

**PLANNING COMMITTEE:** 19<sup>th</sup> March 2019  
**DEPARTMENT:** Planning Service  
**HEAD OF PLANNING:** Peter Baguley

**APPLICATION REF:** N/2018/1746

**LOCATION:** Kingsley Nursing Home, 18 - 20 Kingsley Road

**DESCRIPTION:** Change of Use from Care Home (Use Class C2) to Supported Living Accommodation (Use Class C3) comprising of 14no apartments

**WARD:** Trinity Ward

**APPLICANT:** Supported Living Homes Ltd  
**AGENT:** CC Town Planning Ltd

**REFERRED BY:** Councillor Jane Birch  
**REASON:** Impact on neighbours and noise

**DEPARTURE:** No

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#### **APPLICATION FOR DETERMINATION:**

##### **1 RECOMMENDATION**

- 1.1 **APPROVAL** subject to the conditions as set out below and for the following reason:
- 1.2 As the site is within an established residential area, there is no objection in principle to conversion to flats. The proposal would also contribute to the Council's 5 Year Housing Land Supply. The proposal would not have an undue detrimental impact on the appearance and character of the host building, wider area and Kingsley Conservation Area, nor result in any undue harm to residential amenity, parking, and highway safety. The proposal therefore accords with Policies E20 and E26 of the Northampton Local Plan, Policies S1, S10 and BN5 of the West Northamptonshire Joint Core Strategy and the aims and objectives of the National Planning Policy Framework.

##### **2 THE PROPOSAL**

- 2.1 Change of Use from Care Home (Use Class C2) to Supported Living Accommodation (Use Class C3) comprising of 14no apartments. 10 on-site car parking spaces would be provided.

##### **3 SITE DESCRIPTION**

- 3.1 The application site is located on the north-eastern side of Kingsley Road and comprises a former nursing home at 18-20 Kingsley Road. The existing building is part two, part three stories in height, with basements.

- 3.2 The existing building is bordered by residential properties to each side, the Speedwell Works, a Grade II listed building, and garages to the rear, and The Racecourse, an area of recreational open space, to the front. The site is located within the Kingsley Conservation Area.

#### **4 RELEVANT PLANNING HISTORY**

- 4.1 N/2009/0924 – Single storey and first floor rear extensions – Approved 10/03/2010.  
4.2 N/2005/0258 – Demolish rear single storey and erection of ground and first floor rear extensions – Approved 29/04/2005.  
4.3 N/2002/1173 – Change of use of 18 Kingsley Road to nursing home (max 5 residents) as an extension to existing nursing home at 20 Kingsley Road – Approved 11/12/2002. (total of 25 residents).  
4.4 N/1995/772 – Single storey rear extension – Approved 31/01/1996.  
4.5 N/1991/0338 – Alteration of existing building extension to form 14 bedroom nursing home at 20 Kingsley Road – Refused 17/07/1991.  
4.6 N/1990/1027 – Conversion of one house to eight flats at 20 Kingsley Road – Refused 20/02/1991.  
4.7 N/1990/0297 – Conversion to eight self-contained flats and 18 and 20 Kingsley Road – Approved 06/06/1990.  
4.8 N/1986/0062 – Change of use from dwelling and multi-occupancy to residential care home – Refused 16/07/1986.

#### **5 PLANNING POLICY**

##### **5.1 Statutory Duty**

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 the Northampton Local Plan (1997) saved policies.

Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require Local Planning Authorities when considering development to pay special attention to preserving a listed building or its setting and to the desirability of preserving or enhancing the character or appearance of a conservation area.

##### **5.2 National Policies**

The National Planning Policy Framework (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:

Section 2 – Achieving sustainable development  
Section 5 – Housing Supply  
Section 8 – Promoting healthy and safe communities  
Section 16 – Conserving and enhancing the historic environment

##### **5.3 West Northamptonshire Joint Core Strategy (2014)**

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 - Distribution of Development  
Policy S10 - Sustainable Development Principles

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

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:

Policy E20 – New development (design)  
Policy E26 – Conservation Areas

#### 5.5 **Supplementary Planning Documents**

Northamptonshire Parking Standards (September 2016)  
Planning out Crime in Northamptonshire SPG 2004

### 6 **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

- 6.1 **Crime Prevention Design Advisor** - concerns raised with the layout of the development. The internal legibility leaves something to be desired with an excessive number of openings which appear to compromise the security of each supported living flat. In light of the vulnerability of the residents a less permeable internal layout would be appreciated to ensure the security of residents and to prevent unauthorised internal circulation. As there are a number of floors, it would be helpful if the lift was fob controlled and access control should be in place on front and back doors so that visitors can be adequately screened. Any new doors and windows on the ground floor should meet the requirements of ADQ Building Regulations and be 3<sup>rd</sup> party compliant. Each apartment should be PAS 24:2016 compliant with key to thumb turn control.
- 6.2 **Highways (NCC)** - given the existing use, and that the proposed apartments are for supported living, the LHA does not believe that there will be a significant increase in parking demand generated by this development that could compromise highway safety.
- 6.3 **Public Protection (NBC)** - request 1 charging point per unit to offset air quality emissions, and request informatives in relation minimum nitrogen oxide standards for gas fired boilers and acoustic separation to appropriate Building Regulation standards.
- 6.4 **Conservation (NBC)** - the proposed change of use will have a neutral impact on the character of the Conservation Area. The alterations to the rear wall are also acceptable - the Kingsley Article 4 Direction refers to alterations to a boundary wall fronting a highway and in effect refers to the front boundary rather than the wall to the private access at the rear. The garage to the rear is not of significance and can be demolished (it is the original garage to the front which was considered of benefit to the Conservation Area). Suggest, if possible, the bricks taken out to alter the entrance be used to make good the breach in the wall so that it matches.
- 6.5 **NBC Refuse** – no response received.
- 6.6 **Councillor J Birch** - concerns raised with proposed change of use to supported living. Concern is raised with the noise impact of the development on neighbouring properties with noise transfer through the walls and floor joists and disturbance with comings and goings, door slamming, toilets flushing, smoke and fire alarms going off etc. There would be the need for effective sound proofing between Nos.18-20 and their neighbours. Clarity is sought as to the management of the property to reduce disruption to neighbours. Concern is also raised with the rear access road being uneven, poorly lit and narrow and the impact on residents with mobility issues, and also the limited parking available to the rear.

Following this concern additional supporting information was submitted and further comments received from Councillor Birch:

Concerns regarding ramp to left of plan which allows views into bedroom, and staff cannot access the right side of the building without going outside. Pleased to see sound proofing proposed.

6.7 Two letters of objection have been received. The concerns raised within these letters can be summarised as follows:

- Proposed use does not compromise C3 but would remain C2;
- Impact on neighbouring amenity through noise through party walls – already hear fire alarms, banging doors, and shouting from neighbours in house and garden and concerned this will increase with 14 kitchenettes and multiple users. Also concern with increased door bells. Request sound proofing;
- Impact on rear access. Rear access road unfit for wheelchairs due to potholing, and there are a large number of people using this due to HIMO's and flats in the area alongside factory workers;
- Insufficient parking is provided for the development which may result in parking on the rear access road. Request details on who will manage this issue and response times. Assumption by applicant that there would be reduced parking is unsupported. Not allowing occupants to have a vehicle is discrimination;
- Number of parking spaces shown to rear is unrealistic;
- Parking includes two spaces in a garage with outward opening doors. It would not be possible to fit two vehicles in this garage;
- Existing parking layout includes passing spaces which are shown to be lost as part of this development;
- No waste disposal is shown;
- Concern regarding fire evacuation procedures for residents with disabilities and for those who panic;
- Concern regarding what disabilities occupiers will have and whether this is safe on a busy main road, and the impact of this on neighbours;
- Concern regarding how neighbours will communicate any issues - to landlord agency, inside the block or at Northampton Adult Social Services (NASS).

6.8 Following a re-consultation on amended plans and additional information, objections are maintained as above and raise the following additional concerns which are summarised as follows:

- Lack of acoustic survey and detail of what the applications to walls, floors, ceilings in respect of noise reductions on party walls.
- Concern regarding loss of garage building in Conservation Area.
- Impact on amenity due to proposed location of bike rack and bin store.

## **7 APPRAISAL**

### **Principle**

7.1 The application proposes the conversion of the existing nursing home into 14 flats, Use Class C3 (dwelling houses), comprising 13 x 1-bedroom flats and 1 x 2-bedroom flat. The proposed use is for supported living accommodation for vulnerable adults with a range of physical and/ or learning disabilities, with occupiers living independently, but with support staff on site to assist in helping occupiers if needed. The supporting information advises that the intention is to empower tenants to live as independent a life as possible with the aim of having each occupier mover into a more traditional residential setting where appropriate/possible.

7.2 Concern has been raised that the proposed use outlined does not fall within Use Class C3 (dwelling houses), but falls within Use Class C2 (residential institution) providing residential accommodation and care to people in need of care. The distinction between the two uses in respect of the application proposed is finely balanced. The proposed flats will be self-contained, but will include 24 hour on-site staff support. However, the main intention is that the proposed

occupiers will living independently in self-contained flats with minimal support, the level of support varying according to each individual's needs, but which may include, for example, help with shopping, paying bills, cooking, and travelling. The overall aim however is for independent living and as such it is considered that the proposed use can be considered as Use Class C3, and the application is therefore assessed on this basis.

- 7.3 Historically the application site would have formed two residential dwellings. In addition, Kingsley Nursing Home is bordered by a residential dwelling to the north-west, and flats to the south-east. As such, the change of use of the building back into residential use is considered acceptable.
- 7.4 The application site is located in a residential area within the urban area of Northampton and therefore development of the site is acceptable in principle under Policy S1 of the Joint Core Strategy. In addition, the Council cannot presently demonstrate a five year housing land supply. Therefore, in accordance with the presumption in favour of sustainable development in paragraph 14 of the NPPF, development should be permitted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. In line with this, the principle of residential development on the site is accepted subject to compliance with other sections of the Development Plan which are considered below.

### **Design and Impact on Heritage Assets**

- 7.5 The submitted application is predominantly for a change of use, and as such the majority of alterations are internal. The only external alterations would be to the existing parking area and garden, including the repositioning of the gap in the rear boundary wall, the erection of a bin store and bike store, and the demolition of the garage to the rear of the site. As current, the rear garden comprises grass and worn paving. It is proposed to remove the existing paving and install new pavements from the building to the parking area. In line with this, the existing gated entrance within the rear wall would be re-located to a more central position to allow a more efficient parking layout to the rear. A new bin store and bike store would also be erected by this wall. The existing semi-derelict garage would be demolished, other than the rear wall which would be lowered to create a boundary wall. It is considered that the alterations to the rear garden and parking area would improve the appearance of the site from the rear service yard. In line with this, these alterations are considered acceptable in design terms.
- 7.6 The application site is located within the Kingsley Conservation Area and adjacent to a Grade II listed building. It is considered that the proposed external alterations detailed above would have a neutral impact on the Conservation Area and the setting of the listed building. The Conservation Officer raises no objection.

### **Neighbouring Amenity**

- 7.7 The proposed flats will share a party wall with a dwelling at 22 Kingsley Road to the north-west, and flats within 16 Kingsley Road to the south-east.
- 7.8 The application does not include the provision of any new windows or extensions, and as such it is not considered that the proposal would result in any increased overlooking or visual impact in respect of overshadowing or loss of light on neighbouring properties.
- 7.9 The application has been amended to re-locate the bin store further away from immediate neighbouring boundaries to avoid any unacceptable impacts on amenity.
- 7.10 Concern has been raised that the proposed change of use would harm neighbouring amenity in respect of noise. The existing use of the premises is as a nursing home with permitted occupancy for up to 23 residents, albeit the property is currently vacant. The proposed conversion for 14 flats, including one 2-bedroom flat, with a potential overall occupancy of 15 residents, plus staff, is not considered to be an intensification in terms of occupation of the building, however, it is acknowledged that there is potential for increased comings and goings to occur, and increased

noise impacts associated with private residences in comparison to the previous use as a care home.

- 7.11 Whilst NBC Public Protection have raised no objection to the proposal, the applicant has advised that as part of the conversion it is intended to improve the thermal insulation and acoustic attenuation of the building. An acoustic survey of the property would be carried out which would inform the design of any acoustic attenuation to meet Building Regulation requirements.
- 7.12 In view of the above, it is considered, in these particular circumstances, appropriate to impose a condition in respect of noise mitigation measures to ensure that there is no undue impact on neighbouring amenity.

### **Living conditions of future occupants**

- 7.13 The application proposes the creation of 14 residential flats, and as such consideration must be given as to the relationship between these flats and whether acceptable living conditions are provided for future occupants.
- 7.14 At ground floor level the bedroom window for wheelchair accessible Flat 5 and the kitchen/living room window for wheelchair accessible flat 6 are lined up and within close proximity. As current, both windows are clear glazed and offer a clear view into each room. The revised plans include an indication that the lower section of the window within the bedroom of Flat 5 shall be obscure glazed. This allows the provision of natural light into the bedroom window of flat 5 through the upper half, whilst ensuring that any direct overlooking is minimised between these properties. It is considered that with the lower section of the window obscure glazed the relationship between these windows would be acceptable.
- 7.15 At first floor the kitchen window for Studio 10 is within close proximity of the kitchen window for Flat 8 and with clear glass a clear view is possible between these. The revised plans indicate that the kitchen window to Flat 8 would be obscure glazed and fixed shut, which would overcome this concern.
- 7.16 At first floor the kitchen window of Flat 13 and the bedroom 1 window of Flat 11 offer views between. The revised plans indicate that the kitchen window of Flat 13 would be obscure glazed and fixed shut to overcome this.
- 7.17 It is considered that each flat is provided with sufficient space and facilities. With the above restrictions on windows, which would be required by condition, it is considered that satisfactory living conditions are provided for future occupants of the development.
- 7.18 In respect of concerns raised regarding overlooking from the proposed external ramp outside Flat 2, the ramp is very low level to allow wheelchair access into this unit, and does not serve any other flats. As such, this relationship is considered acceptable.
- 7.19 Provision would be made for refuse storage to the rear of the property, the specific details of which would be agreed by condition.

### **Highways**

- 7.20 The application proposes 14 residential flats. The submitted proposed site plan indicates that there would be 10 parking spaces, with the existing semi-derelict garage being demolished to provide spaces 9 and 10.
- 7.21 Under the Northamptonshire County Council Highways Parking Standards, the parking requirements for applications for flats are assessed on their own merits based upon the local character. The application site is located within a sustainable location, with local facilities and public transport within walking distance. In line with this sustainable location and no objection

having been received from the County Council Highways Department, it is considered that the provision of parking as proposed is acceptable.

- 7.22 Provision would be made for secure cycle storage to the rear of the property, the details of which would be secured by condition.
- 7.23 Concern was raised that the existing car park to the rear provides a passing space to allow vehicles to pull partially onto the site should vehicles meet both ways on the rear access road, and that this would be removed as a result of the development. The passing space is on land owned by the applicant with no requirement to provide the space. The rear service yard is relatively short, and there are only a small number of garages requiring access beyond this passing space. Visibility within the access road would allow any vehicles that do meet on the road to manoeuvre around each other further up the service road, or to pull back into their garage while they wait for another vehicle to pass. It is not considered that the removal of these passing spaces would amount to a reason for refusal.
- 7.24 In respect of third party concerns raised regarding an under-provision of parking and the potential for people parking on the rear access way and blocking resident access and the control of this, it is the case that the rear service road is not a public highway and as such it would be a private matter for the owners of the service road to control any parking on this road.
- 7.25 It is considered that sufficient access and parking would be provided for the development in view of the sustainable location and that the proposal is acceptable in this regard.

#### **Other Matters**

- 7.26 The Crime Prevention Design Advisor raised concern with the internal layout of the development due to some units having more than one entrance. The applicant has advised that the additional entrance doorways for the properties were requested by a fire assessor for fire safety, and to allow easier assistance from carers should it be needed. It is considered that the provision of more than one doorway to the units is not a matter which would amount to a reason for refusal for the application. A condition is recommended requiring the development to meet the principles of Secure by Design.
- 7.27 In respect of concerns regarding the poor quality of the rear service road and wheelchair access, residents can access/ exit the property to the front and rear. The poor servicing of the rear access road would not amount to a reason for refusal for this application.
- 7.28 Matters regarding fire evacuation procedures, and the location of the premises on a busy road and safety concerns for residents are not a planning matter.
- 7.29 In respect of concerns raised regarding the management of the premises, and processes for neighbours to communicate any concerns, whilst this element is not a material planning consideration, the intention is that the property will be run by a Registered Provider, the contact details of whom would be readily available. In addition, a carer would be on-site 24 hours a day. As such, it is considered that there would be an appropriate contact point available should any issues arise.
- 7.30 Concern has also been raised that staff members cannot access both sides of the property without going outside. With the application being for C3 dwelling units, any staffing needed should only be needed in a support capacity. It is not considered unacceptable that the staff members would need to walk outside between the two halves of the building as this should only be occasional.
- 7.31 In respect of the request from Public Protection for the provision of vehicle charging points, in view that it is not considered that the proposal would lead to an overall increase in number of occupants compared to the previous use, it is not considered this requirement could be justified.

## **8 CONCLUSION**

- 8.1 As the site is within an established residential area, there is no objection in principle to conversion to flats. The proposal would also contribute to the Council's 5 Year Land Supply. The proposal would not have an undue detrimental impact on the appearance and character of the host building, wider area or heritage assets, nor result in any undue harm to residential amenity, parking, and highway safety in accordance with policy requirements. The application is, therefore, recommended for approval.

## 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: 658.1.-001 (received 14/12/2018), 658.3A-201 Rev F (received 12/02/2019) and 658.3A-202 (received 6/03/2019).

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

3. The materials to be used in the works to the external area in respect of the pathway and boundary wall shall be as specified in drawing no. 658.3A-202, or of a material which is visually matching in appearance.

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 (saved policies).

4. Parking shall be laid out and provided in accordance with the details shown on drawing no. 658.3A-202 prior to occupation of the development hereby permitted and retained thereafter.

Reason: To ensure a satisfactory standard of development in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy.

5. Notwithstanding the submitted details, a scheme for the mitigation of noise impacts on residential properties attached to either side of the application building shall be submitted for approval in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the use hereby permitted commencing and retained as such thereafter.

Reason: In the interests of residential amenity in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy.

6. As shown in plan 658.3A-201 Rev F, the lower half of the ground floor bedroom window for accessible flat 5 as shown in diagram A shall be obscure glazed, and the first floor kitchen window for flat 8 (that nearest the kitchen window for flat 10) and the first floor kitchen window for flat 13 (that nearest the bedroom for this unit) shall be obscure glazed and fixed shut below a level of 1.7 metres above floor level, prior to first occupation of the development hereby permitted, and retained as such thereafter.

Reason: To safeguard the privacy of the adjoining properties in accordance with Policy E20 of the Northampton Local Plan 1997 (saved policies).

7. Prior to first occupation of the development, full details of facilities for the secure and covered parking bicycles shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented on site prior to use hereby permitted commencing and retained as such thereafter.



Reason: To ensure the provision of adequate facilities in accordance with Policy S10 of the West Northamptonshire Joint Core Strategy (2014).

8. Prior to first occupation of the development, 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. The approved details shall be implemented on site prior to use hereby permitted commencing and retained as such thereafter.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy E20 of the Northampton Local Plan 1997 (saved policies).

## **10 BACKGROUND PAPERS**

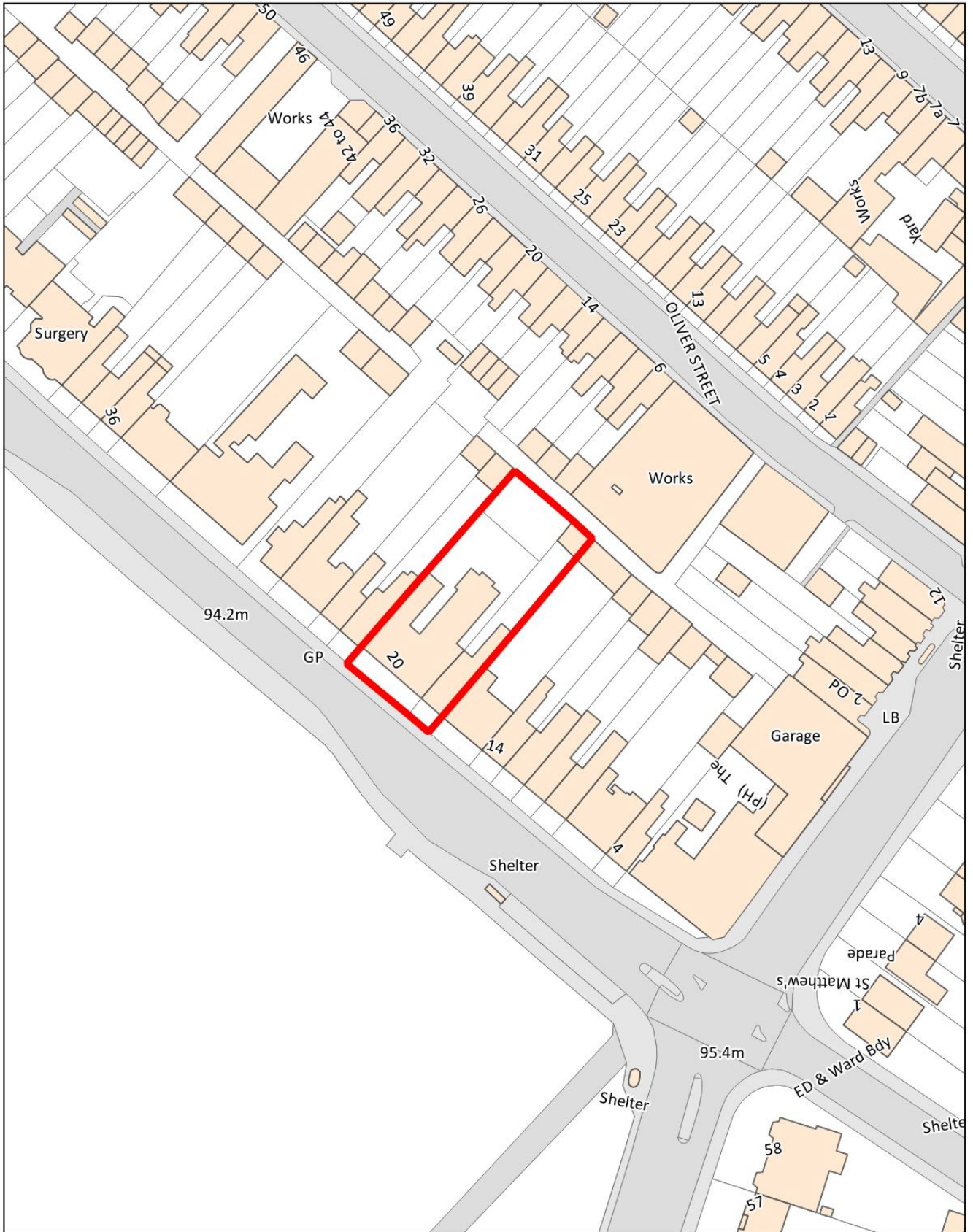
- 10.1 N/2018/1746.

## **11 LEGAL IMPLICATIONS**

- 11.1 The development is not CIL chargeable.

## **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.



Title: **18 - 20 Kingsley Road**

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Date: 28-02-2019

Scale: 1:1,000

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