

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 06/09/2016</b>	<b>Item No: 5.7</b>
<b>Report Originator</b>	<b>Sean Bennett Senior Development Officer</b>	<b>Application No: KET/2016/0520</b>
<b>Wards Affected</b>	<b>William Knibb</b>	
<b>Location</b>	<b>103 St Peters Avenue, Kettering</b>	
<b>Proposal</b>	<b>Full Application: Change of use from dwelling house to 7 bedroom HMO</b>	
<b>Applicant</b>	<b>Miss L Percival</b>	

### 1. PURPOSE OF REPORT

- To describe the above proposals
- To identify and report on the issues arising from it
- To state a recommendation on the application

### 2. RECOMMENDATION

THE DEVELOPMENT CONTROL MANAGER RECOMMENDS that this application be APPROVED subject to the following Condition(s):-

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 detailed below.

REASON: In the interest of securing an appropriate form of development in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

3. No development shall commence on site until details of a scheme for the storage of refuse, and cycles in the rear amenity space has been submitted to and approved in writing by the Local Planning Authority. The 7th bedroom shall not be occupied until the approved scheme has been fully implemented and shall be retained as approved thereafter.

REASON: Refuse and cycle details are necessary prior to the commencement of development 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.

## Officers Report for KET/2016/0520

This application is reported for Committee decision because there are unresolved, material objections to the proposal

### 3.0 Information

#### Relevant Planning History

None

#### Site Description

Officer's site inspection was carried out on 05/08/2016 and 25/08/2016

The site comprises part of a twenty-four town house development constructed approximately ten years ago with an associated rear parking courtyard which is accessed via an undercroft and consists of an established residential property that is used as a House of Multiple Occupation (HMO) with six bedrooms.

The surrounding area comprises principally of red-brick terraces.

#### Proposed Development

The application seeks full planning permission for a change of use from a dwellinghouse to a HMO with seven bedrooms. Whilst the property is currently used as a HMO, occupation for up to six people is permitted under its lawful use as a dwellinghouse without the need for planning permission. Permission is required once the number of occupants/bedrooms exceeds six.

#### Any Constraints Affecting the Site

None

### 4.0 Consultation and Customer Impact

**Local Highway Authority (LHA):** *Objection* stated on the basis of *insufficient information* being provided recommending that the applicant supplies a *site plan, accurate, technical and to scale showing existing parking access to the highway, secure, covered and overlooked (or internal) cycle parking at 1 space per bedroom and a parking beat survey to ascertain the capacity of the highway for on-street parking.*

They go on to say that in the event that the application is approved the following conditions are applied:

- The provision of cycle parking
- Car parking available at one space per two bedrooms
- A parking beat survey should be provided

**Neighbours:** Four third party **objections** received on the following summarised grounds from surrounding dwellings:

- Lack of parking provision
- Insufficient refuse arrangements resulting in smells/litter
- The front area is used as a smoking area
- The rear area is not large enough to accommodate the increased tenancy
- Could result in up to 14 people occupying the property
- Would result in more disruption /noise to the surrounding properties
- An undesirable precedent

## **5.0 Planning Policy**

### **National Planning Policy Framework:**

Core Principles and Chapter 6 (Delivering a wide choice of high quality homes)

### **Development Plan Policies**

#### **North Northamptonshire Joint Core Strategy**

Policy 8. Shaping Places

Policy 28. Housing Requirements

Policy 29. Distribution of new homes

Policy 30. Housing mix and tenure

#### **Local Plan**

35 – Housing: Within Towns

## **6.0 Financial/Resource Implications**

None

## **7.0 Planning Considerations**

The key issues for consideration in this application are:-

1. The Principle of the Development
2. Impact on the living conditions of local residents in terms of ensuring a mixed and balanced community
3. Impact on occupiers amenity
4. Impact on the safety and convenience of highway

### **1. The Principle of the Development**

The principle of providing residential development at this location is consistent with local plan and Joint Core Strategy policies and therefore the development plan providing that it respects residential and visual amenity and is acceptable with regard to all other material planning considerations.

## 2. Impact on the living conditions of local residents in terms of ensuring a mixed and balanced community

The development site is situated within a residential street comprising predominately of two storey terraced properties and town houses. Within reasonable proximity (150m) of the site there are a further ten properties which are listed on the Council's Register of Licensed HMO properties. All of which are occupied by six persons or less and therefore have not required planning permission. Given the terraced nature of the area eleven dwellings (including the proposal property) is a relatively low proportion of the total number of dwellings within a 150 radius that are HMOs.

Whilst the Joint Core Strategy does not specifically consider HMOs in Policy 30 it does state that the housing type should reflect *The need to accommodate smaller households with an emphasis on the provision of small and medium sized dwellings (1-3 bedrooms)*. This policy complies with the NPPF where in Chapter 6, amongst other things seeks *mixed communities*.

Given that the area principally comprises of 3-4 bed dwellings the provision of eleven HMOs within 150m radius of the site is not considered to undermine the availability of family homes in the area and would contribute toward and maintain a mixed and balanced community with the overall level of HMOs in the area remaining low.

The existing arrangement within the property allows living accommodation for up to six people. There is nothing to suggest that by increasing this allowance by one to a total seven persons would give rise to a material increase in noise and disturbance to local residents. Given the relatively low level of HMOs, identified above, and there pepper-pot dispersal in the locality there is currently no incremental or cumulative impacts that may result from having a high number of HMOs in a concentrated area. The occupation of HMOs may generally be more transient in nature than (C3) dwellinghouses, however there has been no technical evidence provided or reason to believe that this causes specific issue within the immediate locality. Although it is acknowledged that existing residents would like to preserve the living conditions that they currently enjoy; there is no substantive basis to conclude that the provision of an HMO in this case would result in a material increase of nuisance or loss of amenity to adjacent residents especially given that effectively the proposal would result in the increase of only one person to the dwellinghouse.

This approach is consistent with the approach adopted by a number of appeal inspectors when determining applications of this type and whilst every application should be considered on its own merits there are no demonstrable evidence that would justify adopting a different approach here.

One of the third party grounds for objection was based on precedent. Whilst every application is assessed on its own merits, it is important that there is not a proliferation of HMOs to an area that may undermine housing mix and result in an incremental impact to the arears amenity. As such whilst the HMO on this occasion is considered to be acceptable it does not automatically follow that a similar application in the vicinity would also be acceptable.

As such the proposal complies with Policy 30 of the JCS in seeking *the creation of a sustainable mixed and inclusive community* and parts of Policy 8 that seek to protect surrounding residential amenity.

### 3. Impact on occupiers amenity

Policy 8(e)i) of the JCS seeks to *ensure quality of life by Protecting amenity by not resulting in an unacceptable impact on the amenities of future occupiers*. In particular Policy 30(b) of the JCS states that *the internal floor area of new dwelling must meet the National Space Standards as a minimum in order to provide residents with adequate space for basic furnishings, storage and activities*.

This local policy approach with regard to National Space Standards is consistent with the PPG which in its suite of documents includes the 'Technical housing standards – nationally described space standards' which ties into paragraph 50 of the NPPF that says that local planning authorities should identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand.

Whilst these Standards do not strictly apply to HMOs it does give minimum bedroom sizes that give a useful guide when considering whether this proposal makes suitable provision for the living standards of the occupier's. The Standards say that the bedroom should be at least 2.15m wide and have at least 7.5sqm in floor area. The majority of the bedrooms significantly exceed these measurements with the smallest being 9.6sqm which still exceeds the floor area standard by over 2sqm. In addition the proposal also makes provision for a shared bathroom, sizeable kitchen/diner and also a separate W/C and an en-suite serving one of the bedrooms together with a rear amenity space.

The rear amenity space, whilst of a modest size, it would provide ample space for cycle storage. As the only internal access to this space would be from bedroom 7 only it is considered appropriate to impose a condition requiring details of cycle storage arrangements prior to commencement with access available to this rear space from within the rear parking courtyard and therefore available to all occupiers. Details of refuse storage is also to be provided by condition, where is it envisaged sufficient space can be provided in the same rear area.

As such the proposal is considered to accord with the National Space Standards insofar as they apply and makes suitable provision for basic facilities and services and as such would not have an adverse impact on the quality of life experienced by occupiers of the HMO. Thereby the proposal accords with the parts of Policy 8 and 30 of the JCS that considers impact on future occupiers and thereby is considered to be acceptable in this regard.

#### 4. Impact on the safety and convenience of highway

The car parking arrangements in the area consists of parking on street and also parking in a rear courtyard which, it is understood is made available to occupiers of the wider twenty-four house development on an undesignated basis. Whilst the applicant has provided only rudimentary evidence of parking availability in the area these arrangements appear to function well with no evidence to suggest that there is an existing parking problem in the area that compromises highway safety. There is no reason to believe that the addition of only one bedroom within the property and the area as a whole would make a telling impact to the way the areas parking arrangements operate and thereby does not result in highway safety concerns.

Whilst there is an acknowledged objection from the Local Highway Authority (LHA) partly on the basis of lack of on-street parking information provided it is considered that the proposal would not result in harm to highway safety with no contradictory evidence provided by the LHA who in particular fail to acknowledge the existing situation, with the proposal only resulting in one more bedroom, and the availability of off-street parking in the rear courtyard which appears to have capacity.

The LHA also objects on the basis of lack of evidence provided with respect to cycle storage. This information will be required by condition and therefore overcomes this ground for objection.

#### **Conclusion**

In light of the above it is considered that the proposal is consistent with the development plan and therefore is recommended for approval.

#### **Background Papers**

Title of Document:

Date:

Contact Officer:

Sean Bennett, Senior Development Officer on 01536 534316

#### **Previous Reports/Minutes**

Ref:

Date:

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