

BOROUGH OF KETTERING

Committee	Full Planning Committee - 27/06/2017	Item No: 5.3
Report Originator	Natalie Westgate Senior Development Officer	Application No: KET/2016/0804
Wards Affected	All Saints	
Location	12 Neale Avenue, Kettering	
Proposal	Full Application: Change of use from care home (C2) into 4 no. flats	
Applicant	H Parmer Parmer Properties Ltd	

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 submitted with the application and shown on drawing numbers 3097-01E, 3097-02F, 3097-03J and 3097-04J.

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 proposed perimeter shall be 2m high wall where indicated and elsewhere a 2m high wall or acoustic fencing to deal with issues of noise penetrating from the site. The proposed scheme for boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been fully implemented in accordance with the approved details.

REASON: In the interests of the amenity and protecting the privacy of the neighbouring property in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

4. Prior to the first occupation a pedestrian visibility splay of at least 2m by 2m shall be provided on the eastern side of the vehicular access. These measurements are taken from and along the highway boundary. The splay shall thereafter be

permanently retained and kept free of all obstacles to visibility over 0.6m in height above access/footway level.

REASON: In the interests of highway safety in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

5. Prior to first occupation full details of the bicycle parking shall be submitted to and agreed in writing by the Local Planning Authority. The agreed plans shall be implemented and maintained in accordance with the approved details. Bicycle parking shall be secure, covered and overlooked by the flats or within the building in an easy and accessible space.

REASON: In the interests of highway safety in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

6. Prior to first occupation, the vehicular parking spaces shall each be laid out as indicated upon the approved block plan and shall be 5m long by 2.5m wide or when one solid boundary is present, the space shall be widened to 3.3m to allow for door opening and pedestrian percolation.

REASON: In the interests of highway safety in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

7. Prior to first occupation the shared drive should provide parking and turning facilities in accordance with the approved plans and shall thereafter be set aside and retained for those purposes.

REASON: In the interests of highway safety in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

8. Prior to the commencement of the development details of a positive means of drainage to ensure that surface water from the vehicular access does not discharge onto the highway and /or Right of Way shall be submitted to and approved in writing by the Local Planning Authority. Such approved details shall thereafter be installed and operational prior to first use and thereafter maintained at all times.

REASON: In the interests of highway safety in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

9. No gates, barrier or means of enclosure shall be erected across a vehicular access within 5.5m of the highway boundary. Any such feature erected beyond that distance shall be hung to open inwards away from the highway.

REASON: In the interests of highway safety in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

10. Prior to the commencement of the use hereby approved, full details of refuse storage and collection facilities shall be submitted to and approved in writing by the Local Planning Authority and thereafter shall be made available for use. The refuse storage area shall be in a separate room not connected to any habitable area whilst collection facilities shall be positioned so as not to impede access or visibility. These facilities shall be retained at all times thereafter, unless otherwise agreed in writing with the Local Planning Authority.

REASON: In the interest of public health and safeguarding residential and visual amenity and highway safety in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

11. No development shall take place until a scheme and timetable detailing the provision of fire hydrants and their associated infrastructure has been submitted to and approved in writing by the Local Planning Authority. The fire hydrants and associated infrastructure shall thereafter be provided in accordance with the approved scheme and timetable.

REASON: To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

12. 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 change of use of a building permitted by Class L of Part 3 of Schedule 2 of the Order shall be made on the application site.

REASON: To confirm that the approved flats are restricted to Class C3 (dwellinghouse) as defined by The Town and Country Planning (Use Classes) Order 1987 (as amended) so as to protect the amenity of the occupiers of adjoining properties and the surrounding area in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

13. Prior to the commencement of development a scheme for achieving the noise levels outlined in BS8233:2014 with regards to the residential units shall be submitted and approved in writing by the Local Planning Authority. Once approved the scheme shall be implemented before first occupation of the residential units and therefore maintained in the approved state at all times. No alterations shall be made to the approved structure including roof, doors, windows and external facades, layout of the units or noise barriers.

REASON: Details are required prior to the commencement of development in the interest of safeguarding residential amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

Officers Report for KET/2016/0804

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

3.0 Information

Relevant Planning History

- KE/1988/0997 – Change of use from a private dwelling to a residential care home for the elderly – Approved 10/10/1988
- KE/1988/1453 – Garage conversion to form additional bedroom & rear sun lounge extension – Approved 20/01/1989
- KE/1989/0756 – Extension to residential home – Refused – 19/09/1989
- KE/1989/1043 – Extension to residential home – Refused – 12/12/1989
- KE/92/0561 – Conservatory – Approved 08/10/1992
- KE/99/0655 – Ground floor & 1st floor extension 5 no. bedrooms & 1 no. lounge to private nursing home – Approved – 21/12/1999
- KE/00/0387 – Installation of steel fire escape – Approved 27/06/2000
- KE/01/0213 – 1st floor extension to existing residential care home – Approved 01/05/2001
- KET/2007/0126 – 1st floor extension to existing residential care home – Approved 02/05/2007
- KET/2012/0481 – Change of use from residential care home to 17 bedroom HMO – Refused – 28/09/2012 – Dismissed at Appeal 09/05/2013
- KET/2016/0619 – Conversion of care home into 7 no. flats – Refused – 08/11/2016

Site Visit

Officer's site inspection was carried out on 30/05/2017. The site was vacant during the site visit.

Site Description

The site is a large detached building in a residential area. The building was last used as a residential care home for the elderly. The building is a traditional, brick built, part-rendered, hipped-roof structure which was originally a detached domestic dwelling. The building has been extended several times, to the side and rear with single and 2 storey extensions.

Surrounding development is residential. The area has a quiet, leafy suburban character, characterised by large detached and semi-detached family homes.

Proposed Development

The application seeks full planning permission for the conversion of the care home into four flats with the creation of seven car parking spaces to the rear together.

The application has been amended during this application process to reduce the number of flats on the site from five flats to four flats. Drawing No.3097-

04J has been amended illustrating the removal of three visitor parking spaces in the front garden and introducing an additional bin store to the site. There was an amendment to Drawing No's.3097-03J and 3097-04J that corrected the labelling of bedroom three within flat four.

The application differs from the previously refused scheme (Ref: KET/2016/0619) by reducing the number of proposed flats from seven to four flats.

Any Constraints Affecting the Site

None.

4.0 Consultation and Customer Impact

KBC Environmental Health: *No objection* stated subject to the imposition of conditions in relation to refuse and acoustic separation.

Highway Authority: *No objection* subject to the imposition of conditions (following the amended plans).It can be argued that the current proposal for 4 flats is not intensification in use of the site with regard to cars. Pedestrian visibility splays should be improved if possible.

Neighbours: Eighteen letters of ***Objection*** on the original plans received from surrounding residents on the following grounds:

- Harm to residential amenities as a result of noise from the number of residents and car parking.
- Harmful impact on highway safety given under provision of spaces resulting in parking congestion and substandard arrangements – particular as the site is located on a bus route
- Harm to residential amenities as a result of noise, disturbance, pollution, refuse bins and loss of privacy from the number of residents and rear parking area
- Out of character with the area
- Overdevelopment of the site
- High density flatted conversions is out of character for area
- Over intensification of the building
- Result in poor quality housing with a tiny communal garden
- Lack of open space for new residents
- Inadequate refuse provision
- Loss of garden land for tarmac car parking area
- Would require adequate drainage in the car parking area
- Lack of parking provision
- Concerns of poor highway safety for pedestrians and road users
- Contrary to Highway Authority's requirements
- Concern at car parking spaces to front of the site would require extensive ground work
- No cycle parking provision
- Lack of demand for three bedroom flats in area

- If approval then recommend conditions on brick wall around the car park of at least 2.1m high with noise reduction qualities, sold on private housing market and sold with restrictive covenants to ensure that none of the units are let/rented out/sub-let.
- Accommodation at first floor flats would lead to loss of privacy to surrounding dwellings and gardens
- In conflict with restrictive covenant
- Potential for up to 30 persons to live within the building
- No detail on the size of the flats
- No information on type of housing units
- Similar to the two refused applications
- False information is provided as the site is not vacant and there is less on-site parking than stated
- Sewerage was a problem when it was a care home and there's no provision in this scheme
- Drawings not clear

Neighbours: Fifteen letters of **Objection** on the revised plans received from surrounding residents on the following additional grounds:

- Still high number of residents proposed to reside at property
- There are illegal residents at the property
- Layout and size is not market demand as families would prefer dwellings rather than flats
- Concern on fire and safety regulations from the site
- Concern additional rooms will be converted into extra bedrooms, such as dining rooms
- Concern that Flat 4 illustrates two kitchens which is likely to become extra bedroom
- Proposed fence due to be reduced in height but this is not on applicants land and No.2 don't agree to the fence being altered
- If approved, there should be condition for no HMO on the site, bin storage in rear, side windows to be obscure glazed and regular inspections to ensure no sub-division of flats.

5.0 Planning Policy

National Planning Policy Framework

Core Principles

4 – Promoting sustainable transport

6 – Delivering a wide choice of high quality homes

7 – Requiring good design

8 – Promoting healthy communities

Development Plan Policies

North Northamptonshire Joint Core Strategy (JCS) Policies:

8 – Place shaping

9 – Sustainable buildings

- 11 – The network of urban and rural areas
- 29 – Distribution of new homes
- 30 – Housing mix and tenure

Local Plan Policy:

- 35 – Housing: Within Towns

6.0 Financial/Resource Implications

None.

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of development
2. Impact on the character and appearance of the area
3. Impact on residential amenity
4. Impact on highway safety and convenience
5. Response to objections

1. Principle of development

The general principle of proposing residential development within the Town, such as proposed here, is consistent with Local Plan Policy 35 and JCS Policies 11 and 29. This is in the interests of securing a sustainable pattern of growth and protection of the rural area.

2. Impact on the character and appearance of the area

Whilst the site is situated close to the busy junction with Rockingham Road, Neale Avenue has a noticeably quieter, suburban character and is largely made up of two storey family homes. The Planning Inspector to the 2012 HMO application stated that *“the proposed use would differ significantly in character when compared to the former care home use”* He went on to say that the *“proposed HMO would be at odds with its surroundings and would have an unacceptable effect on the character of Neale Avenue”*.

However, since the 2012 application the proposed scheme has been reduced from a 17 bedroom HMO, then to seven flats and has now been significantly reduced to four flats and this scheme is now more akin to a traditional form of residential occupation. It is recognised that in comparison to its previous use as a Care Home that there would be a greater level of activity on the site arising from the additional amount of comings and goings of residents and visitors, particularly within the rear parking courtyard which shares residential boundaries. This proposed use would also differ to the care home use, which is likely to have had low levels of activity. The plot size is that of which you could expect two dwellings and the significant reduction of the proposed development down to four flats with a total of 10 bedrooms is only marginally more people than that which would be expected if there were two large dwellings on the site, in which there would be adequate space for on the site and this would be in keeping with the character of the area.

The proposals involve minor external alterations, such as the removal of an external staircase and minor amendments to the positioning of the windows. These changes are considered to be acceptable in design terms. The proposed materials would match the existing buildings so therefore the proposed external changes would be in keeping with the streetscene.

The proposal would comply with Policy 8 of the JCS, which seeks to ensure that new development respects and enhances the character of its surroundings. In addition, it complies with paragraph 58 of the NPPF that states that development should respond to local character, whilst paragraph 64 requires development to improve the character and quality of the area and the way it functions.

3. Impact on residential amenity

This issue is considered in the light of impact on neighbouring residential dwellings and the living conditions for future residents of the building.

Firstly with regard the effect on the living conditions of neighbouring residents; it is noted that the appeal site shares a boundary with a number of residential dwellings on three sides. In particular No's. 1, 3 and 5 Kingsley Avenue, No.2 Neale Avenue and No's. 192 and 194 Rockingham Road would share a boundary with the access driveway and the sites rear parking areas rather than the existing garden land. The proposal would result in an increase in levels of activity and noise, in and around the site, when compared with its most recent care home use.

Consistent with logic of the earlier HMO appeal decision for this site, the current proposal would also result in an increase in site activity including from the communal garden, the parking courtyard and the increased level of activity with a greater number of habitable rooms. However, this would also have to take into account the activities associated with the former care home. Furthermore, the significant reduction of the proposed development down to four flats with a total of 10 bedrooms would be expected to lead to only a marginally more intensive use of the site in terms of number of occupants when compared to if there were two large dwellings on the site. Given the size of the plot the proposals wouldn't appear uncharacteristic of the area. The potential for any noise and disturbance from the site would not be significantly greater than if there were two dwellings within the site and therefore the proposal would not be likely to have a detrimental effect on the amenities of residents living in nearby dwellings.

The relationship of the windows to surrounding residential dwellings, in particular the distances involved would mean that the proposal would not have a detrimental impact to surrounding dwellings as a result of loss of privacy.

In terms of the future residents of the premise; 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 Planning Policy Guidance which in its suite of documents includes the 'Technical housing standards – nationally described space standards' which ties into paragraph 50 of the National Planning Policy Framework which says that local planning authorities should identify the size, type, tenure and range of housing that is required in particular locations and reflecting local demand. The Space Standards document in tabular form gives the minimum gross internal floor areas and storage space that are required for all sizes of residential units and for one bed dwellings says that the following standards should be applied:

Minimum gross internal floor areas and storage (m²)

Number of beds	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	Built in storage
1b	1p	39 (37)*	-	1
1b	2p	50	58	1.5
2b	3p	61	70	
2b	4p	70	79	2.0

*Where a 1b1p has a shower room instead of a bathroom, the floor area may be reduced from 39m² to 37m², as shown bracketed.

In addition the technical requirements also requires that:

d. in order to provide two bed spaces, a double (or twin bedroom) has a floor area of at least 11.5m²

e. one double (or twin bedroom) is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide

The application proposes the following:

Flat No.	No. of bedrooms	Overall (sqm)	Bed 1 width (m)	Bed 2 width (m)	Bed 3 Width (m)
1	3	107	3.6	3	3.2
2	3	119	3.5	2.55	2.54
3	2	60	3.6	3	
4	2	87	3.6	2.6	

The proposed bedroom sizes have been altered since the previously refused applications and the sizes of the bedrooms are now significantly increased and would provide reasonably sized bedrooms.

Thereby the proposal would meet the provision of internal floor space and as such would not compromise the quality of life experience by future occupiers. As a result the proposal conforms to Policy 30 of the JCS that seeks to provide a good standard of amenities for future users and is also consistent with the NPPF and the PPG as a material planning consideration.

In addition the proposal includes a small area of garden to the rear. The garden is intended to be communal but this arrangement would seriously compromise the quality of life that would be experienced by the resident of flat two because of the resulting loss of privacy. However, it is recognised that flats are not always expected to provide outside useable space and there is an adequate amount of nearby open space within a reasonable walking distance from the site. A condition is attached to ensure there will be adequate drainage within the site. Although the rear of the site would include additional hardstanding for parking provision and suitable surfacing to the parking area, there would be adequate garden space remaining and this surfacing would not be visible from the streetscene.

The proposed development includes two adequate sized refuse areas in separate structures to the residential building. A condition is attached to severe full details and to ensure these are constructed prior to occupation of the flats.

It is therefore concluded that the proposal would provide adequate living conditions for future residents, and that it would not be significantly harmful to the living conditions of occupiers of neighbouring properties. It would therefore comply with Policy 8 (e) of the JCS, which states that development should not result in an unacceptable impact on the amenities of future occupiers or neighbouring properties. In addition paragraph 17 of the Framework requires planning to always secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. As such the proposal would meet this core planning principle.

4. Impact on highway safety and convenience

Policy 8 (b) of the JCS, requires that developments have a satisfactory means of access and provide for parking, servicing and manoeuvring in accordance with adopted standards and states that developments must not have an adverse impact on the highway network or prejudice highway safety.

The proposal makes provision for seven off-road parking spaces to the rear of the site. The application has been amended during this application process to reduce the number of flats on the site from five flats to four flats and Drawing No.3097-04J has been amended illustrating the removal of three visitor parking spaces in the front garden and introducing an additional bin store to the site. This reduces the intensity of development on the site and overcomes previous concerns on parking layout and access. The amended plans have addressed some of the Local Highway Authority initial concerns in this respect.

With regards to highway safety, the pedestrian visibility splays shall not be worse than the existing situation where a low-level fence belonging to the occupiers of No.2 Neale Avenue is in existence to the western side. There is adequate pedestrian visibility to the eastern side of the access of the site and a 5m wide accessway is proposed. There would not be expected to be an intensification of the use of the access when compared to the previous care home use.

The proposed seven off-road parking spaces together with the availability for on-street parking are considered to be sufficient provision. There is a condition for details for bicycle parking of which there is space within the site for some form of bicycle parking on the site. There are conditions attached for further details on highways issues.

5. Response to objections

The concerns raised by the third party objectors with respect to impact on their amenities and impact on the area's character have been considered above. An issue raised regarding restrictive covenants is not a material planning consideration. A concern on the type of tenures was raised but it would not be appropriate for the Local Authority to determine the housing market. There is a condition proposed withdrawing permitted development rights for a change of use from C3 (residential) to C4 (HMOs) across the scheme. This is to clarify the consent and to ensure the site safeguards adequate residential amenity levels, and is in recognition of the generous size and potential attractiveness of the flats to be converted for such purposes.

Conclusion

In light of the above changes, the proposal is consistent with the development plan with the proposal now sufficient to overcome the previous concerns on the character of the area, impact on the amenities of neighbours and future occupiers and the impact on highway safety.

Background Papers

Title of Document:

Date: 14/06/2017

Contact Officer:

Natalie Westgate, Senior Development Officer on 01536
534316

Previous Reports/Minutes

Ref:

Date: