



Planning Committee Report

Application Number: WNN/2022/0963

Location: St Andrews Healthcare
32A Berkeley Close
Northampton
Northamptonshire
NN1 5BJ

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

Reason for Referral: Major application

Committee Date: 4 April 2023

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: THAT THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT BE GIVEN DELEGATED POWERS TO REFUSE PERMISSION FOR THE DEVELOPMENT

Proposal

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

Consultations

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

- Crime Prevention Design Adviser, Arboricultural Officer, Environmental Protection, Anglian Water, Northamptonshire CCG

1 letters of objection have been received.

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 Deidgn
- Drainage
- Amenity
- Impact on Trees
- Planning Obligations

The report looks into the key planning issues in detail, and Officers conclude that the proposal is unacceptable, as the Planning Obligations required has not been accepted by the applicant and as such, the necessary S106 agreement has not been completed.

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 Berkeley Close, a predominantly residential area. The site benefits from a car park providing 10 parking spaces, cycle shelter and bin store.
- 1.2 The application site is within a predominantly residential area. There are two trees with Tree Protection Orders (TPO 22 and T78).

2 DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1 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.

3 RELEVANT PLANNING HISTORY

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

4 RELEVANT PLANNING POLICY AND GUIDANCE

Statutory Duty

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

West Northamptonshire Joint Core Strategy (Local Plan Part 1) - Policies

Northampton Local Plan Part 2

4.4 Material Considerations

National Planning Policy Framework (NPPF)

Northampton Parking Standards Supplementary Planning Document

Northamptonshire Parking Standards

5 **RESPONSE TO CONSULTATION**

5.1 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
Crime Prevention Design Adviser	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	Comments	<p>No details are included regarding the plant, as such a noise assessment would be required by condition to secure details and any necessary mitigation.</p> <p>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.</p> <p>Request details of EV charging points to be conditioned.</p> <p>Request details of external lighting by condition, if required.</p> <p>Request a condition securing details of waste storage.</p>
Anglian Water	Comments	Request conditions securing drainage details
Northamptonshire CCG - NHS	Comments	Outlines that the proposed development would increase the need for NHS GP services within the local

		area. As such, a request of £8,134.47 is made towards improvements to local GP services.
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6 RESPONSE TO PUBLICITY

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

6.1 There has been 1 objections received 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;

7 APPRAISAL

Principle of Development

- 7.1 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.
- 7.2 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).
- 7.3 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.
- 7.4 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

- 7.5 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

- 7.6 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.
- 7.7 The application seeks to retain the existing site access and parking area. The existing access is taken from Berkeley 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.
- 7.8 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.
- 7.9 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.
- 7.10 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

- 7.11 It is noted that comments have been raised from a third party representative outlining concerns with delivery and service vehicles accessing the site.
- 7.12 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

- 7.13 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

- 7.14 Policy E20 of the Northampton Local Plan 1997 requires new development proposals to have an acceptable impact on the local character.
- 7.15 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.
- 7.16 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

- 7.17 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.
- 7.18 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.
- 7.19 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

- 7.20 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

- 7.21 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

- 7.22 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

- 7.23 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

- 7.24 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

- 7.25 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

- 7.26 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

- 7.27 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.

Impact on Trees

- 7.28 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

- 7.29 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.
- 7.30 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.
- 7.31 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.
- 7.32 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.
- 7.33 At the former Northampton Area Planning Committee on 4th April 2023 the recommendation for included the requirement to complete a s106 agreement to secure the contribution of £3,347.52 towards improvements to primary healthcare provision.

7.34 Since the April Committee meeting, the Legal team have tried to make contact with the applicant's solicitor however, a response has not been received to initial contact requests. In addition, the Case Officer has contacted the applicant's agent and a response has not been received. As such, the Authority has been unable to secure the necessary planning obligations. Therefore, the application is returned to the Planning Committee to advise that agreement cannot be reached, and amend the recommendation to refuse for this reason. As set out above, all other material considerations are considered acceptable or could be made acceptable by the imposition of planning conditions.

8 FINANCIAL CONSIDERATIONS

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

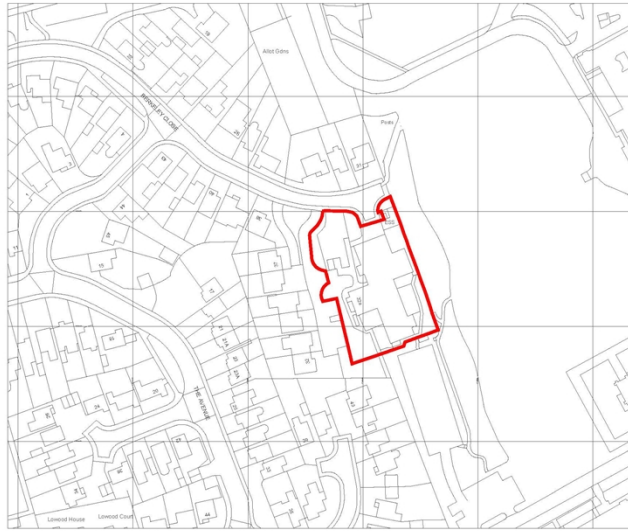
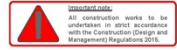
9 PLANNING BALANCE AND CONCLUSION

9.1 The development fails to accord with Policy IFS2 of the Northampton Local Plan as the Authority has been unable to make contact with the applicant or the legal advisor since the resolution of the April former Northampton Area Planning Committee. As such, Officers consider the reasonable and necessary planning obligation to provide a financial contribution towards primary healthcare improvements. Officers, therefore recommend that the application be refused.

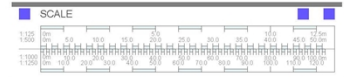
RECOMMENDATION: Refusal

Reason for Refusal

1) The reasonable and necessary planning obligations towards the improvement of primary healthcare facilities within the local area cannot be agreed. The proposal therefore, fails to accord with Policy IFS2 of the Northampton Local Plan.



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