



Planning Committee Report

Committee Date: 4th April 2023

Application Number: WNN/2022/0963

Location: St Andrews Healthcare, 32A Berkeley Close, Northampton

Development: Change of Use from Care Home (Use Class C2) into 16no Specialist Supported Living Apartments (Use Class C3b)

Applicant: SSL CO 1 Ltd

Agent: rg+p Ltd

Case Officer: Samantha Taylor

Ward: Delapre and Rushmere Unitary Ward

Referred By: Assistant Director – Planning and Development

Reason for Referral: Major application with requires a Section 106 Legal Agreement

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS as set out below with delegated authority to the Assistant Director – Planning and Development to approve any amendments to conditions as deemed necessary;

And **SUBJECT TO THE COMPLETION OF A S106 LEGAL AGREEMENT** to secure the following planning obligation(s):

- A financial contribution towards the improved of primary healthcare within the local area.

Proposal

The application seeks full planning permission for the change of use of the existing care home (Use Class C2) to 16no. specialist supported living apartments (Use Class C3b).

Consultations

The following consultees have raised **no objections** to the application:

- Northants Crime Prevention Design Advisor, Aboricultural Officer, Environmental Protection Officer, Anglian Water, Northamptonshire CCG

One letters of objection have been received at the time of writing.

Conclusion

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

The key issues arising from the application details are:

- Principle of Development
- Highway Safety
- Impact on Character and Design
- Drainage
- Amenity
- Impact on Trees
- Planning Obligations

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1 APPLICATION SITE AND LOCALITY

- 1.1 The application site is an existing care home facility (Use Class C2) located within the cul-de-sac of St Andrews Close, a predominantly residential area. The site benefits from a car park providing 10 parking spaces, cycle shelter and bin store.

2 CONSTRAINTS

- 2.1 The application site is within a predominantly residential area. There are two trees with Tree Protection Orders (TPO 22 and T78).

3 DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1 The development proposed seeks full planning permission for the change of use of the existing care home (C2) to 16no. specialist supported living apartments. Each apartment has a bedroom, open plan kitchen/living space, bathroom and separate access to the shared hallway. The proposal also include a shared residents lounge on the ground floor as well as offices, shower/bathroom facilities and overnight stay space for care workers. The existing parking area and access would be retained. There are some minor works proposed to the elevations including the blocking up of two windows, four doorways, and the installation of 2 new windows.

4 RELEVANT PLANNING HISTORY

- 4.1 There is no planning history directly relevant to the proposal.

5 RELEVANT PLANNING POLICY AND GUIDANCE

Statutory Duty

- 5.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

National Policies

- 5.2 The NPPF sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system. The NPPF should be read as one complete document. However, the following sections are of particular relevance to this application:

- Paragraphs 7-12 - Presumption in favour of sustainable development
- Section 6 – Building a strong and competitive economy
- Section 8 - Promoting healthy and safe communities
- Section 9 - Promoting sustainable transport
- Section 11 – Making effective use of land
- Section 12 – Design

Development Plan

- 5.3 The Development Plan comprises the West Northamptonshire Joint Core Strategy Local Plan (Part 1) which was formally adopted by the Joint Strategic Planning Committee on 15th December 2014 and which provides the strategic planning policy framework for the District to 2029, the adopted Local Plan (Part 1 – saved policies) and adopted Neighbourhood Plans. The relevant planning policies of the statutory Development Plan are set out below:

West Northamptonshire Joint Core Strategy Local Plan (Part 1) (LPP1)

- 5.4 The West Northamptonshire Joint Core Strategy (JCS) provides an up-to-date evidence base and considers the current Government requirements for plan making as it has been prepared in full conformity with the NPPF. Policies of particular relevance are:

- Policy S1: The Distribution of Development
- Policy S3: Scale and Distribution of Housing Development
- Policy S10: Sustainable Development Principles
- Policy H1: Housing Density and Mix and Type of Dwellings
- Policy H4: Sustainable Housing

Northampton Local Plan (1997)– Saved Policies

- 5.5 Due to the age of the plan, the amount of weight that can be attributed to the aims and objectives of this document are diminished, however, the following policies are material to this application:

- E20 – Design for new development

Northampton Local Plan Part 2 (2011-2029)

5.6 The policies relevant to this application are set out below:

- Policy 1 – Presumption in favour of sustainable development
- Policy 2 – Placemaking and Design
- Policy 13 – Residential and other residential led allocations
- Policy 14 – Type and Mix of Housing
- Policy 35 – Parking Standards

Material Considerations

5.7 Below is a list of the relevant Material Planning Considerations:

- Northampton Parking Standards Supplementary Planning Document
- Northamptonshire Parking Standards

6 RESPONSE TO CONSULTATION

Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website.

Consultee Name	Position	Comment
Northants Crime Prevention Design Advisor	Comments	Comments made in respect of ensuring security standards for openings, lighting CCTV, restricted access
Arboricultural Officer	Comments	There are a several trees in close proximity to the site which require protection during the construction works, including those with TPOs. Recommended a condition requiring the submission of an arboricultural method statement and tree protection plan.
Environmental Protection Officer	Comments	No details are included regarding the plant, as such a noise assessment would be required by condition to secure details and any necessary mitigation. As the site is within a residential area, a condition securing a Construction Management Plan is required to ensure that the works do not harm residents amenity. Request details of EV charging points to be conditioned. Request details of external lighting by condition, if proposed. Request a condition securing details of waste storage.
Anglian Water	Comments	Request conditions securing drainage details
Northamptonshire	Comments	Outlines that the proposed development

CCG - NHS		would increase the need for NHS GP services within the local area. As such, a request for a financial contribution is made towards improvements to local GP services.
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7 RESPONSE TO PUBLICITY

Below is a summary of the third party and neighbour responses received at the time of writing this report.

7.1 There has been one objections raising the following comments:

- Considers the parking provision would be insufficient to serve the number of occupants;
- Notes existing parking issues within Berkeley Close;
- Concerns that delivery vehicles/waste collection vehicles would cause harm to highway safety;

8 APPRAISAL

Principle of Development

- 8.1 The site is located within the built limits of Northampton and proposed the conversion of an existing building to provide specialist supported living accommodation, a form of residential accommodation.
- 8.2 The Use Class Order (2020) as amended, sets out that the occupation of C3(b) is restricted to accommodation where some care is provided to residents and that the property is not occupied by more than 6 occupants. In this case, each apartment would be self-contained so as to allow the occupants privacy and help facilitate independent living. The proposal does include the provision of space for staff within the proposal such as overnight accommodation, office space, bathroom and staff room. There is also a shared residents lounge proposed. For this reason, the proposal is considered not fall within the C3(a) single dwellinghouse Use Class and given that individuals would live independently of each, either each unit being self-contained, the proposal is not consistent with the definition of a C2 use, such as a care home. Officers therefore consider that the applicant's proposal does fall within Use Class C3(b).
- 8.3 The applicants have provided evidence in the form of a letter from the Commissioner supporting the proposal and outlining that the scheme will help West Northamptonshire Council to meet the need to provide suitable accommodation for individuals with Learning Disabilities and/or Autism.
- 8.4 The application site is located within a largely residential area and this type of residential accommodation is compatible with the local area. In addition, evidence has been provided which demonstrates that there is a need for this type of residential accommodation within West Northamptonshire. As such, Officers consider the proposed development accords with Policy S1 of West Northamptonshire Joint Core Strategy, Local Plan Part 2 Policy 1 (significant weight) and the NPPF.

Highway Safety

- 8.5 Policy C2 of the West Northamptonshire Joint Core Strategy requires development to mitigate its effects on the highway network. Paragraph 111 of the NPPF states that

development should only be refused on highways grounds if *'there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe'*.

Parking

- 8.5 Officers note the objections raised by the third party representative, raising concerns that the proposal would not provide sufficient parking to meet the needs of the development and outlining that there are existing parking issues within Berkeley Close.
- 8.6 The application seeks to retain the existing site access and parking area. The existing access is taken from Berkely Close to the car park which provides 9 standard spaces and 1 disabled space. There is also an access to a service area, at the side of the site, adjacent to the existing bin store/service area. This is proposed to be retained.
- 8.7 Whilst it is acknowledged that the development does not provide a sufficient number of on-site parking spaces to meet the requirements of the Parking Standards SPD, the site is within a sustainable location, with bus stops along Billing Road to the north, which can be accessed on foot through pathways from Berkeley Close to Billing Road. The site is relatively close proximity to Northampton Town Centre as well as the local shopping area along Wellingborough Road to the north.
- 8.8 In addition, given the specialist supported living use of the proposed development, Officers consider that the demand for parking would likely be reduced below that for standard residential accommodation. This has been supported by the Commissioner's letter which outlines that car ownership and use by residents would be minimal and their decision to chose this location, in a sustainable location with strong pedestrian and public transport links has been chosen.
- 8.9 Officers consider that the proposed retention of the on-site parking would be sufficient given the type of use proposed and the sustainable location of the site, with easy access to alternate transport modes.

Associated Highways Movements

- 8.10 It is noted that comments have been raised from a third party representative outlining concerns with delivery and service vehicles accessing the site.
- 8.11 The existing site is accessed by larger vehicles including commercial waste collection and deliveries. There is a off-road service area at the side of the side, which is currently hatched with yellow, restricting the usage by other vehicles. It is considered that there would not be a substantial increase above the existing volume of highways movements, including by larger vehicles, as a result of the proposed development. As such, Officers have assessed that there would not be severe harm caused by the proposed development to highway safety. Therefore, the proposed development would be acceptable.

Overall

- 8.12 Officers consider that the site is within a sustainable location with access to a range of services by pedestrian or public transport links that are located within close proximity to the site, the use is likely not to generate a significant demand for on-site parking as a result of the specialist support living use of the proposal and that there would not be an increase in the volume of traffic accessing the site. The proposed

development would accord with Policy C2 of the West Northamptonshire Joint Core Strategy and the NPPF.

Impact on the Character of the Area and Design

- 8.13 Policy E20 of the Northampton Local Plan 1997 requires new development proposals to have an acceptable impact on the local character.
- 8.14 The proposed development seeks to convert the existing building from a care home to 16no. independent specialist support living apartments. This requires the closure of two windows and four doorways and the installation of 2 new windows. No other works are proposed to the exterior of the building. The proposed works, subject to the use of matching materials, would not alter the significantly appearance of the existing building. The works would be read as part of the original building.
- 8.15 Subject to a condition securing the use of matching materials, the proposed development would have an acceptable design and would not cause harm to the character and appearance of the local area. As such, the proposed development would accord with policy E20 of the Northampton Local Plan 1997.

Impact on Residential Amenity

- 8.16 Policy 4 of the Northampton Local Plan Part 2 (significant weight) requires new development proposals to provide an acceptable standard of amenity for existing and future residents.
- 8.17 The additional two windows proposed are located on the rear elevation of the building. These would not overlook any of the existing residential properties around the site. As such, there would not be any additional impact from the proposed development arising in terms of a loss of privacy, outlook, or loss of light.
- 8.18 In addition to the impact on adjacent residents, the impact on the amenity of future residents must also be considered. Whilst not wholly applicable, given the C3(b) specialist supported living accommodation proposed, the Nationally Described Space Standards are a starting point for assessing whether the internal space standards of the apartments are suitable for future residents. For single person occupancy as in this case, the required space for each apartment is a minimum of 39sqm. The apartment sizes range from 43.18sqm to 76.95sqm, in excess of the Nationally Described Space Standards. In addition, it is recognised that there is an additional shared residents lounge on the ground floor, providing extra space for the residents. This is considered to be of benefit, and is understood it will be available to residents as well as to be used for workshops as part of the care offered. Each of the habitable living spaces, including open plan living spaces and bedrooms are served by at least one window providing outlook and access to light. The apartments are considered to provide an acceptable standard of amenity for future residents. The proposed development would accord with Policy 4 of the Northampton Local Plan Part 2 (significant weight)

Environmental Amenity

- 8.19 Policy BN9 of the Northampton Local Plan 1997 requires development proposals to provide a satisfactory impact and any necessary mitigation necessary to ensure that harm does not arising from unacceptable environmental pollution.

Noise and Plant

- 8.20 As noted by the Environmental Protection Officer, the application plans show an area of plant to be provided at the rear of the property. Whilst also included within the existing floor plans, it is not clear from the submission whether any changes or additional plant and mitigation are required as a result of the proposed development. Plant and mitigation can cause harm to the amenity of adjacent users through noise pollution or other pollution. As details have not been provided as part of the submission, it is considered reasonable and necessary in the interests of the amenity of adjacent residents to impose a condition requiring the submission of details of any plant and mitigation, existing or new. A condition securing these details is set out within the recommendations.

Construction Management Plan

- 8.21 Whilst it is acknowledged that the proposed development largely relates to the internal alterations of the existing building, this will require construction to be undertaken and deliveries of materials. As the site is within a residential area, sensitive to noise and other disruption associated with development, as recommended by the Environmental Protection Officer, a condition is recommended securing a Construction Management Plan. A condition securing this is set out within the recommendation.

Electric Vehicle Charging Points

- 8.22 It is noted that the Environmental Protection Officer has requested details of the provision of an electric vehicle (EV) charging point. However, in this case, as the existing parking facility is to be retained and that to implement an EV charging point would require the digging up of the site to lay the necessary ducting, it would be unreasonable to request these details.

External Lighting

- 8.23 The Environmental Protection Officers has noted that the proposed development does not propose the installation of external lighting and requests a condition securing these details, should external lighting be proposed. Given the proximity of the site to surrounding residential properties, it is considered reasonable and necessary to impose a condition securing the details of any external lighting required, prior to installation. A condition securing these details is set out within the recommendation.

Waste Storage

- 8.24 The Environmental Protection Officer has identified that the plans show the retention of the existing bin store within the site, however, details of the waste receptacles are not included within the application. In order to ensure that sufficient waste storage is provided, in the interests of the amenity of the area, it is considered reasonable and necessary to impose a condition securing this information. A condition securing these details is set out within the recommendation.

Overall

- 8.25 Subject to suitable planning conditions, Officers consider that the proposed development would not cause harm through environmental pollution and would accord with Policy BN9 of the Northampton Local Plan 1997.

Drainage

- 8.26 Comments have been received from Anglian Water outlining that the development fails to provide sufficient information regarding drainage and that this should be secured through a planning condition. However, the proposal seeks to convert the existing building, which is a care home with 24 bedrooms, each with their own en-suite. As such, the demand for foul water would be similar between the two development uses with no known issues raised specific to the foul drainage on the site. Similarly, as no extension is proposed to building or parking area, there would be no additional burden placed on the surface water drainage provision already in place. There would not be a material change to the surface water resulting from the development and there are no known site specific issues with the existing surface water drainage system. As such, Officers consider that conditions securing details of foul and surface water drainage would not be reasonable and therefore, these have not been recommended.

Trees

- 8.27 The site constraints review has identified that there are two trees subject to Tree Protection Orders (TPOs) on the site. Whilst the proposal does not require significant alteration, there are internal works required including the removal of walls and the installation of new facilities that would require the storage of materials and use of existing external doorways to provide access to the site. As such, it is possible that if not managed correctly, there could be an impact on the existing trees, and those with TPOs to the detriment of the local area. As such, it is considered reasonable and necessary to impose a condition securing details of the management of construction and the root protection areas. A condition securing these details is set out within the recommendation.

Planning Obligations

- 8.28 The Planning Obligations SPD sets out the requirements for new developments to provide financial contributions or secure obligations to offset their impact on the local area. This outlines that where developments result in the development of more than 15no. residential units, planning obligations will be sought.
- 8.29 For most residential schemes above 15no. residential units, the Authority will seek the provision of on-site affordable housing. However, the proposal would result in the creation of 16no. C3(b) apartments, and whilst this is a form of residential accommodation, due to its specialist nature, paragraph 65 of the NPPF, point (b) exempts this type of C3 accommodation from being required to provide affordable housing. As such, affordable housing, either on-site or through a contribution to off-site provision cannot be sought for this type of development.
- 8.30 The proposal would also meet the threshold for contributions towards education, however, given the single occupancy nature of the development and the specialist accommodation use, the development is considered not to result in generation of additional impacts on educational provision and therefore, this contribution would not meet the tests for requesting contributions. This is the same for contributions to open space and leisure.
- 8.31 The Northamptonshire Clinical Commissioning Group (CCG) have requested a financial contribution towards the local GP facilities, which is reasonable and related to the development proposed. However, the financial contribution request is for £8,134.47 based on the average household size of 2.43, results in 38.88 patient

population from the development. However, as set out by the applicant, each apartment would have a single occupancy due to nature of the C3(b) use class and therefore, the proposal would not result in a potential patient population increase of 38.88. Instead, this would be for an increase of 16 to the patient population. Therefore, using the calculation provided by the CCG, a contribution based on the impacts of the development, a reasonable contribution towards primary healthcare improvements would be £3,347.52.

- 8.32 As such, the recommendation includes the requirement to complete a s106 agreement to secure the contribution of £3,347.52 towards improvements to primary healthcare provision.

9 FINANCIAL CONSIDERATIONS

- 9.1 The development does not result in the creation of new residential floorspace and therefore, is not CIL liable.

10 PLANNING BALANCE AND CONCLUSION

- 10.1 The proposed development represents an acceptable land use and would not have a significant adverse impact upon highway safety, the character and appearance of the area, or amenity. The proposal is therefore in conformity with the requirements of the NPPF, Policies C2, S1, BN9 and E20 of the Northampton Local Plan and Policy 4 of the Northampton Local Plan Part 2 (significant weight).

11 RECOMMENDATION

- 11.1 It is recommended that to grant permission subject to conditions as set out below with delegated authority to the Assistant Director – Planning and Development to approve any amendments to those conditions as deemed necessary and the completion of a s106 agreement to secure contributions towards primary healthcare.

12 CONDITIONS

Time

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
Approved Plans

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
Location Plan 22-038/001
Site Plan as Proposed 22-038/05
Floor Plans as Proposed 22-038/03
Elevations as Proposed 22-038/07

Reason: For the avoidance of doubt and to accord with the terms of the planning application/listed building consent application.

Materials

3. The external amendments hereby approved shall be constructed with materials of the same type, texture and colour as the external walls and windows of the existing building.

Reason: In the interests of visual amenity to ensure that the extension harmonises with the existing building in accordance with Policy E20 of the Northampton Local Plan 1997.

Noise

4. Prior to use a noise assessment that outlines the likely impact on any noise sensitive property, and the measures necessary to ensure that the noise does not affect the local amenity of residents shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall be determined by measurement or prediction in accordance with the guidance and methodology set out in BS4142: 2014. Once approved the use hereby permitted shall be operated in accordance with the approved details and thereafter maintained in this approved state at all times.

Reason: In the interest of safeguarding residential amenity and reducing pollution in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

5. Prior to the occupation of the residential units a scheme for achieving the external and internal noise levels outlined in BS8233:2014 and World Health Organisation Guidelines shall have been submitted and approved in writing by the Local Planning Authority, and the approved scheme implemented. Thereafter it shall be maintained in the approved state at all times with no alterations made to the approved structures including roof, doors, windows and external facades, layout of the units or noise barriers.

Reason: In the interest of safeguarding residential amenity and reducing pollution in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

Construction Environmental Management Plan (CEMP)

6. Prior to the commencement a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction.

Reason: In the interests of safeguarding highway safety, safeguarding residential amenity and reducing pollution in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

Lighting

7. Prior to occupation, a scheme showing the provisions to be made for external lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting is to be designed, installed and maintained so as to fully comply with the ILP Guidance for the Reduction of Obtrusive Light. The design shall satisfy criteria to limit obtrusive light presented in Table 2, page 8 of the guide, relating to Environmental Zone E3 Medium district brightness areas. The development shall not be occupied until the approved scheme has been implemented. Thereafter the approved

measures shall be permanently retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: Details are required prior to the occupation of the development in the interest of safeguarding residential amenity and reducing pollution in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

Refuse

8. Before the development hereby permitted commences, details of the provision for the storage and collection of refuse and materials for recycling shall be submitted to the Local Planning Authority for approval. The scheme shall be implemented prior to the development coming into use and shall be retained thereafter.

Reason Details are required prior to the occupation of the development in the interest of safeguarding residential amenity and reducing pollution in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy.

Tree Protection

9. Prior to the commencement of the development hereby approved (including all demolition and all preparatory work), an arboricultural method statement (AMS) and a tree protection plan (TPP), together referred to as the scheme of protection, for the protection of the trees to be retained shall be submitted to and approved in writing by the Local Planning Authority.

The development thereafter shall be implemented in strict accordance with the approved scheme of protection, which shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed.

Reason: To ensure the development does not cause harm to protected trees in the interests of the amenity of the area in accordance with Policy E20 of the Local Plan 1997.

Tied Condition

10. The development hereby permitted, shall be used for supporting living accommodation (use class C3(b)) and for no other purpose, including any other purpose in use class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.
Reason: In order to restrict the use of the premises in the interests of the provision of affordable housing and highway safety as an alternative use would result in insufficient parking to support the apartments individually.



**West
Northamptonshire
Council**

Title: **32A Berkeley Close, Northampton**

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Drawn: M Johnson