

BOROUGH OF KETTERING

Committee	Full Planning Committee - 04/10/2016	Item No: 5.5
Report Originator	Alison Riches Development Officer	Application No: KET/2016/0525
Wards Affected	All Saints	
Location	31 Regent Street, Kettering	
Proposal	Full Application: Change of use from residential dwelling to a 7 bedroom house in multiple occupation, for occupation of up to 8 persons	
Applicant	Miss K Lemon Kamley Asset Management	

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 and details as listed below.

REASON: To secure an appropriate form of development in the interest of the amenities of the area in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

3. The House of Multiple Occupation (HMO) hereby approved shall be occupied by no more than eight persons at any time in perpetuity.

REASON: in the interests of residential amenity and in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

4. Prior to first occupation of the use hereby approved, a scheme for the storage of bins including the future management arrangements shall be submitted to and approved in writing by the Local Planning Authority. The use shall not first commence until the approved scheme has been fully implemented, and shall be retained thereafter.

REASON: In the interests of the amenities of future occupiers in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

Officers Report for KET/2016/0525

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

3.0 Information

Relevant Planning History

Nos. 29-31 Regent Street

KET/2015/0186. Reinstatement of dwelling back into 2 no. separate dwellings. Approved 29/04/2015.

Site Description

Officer's site inspection was carried out on 26/08/2016.

The application site comprises a two and a half storey dwellinghouse in a terrace of two, two and a half and three storey properties on the north side of Regent Street, to the north of Kettering.

The prevailing character of the area is for long terraces of brick built Victorian/Edwardian two and two and a half storey dwellinghouses interspersed with some three storey factory buildings, the majority of which abut the back of the highway.

The application site comprises a red brick building with a tile roof with stone cills and decorative lintels, wooden painted sash windows, decorative stone bandings under the first and second floor cills, and a decorative stone lintel above the front door. The top window is located in a small gable dormer projection.

The site was formerly a large single dwellinghouse with the adjacent terraced property at No.29 Regent Street but was converted back to two separate dwellinghouses in April 2015.

Both Nos. 29 and 31 Regent Street are in the same ownership and share the amenity area to the rear of the properties. The amenity area comprises a reasonably large grassed and planted rear garden area with brick and timber outbuildings along the rear boundary.

No.29 Regent Street is currently operating as a six person House in Multiple Occupation (HMO).

Proposed Development

The original proposal was for the change of use of the existing dwellinghouse into a 7 bedroom House in Multiple Occupation for the occupation of up to 10 no. persons.

Due to issues raised with respect to the amount of internal communal space in relation to the amenity of future occupiers, the number of proposed occupants has been reduced to 8.

The proposal is therefore for the change of use of the existing dwellinghouse into a 7 bedroom House in Multiple Occupation for the occupation of up to 8 no. persons and comprises 1 no. double occupancy bedrooms and 6 no. single occupancy bedrooms, a communal kitchen/dining area, a ground floor shower room, and a first floor shower room. One of the first floor single occupancy rooms has an en-suite shower room.

Any Constraints Affecting the Site

None.

4.0 Consultation and Customer Impact

Initial Consultation 15/08/2016

Highway Authority

- Applicant to provide a Parking Beat Survey to ascertain on-street capacity.

Environmental Health

- No comments received.

Environmental Care

- No comments received.

Private Sector Housing

- No objection.
- Kitchen space of at least 14m² for up to 10 persons.
- Dining space of at least 20m² required, however because most of the bedrooms measure more than 10m², dining space is not required for every occupant, only those whose bedrooms measure less than 10m² for a single room and 15m² for a double room. One single and two double rooms measure under so 2m² is required for each occupant.
- Total kitchen/dining space required = 24m²
- Total kitchen/dining space provided = 23.5 (24)m²
- Bedroom space of at least 10m² for single occupancy and 15m² for double with no lounge/dining space elsewhere.
- Bedroom with adequate lounge/dining space elsewhere = 8m² for single occupancy and 12m² for double.
- There should be at least 2 wash hand basins, 2 WCs, and 2 showers or baths for 10 occupants.
- An en-suite facility has been provided for one double bedroom which means that 8 occupants will be sharing two bath/shower rooms which is adequate.

Neighbours

- No comments received.

Reconsultation 25/08/2016 – Red line round application site amended

Highway Authority

- No comments received.

Environmental Health

- No objection.
- Request conditions regarding refuse storage and acoustic separation.

Environmental Care

- No comment to make.
- Looks to be adequate space in the rear garden for storing bins.
- As with all HMO's they will only be entitled to one set of waste bins as there will only be one Council Tax bill.
- Recommend the landlord pays for additional waste provisions – one additional general waste container to be paid for. Additional recycling facilities can be provided free of charge. This means enough space to be provided for at least 5 x bins.

Neighbours

Two letters of **objection** from neighbours at nos. 30 and 54 Regent Street. The material planning considerations are summarised below:

- Opposed the previous application (KET/2015/0186) and was assured it was being put back into 2 houses.
- The street does not need any more houses in multiple occupation.
- The street cannot cope with the extra parking and waste.
- Takes away houses from first time buyers and family renters. This is not a solution to the housing crisis.
- It seems that the house has been converted already and the application applied for in retrospect.
- There are going to be a minimum of 10 people in a Victorian terrace house which is an extreme amount of people, plus guests etc.
- Regent Street is very busy and at most times congested. There is difficulty parking more often than not ending up way down the street. Added residents would make the parking situation more horrendous than it is at present.
- Wheelie bins on the pavement preventing access for pedestrians and car owners who are at greater risk of scratches and dents due to the little space between the kerb and the bins.
- Concerned about the noise issues which will be inevitable due to the amount of people living there.
- Concerned about privacy due to the number of rooms being in constant use and visible into the living room, bedroom, kitchen and bathroom (No.30 Regent Street).

Reconsultation 15/09/2016 – Parking Beat Survey Received – Highway Authority Only

Highway Authority

- No objection.
- Parking Beat Survey demonstrates there is sufficient on-street capacity to accommodate the proposal.
- Conditions if required relating to bicycle parking spaces, bin presentation point and control of deleterious materials onto highway.

Reconsultation 23/09/2016 – Occupancy level amended from 10 to 8
All responses to be included in the update to the Committee.

5.0 Planning Policy

National Planning Policy Framework

Policy 4. Promoting sustainable transport

Policy 6. Delivering a wide choice of high quality homes

Policy 7. Requiring good design

Development Plan Policies

North Northamptonshire Joint Core Strategy

Policy 8. North Northamptonshire Place Shaping Principles

Policy 11. The Network of Urban and Rural Areas

Policy 29. Distribution of New Homes

Policy 30. Housing Mix and Tenure

Supplementary Planning Documents

Sustainable Design SPD

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. The Principle of Development
2. Character and Appearance
3. Residential Amenity
4. Parking and Highway Safety
5. Refuse collection and storage

1. The Principle of Development

The application site is in an established residential area to the northeast of Kettering.

Paragraph 49 of the National Planning Policy Framework states that applications for housing should be considered in the context of the presumption in favour of sustainable development.

Policies 11 and 29 of the North Northamptonshire Joint Core Strategy direct development to existing urban areas and indicate that Kettering is a 'Growth Town' and, therefore, should provide a focal point for development.

Policy 8 of the North Northamptonshire Joint Core Strategy is supportive of

residential development provided there is no adverse impact on character and appearance, residential amenity and the highway network.

The principle of development for this proposal is therefore established subject to the satisfaction of the development plan criteria.

2. Character and Appearance

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

There are no external changes to the existing property so there will be no impact on the character and appearance in relation to surrounding development and the wider street scene. This is in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

3. Residential Amenity

Policy 8(e)(i) of the North Northamptonshire Joint Core Strategy seeks to protect amenity by new development not resulting in an unacceptable impact on the amenities of future occupiers, neighbouring properties or the wider area.

The application site is a two and a half storey dwellinghouse in a terrace of two and a half storey properties within in a long terrace of two, two and a half and three storey properties on the north side of Regent Street to the north of Kettering.

Under Class C3 of the Town and Country Planning (Use Classes) Order 1987, as amended, (the UCO), six people or fewer can occupy a dwellinghouse as a House in Multiple Occupation (HMO) without requiring planning permission for a change of use. This application is for the change of use of the dwellinghouse to an HMO for up to 8 occupants, and as such, it falls to consider the impact of an additional two people, over and above the permitted six, on the amenities of surrounding properties and occupiers.

The adjoining property to the southwest of the site at No.29 Regent Street is currently operating as a 6 person HMO and is under the same ownership as the application site. The boundary separating the rear gardens for the two properties has been removed to provide a large area of rear amenity space for the occupiers of both properties.

Objections have been received from surrounding neighbours in terms of a loss of privacy and noise from the site.

The occupiers of No.30 Regent Street have expressed concerns about a loss to their privacy due to the number of rooms being in constant use and visible from their living room, bedroom, kitchen and bathroom. This neighbour is opposite the application site on the south side of the Regent Street and as such, it is considered that the separation distance between the two properties will mean there is no loss of privacy to the rooms at the front of No.30 over and

above that which is currently experienced due to the front elevation of No.30 abutting the back of the footpath and facing into the public realm.

A further neighbour objection has been received concerning noise issues which they state will be inevitable due to the number of occupants proposed for the application site. They state there will be a minimum of 10 people in the property, however, in order to operate as an HMO, a licence is required from Private Sector Housing and the occupancy is carefully regulated and limited to only the number of occupiers stated on the licence. The occupancy levels are worked out in accordance with the room sizes provided, the amount of communal space and the number of bath/shower rooms.

This application was originally for 10 no. occupants in 7 no. rooms and was considered acceptable by the Private Sector Housing Team, in terms of issuing a licence, due to the provision of a ground floor kitchen/dining area and shower room, a first floor bathroom and one bedroom with an en-suite. Although acceptable in terms of granting a licence, it was considered that in planning terms, the communal kitchen/dining space provided would be limited for 10 occupants.

Policy 30(b) of the North Northamptonshire Joint Core Strategy requires the internal floor area of new dwellinghouses to meet the Technical Housing Standards - Nationally Described Space Standards (March 2015) in order to provide residents with adequate space for basic furnishings, storage and activities.

Whilst these Standards do not strictly apply to HMO's, they provide minimum bedroom sizes that give a useful guide when considering whether this proposal makes suitable provision for the living standards of the future occupier's.

For a single occupancy, a bedroom should be at least 2.15 metres wide and have at least 7.5 m² in floor area and for a double occupancy a bedroom should be at least 2.75 metres wide with a floor area of at least 11.5m².

It is considered that reducing the number of double occupancy rooms from 3 to 1 and the overall occupancy from 10 to 8 would better suit the bedroom sizes and additional facilities provided.

The application was therefore amended to reduce the occupancy to 8 no. occupants in 7 bedrooms.

Due to a reduction in the level of proposed occupancy at the site, it is considered that there will be no anticipated issues in relation to noise 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.

With respect to the outside amenity area, both nos. 29 and 31 Regent Street have single storey projections from the rear elevations which bound the site with the adjacent neighbours, leading to a 1.8 metre high wooden panel fence

with no. 33 Regent Street to the northeast and a 1.5 metre high brick boundary wall with no.27 Regent Street to the southwest. To the rear of the site are brick and timber outbuildings along the extent of the rear boundary.

It is considered that the proposal would not give rise to an increase in noise over and above that which you would reasonably expect in an established residential area.

An informative will be added directing the applicants to Building Regulation Approved Document E in relation to resistance to the passage of sound between the two properties, in order to ensure there is acoustic insulation adequate to minimise airborne and structure borne noise to occupants of both the existing and new properties.

As such, it is considered the proposal accords with the National Space Standards, insofar as they apply, makes suitable provision for basic facilities and services and would not lead to an adverse impact on the amenities of future and surrounding occupiers in accordance with Policies 8 and 30 of the North Northamptonshire Joint Core Strategy.

4. Parking and Highway Safety

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.

The application site is at the southwest end of Regent Street approximately 100 metres from Rockingham Road which is one of the main arterial routes into and out of Kettering and is in close proximity to Kettering Town Centre.

The prevailing character of the area is for on-street parking.

Objections have been received in relation to the parking provision for the proposal.

The applicants submitted a parking survey which covered both sides of Regent Street and nearby Crown Street and was carried out on a Thursday and a Saturday in school term time. For Regent Street the survey shows that the level of parking, with some space available, remains relatively constant on both days. For Crown Street, in the section between Regent Street and King Street nearest to the application site, there are 7 no. parking spaces which were surveyed as being fully in use for substantive periods.

The Parking Beat Survey has been assessed by the Highway Authority to be sufficient to show that there is adequate on-street parking within the area to accommodate future occupiers of the site.

Within the site at the rear of the rear garden is a brick outbuilding which is sufficient in size to accommodate a cycle storage facility. As such, it is

considered the proposal is in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy such that highway safety would not be prejudiced.

5. Refuse Collection and Storage

With respect to the refuse storage facilities at the site, there is a ginnell (alley way) between Nos.31 and 33 Regent Street which serves the four properties nos. 29, 31, 33 and 35 Regent Street allowing access from the rear gardens onto Regent Street. Nos.29 and 35 have a right of access across land in the ownership of Nos.31 and 33 Regent Street.

The bins will be stored in the rear garden and the ginnell will be used for collection on Regent Street. The bins will therefore not be stored in the public realm.

The putting out and bringing in of bins is the responsibility of the residents and a bin storage facility is to be provided at the rear of the site, the details of which can be secured by condition, and which will include the future site management arrangements to ensure bins are not left on the footpath.

Comments have been received regarding waste at the site. As an HMO is billed by Council Tax as a single household, they are only entitled to the same refuse and recycling facilities as a dwellinghouse which is 3 no. 240 litre plastic wheeled bins for general waste, dry recycling and garden waste and a 55 litre plastic box for paper.

In accordance with Policy 8 of the North Northamptonshire Joint Core Strategy, the bin storage provision is considered to be adequate to provide this basic requirement. However, Environmental Care suggest that an HMO will generate more rubbish than an average household, so at least 5 No. 240 litre plastic wheeled bins would provide adequate facilities. And informative for the applicants shall be added detailing Environmental Care's suggestions.

Conclusion

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

In this regard the proposed development is strongly supported by the aims and objectives of the Development Plan policies listed in the report, and there are no material considerations which would outweigh the Development Plan subject to the imposition of the recommended planning conditions.

Background Papers

Title of Document:

Date:

Contact Officer:

Alison Riches, Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date: