



PLANNING COMMITTEE: 17th February 2015
DIRECTORATE: Regeneration, Enterprise and Planning
DIRECTOR: Steven Boyes

N/2014/0911: Change of use from residential care home (Use Class C2) to 20no. residential flats (Use Class C3), Lakeview House Old Persons Home, 88 Churchill Avenue

WARD: Eastfield

APPLICANT: Mr Ahmed Fouda
AGENT: Wilbraham Associates Ltd.

REFERRED BY: Councillor M. Hallam
REASON: Concerns over car parking and impact on existing environment

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 Policies H1, H2, C2, S1, S3 and S10 of the West Northamptonshire Joint Core Strategy, Policy E20 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 Director of Regeneration, Enterprise and Planning be given delegated authority to either refuse or finally dispose of the application (at his discretion) on

account of the necessary affordable housing requirement not being secured in order to make the proposal acceptable in line with the requirements of Policy H2 of the West Northamptonshire Joint Core Strategy 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 Director of Regeneration, Enterprise and 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 20 residential flats (Use Class C3), including the provision of 20 parking spaces. These parking spaces would be within two car parking areas, one comprising 12 spaces accessed from Churchill Avenue in part of what is currently the garden of the property and a further eight spaces accessed directly from Appleby Walk to the east of the building.

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 and has been vacant for some time.
- 3.2 The site is located within a predominantly residential area with local shops located to the south and residential properties to the east, west and north. There are two trees which are the subject of Preservation Orders in the north east corner of the site, along with other areas of landscaping around the boundary.

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.
- 4.3 Planning permission (ref: N/2013/0925) was refused in November 2013 for 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. An appeal against this refusal was dismissed in April 2014.

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 Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014) and Northampton Local Plan (1997) saved policies.

5.2 National Policies

The National Planning Policy Framework (hereafter referred to as the NPPF) requires that all planning applications are determined in accordance with the requirements of the Development Plan unless material considerations indicate otherwise. Of particular note to this application is that Paragraph 49 requires that proposals for housing should be encouraged within the context of promoting sustainable development. The same paragraph also states that in instances where a five year housing land supply cannot be demonstrated (which is the case in Northampton), any relevant Development Management policies cannot be considered to be up to date. Paragraph 14 requires that in instances where the development plan is silent or out of date, the overarching aim of providing sustainable development should be used to determine planning applications.

In terms of providing additional housing, it is incumbent that planning decisions provide a variety of housing types in order to meet the wide range of differing needs for housing (paragraph 50). In design terms it is required that the planning decision proactively support sustainable development, mitigating impacts on amenity and facilitating mixed use developments (paragraph 17). Paragraph 35 states that, where practicable, developments should be designed with a safe and secure layout that reduced the potential for conflicts between pedestrians and traffic. Paragraph 50 requires that new developments provide a wide choice in new homes. The NPPF also requires that new developments be of a good quality design (paragraph 56).

5.3 West Northamptonshire Joint Core Strategy – Adopted December 2014

The 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. The JCS has been adopted by the West Northamptonshire Joint Strategic Planning Committee.

Of particular note is that Policy S1 states the new development within West Northamptonshire will be concentrated primarily in and adjoining the existing urban area of Northampton. S3 requires that the construction of approximately 18,870 houses within the Northampton Borough over the plan period. Policy H1 provides further detail regarding the location of these buildings by stating that they should be constructed through a combination of specifically planned Sustainable Urban Extensions and development within the existing built fabric. The same policy states that new developments shall provide for a mixture of house types, sizes and tenures in order to meet varying needs of the community. Applications for residential developments will be assessed against the location and setting of the site; the existing character of the area; the accessibility to services and facilities, including the proximity to public transport routes; the living conditions provided for future residents; and the impact upon the amenities of surrounding properties.

Policy H2 encourages the creation of varied communities that should be ensured through the provision of affordable housing, which in Northampton would represent 35% of the total development.

Policy S10 encourages sustainable development through incorporating measures to increase safety and security. To further encourage sustainable development, Policy C2 requires that new developments maximise opportunities for travel choices. This is in order to facilitate a modal shift.

5.4 **Northampton Local Plan 1997 (Saved Policies)**

Although substantially dated and in the main replaced by the JCS, Policy E20 is relevant to this application. Policy E20 states that developments should be of a satisfactory standard of design.

5.5 **Supplementary Planning Documents**

Northamptonshire County Parking Standards SPG 2003
Planning out Crime in Northamptonshire SPG 2004

6. **CONSULTATIONS/ REPRESENTATIONS**

6.1 **Highway Authority (NCC)** do not object to the application on the basis of additional information supplied by the applicants.

6.2 **NBC Arboricultural Officer** requires the protected trees to be protected throughout building works.

6.3 **NBC Strategic Housing** welcome the provision of 35% affordable housing but have some concerns over on-site delivery.

6.4 **Northamptonshire Police** have no objections.

6.5 **Councillor Hallam** objects to the application due to the application being too similar to that previously considered; concerns over car parking and how it fits into the existing environment.

6.6 **Michael Ellis MP** objects as the provision of a number of flats in a quiet area with elderly residents would change the nature of the area to the detriment of existing residents; the number of bedrooms is now higher than previously; increase in traffic on a busy road; increase in disturbance and noise nuisance and lack of car parking.

6.7 **93 letters of objection** received from local residents on the grounds of:

- Overdevelopment of the site and out of character with its surroundings;
- Impact on road safety due to an increase in traffic and car parking combined with the existing use and nature of Churchill Avenue;
- Noise and disturbance;
- Impact on trees and loss of landscaping; and
- Contrary to Planning Policy; and
- No changes since appeal dismissed.

6.8 **One letter of support** received due to:

- The application is in keeping with the area;
- Affordable accommodation is to be provided; and
- Good car parking provision

7. **APPRAISAL**

7.1 The issues to consider are the acceptability of the use in principle, the impact on 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 and the impact on trees. The previous appeal decision must also be taken into account.

Principle

- 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 broadly acceptable subject to the details of the scheme. Indeed the Inspector when considering the previous appeal accepted the principle of the conversion for residential purposes.
- 7.3 The contribution which the development would make towards the Borough's five year housing supply and the weight which the NPPF gives to this would also support the principle of the development.

Character/Appearance

- 7.4 The application site, due to its position and scale, forms a significant feature within the area. At present the site appears as disused and somewhat dilapidated and is detrimental to the appearance of the wider area. The external appearance of the building is not to be significantly affected by the development, however bringing the building back into effective use could have a significant positive improvement for the appearance of the site and the wider area.
- 7.5 The area around the site is predominantly residential in nature and as such the use of the site for residential purposes would seem to be consistent with this residential character.

Residential Amenity

- 7.6 The residential nature of the development is not considered likely to generate a level of activity, noise or disturbance which would have a significant adverse impact on the amenity of nearby residents. The previous use of the site as a care home would have generated a level of activity in its own right. The Inspector when considering the previous appeal for 28 flats considered that, "increased activity at the site would not in itself be unduly intrusive".

Highway Safety/Car Parking

- 7.7 A number of the letters received from local residents raise concerns regarding the impact which the development would have on road safety given the existing levels of traffic and pedestrians on Churchill Avenue and the location of the site on a bend and with the access close to the position of a bus stop. The Highway Authority have however raised no objections with regards to this.
- 7.8 The Highway Authority have also raised no objection with regard to the proposed level of car parking. There would be one car parking space per flat which conforms with the requirements of the Council's Car Parking SPG. In terms of the creation of on-street car parking it should be remembered that when the building was in use as a care home, with staff, visitors and servicing, there was no on-site parking provision. There is also a public car park adjacent to the site serving the small shopping arcade.

- 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 20 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.

Trees

- 7.10 The protected trees within the site are within an area which the applicant has indicated would be unaffected by and building operations. In the longer term these trees would form part of the landscaping around the site. Conditions are recommended, should Members be minded to grant permission, to protect the trees during building work and in the longer term.

Appeal Decision

- 7.11 The previous decision of the Inspector in relation to the scheme for 28 flats must also be considered. As indicated previously the Inspector considered the principle of the development to be acceptable and the level of activity to be generated acceptable. However it was identified that the level of car parking to be provided would leave insufficient space for landscaping and there would be a loss of on street car parking.
- 7.12 The previous application proposed 10 car parking spaces which would have been accessed directly from Shap Green to the north of the site. These spaces have now been removed and this area could be landscaped. It is therefore considered that this reason for the appeal being dismissed has been overcome.
- 7.13 The Inspector also made reference to the car parking which would have been accessed from Appleby Walk. Car parking is still proposed in this area. However the road way here is used to access garaging and car parking and it is not considered unreasonable for further car parking to be formed from this.

8. CONCLUSION

- 8.1 It is considered that overall the development complies with the relevant planning policies and would contribute to the Borough's five year housing supply, while bringing a prominent and significant building back into use and not having an unduly adverse impact on road safety, residential amenity or the protected trees within the site. In addition it is considered that the reasons for dismissing the appeal identified by the Inspector have been reasonably overcome. The recommendation is therefore to grant planning permission.

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: 2014/C003/04 (Rev A received 29 September 2014), 2014/C003/05, 2014/C003/06, 2014/C003/07 and 2011/C003/08.

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

(3) 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.

(4) 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.

(5) 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.

(6) 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.

(7) 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.

(8) 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.

(9) No development shall commence until full details of protection measures in accordance with BS5837:2012 *Trees in relation to design, demolition and*

construction – Recommendations for the trees to be retained on site have been submitted to and agreed in writing by the Local Planning Authority. The submitted details shall include a plan showing the location and root protection areas of all those trees to be retained, the location and details of protective fencing and a method statement for the carrying out of work. The development shall only be carried out in accordance with the agreed 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) Before development commences details of the vehicular access/egress from Churchill Avenue shall be submitted to and agreed in writing by the Local Planning Authority. The submitted details shall demonstrate the visibility splays and pedestrian inter-visibility splays which can be achieved and the method of surfacing. The development shall only be carried out in accordance with the agreed details with the visibility splays and pedestrian inter-visibility splays to be retained thereafter.

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.

(11) A minimum of 10% of the total number of dwellings shall be constructed to the Local Planning Authority's mobility standards in accordance with further details to be submitted to and approved in writing by the Local Planning Authority and implemented concurrently with the development and thereafter retained as such.

Reason: To ensure the provision and retention of dwellings(s) suitable for use by people with disabilities in accordance with Policy H17 of the Northampton Local Plan.

10. BACKGROUND PAPERS

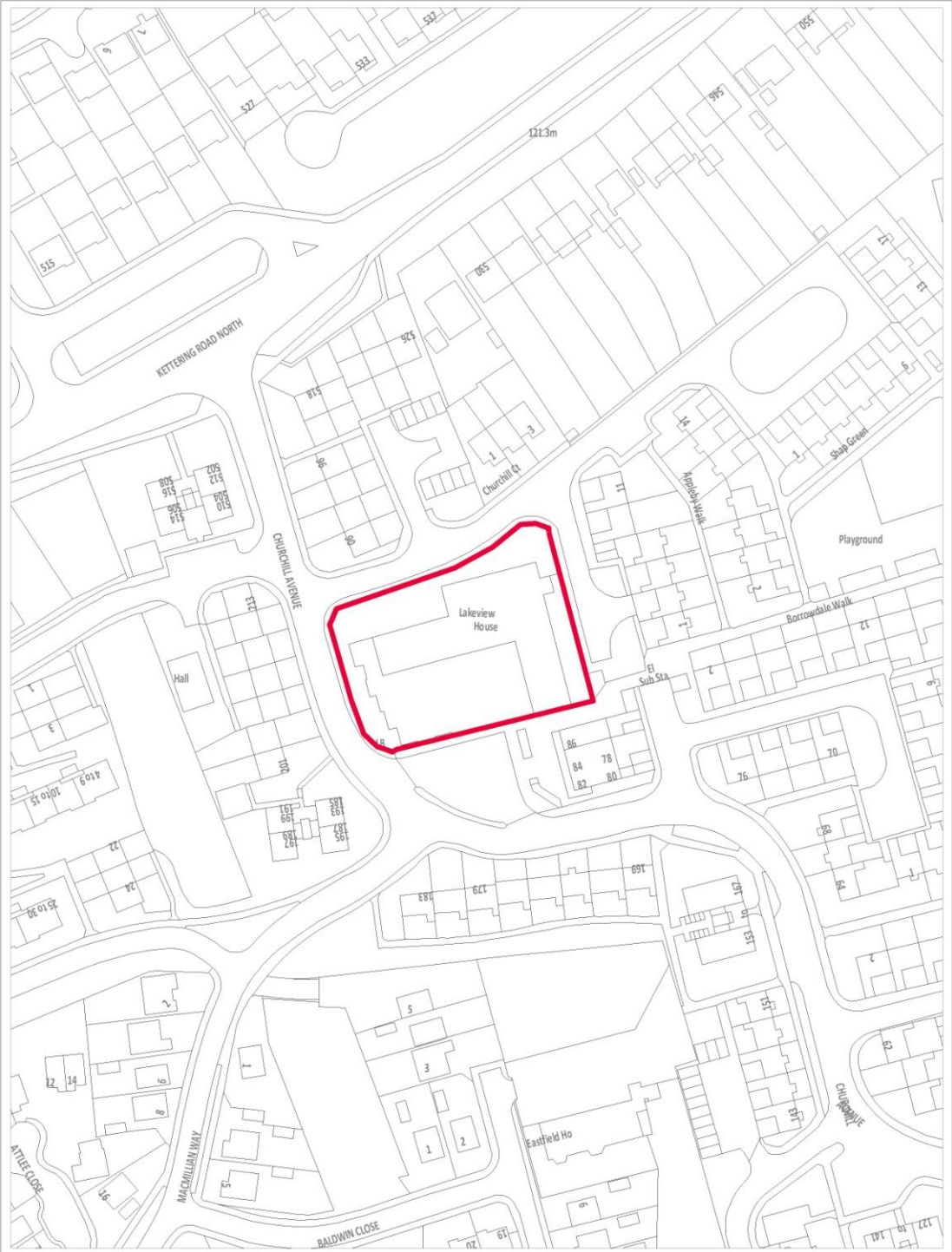
10.1 N/2014/0911

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: Site Location Plan
 Date: 3rd February 2015
 Scale: 1:1250
 Dept: Planning
 Project: Planning Committee

Title
88 Churchill Avenue

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