets of household bins potentially left on the footpath outside the property.

Amended Plans:

I can see no change has been made to the bin storage arrangements. Therefore, my previous comments remain the same.

5.4 Environmental Protection (Health) The general internal arrangement is much improved compared to the previous proposal NK/2021/0665. Our noise concerns have been satisfied.

Concerns over the proposed provisions for refuse storage and access to the storage locations. The storage of refuse is best in the open air and away from windows, etc. It also needs to have safe access with sufficient space to be able to move the bins without risk of injury.

The proposed storage for the 1st floor, flat B, is within the building envelope, adjacent to the front door and appears to have a restricted space in which to manoeuvre the bins out onto the street. The bins would also have to be manoeuvred over the front door-step. This may increase the risk of injury to the occupants and, if it is perceived as “too difficult”, will result in the bins being left on the street.

The proposed storage for the ground floor, flat A, is in the rear garden and as such is satisfactory.

Access to the bin store (and bike store) appears to be difficult. The access to the rear has not been shown in detail on the plans, but appears to be a lengthy, unlit, passageway behind the houses and out onto a street. The bin would then have to be taken to the front of the property for collection (estimated distance 200m).

The unsatisfactory alternative route appears to be to drag the bin (or bike) through the flat (living and kitchen spaces) to access Havelock Street.

This may increase the risk of injury to the occupants and, if perceived as too difficult, will result in the bins being left on the street.

The applicant may wish to refer to Building Regulations Approved Document H which outlines minimum requirements for refuse storage.

Recommendations

As per our response to the previous application, we cannot support this application in its current form because it has not been demonstrated that it will comply with Policy 8 of the North Northamptonshire Joint Core Strategy, it may also result in dwellings that do not fully meet the requirements of Housing Health and Safety standards.

Amended Plans:

There does not appear to be any significant difference between the current revision (D) of the plans and the previous version (C). We have nothing to add to our previous comments of the 24th of March 2022.

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 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 11: Making effective use of land
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 28: Housing Requirements
Policy 29: Distribution of New Homes
Policy 30: Housing Mix & Tenure

- 6.4 Kettering Site Specific Part 2 Local Plan (Adopted 01 December 2021)
LOC1: Settlement Boundaries
HOU1: Windfall and Infill Development: Principles of Delivery

7. Evaluation

The key issues for consideration are (NB: for ease of comparison with the earlier NK/2021/0940 Officer Recommendation the key issues below are the same headings as reported in NK/2021/0940):

- Principle of Development
- Visual Impact
- Impact on Neighbouring Amenity
- Amenity of Future Occupiers
- Highway Matters
- Waste Management

7.1 Principle of Development

- 7.1.1 Policy 11 of the JCS seeks to focus new residential development within the settlement boundaries of the Urban Areas where Kettering is identified as a Growth Town subject to compliance with other development plan policies.
- 7.1.2 Policy 29 of JCS states that 'New housing will be accommodated in line with the Spatial Strategy with a strong focus at the Growth Towns as the most sustainable locations for development, followed by the Market Towns. The re-use of suitable previously developed land and buildings in the Growth Towns and the Market Towns will be encouraged.'
- 7.1.3 Policy LOC1 of the Kettering Site Specific Part 2 Local Plan is generally supportive of residential development within settlement boundaries subject to their compliance with Policy 11 of the JCS.
- 7.1.4 Policy HOU1 of the Kettering Site Specific Part 2 Local Plan is generally supportive of windfall and infill residential development within settlement

boundaries and on garden land providing there is no erosion to the character and appearance of the area.

7.1.5 A very similar proposal (NK/2021/0940) to this latest NK/2022/0174 proposal was refused planning permission on the 08/02/2022.

7.1.6 The refusal reason given by the officer for the NK/2021/0940 decision was:

7.1.7 *“The proposal fails to meet the required floorspace standards for both flats detrimental to the amenity of future occupiers contrary to Policy 8 of the North Northamptonshire Joint Core Strategy.”*

7.1.8 In the Officer’s Report accompanying the 2021 refusal decision, the above refusal reason flows from the report section called ‘7.4 Amenity of Future Occupiers’ which reads as follows:

7.1.9 *“(7.4.1) The proposal provides two one-bedroom flats, these flats are over both over two floors and as such are considered to be two storey units. Flat A measures approximately 46sqm and has a single bedroom, Flat B measures approximately 50sqm and has a bedroom which measuring 6.6sqm which does not meet the single bedroom floorspace standard. Therefore, proposed flats do not meet the requirements of the Technical Housing Standards – nationally described space standards, March 2015.*

7.1.10 *(7.4.2) The proposed ground floor flat has access to the rear garden, however it appears that the first floor flat would not have access to the garden.*

7.1.11 *(7.4.3) Environmental Protection have advised that they have concerns regarding proposed layout in terms of fire escape.*

7.1.12 *(7.4.4) The proposal fails to meet the required floorspace standards for both flats and so the proposal would be unacceptable in terms of the amenity of future occupiers and in accordance with policy 8 e(i) of the NNJCS.”*

7.1.13 On assessment of the other planning issues (listed below) for consideration regarding refused proposal NK/2021/0940, the 2021 Officer concluded that the scheme was acceptable (subject to conditions: - (i) no openings in the side wall facing No.34 Havelock Street; (ii) cycle storage to be provided; (iii) internal/external bin storage to be provided) in planning terms:

7.1.14 NK/2021/0940 – Planning Issues
Principle of Development
Visual Impact
Impact on Neighbouring Amenity
Highway Matters
Waste Management

7.1.15 Therefore, the 2021/0940 officer was only concerned with the proposed flats not meeting the national space standards (NSS).

- 7.1.16 This latest NK/2022/0174 seeks to address the 2021/0940 refusal reason by slightly increasing the internal space of both flats with a small extension on the first floor and the inclusion of 'built-in' storage space as per JCS Policy 30 and the accompanying National Space Standards (NSS).
- 7.1.17 By comparing the two proposals and proposed plans below, it is opined that the Applicant has fully addressed the single refusal reason from 2021:
(NK/2021/0940) Drawing Number: HS32-04-B
(NK/2022/0174) Drawing Number: HS32-04-D
- 7.1.18 For the above reasons, and as the site is an established residential area of the town, then the general principle of development is acceptable. The development is further assessed below for compliance with the other relevant Development Plan policies.

7.2 Visual Impact

- 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 the immediate area is characterised by residential development with some flatted developments in the area.
- 7.2.3. The proposal involves two single storey ground floor rear extensions which are assessed to be in keeping with the scale and character of the host dwelling and repeat that of the NK/2021/0940 proposal. However, in this latest 2022/0174 proposal a small first floor rear extension is added, which extends off the existing rear wall by 1.58 metres and extends off the existing first-floor side wall by approximately 1.9 metres. For comparison this proposal would not involve any external alterations to the front elevation of the dwellinghouse as was the case for NK/2021/0940. 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, and the relatively small ground and first-floor extensions, due to their size/massing and being located to the rear of a row of terraced buildings, would also not give rise to any discernible impact on the area's appearance.
- 7.2.4 With regards to character, this form of flatted residential development is not reflective of the area which is largely formed of terraced dwellings. However, it is considered that the very minor intensification of residential development it would form would not be so harmful as to be unacceptable in terms of character and appearance and, therefore, accords with Policy 8 of the North Northamptonshire Joint Core Strategy.
- 7.2.5 For the reasons and conditions given above 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 Neighbouring Amenity

- 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 site shares a boundary with No.30 Havelock Street, one of the rear extensions would be on the boundary with No.30 and would measure approximately 2.1m wide, 3m deep and 3m in height with a flat roof. However, in this latest 2022/0174 proposal a small first-floor rear extension is added (to provide addition internal space), which extends off the existing rear wall by 1.58 metres and extends off the existing first floor side wall by approximately 1.9 metres. It is assessed that the small size of this extension and its positioning relative to the rear facing windows of No.30, would not give rise to unacceptable harmful impacts on No.30's living conditions. Subject to a condition preventing the insertion of any openings in the side elevation facing No.30, it is considered that the proposed extension would not have an unduly detrimental impact on 30 Havelock Street due to its size.
- 7.3.3 The site shares a boundary with 34 Havelock Street, the other rear extension would sit on the boundary with No.34 and would measure approximately 2.7m wide, 3.1m deep and 3m in height with a flat roof. Subject to a condition preventing the insertion of any openings in the side elevation facing No.34, it is considered that the proposed extension would not have an unduly detrimental impact on 34 Havelock Street due to its size.
- 7.3.4 It is considered that the proposal is acceptable in terms its impact on neighbouring properties subject to conditions and in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

7.4 Amenity of Future Occupiers

- 7.4.1 Policy 8(e)(i) of the North Northamptonshire Joint Core Strategy seeks to ensure that development prevents harm to the amenities of future occupiers by reason of noise, vibration, loss of light or overlooking.
- 7.4.2 Policy 30 of the North Northamptonshire Joint Core Strategy requires new dwelling (units) to meet the National Space Standards (NSS).
- 7.4.3 The refused 2021/0940 proposal was to provide two one-bedroom flats, where the flats were both over two floors and as such were then assessed to be two storey units. (Referring to NK/2021/0940 Drawing Number: HS32-04-B) Flat A measures approximately 46sqm and has a single bedroom, Flat B measures approximately 50sqm and has a bedroom which measuring 6.6sqm which did not meet the single bedroom floorspace standard. Therefore, the proposed flats were refused as they did not meet the requirements of the Technical Housing Standards – nationally described space standards, March 2015 – hence the refusal reason.
- 7.4.4 Referring to submitted Drawing Number: HS32-04-D, the Agent has proposed that both Flats A & B will now each be confined to single floor, and where the existing basement and loft space will remain as non-habitable rooms/accommodation. The Agent has agreed to the imposition of a condition to this affect. The proposed first-

floor extension to Flat B has increased the internal floor space. For comparison this 2022/0174 scheme provides Flat A (ground-floor) with 38.2 sqm of internal floorspace with the addition of a built-in storage area, and Flat B (first-floor) with 38.0 sqm of internal floorspace also with the addition of a built-in storage area. As such it is assessed that both flats would meet the NSS criteria for a 1-bed, 1-person, dwelling unit of one-storey by being over 37 sqm where additional built-in storage at 1.0 sqm is additionally provided. Presumably both flats could have use of the basement and loft space for additional storage. To ensure that the existing basement and loft space are permanently retained as such and not converted into habitable residential use and to maintain the space standards (NSS) upon which this proposal is assessed, a condition shall be imposed to this effect. Thus, the current proposal can now be assessed as being in accord with JCS Policy 30 and in this regard in accord with JCS Policy 8e.

- 7.4.5 The proposed ground floor flat has access to the rear garden; however, it appears that the first floor flat would not have access to the garden.
- 7.4.6 Environmental Protection have commented that this latest proposal's internal layout is much improved compared to the previous proposal NK/2021/0665, and their noise concerns have been satisfied.
- 7.4.7 Understanding the current situation, No.32 is a mid-terrace dwelling house where the incumbent occupiers only have access from the rear garden to Havelock Street through the ground floor of the house. They also appear to have access into the rear of the rear garden from the private passageway that leads from the rear of the garden and then dog-legs to provide access onto Havelock Street. Thus, current arrangements suggest that the current occupiers would either leave their refuse bins outside the property on Havelock Street (as do many of the residents along the street appear to do so) or store them in the rear garden and then wheel them through the house onto Havelock Street, or wheel them onto Havelock Street via the private passageway as described above. The same arrangements would also apply to any bicycles that they may possess and use.
- 7.4.8 Environmental Protection expressed concerns that the proposed arrangements for the bin and cycle stores to serve the flats would be difficult and may possibly increase the risk of injury due to the manoeuvres required to transport bins and cycles from within and through the ground floor flat onto Havelock Street. However, these arrangements are the same as proposed under planning application NK/2021/0940, and where the Officer at the time concluded in their recommendation report that these would be acceptable. The amended plan showing a ramped access at the front of the property is opined to help address the concerns over the movement of bins/cycles, as a ramp would be easier to use than the two steps leading from the footway and into the property.
- 7.4.9 In this regard, it is assessed that although the proposed arrangements differ slightly from the current single dwelling arrangements, these differences are not wholly substantial on their own to base a refusal reason upon. Proposed Flat A (ground floor) would operate its bins and cycles no differently from that of No.32 as a single dwelling house, and Flat B (first floor) would operate its bins and cycles where there is only direct access onto Havelock Street, akin to a terrace along the street choosing the same type of operation.

7.4.10 For the reasons and conditions given above it is considered that the proposal accords with Policy 8 and 30 of the North Northamptonshire Joint Core Strategy in that it does not result in an unacceptable impact on the amenities of future occupiers.

7.5 Highway Matters

7.5.1 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.

7.5.2 Whilst the proposal would not provide off-street parking this is an existing situation of the site and the surrounding area.

7.5.3 As such and given that on-street parking is characteristic of the area, and with no reason to believe that the proposal would worsen highway safety in the area, the proposal is assessed as being acceptable in terms of on-street parking provision.

7.5.4 The proposal includes provision for cycle storage in the rear garden for Flat A, and internal cycle storage has been provided for Flat B. Therefore, it is considered that subject to a condition requiring the cycle storage to be provided and retained as such, the proposal would be acceptable in terms of cycle storage.

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

7.6 Waste Management

7.6.1 Both Environmental Protection and Care have expressed concerns that the proposed bin store arrangements may fail building regulations and are thought to be unsatisfactory (due to risk to injury and how the bins are presented onto the street), although Environmental Care do concede and acknowledge that in practice other properties along Havelock Street store their bins on the public footpath outside the front of their properties thus resulting in potentially one extra addition possibly from proposed Flat A.

7.6.2 It should be noted as a material planning consideration that the proposed bin storage arrangements are identical to those found acceptable by the Officer during their assessment of planning application NK/2021/0940 subject to a condition requiring the internal bin store to be installed and maintained as such. The Officer presiding over NK/2021/0940 also concluded that the proposed bin store arrangements "...would be no worse than the existing situation."

7.6.3 It is accepted that this proposal would be subject to evaluation under the Building Regulations process and possible amendments may need to be applied to any forthcoming planning permission resulting from any Building Regulation requirements identified or insisted upon.

7.6.4 It is not for the local planning authority to assess compliance with building regulations but Environmental Protection quote Building Regulations Approved

Document H4 deals with solid waste storage. For context the H4 provisions quote that containers for waste can be enclosed where enclosed space is at least 600mm x 600mm x 1000mm high, and with ventilation. The submitted drawings indicate that the enclosed bin store for Flat B has dimensions of approximately 700mm x 1300mm, although heights are not given, the height could possibly exceed 1000mm.

- 7.6.5 In similar fashion as with NK/2021/0940 it is recommended a condition be imposed requiring full details of both bin stores to be submitted, approved, implemented, and thereafter maintained as such.

8. Other Matters

- 8.1 Neighbour comments: None

9. Conclusion / Planning Balance

- 9.1 This latest proposal has addressed all the earlier refusal reasons concerning noise, cycle/bin storage, and internal living space standards, and subject to the proposed conditions it would result in a development that will provide an additional dwelling unit in the area, and the whole development would not give rise to unacceptable impacts upon the area's character, the living conditions of existing/future residents, on-street parking provision, and waste management practices.

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. Notwithstanding the hereby approved Drawing Number HS32-04-D, the cellar and loft space as shown on this drawing shall be permanently retained for use as a cellar and as loft space and shall not be converted into or used as habitable residential accommodation that includes bedrooms, kitchens, bathrooms, toilets, living/dining rooms, study rooms, home-office, or other similar uses that cover normal residential use.

REASON: In the interests of protecting the living standards of existing and future occupiers in accord with Policy 8 and 30 of the North Northamptonshire Joint Core Strategy.

4. Prior to either flat hereby approved being first occupied details of the external bicycle store shall be submitted to and approved by the Local Planning Authority. The approved details shall then be fully implemented and made available for use.

REASON: In the interests of promoting sustainable modes of transport in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

5. Prior to either flat hereby approved being first occupied details of the refuse (bin) storage areas shall be submitted to and approved by the Local Planning Authority. The approved details shall then be fully implemented and shall be retained as approved thereafter.

REASON: In the interests of residential amenity by reason of smell or other pollution in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

6. Notwithstanding the hereby approved Drawing Number HS32-04-D that shows openings in the side elevations of the development, no further openings shall be inserted into any side elevation that faces Nos.30 and 34 Havelock Street, Kettering.

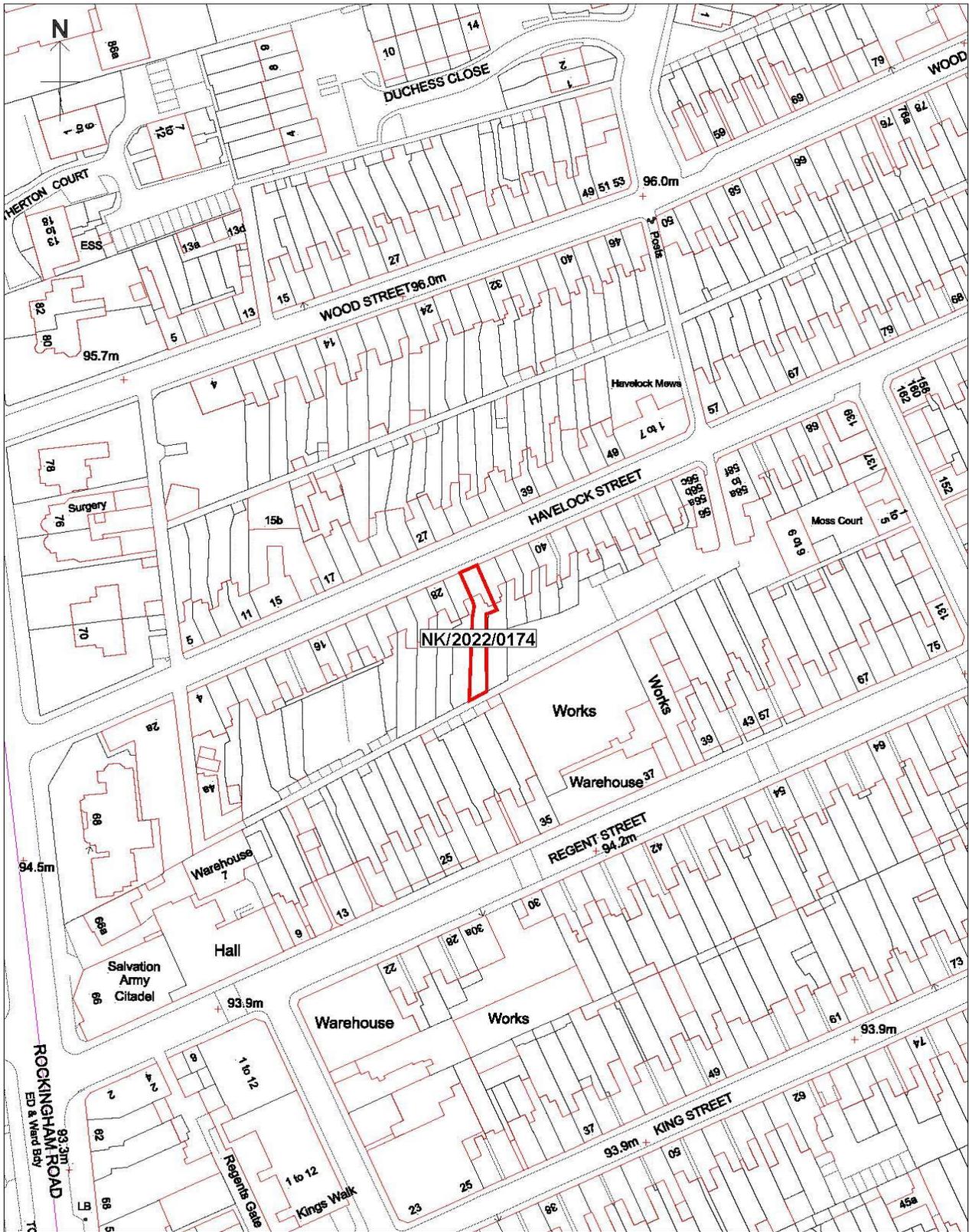
REASON: To protect the living conditions of occupiers of the neighbouring dwellinghouses by reason of privacy in accord with Policy 8 of the North Northamptonshire Joint Core Strategy.

12. Informatives

Positive/Proactive - amendments
Building Regulations consent required
Party Wall Etc. Act
B Regs Doc H
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		HR32_01	10/03/2022
Block plan		HR32_02A	10/03/2022
Existing elevations ground/first/second/basement floor and roof plans		HR32_03A	10/03/2022
Proposed elevations ground/first/second/basement floor and roof plans		HR32 04D	28/04/2022



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Date: 27.05.22

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