



PLANNING COMMITTEE: 26th November 2013
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2013/0925: Change of use from residential care home (Use Class C2) into 28no. residential flats (Use class C3) and provision of on-site car parking spaces at former Lakeview House Old Persons Home, 88 Churchill Avenue

WARD: Eastfield

APPLICANT: Mr Ahmed Fouda
AGENT: Sustain Renewable LTD

REFERRED BY: Councillor M Hallam
REASON: Concerns over parking

DEPARTURE: NO

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 APPROVAL IN PRINCIPLE subject to the following:

- (1) Finalising of a S106 agreement to secure the provision of 35% affordable housing on site and the Council's monitoring fee; and
- (2) Planning conditions below and for the following reason:

The proposal is for a residential development within an existing residential area and is therefore acceptable in principle, the development would have no adverse impact on the character of the area, the amenities of adjoining occupiers or the highway network and the alterations proposed would not impact on the street scene, The proposal therefore complies with Policy H1 of the Submitted West Northamptonshire Joint Core Strategy, Policies E19, E20, E40, H6 and H32 of the Northampton Local Plan and the National Planning Policy Framework.

- 1.2 It is also recommended that in the event of the Section 106 Legal Agreement not being completed within three calendar months of this Committee meeting, in addition to being able to grant planning permission as recommended above, the Head of Planning be given delegated authority to either refuse or finally dispose of the application (at her discretion) on account of the necessary mitigation measures not being secured in order to make the proposal acceptable in line with the requirements of Northampton Local Plan Policy E19 and the National Planning Policy Framework.
- 1.3 It is also recommended that, because of the particulars of the scheme, delegated authority be given to the Head of Planning to accept an equivalent financial contribution in lieu of on-site provision of affordable housing, should this prove necessary due to the particular circumstances of the proposal.

2. THE PROPOSAL

- 2.1 Change of use of existing former residential care home (Use Class C2) to 28 residential flats (Use Class C3), including the provision of 27 parking spaces.

3. SITE DESCRIPTION

- 3.1 The site comprises a two storey residential care home located approximately 3 miles from the town centre. The care home is no longer in use, having closed as it no longer complies with the current care home standards.
- 3.2 The site falls within a predominantly residential area with local shops located to the south and residential properties to the east, west and north of the site.

4. PLANNING HISTORY

- 4.1 The development of the estate, including the care home, was originally approved in 1965, with details approved in 1966 and 1967.
- 4.2 An application for the change of use of the premises to a hostel (Sui Generis Use) was submitted in April 2013 and subsequently withdrawn.

5. PLANNING POLICY

5.1 Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The current Development Plan comprises of the saved policies of the Northampton Local Plan 1997.

5.2 **National Policies:**

National Planning Policy Framework – Part 6: Delivering a wide choice of high quality homes.

5.3 **Submitted West Northamptonshire Joint Core Strategy**

Policy H1 – Housing density and mix and type of dwellings.

5.4 **Northampton Local Plan**

E19 – Implementing Development

E20 – New Development

E40 – Crime Prevention

H6 – Housing Development within Primarily Residential Areas

H32 – Affordable Housing

5.5 **Supplementary Planning Guidance**

Northamptonshire County Parking Standards SPG 2003

6. **CONSULTATIONS/ REPRESENTATIONS**

6.1 **Police Crime Prevention Design Adviser** – Comments refer to the need for perimeter fencing, the location and illumination of car parking and the need for CCTV and access control.

6.2 **Environmental Health** – No observations

6.3 **Highway Authority** – After reviewing the revised plan, the Local Highway Authority have no objection to make on the development as proposed, subject to planning conditions securing pedestrian visibility splays of 2.4m x 2.4m and a vehicular visibility splay of 2.4m x 43m.

6.4 **Arboricultural Officer** - The majority of trees that require removal to facilitate the car park areas are of low quality and can be removed. Recommended conditions regarding tree protection and landscaping.

6.5 **Councillor Mike Hallam** - this is the second application in less than six months for this site and both applications have caused much concern amongst the local people. In terms of traffic movements, the proposed site of the flats is just off of an extremely busy section of the Kettering Road and does not have the capacity for a further increase in the number of vehicles using the road. Car parking is also something that is extremely challenging particularly when most households have more than one vehicle; wish to strongly object to this application and would urge the Planning Committee to reject it.

6.6 **Lakeview Residents Association** – Concerned about the proposed car parking arrangements, and the likely disturbance caused by the residents of the flats in their day to day activities. There is a strong

belief that young single tenants will not be integrated into the present community and this could cause difficulties with noise and anti-social behaviour. We have worked hard to reassure our elderly and disabled residents that the estate is safe and friendly and reasonably clear of litter, but the expectation is that the present plans for Lakeview House will cause much distress and fear.

6.7 **Michael Ellis MP** – This application was preceded in April by another application from the same developer to convert Lakeview House into hostel accommodation. I was strongly opposed to that application before it was withdrawn and I believe the new application remains highly inappropriate for the Eastfield area of Northampton. This is a quiet area mainly of sheltered accommodation, the provision of 28 flats would change the area quite considerably because these flats are designed for young, single tenants who will be moving into an area composed predominantly of elderly residents. I also remain concerned about the probability of noise nuisance and disturbance due to the frequency of entering and exiting the building and the possibility of an increase in litter. The development would increase the volume of traffic, the 27 parking spaces would be an extremely large increase in the number of vehicles using Churchill Avenue. The 27 parking spaces is one short of the logical provision of 28, meaning there is a surplus of cars to park on the street. Churchill Avenue is already used as a rat run and I support my constituents view that increased traffic in the area will greatly increase pre-existing residents and homeowners. I am also concerned that the planned parking spaces would mean that a number of mature trees would have to be felled.

6.8 Representations received from 57 neighbouring properties, raising the following points in summary:

- Increased traffic.
- Insufficient parking.
- Entrance to car park not safe as this is an extremely busy road / dangerous junction.
- Will lead to parking on dangerous road.
- Increased traffic will be dangerous for existing residents.
- Parking to the rear will require removal of street lighting.
- Area not suitable for the proposed use (Sheltered housing / elderly people)
- Some flats do not have bathrooms, indicating multi-occupancy (*Officer note - in fact all flats have private bathrooms*).
- No different from the previous application for a hostel.

- Concerns over who will occupy the flats.
- Already enough flats in the area.
- Overdevelopment of the site – too many flats proposed.
- Concerns over antisocial behaviour / noise and disturbance from residents.
- Concern that young single tenants will not be integrated into the community.
- Building should be used for elderly people / over 55s.
- Concerns over safety of children / elderly people walking past the site.
- Mature trees will have to be felled, could they have a preservation order placed on them?
- Removal of trees / green space will affect appearance and remove sound barrier.
- Other properties owned by the landlord are in a poor condition.
- Loss of parking availability will affect shops.

7. APPRAISAL

- 7.1 The issues to consider are the acceptability of the use in principle, the impact on the the character of the area, highway and pedestrian safety and the amenities of adjoining and nearby residents including the impact on the street scene of the physical changes proposed.

Principle of development

- 7.2 The application is for a change of use from a care home (Use Class C2) to a general residential use (Use Class C3). In policy terms, the building is within a Primarily Residential Area and therefore a residential use of the site is considered acceptable, provided the tests set out in Policy H6 are met. These relate to the scale and density of development, compliance with highway standards and avoiding the loss of significant features.

Scale of Development

- 7.3 In terms of the scale and density of development, the proposal is for 28 flats, 2 of which would have two bedrooms, 20 would have one bedroom and six would be studio flats. These would be created by the conversion of the former care home, which previously consisted of 45 individual bedrooms. The conversion would entail the use of two, three

or four of these rooms to create each flat. It is considered that the conversion as proposed represents a logical re-use of the existing building at an appropriate scale and density and would not represent an overdevelopment of the site.

- 7.4 The surrounding area predominantly features housing (including sheltered accommodation); however, the area also features a number of flats. As a result of this, it is considered that the proposed flat development would not be out of keeping with the prevailing character.
- 7.5 In terms of the wider street scene impact, the proposal would necessitate the removal of trees to allow for the parking area to be provided. It is considered that these trees are not good specimens, as confirmed by the Arboricultural Officer, and that replacement landscaping can be provided satisfactorily under a landscaping scheme as required by condition. A further condition requires the trees which are to be retained to be protected during the works and subsequent use of the parking area.
- 7.6 The application is for 28 flats, which results in an affordable housing requirement of 9 units. The mix of units between 1 and 2 bed and studio flats will be determined as part of the Section 106 agreement. Whilst on-site provision of affordable housing is preferable, it may be difficult to secure an affordable housing provider due to the particular configuration of the building. In these circumstances an off-site contribution equivalent to the value of 9 units may be a more appropriate obligation.

Parking

- 7.7 The provision of 27 parking spaces, although one less than the number of flats proposed, complies with the adopted Supplementary Planning Guidance on parking which sets maximum, rather than minimum, standards for car parking.
- 7.8 The proposed car parking layout incorporating four separate areas of parking is considered preferable to the alternative which would have been to convert the whole of the enclosed garden area to parking, which would have left no private amenity space for future residents of the flats. This layout means that in practical terms only 27 spaces can be accommodated.
- 7.9 The site is in close proximity to local amenities in the form of shops, with the area also being well served by buses into the town centre. The proposal includes also 17 cycle spaces and a condition requiring the retention of these is proposed. The site can therefore be viewed in planning terms as a sustainable location, in which future residents can take advantages of means of transport other than the private car and also access services locally.

- 7.10 The impacts of potential car parking resulting from this proposed development also needs to be balanced against the fact that the building could be lawfully used as a care home without any need for planning permission, if brought up to current standards, and this would have no off street parking. It is therefore considered that the potential highway impacts of the proposed development are no greater than could potentially result from the resumption of this existing lawful use.
- 7.11 Following amendments, the number of spaces, parking layout and the access are considered acceptable to the Local Highway Authority, subject to the provision of pedestrian and vehicular visibility splays. There is scope on the site for splays to be provided and a condition requiring these is recommended.

Impact on Adjoining Residents

- 7.12 Whilst the occupation of the building as flats could potentially result in some noise and disturbance, it is considered that a residential use of the premises is acceptable in principle and any noise would not be over and above that normally associated with such a development. No objection to the proposal has been made by Environmental Health.
- 7.13 Representations have been received that have commented upon the similarities between this proposal and a former (withdrawn) proposal for a homeless hostel. Concerns are raised that occupiers of the development may engage in anti-social behaviour. However, all planning applications must be assessed on their own merits and for the reasons set out previously, it is considered that the principle of using this building for flats is acceptable. It would not be possible to use the planning system to restrict the occupation of flats to a specific group of people. Nonetheless, a condition is proposed to prevent the change of use of any of the flats to dwellings in multiple occupation, as this could potentially have a greater impact on the character of the area than the development assessed within this application.
- 7.14 Conditions will require a suitable boundary treatment, to provide security and privacy for residents of the flats by means of defensible space and to secure the cycle store.

8. CONCLUSION

- 8.1 It is considered that the proposed conversion to flats is acceptable in principle and the detailed design and layout of the flats would not result in an overdevelopment of the site and would provide a good standard of accommodation for future occupiers.

9. CONDITIONS

- (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.

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2011/C003/02, 2011/C003/03 (Location Plan), 2011/C003/03 Rev C (Block Plan), 2011/C003/04, 2011/C003/05, 2011/C003/06, 2011/C003/07, 2011/C003/08, 2011/C003/09.

Reason: For the avoidance of doubt and to accord with the terms of the planning application.

(3) Notwithstanding the submitted plans, full details of the security measures to be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any work on site. The security measures shall be provided in full accordance with the approved details prior to the occupation of any of the flats.

Reason: In the interests of security and to provide a satisfactory standard of development, in accordance with Policy E40 of the Northampton Local Plan.

(4) Full details of the method of the treatment of the external boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the occupation of the building for the use hereby permitted and retained thereafter.

Reason: In order to provide adequate security for the future residents of the change of use hereby approved, in accordance with the NPPF.

(5) No development shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

(6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and which shall be maintained for a period of five years; such maintenance to include the replacement in the current or nearest planting season whichever is the sooner or shrubs that may die are removed or become seriously damaged or diseased with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan.

(7) Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no change of use of any of the

individual flats hereby permitted to a use falling within Class C4 (Houses in Multiple Occupation) shall take place unless formally approved in writing by the Local Planning Authority.

Reason: To protect the amenities of adjoining occupiers and occupiers of other flats hereby permitted, in accordance with the NPPF.

(8) Notwithstanding the details as submitted, the junctions of the new accesses with the existing highway shall be laid out together with the provision of visibility splays in accordance with details to be first submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or conditions of highway safety in accordance with the National Planning Policy Framework.

(9) Details of the provision for the storage of refuse and materials for recycling shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the premises being used for the permitted purpose and retained thereafter.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance the NPPF.

(10) The cycle storage area shall be provided prior to the development being first brought into use and retained thereafter.

Reason: To ensure the provision of adequate facilities in accordance with the National Planning Policy Framework.

(12) Details of tree protection measures for all retained trees shall be provided in line with the guidance in BS5837:2012 Trees in relation to design, demolition and construction. The submitted details shall include a plan showing the location and Root Protection Areas of all retained trees, and construction details of any permanent hard surfaces to be constructed within the Root Protection Areas of any retained trees. This should include a "no-dig" method of construction and incorporate a 3 dimensional cellular confinement. Development shall be carried out in accordance with the approved details.

Reason: In order to ensure adequate protection of existing trees on the site in the interests of achieving a satisfactory standard of development and maintaining the amenity of the locality in accordance with NPPF.

10. BACKGROUND PAPERS

10.1 Application file N/2013/0925.

11. LEGAL IMPLICATIONS

11.1 None.

12. SUMMARY AND LINKS TO CORPORATE PLAN

12.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.



Name: Planning
 Date: 12th November 2013
 Scale: 1:1250
 Dept: Planning
 Project: Committee

Title
88 Churchill Avenue

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