

BOROUGH OF KETTERING

Committee	Full Planning Committee - 07/05/2019	Item No: 5.4
Report Originator	Louisa Johnson Development Officer	Application No: KET/2019/0130
Wards Affected	St. Michaels and Wicksteed	
Location	2 Broadway, Kettering	
Proposal	Full Application: Change of use to 8 person HMO	
Applicant	Mr J Somal	

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 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. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture, those on the existing building.
REASON: In the interests of visual amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.
4. Prior to the first occupation of the use hereby permitted the parking area shown on the approved site plan shall be provided and shall be permanently retained and kept available for the parking of vehicles in perpetuity.
REASON: To ensure adequate on-site parking provision and to discourage parking on the adjoining highway in the interests of local amenity and highway safety in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

5. Prior to the first occupation of the use hereby permitted a detailed plan showing cycle store(s) with space for at least one cycle per bedroom shall be submitted to and approved in writing by the Local Planning Authority. The cycle store(s) shall be provided prior to first occupation of the use hereby approved. The development shall not be carried out other than in accordance with the approved details and such provision shall be permanently retained at all times thereafter and kept available for such purposes in perpetuity.

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

6. Notwithstanding the approved plans, prior to the first occupation of the use hereby approved details of the refuse storage area shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details and such provision shall be permanently retained and kept available for such purposes in perpetuity.

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

7. Works audible at the site boundary will not exceed the following times unless with the written permission of the Local Planning Authority. Monday to Friday 08.00 to 18.00 hrs, Saturday 08.30 to 13.30 and at no time whatsoever on Sundays or Public/Bank Holidays. This includes deliveries to the site and any work undertaken by contractors and sub-contractors.

REASON: To protect the amenities of the occupiers of nearby properties in the interests of amenity in accordance with policy 8 of the North Northamptonshire Joint Core Strategy.

Officers Report for KET/2019/0130

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

3.0 Information

Relevant Planning History

KET/2018/0613 – Change of use to an 8 person HMO – Withdrawn
07/11/2018

KET/2006/0921 – Change of use from offices to a house in multiple occupation – Approved 05/01/2007

KET/1978/0747 – Change of use of first floor flat to offices – Approved
13/07/1978

Site Visit

Officer's site inspection was carried out on 8th January and 12th March 2019.

Site Description

The application site is a detached two storey building located on the corner of Broadway and London Road, with the entrance on Broadway. The site is currently vacant and was mostly recently used as offices.

Proposed Development

The proposal is for the change of use of the building into a 7 bedroom House in Multiple Occupation for the occupation of up to 8 no. persons and comprises 1 no. double occupancy bedroom and 6 no. single occupancy bedrooms. The proposal includes two communal kitchen/dining areas – one on each floor, and two toilets and two showers on each floor.

Any Constraints Affecting the Site

C Road – Broadway
A Road – London Road

4.0 Consultation and Customer Impact

Neighbours

Three letters of objection have been received from neighbours, the following issues were raised:

- Parking is already very difficult on Broadway; the proposal would worsen the existing situation.
- Broadway residents have been consulted on Parking Permits, how will this affect the parking.
- The proposal would result in additional noise and disturbance.
- There are already several HMO's in the street, the Council should consider limiting the number of HMO's in an area.

- Bins at the property are already a problem and the proposal would only worsen this.

A letter was also received from Pollard Evangelical Church (the church is next door to the site on London Road). The church has not objected but asked that a condition be attached to any permission requiring the proper and tidy management of bins and waste.

Highways

The Local Highways Authority (LHA) recommends refusal of this application on the grounds of insufficient parking provision.

- The applicant has provided results of a parking beat survey. The LHA requires further, full details of the survey to confirm the results described on the first page of the parking beat survey have been provided in accordance with the LHA's requirements detailed in our previous response. In particular, the LHA wishes to see:
 - Measurements of the usable length of road between parking restrictions and dropped kerbs (or similar)
 - Measurements of the available parking spaces
 - The locations of the parking spaces shown in the photos to be labelled.
 - The tabulated data sets.

In addition the applicant should confirm the number of bedrooms proposed and cycle parking provision.

Irrespective of the above, the parking beat survey suggests that 53 / 54 parking space out of 58 total spaces were used, leaving between 4/5 spaces available for parking. Including the two spaces proposed within the site boundary, this would not be sufficient to accommodate the one vehicle per bedroom required.

Environmental Health

No objection

Private Sector Housing

Comments awaited

5.0 Planning Policy

National Planning Policy Framework (NPPF) 2018:

Policy 2: Achieving a sustainable development

Policy 5: Delivering a sufficient supply of homes

Policy 12: Achieving well-designed places

Development Plan Policies

North Northamptonshire Joint Core Strategy

Policy 1: Presumption in favour of Sustainable Development

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

Other Guidance

Amenities and Spaces Standards for Houses in Multiple Occupation – A Landlord's Guide

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. Amenity of Future Occupiers
5. Parking and Highway Safety
6. Refuse collection and storage

1. Principle of Development

The application is in an established residential area close to Kettering Town Centre.

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. Impact on the character and appearance of the area

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 will be three minor changes to the external appearance of the building, an access door at ground floor in the north elevation will be removed and

replaced with a window, in the west elevation a window at ground floor level would be replaced by an access door and a new window would be inserted at first floor level. These changes are considered to be in keeping with the character of the host building and the surrounding area.

It is noted that comments from neighbours include reference to the impact of the proposed HMO on the area particularly given the presence of a number of other HMO's in the road.

The Council's Public Register of Licenced HMO's January 2019, shows three existing HMO's in Broadway, all three are for 6 people and so do not require planning permission. There are a number of large houses on Broadway which can accommodate 6 or more people and as such it is considered that it would not be unreasonable to expect that some properties on Broadway would accommodate a large household. Given this it is considered that the proposed HMO would not result in a detrimental change to the character of the area.

Overall the proposal will have an acceptable impact on the character and appearance of the area and accords with the relevant parts of Policy 12 (NPPF) and Policy 8 (NNJCS).

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.

Objections have been received from surrounding neighbours in terms of noise and disturbance from the site due to the number of occupants.

Under Class C4 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. 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.

It is considered that two additional people would not result in noise and disturbance 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.

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.

The proposal includes the addition of a new first floor window in the west elevation which would look toward the blank side elevation of 6 Broadway;

therefore it is considered that the proposed window would not have a detrimental impact on neighbouring properties. The other external changes involving the removal of an access door and its replacement by a window in the north elevation and the replacement of a ground floor window in the west elevation with a door would not result in overlooking or loss of privacy to neighbouring properties.

As such, it is considered the proposal would not lead to an adverse impact on the amenities of neighbouring residents in accordance with Policies 8 and 30 of the North Northamptonshire Joint Core Strategy.

4. Amenity of Future Occupiers

The proposal is for a 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.

The Council's Private Sector Housing guidance 'Amenities and Spaces Standards for Houses in Multiple Occupation – A Landlord's Guide' requires two toilets and two showers / baths for between 6 – 10 occupiers and 16sqm of kitchen space for 8 occupiers.

The proposal includes two communal kitchen/dining areas – one on each floor totalling 21.5sqm in area, and four toilets and four showers. All of the bedrooms meet the minimum floorspace requirements of 10sqm for one person and four meet the requirement of 15sqm for two people.

Therefore the proposed accommodation exceeds the minimum requirements as set out by the Council's Private Sector Housing guidance on Houses in Multiple Occupation; and is considered to be acceptable in terms of the amenity of future occupiers in accordance with policy 8 of the NNJCS.

5. 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 Northamptonshire Parking Standards September 2016 states that HMO's should have one parking space per bedroom and one cycle space per bedroom. The standards have not been adopted by the LPA and do not form part of Development Plan policy.

The application site is on the corner of Broadway and London Road and has two off road parking spaces. The prevailing character of Broadway and surrounding residential roads is for on-street parking; London Road has some on-street and some off road parking.

Objections have been received in relation to the parking provision for the proposal and a comment from a neighbour made reference to the parking permit consultation.

A Residents Parking Consultation was carried out by the Council at the start of 2019 to determine whether residents of Broadway (and other areas) wanted the road to be covered by parking permits. However there was not sufficient support from residents of Broadway to support parking permits and the road will not be included in a parking permit zone.

The applicants submitted a parking survey which covered the whole of Broadway and was carried out on a Thursday and a Saturday in school term time. The survey shows that the level of parking, with some space available, remains relatively constant on both days. There are 4 no. parking spaces which were surveyed as being available.

As such the available parking within Broadway is very limited, the site has two off-road parking spaces and there are 4 available on-street parking spaces. This would mean that there could be up to 6 parking spaces available at the site and on Broadway; this is 1 space short of the NCC Highways standard.

In addition, it is considered that the site's location on the edge of the town centre, close to shops, a bus stop and the train station means that the site is in a highly sustainable location. As such it is considered that while parking is limited, this is mitigated by the location of the site.

The site will provide 8 cycle parking spaces, 6 will be at the rear of the parking space and 2 to the front of the property. While these spaces are not shown as covered, it is considered that a condition securing details of the cycle stores would be sufficient to ensure that appropriate cycle stores are provided.

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.

6. Refuse collection and storage

With respect to the refuse storage facilities at the site, the bins would be stored at the rear of the parking area which is located between no. 2 and the neighbouring property 6 Broadway. The bins will be stored on site, out of the public realm. The putting out and bringing in of bins is the responsibility of the residents.

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 dwelling house 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.

It is considered prudent and necessary in this case to impose a planning condition to require details of the refuse storage area on site (condition 6).

Conclusion

The proposal is acceptable in principle and in terms of its impact on the character and appearance of the area, residential amenity, standard of accommodation, highway safety and parking and refuse storage and /collection. Subject to conditions the proposed development is acceptable and recommended for approval.

Background Papers

Title of Document:

Date:

Contact Officer:

Louisa Johnson, Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date:

..