

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 13/12/2016</b>	<b>Item No: 5.1</b>
<b>Report Originator</b>	<b>Christina Riley Senior Development Officer</b>	<b>Application No: KET/2016/0487</b>
<b>Wards Affected</b>	<b>Northfield</b>	
<b>Location</b>	<b>39 Cobden Street, Kettering</b>	
<b>Proposal</b>	<b>Full Application: Change of use from beauty salon to small-scale House in Multiple Occupation (to be occupied by up to 6 no. residents)</b>	
<b>Applicant</b>	<b>Miss A Bazini</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 referenced as follows: KET/2016/0487/7; KET/2016/0487/1b; KET/2016/0487/2b; KET/2016/0487/3b; KET/2016/0487/4b.

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 House of Multiple Occupation (HMO) hereby approved shall be occupied by no more than six 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 the first occupation of the development full details of a scheme for the storage of refuse, including a programme of management and maintenance of the facilities to be provided, shall be submitted to and approved in writing by the Local Planning Authority. The use of the development shall not commence until the approved scheme has been fully implemented, the scheme shall be retained as approved at all times thereafter.

REASON: In the interests of general amenity in accordance with Policy 8 of the North Northamptonshire Core Spatial Strategy.

5. Prior to first occupation of the use hereby approved, the ground floor bedroom windows on the front (north) elevation serving Bedrooms 1, 2 and 3 as annotated on approved plan KET/2016/0487/2b received on 25/11/2016 shall be glazed with clear glass and thereafter shall be permanently retained in that form.

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

6. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no additional openings permitted by Schedule 2, Part 1 Classes A or C shall be made in the southern elevation or roof plane of the building.

REASON: To protect the amenity and privacy of the occupiers of adjoining property in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

7. Prior to first occupation of the use hereby approved, a scheme for the secure storage of cycles 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 permanently be retained in that form for the secure storage of cycles.

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.

## **Officers Report for KET/2016/0487**

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

### **3.0 Information**

#### **Relevant Planning History**

KB/1968/0027 - Change of use of house to offices. Approved 25/01/1968.

KB/1972/0603 - Change of use to TV repairs. Approved 12/09/1972.

KE/1977/0272 - Change of use to TV repairs. Approved 02/04/1977.

KE/1984/0067 - Change of use to clicking and closing unit. Refused 21/02/1984.

KE/1984/0121 - Change of use to small printing works. Approved 15/03/1984.

KE/1994/0181 – Extension. Approved 19/05/1994.

KET/2006/0078 - Change of use to A1 and D1 plus extension. Withdrawn 08/03/2006.

KET/2006/0494 - Erection of single storey side extension and alterations to building (including enclosing existing loading bay). Alternative use of the building for (continued) B1 use or as a beauty/health facility. Approved 11/07/06

KET/2011/0189 - Removal of condition 2 of KET/2006/0494 in respect of specified uses. Approved. 06/06/2011.

#### **Site Description**

Officer's site inspection was carried out on 19 October 2016.

The site is a late 19<sup>th</sup> century/early 20<sup>th</sup> century two-storey brick-built property with a slate roof with pebbledash render to the ground floor. To the eastern side is a single storey extension, with a hipped flat roof, and door and window onto the street, a slate roof and pebbledash render.

The northern front elevation of the building is immediately on to Cobden Street. To the rear, the building is adjacent to a gable end and the garden of 41 Cobden Street. Its western elevation abuts 49 Cobden Street.

The building was converted to a spa following a grant of planning permission for a health and beauty facility in 2006.

#### **Proposed Development**

Change of use from Beauty Spa to small scale HMO to be occupied by up to 6 residents. No changes to the exterior of the building, other than changes from frosted to clear glass in the windows to ground floor bedrooms are proposed.

#### **Any Constraints Affecting the Site**

None

## **4.0 Consultation and Customer Impact**

### **Highway Authority**

As a result of the Initial round of consultation a Parking Beats Survey was required.

The Parking Beats Survey was provided and the Highway Authority now have no objection on parking ground and subject to:

- Provision of secure, covered cycle parking required at 1 space per bedroom.
- Refuse collection point should not be on the footway, space should be provided on private land adjacent to the highway footway or verge.
- Suggest conditions in accordance with adopted Standing Advice regarding bin collection point, control of deleterious materials on the highway, and informatives regarding works affecting the highway and road space.

### **Environmental Health**

No objection subject to a condition requiring works audible at the site boundary to only be carried out at certain times.

### **Private Sector Housing Team**

Noted that the proposed kitchen and one bedroom are too small, but one of the larger bedrooms could accommodate two people, still allowing 6 people to live in the property. Amended plans have been received changing the location of the kitchen to a larger room and Private Sector Team re-consulted. Any additional comments will be reported in the Committee Update.

### **Neighbours**

Letters have been received from 8 different Cobden Street addresses objecting to the application on the following grounds: -

- Increased noise pollution, including on Friday and Saturday nights
- Increased parking in the street, residents of Cobden Street struggle to find parking space as residents from other streets park here, there is already a difficulty at the western end of Cobden Street for car parking at the junction of Leicester Street
- Emergency vehicles cannot already pass due to other vehicles parking in the street corners;
- Fixed penalty notices for parking infringements at junctions are issued on a regular basis in surrounding streets
- No parking can take place on land to the side and back of 39 Cobden Street
- Car has been damaged on more than one occasion due to parking situation on the street;

- There is no external land with the property, where will recycling/waste bins be stored, only place is on the street, which is objected to.
- Bins/refuse collection causes obstruction in the street between Tuesday – Thursday and will cause further nuisance to the disabled, elderly with mobility scooters, users of buggies, people having to walk into the road to avoid the bins thus endangering life;
- 1<sup>st</sup> Parking survey measures parking generated from proposed use against existing use as a Beauty Salon where customers ‘will be coming and going all day needing to park’, but the business failed. There were no customers and no extra traffic/parking at the Beauty Spa.
- Would help if residents parking could be put in place
- May lead to an increase in crime and anti-social behaviour which will lead to existing residents being concerned for their safety
- No external recreation space associated with the property
- Believe the flat roof extension does not have planning permission and it caused damp into objector’s property in the past. Roof was repaired, but concern expressed that frequent use of the building will lead to more damp/leaks in property. (Ian Benjamin - e-mail 30 August)
- Ventilation for storage of bins will be adjacent to kitchen of no. 41 Cobden Street.
- Overlooking, leading to loss of privacy
- Building is visually overbearing, inappropriate design for this part of the town, out of keeping with neighbouring properties
- How can the application be considered if the applicant is not the owner and the owner and without the owner knowing about it?

## **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

### **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, other than changing obscure glazing to clear glazing to ground floor bedrooms, which will result in a more traditional appearance to the front elevation than is currently the case. The buildings presence within the street scene will remain unchanged and the proposal will therefore have 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.

It is not considered that the change of use from a 'spa' to dwelling in Multiple Occupation will add significantly to overlooking already experienced. There are no windows at first floor level in the rear elevation, at ground floor level windows overlooking the rear elevation are limited to a shower room and toilet and lounge and would be obscured by boundary treatments. A window in the western gable elevation at first floor level overlooks the blank elevation of No. 49 Cobden Street and gives limited and obscured views of the garden, however this garden is already overlooked by neighbouring properties and it is not considered that this proposal will add significantly to the level of overlooking already experienced.

It is proposed that the obscure glazing on the windows to the bedrooms on the ground floor is replaced with clear glazing to improve living conditions for residents of the dwelling. These bedrooms are at ground floor level and overlook the front elevation of properties on Cobden Street and the blank side elevation and garden wall of No. 3 Union Street. These areas are already overlooked by other properties and it is not considered that the change to clear glazing will add significantly to this.

The application proposes a residential use in an established residential area and 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 such an area, or from a business use on this site, which does not need to apply for planning permission.

A condition is proposed to restrict occupation to 6 persons.

#### 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 on the southern side of Cobden Street approximately 5 metres from the junction with Union Street. 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 Local Highway initially objected to the application due to a lack of information and requested a Parking Beats Survey. The applicants then submitted a parking survey which covered both sides of Cobden Street and Union Street (to its junction with Grange Road). As requested by the Local Highway Authority the survey was carried out on a Thursday and a Saturday in school term time.

The survey showed that Cobden Street had at least 8 parking spaces available on both Thursday and Saturday for the vast majority of the time surveyed. The exceptions were 07:00 Thursday when 6 spaces were available and 20:00 Saturday when 7 spaces were available. At least 2 spaces were available on

western side of Union Street on both survey days. The eastern side of Union Street was also surveyed, and was considered by the survey team to be able to accommodate 6 parking spaces. For most of the survey time, more than 6 cars were parked on this stretch of road, and at no time was this stretch empty.

The survey shows that spaces are available in the area, albeit that they might not be in the most convenient locations for residents. This is however a common feature of this type of street.

The Local Highway Authority have considered the Parking Beats Survey and now has no objection to the application subject to i) the provision of secure, covered cycle parking required at 1 space per bedroom and ii) the refuse collection point. A condition is proposed to secure the cycle parking. The refuse collection point is discussed below.

The current extant planning permission for the building must be taken into account when assessing the impact of this proposal on parking in the area. Application KET/2011/0189 granted planning permission for an unrestricted B1 use (Light Industrial) and limited D1 uses (Osteopathy, Chiroprody, Acupuncture, Herbal Therapy, Physiotherapy, Reflexology, Aromatherapy, Homeopathy, Chiropractic or any other Complementary or Alternative Therapy falling within Class D1) or any combination of the two.

Any of these uses could resume in the building without the need for planning permission. B1 uses include Offices, research and development of products and processes, and light industry appropriate in a residential area. It is likely that these uses would generate as much, or possibly more traffic than a residential use.

In addition the application site lies in a sustainable location close to the town centre and therefore residents could access the facility by sustainable modes of transport.

It is accepted that this application will add to parking on the street, however in view of the results of the Parking Beats Survey, which shows that parking spaces are available and comments from the Local Highway Authority, who now have no objection on parking grounds, and the extant use, the proposal is considered to be acceptable in this respect.

From the above it is concluded that, in terms of on-street parking, the material impact of the proposed use would not be so different from what is already permitted at the site, so as to cause a loss of amenity to surrounding residents great enough to justify a reason for refusal.

There have been objections, including from the Local Highway Authority to the number of bins that are likely to be placed out for collection and the blocking of the pavement/highway. There is no external space associated with this building and the bins will have to be stored internally and placed for collection on the road.



The applicant has confirmed that they propose to employ a cleaning company who will come in weekly and will also take away the waste. Bins will be stored in an internal room, in the single storey element of the building. The room can be ventilated by a high level window which opens on to an area of vacant land, not garden, thus reducing the possible impact of smells from the area. It should be noted however that this area of space is not in the ownership of the applicants.

It is proposed to add a condition requiring details of a scheme for the storage of refuse, including a programme of management and maintenance of the facilities to be provided, to minimise the impact of the bins being left on the roadside for collection.

Although the bins will have to be put out for collection on the pavement it is not considered that this is a sufficient reason to refuse the application.

### **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 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:

Christina Riley, Senior Development Officer on 01536  
534316

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

Ref:

Date: