

Planning Committee Report

Application Number: 2023/7574/FULL

Location: 8 Donovan Court Northampton NN3 3DD

Development: Change of use of dwelling (use Class C3) to care home (use Class C2)

Applicant: West Northamptonshire Council

Agent: West Northamptonshire Council

Case Officer: Jonathan Moore

Ward: Riverside Park Unitary Ward

Reason for Referral: Council is applicant

Committee Date: 8 February 2024

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

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

Proposal

Permission is sought for the change of use of dwelling (use Class C3) to care home (use Class C2), there are no external works proposed.

The home will be for 24 hour care and to be run by Northamptonshire Children's Trust, the provider of children's social services on behalf of West Northants Council for up to 4 young people with a minimum of 2 staff on site at any one time. The criteria for admission is that children need to be aged between 7 and 17 at time of admission. The home will provide care for children with autism.

Consultations

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

- Highways
- Environmental Health
- Northamptonshire Police

11 letters of objection have been received to the proposal.

Conclusion

The application has been assessed against the relevant policies in the NPPF, the Local Plan , Joint Core Strategy 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
- Impact on residential amenity
- Parking/ Highway safety
- Security

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 a large single storey detached dwelling set in a generous plot of land in the suburbs of Northampton. The property has a large area of front hardstanding capable of accommodating up to 7 cars as shown on the submitted site plan. The site is not in a conservation area and is not a listed building.

2 DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1 The development is for conversion of dwelling into care home. The home will be for 24 hour care and to be run by Northamptonshire Children's Trust, the provider of children's social services on behalf of West Northants Council for up to 4 young people with a minimum of 2 staff on site at any one time. There are no external works proposed. The home is for children with autism, and will be Ofsted registered.

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.

4.3 Development Plan

West Northamptonshire Joint Core Strategy (Local Plan Part 1) – Policies S10, BN7, BN9, H1, H5
Northampton Local Plan Part 2 (2011-2029)–Policies Q1, Q2, SD1, M02

4.4 Material Considerations

National Planning Policy Framework (NPPF)

- Paragraph 114 safe access for all
- Paragraph 135 residential amenity

Northampton Parking Standards Supplementary Planning Document
Northamptonshire Parking Standards
Planning out Crime SPG

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	Comment
Highways	No objection, confident will be no impact on local highway network
Environmental Health	Recommend noise assessment is undertaken to allow survey of noise from highway and consideration given to EV chargers
Police	No further comments to make

6 RESPONSE TO PUBLICITY

Below is a summary of the third party and neighbour responses received at the time of writing this report. There have 11 objections from local residents on the following grounds:

- Parking and access concerns
- Noise
- Neighbour impacts
- Concerns about inappropriate use
- Effect on quiet residential area
- The Council is the applicant
- Need more information on the use
- Impact on community/ neighbourhood
- Maintenance of garden
- Near footpath
- Road too narrow
- Lighting issues
- Safety concerns
- Health impacts from living close to use/ mental well being of neighbours
- Risk of accidents

7 APPRAISAL

Principle of Development

7.1 The site is located in an established residential setting where residential uses are considered acceptable in principle subject to adequate parking, highway safety and the effect on neighbouring living conditions.

7.2 Due to the scale of the proposed development, the loss of one C3 bungalow unit is unlikely to materially affect or undermine the Council's wider housing strategy to

provide new C3 housing units and therefore would not affect the supply of new homes going forward.

Impact on neighbour amenity

- 7.3 The property is located in a quiet residential street and would generate comings and goings throughout the day in terms of staff, residents and visitors arriving and leaving by the car, residents parking and general activity associated with a use of such a nature being a 24 hour operation.
- 7.4 However it must be remembered that a similar use could be implemented without needing planning permission under class C3 of the Planning Legislation for a dwelling with an element of care with 6 people living together as a single household and therefore a careful comparison should be made with the applicant's apparent fall back position i.e what could be done without needing planning permission. The use would therefore be comparable to a C3 operation as there would be no more than 6 persons residing together including carers. The number of occupants would be secured by condition.
- 7.5 Local residents raise concerns over noise / increase in traffic impacting on residential living conditions however in this instance it is considered that the proposal is relatively minor in scale, is a large detached property with no shared party walls and Environmental Health have not raised objection. For this reason a refusal is not justified on amenity terms.
- 7.5 The proposal is considered to accord with Policy H1 and BN9 of the JCS, Q2 of the Local Plan Part 2 and aims of the NPPF.

Parking and Highways

- 7.6 The site has 7 off road parking spaces in front excluding the existing double garage. A number of residents are concerned that this is not adequate for a use of this nature and that parking may occur on street and cause highway safety conflict. Highways are not objecting and it is considered that the effect on highways is not severe and a refusal is not justified to accord with the aims of the NPPF.
- 7.7 Given that the occupants would not generally be driving age with the exception of staff and visitors it is considered that the existing parking provision is sufficient and parking would be retained by condition in perpetuity.

Crime prevention

- 7.8 Northamptonshire Police have commented on security with respect to the proposal and raise no objections on security.

7.9 Other issues

Environmental Health Officers recommend a condition for protection from traffic noise from the nearby dual carriageway to protect future residents from noise. However in response to this, the intended use would have a similar number of occupiers as the lawful use could have and therefore such a condition would not be reasonable or justified. EV charging is covered by Building Regulations. Concerns over who will maintain the property are a matter for the applicant.

8 FINANCIAL CONSIDERATIONS

CIL is not payable as application is for change of use only.

9 PLANNING BALANCE AND CONCLUSION

Given that the proposal is located in an established residential area the principle is considered acceptable in land use planning terms. The proposal would be similar to what could be undertaken without needing planning permission and this factor bears weight in decision making due to the fall back position open to the applicant. It is considered that the parking is acceptable providing more than adequate number of off road spaces for a use of this nature and scale. In addition, due to the minor scale and relationship to other properties on balance the effect on residential amenity would be acceptable and is recommended for approval with the conditions below given it would accord with local and national policy.

10 CONDITIONS

Time Limit

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

Reason : To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved plans

2)The development shall not be carried out otherwise than in complete accordance with the approved plans and details unless a non-material or minor material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The approved plans are: Survey plan 01, Proposed plan 02, site plan

Reason : To clarify the permission and for the avoidance of doubt.

Use

3)The use hereby approved shall be care home under class C2 of the Town and Country Planning (Use Classes Order) 1987 as amended and no other use.

Reason; To define the planning permission in accordance with the submitted details.

Parking

4)Car parking shall be implemented in accordance with the approved parking plan and retained as such throughout the lifetime of the development.

Reason: In the interests of highway safety to accord with the Policy M02 of the Northampton Local Plan Part 2

Occupants

5) The total number of occupants including carers shall not exceed 6 at any one time.

Reason: In the interests of residential amenity to comply with Policy H1 of the West Northamptonshire Joint Core Strategy.
