



NORTHAMPTON
BOROUGH COUNCIL
Planning Committee

PLANNING COMMITTEE: 21st January 2021

DEPARTMENT: Planning Service

DIRECTOR OF PLANNING: Peter Baguley

APPLICATION REF: N/2020/1349

LOCATION: Kingsley Nursing Home , 18 - 20 Kingsley Road

DESCRIPTION: Change of Use from Care Home (Use Class C2) to supported living accommodation for the homeless (Sui Generis)

WARD: Trinity Ward

APPLICANT: Key Stage Housing

AGENT: LMR Designs

REFERRED BY: Director of Planning and Sustainability

REASON: Significant public interest

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

1.1 **APPROVAL** subject to the conditions as set out below and for the following reason:

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 the National Planning Policy Framework, Policies S1, S10 and BN5 of the West Northamptonshire Joint Core Strategy, and Policies E20 and E26 of the Northampton Local Plan.

2 THE PROPOSAL

Planning permission is sought for the change of use of the building from a Care Home (Use Class C2) to supported living accommodation for the homeless (Sui Generis).

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. The existing building is bordered by residential dwellings to each side, Westminster Works and garages to the rear, and The Racecourse park to the front. The site is located within the Kingsley Conservation Area. To the rear of the site is a car parking area for the

nursing home and a garage which has permission to be converted to an office for the nursing home, the works for which are nearing completion.

4 PLANNING HISTORY

- 4.1 N/2020/1011 – Alterations to roof and fenestration details of existing garage and conversion to meeting room connected with the use of the main building. Part demolition of existing garden walls and re-building of boundary wall (part retrospective) – Approved 06/11/2020
- 4.2 N/2020/1010 - Lawful Development Certificate for supported living accommodation for people with learning disabilities, mental health conditions, autism, and complex needs as well as community rehabilitation and homelessness – Withdrawn
- 4.3 N/2018/1746 – Change of Use from Care Home (Use Class C2) to Supported Living Accommodation (Use Class C3) comprising of 14no apartments – Approved 20/03/2019 – Not implemented.
- 4.4 N/2009/0924 – Single storey and first floor rear extensions – Approved 10/03/2010.
- 4.5 N/2005/0258 – Demolish rear single storey and erection of ground and first floor rear extensions – Approved 29/04/2005.
- 4.6 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.
- 4.7 N/1995/772 – Single storey rear extension – Approved 31/01/1996.
- 4.8 N/1991/0338 – Alteration of existing building extension to form 14 bedroom nursing home at 20 Kingsley Road – Refused 17/07/1991
- 4.9 N/1990/1027 – Conversion of one house to eight flats at 20 Kingsley Road – Refused 20/02/1991
- 4.10 N/1990/0297 – Conversion to eight self-contained flats and 18 and 20 Kingsley Road – Approved 06/06/1990
- 4.11 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 Northampton Local Plan (1997) saved policies.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention 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:

Paragraphs 7-12 - Presumption in favour of sustainable development.

Paragraph 60 - Housing needed for different groups in the community.

Paragraph 127 - Create places with a high standard of amenity for existing and future users.

Section 8 - Promoting healthy and safe communities.

Section 9 - Promoting sustainable transport

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:

S1 Distribution of development

S10 Sustainable Development Principles

BN5 Conservation

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 policy is material to this application:

Policy E20 - New Development (Design)

Policy E26 – Conservation areas

5.5 Supplementary Planning Documents

Northampton Parking SPD (2019)

Northamptonshire Parking Standards (2016)

Planning out Crime in Northamptonshire SPG 2004

6 CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

6.1 **Northampton Borough Council Public Protection** – No objection subject to conditions requiring a noise survey, details of mechanical fixed plant equipment, and refuse storage. An advisory on working hours is also requested.

6.2 **Northamptonshire County Council Highways and Access** – No comments to make.

6.3 **Northamptonshire Police** – No objection to principle. Satisfied with circulation controls proposed. No provision for companion animals. Consideration for kennels for dogs should be given.

6.4 **Northamptonshire Fire Service** – Layout is same as existing and previous inspection was satisfactory and fire protection measures should therefore be in place already.

6.5 **Northampton Borough Council Conservation** – No objection on heritage grounds. Change of use would not impact upon character or appearance of the Conservation Area.

6.6 11 letters from 8 residents have been received objecting to the application. The comments can be summarised as follows:

- Number of occupants needs to be reduced.
- Kitchen is too small for number of occupants and no dining rooms.
- No place for residents to wash and dry clothes.

- Staff facilities inadequate for number of jobs they must complete.
- Where are clinics to be held to help people?
- Safety for women is important and there does not appear to be the layout to allow the women occupiers safe separate accommodation to the men.
- How will general practice medical care be provided to service users.
- Could increase crime in area.
- Likely to increase homelessness problem during day by bringing more people to this area.
- Litter being thrown into neighbouring garden.
- Would be better away from residential area and in detached property to protect residents from anti-social behaviour.
- Protection measures for anti-social behaviour needed.
- Will result in current residents leaving due to noise, disruption, and risk.
- Loss of amenity, noise and disturbance to neighbouring properties.
- No facilities in property which will not support people so residents will be forced outside to eat and socialise – likely to have severe mental health and behavioural problems and worries about children who walk past to school.
- The residents are loitering in tram stop and bus shelters on Racecourse and are abusive and fighting.
- Vandalism in area resultant from occupants.
- Police and ambulance appear to visit property regularly.
- Car park to rear does not have space for 8 cars as suggested in statement.
- Use appears more as a hostel than a *sui generis* supported living.
- Question if rough sleepers be imported from elsewhere or will it only be those in Northampton (*Officer Comment: This is not a material planning consideration*).
- Difference between nursing home and night shelter enormous (*Officer Comment: The proposal is for supported living accommodation for the homeless*).
- Social services not consulted on application (*Officer Comment: The Social Services are not a statutory consultee for this application*).
- Applicants website not working (*Officer Comment: This is not a material planning consideration*).
- Question what use class the building is following use class alterations (*Officer Comment: The existing use remains unchanged as a C2 care home, and the proposed use is *sui generis**).
- Unauthorised works on site (*Officer Comment: This is not a material planning consideration in the assessment of this application and the Council's Planning Enforcement Officers have been notified of the alleged breaches*).

11 letters of support have been received. The comments raised can be summarised as follows:

- Important contribution to helping people experiencing homelessness to rebuild their lives and find and maintain a home.
- Essential work and project.
- Important to ensure vulnerable and at risk group are provided with temporary shelter and on-going placement
- Excellent and professional organisation (Keystage Housing).
- Multi-agency approach to reduce rough sleeping and provide opportunities to access support important.
- Pleased building being used for amazing use.
- Northampton has high rate of homelessness in the town with little suitable accommodation to support the needs of the homeless community in order that they have a holistic approach to assessing their needs and accessing suitable housing options. Proposal fills gap.
- Will make a significant difference to lives of many.
- Much needed, especially during winter.
- Town desperately needs to address homelessness situation.

7 APPRAISAL

Principle of development

- 7.1 The application proposes the conversion of the existing nursing home (use class C2) into supported living accommodation for the homeless (*sui generis*).
- 7.2 The planning statement outlines that the building is to be used to provide intensive supported accommodation to individuals who are currently rough sleeping, at risk of rough sleeping or currently living in unsuitable or unstable accommodations. The proposal is for 27 beds with 24 hours staffed services. The aim is to reduce the risk of returning to rough sleeping or homelessness through working in partnership with homeless services, social care, mental health, rehabilitation and voluntary services. It is advised that it is aimed to find a re-settlement within 28 days of a stay, however occupants can stay longer if a suitable re-settlement option is not found within that time.
- 7.3 Key Stage Housing, the applicants, advise that all occupiers are referred to the site, and vetted before they are accepted to stay at the property. No person approaching the building directly would be allowed admittance, with these being signposted elsewhere. No occupiers of the building are given keys, and staff escort residents into and out of the building. All staff on site, a minimum of 3 at any one time, have CCTV access on devices to monitor who is at doors. No guests or visitors are allowed within the building. The service users are allowed to live their lives normally and are not made to remain in the building or be home by certain times. Service users are required to comply with behaviour agreements, and if breached staff will work with the individual to try to overcome this, and if not possible, the individual may be removed from staying at the building. The aim is, however, to work with service users to overcome these issues.
- 7.4 The aim of the building is to help the service users to break negative behaviour and find a re-settlement opportunity. This involves the use of social workers, care co-ordinators, drug counsellors and mental health teams, for example. It is advised that it is likely that at the most a service user would only need one specialist visit per week, and these specialist visitors are likely to visit more than one service user when on site. Other appointments are largely outside of the site.
- 7.5 With regards to the principle of the development, the application site as current can be used as a care home for a maximum of 25 residents. There are no restrictions on the age of occupants or reason or type of care that is provided, nor the minimum length of stay. The use of the site for supported living for homeless rehabilitation would not be dissimilar to how the building can already be used. The only difference is that the residents are homeless, and as such the use class becomes *sui generis* as opposed to C2, meaning planning permission is needed.
- 7.6 It is considered that the principle of the use of the property for supported living accommodation for the homeless is acceptable, with this use being similar to that lawful within the existing building, and with the applicant outlining strong control measures to operating the site. It is considered that the permission should be personal to Key Stage Housing. This is to ensure that the site is operated with the management measures outlined within the application. Without this the Council would not have a control on any other occupiers and how they would manage the site to ensure that the use does not have an unacceptable impact upon neighbouring amenity.

Design and impact upon the Conservation Area

- 7.7 The application does not propose any alterations to the exterior appearance of the property other than the conversion of one window into a door which would not greatly alter the appearance of the property and would be acceptable in design terms.
- 7.8 The Conservation Officer has been consulted and advises that there is no objection on heritage grounds as the change of use would not impact upon the character or appearance of the Conservation Area.

Neighbouring amenity and the living conditions for future occupants

- 7.9 Concern is raised within neighbour letters as to the impact of the development upon neighbouring amenity through, for example, increases in crime, increased homelessness in area, litter, anti-social behaviour, and noise.
- 7.10 The lawful use of the application site as existing is as a 25 bedroom care home (although it was only used for 23 rooms). The application proposes to convert the building into a 27 bedroom supported living accommodation for the homeless, an increase of 2 occupants above that which can lawfully reside in the property as a care home. Additional bedrooms are created through the change in the use of some existing rooms, and slight internal re-arrangements.
- 7.11 The application includes details on the management of the building. All referrals to the building would be screened by experienced Resettlement Workers and staff would assist to occupants to build on skills, positive experiences and strengths, and plan for the future. There would be 24 hour staffed services, alongside partnership working with rough sleeping teams, homeless prevention or housing solutions teams, mental health teams, drug and alcohol services and other support teams. The aim is to work with the individuals to support a move on to permanent accommodation elsewhere and prevent a return to homelessness. The staff on site would comprise a Service Manager daily, approximately 3 members of staff 24/7 on shift 8am to 8am, 12 resettlement coordinators, property administration and operation and administrative support. The site would use video intercoms at entrances, managed by staff, CCTV in all communal areas, fob access to all offices, access controls to fire exits, and lone working devices for staff.
- 7.12 The Council's Public Protection team have been consulted on the proposal and raise no objections to the scheme subject to conditions requiring a noise survey, details of mechanical fixed plant equipment, and refuse storage. An advisory on working hours is also requested.
- 7.13 It is considered reasonable to attach conditions requiring details of noise and refuse. With the development being retrospective, these details would be required within 1 month of the date of the decision notice. It is not considered reasonable to attach an informative on working hours as these matters are controlled by legislation outside of the planning process. With regards to details of equipment/plant, there is no equipment proposed on the building and as such this condition is not necessary.
- 7.14 Northamptonshire Police have also been consulted on the proposal and raise no objection to the principle. The Police advise that the circulation controls proposed are satisfactory. A condition requiring the provision of this circulation control would be attached to any approval.
- 7.15 The Police request consideration for kennels for dogs as some homeless people will have pets. This is not included within this application and a separate planning application would be needed for these should a building be proposed externally.
- 7.16 Further concern was raised within neighbour letters as to the living conditions provided for future occupants, with concern that the number of occupants should be reduced, the eating facilities are inadequate, there are no laundry facilities, there is no separate building for female users, and that there are no spaces for the support meetings. The application has been amended to reduce the number of occupants from 32 occupants to 27, comparable with the number of occupants under the existing authorised use. It is considered that sufficient facilities are provided for the proposed use, with bathrooms, en-suites, kitchens and office spaces where meetings could be held.
- 7.17 The applicant has clarified that the service is not designed to provide food or cook meals for residents. Residents are encouraged to cook for themselves with the facilities provided to develop independent living skills. If an individual needs a higher level of support, staff can prepare meals. It is advised that outside of COVID safety practices residents are encouraged to come together and share knowledge, however this is their choice. Cooking facilities are monitored to support autonomy, independent living and appropriate use of shared space. Staff assist with motivation, cooking skills and meal planning. A pop up grocery shop will be organised once a week in the converted garage for residents to purchase food. Fridge freezers are provided in every room. Residents will also have access to donations and food banks as homeless residents.

- 7.18 With regards to laundry facilities, at ground floor and first floor washing machine and dryers are provided communally. At basement level a staff washing area is provided. Each bedroom is also provided with a hand basin.
- 7.19 With regards to meetings, it is advised that the most effective way to assist and support residents is little and often communication rather than formal meetings. Support meetings are held within the converted garage, outside, communal room at ground floor, bedrooms and internal meeting room (2nd floor).
- 7.20 With no objection having been received from the Council's Public Protection team or Northamptonshire Police, and with no extensions to the building or new windows, it is considered that subject to conditions, and subject to a personal permission, the proposal would not have an unacceptable impact upon neighbouring amenity and would provide adequate living conditions for future occupants.
- 7.21 Further concern was raised within neighbour letters as to whether adequate staff facilities were provided. Whilst it would be for the applicant to decide what level of staffing rooms to provide, the application provides a reception and office at ground floor, store rooms within the basements, and a further office and store at second floor level. This would appear sufficient for the use identified.

Parking and highway safety

- 7.22 Concern has been raised within neighbour letters as to the highway impact of the development and that the existing car park cannot accommodate 8 spaces.
- 7.23 The submitted block plan identifies the retention of the existing car park to the rear of the site which has space for approximately 8 vehicles.
- 7.24 It is the case that the application is for supported living accommodation for homeless people, and by that very nature the persons living at the site are unlikely to own vehicles. It is, therefore, likely that parking will be for staff and visiting support only.
- 7.25 The Highway Authority has been consulted on the proposal and raise no objection to the scheme.
- 7.26 With the existing lawful use being a care home with the same level of parking, with the occupiers unlikely to own vehicles, and with no objection having been received from the Highway Authority, it is considered that there would not be an unacceptable impact upon highway safety as a result of this proposal.

8 CONCLUSION

- 8.1 To conclude it is considered that the proposed change of use to supported living for the homeless 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. As such the proposed change of use is considered acceptable and it is recommended that planning permission is granted subject to conditions.

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: 020-030-102 Rev C, 020-030-103 Rev A.

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

3. The number of occupants within this property (not including staff) shall not exceed 27 persons at any one time.

Reason: In the interests of the amenity of the area and neighbouring residents, and highway safety in accordance with Policies H1 and H5 of the West Northamptonshire Joint Core Strategy.

4. The parking as shown within plan 020-030-103 Rev A shall be provided and retained for the parking of vehicles associated with the use hereby approved prior to occupation of the development hereby permitted and retained at all times 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, within 1 month of the date of this decision notice 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 within 4 months of the date of this decision notice 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. Within 1 month of the date of this decision notice a full noise survey and assessment with mitigation, undertaken by a competent noise consultant, must be submitted to and approved in writing by the Local Planning Authority. The noise survey must include an assessment of the road traffic on Kingsley Road and surrounding road network. Any mitigation must ensure that the internal noise climate for each habitable room is in compliance with BS8233:2014. The approved mitigation measures shall be provided in full on site within 4 months of the date of this decision notice and retained thereafter.

Reason: In the interests of securing a satisfactory standard of development, in accordance with the requirements of Policy S10 of the West Northamptonshire Joint Core Strategy.

7. The crime security measures identified within plan 020-030-102 Rev C (access controls, alarms, and CCTV) shall be provided within 2 months of the date of this decision notice and retained at all times thereafter.

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

8. Within 1 month of the date of this decision notice 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 within 1 months of the date of approval of details 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).

9. The use hereby permitted shall be carried on only by Keystage Housing, Company Number 11518376. If the use of the premises by Keystage Housing for supported accommodation shall cease the use of the premises shall revert back to the previous lawful use as a C2 care home.

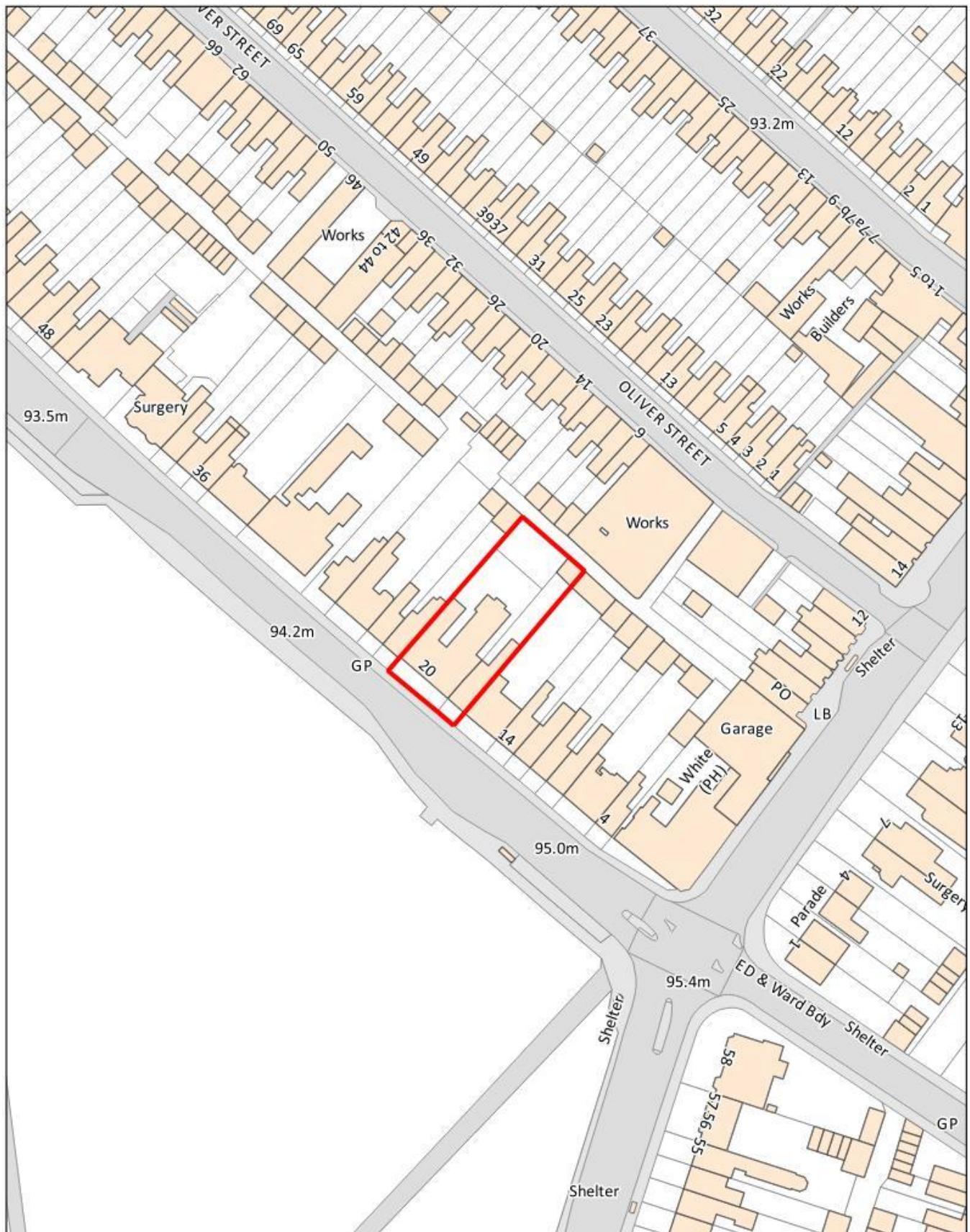
Reason: The development is within a residential area and it is important that the management of the site and how the use is operated remains in accordance with that of the current applicant to safeguard neighbouring amenity in accordance with the NPPF.

10 LEGAL IMPLICATIONS

- 10.1 The development is not CIL liable.

11 SUMMARY AND LINKS TO CORPORATE PLAN

- 11.1 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.



NORTHAMPTON
BOROUGH COUNCIL

Title: 18 - 20 Kingsley Road

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Scale: 1:1,250

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