

North Northamptonshire South Area Planning Committee (Wellingborough)

Application Reference	NW/23/00138/FUL	
Case Officer	Mr Graham Northern	
Location	57 & 59 College Street Wellingborough Northamptonshire NN8 3HF	
Development	Conversion of 2 no. existing terraced houses into 4 no. supported living apartments (C3A).	
Applicant	Heathcotes Care Limited	
Agent	Mr Nathan Turner	
Ward	Croyland and Swanspool Ward	
Overall Expiry Date	28 April 2023	
Agreed Extension of Time	23 July 2023	
Checked	Senior Development Management Officer	Debbie Kirk

List of Appendices

Appendix A – Appeal Decision APP/M2840/W/22/3304578

Appendix B – Decision Notice NW/22/00116/FUL

Scheme of Delegation

This application is brought to committee because it falls outside of the council's scheme of delegation as more than 5 neighbour objections have been received and the recommendation is for approval.

1. Recommendation

1.1 That planning permission be **GRANTED** subject to the conditions listed at the end of the report

2. The Application Proposal and Background

2.1 This application seeks planning permission for four no. one-bedroom self-contained supported living apartments (C3a) through the conversion of two existing three-bedroom terraced houses.

2.2 The proposed conversion results in minimal external alterations, by adding a new external door to the shared access. Any other elevation changes will be purely cosmetic, with replacement doors and windows where appropriate.

2.3 The applicant states the following in terms of the use:

“The proposal will result in suitable accommodation to provide low level support to those with a mental health and associated Autism diagnosis, enabling them to further develop their autonomy and positively engage with their local community.

All New Direction staff have a foundation in ‘Positive Behaviour Support’ (PBS) and ‘Skilled Helper’ training.

Staffing will be made available to the people they support, in line with their individualised needs and in accordance with their care and support plans. In addition to allocated support hours, there will be a 24 hour on-call system available.

The proposed development will be operated by a Registered Social Landlord as supported living accommodation, and all necessary support will be provided to residents according to their specific care plan in their own home.”

Background

2.4 This application is a resubmission of reference NW/22/00116/FUL, which was recommended for approval by officers but refused by the Wellingborough Area planning committee on 6 April 2022. The Wellingborough Area planning committee resolved to refuse the conversion of 2 no. existing three-bedroom terraced houses into 4 no. one bedroom supported living apartments (C3A) for the reason set out below:

“The proposed development would result in unacceptable noise, loss of amenity of local to local residents and the general environment. The proposed development would be contrary to policy 8 (e) (i) and (ii) of North Northamptonshire Joint Core Strategy and advice contained within paragraph 130 (f) of the National Planning Policy Framework.”.

2.5 A planning appeal, reference number APP/M2840/W/22/3304578, was submitted to the Planning Inspectorate and was subsequently dismissed on 12 January 2023 on the basis that information relating to the mitigation of the development’s impact on

the Upper Nene Valley Gravel Pits SPA was not provided to the Planning Inspector. This was the Planning Inspectors only ground for dismissing the appeal.

2.6 The SPA Payment and a Habitats Mitigation Contribution Agreement form have been provided.

3. Site Description and Surroundings

3.1 The application site consists of two 3-bedroom terraced properties situated on College Street on the outskirts of Wellingborough town centre.

3.2 The properties are of brick construction with projecting bay windows to the ground floor. One of the properties has a concrete interlocking tiled roof and the other slate.

3.3 The area is characterised by predominately dense terraced housing with brick and render the main building material and slate and tile roofs the main roofing material.

3.4 Both properties have a small front garden enclosed by stone walling. No off-street parking is available.

4. Relevant Planning History

WP/14/00754/FUL	Approved with conditions Erection of part single/part 2-storey rear extension	29.12.2014
NW/21/00876/FUL	Refused Four no. one-bedroom self-contained apartments (C3) from the two existing three-bedroom terraced houses.	22.11.2021
NW/22/00116/FUL	Refused Conversion of 2 no. existing three-bedroom terraced houses into 4 no. one bedroom supported living apartments (C3A)	07.04.2022

Appeal

22/00015/REF Conversion of 2 no. existing three-bedroom terraced houses into 4 no. one bedroom supported living apartments (C3A) Appeal Dismissed 12 January 2023.

5. Consultation Responses

A full copy of all comments received can be found on the Council's Website <https://www.wellingborough.gov.uk/viewplanningapplications>

5.1 Wellingborough **Town Council** – the committee endorse NNC highway engineers' comments that further information to satisfy the provision for off street parking accommodation in accordance with the Northamptonshire Parking

Standards and satisfy policy 8 (b) (ii) of the North Northamptonshire Joint Core Strategy. The committee also endorse for the parking beat survey to be repeated at an acceptable time to show a true reflection of parking available. If these requirements are met the committee do not object to this application.

5.2 Neighbours/Responses to publicity – 6 individual letters of objection from residents in the vicinity of the site, an interested party and a petition have been received raising the following matters:

Lack of parking/Intensification of on street parking
Noise and disturbance from the number of units
Overlooking
Location of bathroom

5.3 Local highway Authority (LHA) - Initial Comment – The parking beat survey was undertaken in a down period (holiday) and as such should be repeated.

Final Comments - The parking survey submitted in support of the application indicates that sufficient on street accommodation can be found in the vicinity of the application site. The Local Highway Authority does not intend to raise an objection to the application on highway safety or capacity grounds.

5.4 NNC Environmental Protection Officer (contamination) – No objections to this application concerning land contamination issues.

5.5 Northamptonshire Police – recommend informative:

The application must meet the requirements of Part Q building regulation 2015 in relation to security as stated by the regulation. Part Q states: The guidance in this approved document applies to new dwellings only; this includes dwellings formed by a change of use. All doors including individual apartment doors and windows in domestic dwelling should meet the requirements of Approved Document Q of Building Regulations. Northamptonshire Police recommend the use of 3rd party accredited products.

5.6 NNC housing development officer – remain supportive of the additional supported housing in the area. The need is demonstrated in the most recent HENA which was carried out in 2022 and results will be published shortly.

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

6.2 National Policy

National Planning Policy Framework (NPPF) (2021)
National Planning Practice Guidance (NPPG)
National Design Guide (NDG) (2019)

6.3 North Northamptonshire Joint Core Strategy – Part 1 of the local plan (JCS)

Policies:

- 1 (presumption in favour of sustainable development)
- 3 (landscape character)
- 4 (biodiversity & geodiversity)
- 6 (development on brownfield land and land affected by contamination)
- 8 (North Northamptonshire place shaping principles)
- 9 (sustainable buildings and allowable solutions)
- 28 (housing requirements and strategic opportunities)
- 29 (distribution of new homes)
- 30 (housing mix and tenure)

6.4 Other Relevant Documents:

Sustainable Design
Upper Nene Valley Special Protection Area
Planning Out Crime in Northamptonshire
Parking

7. Evaluation

The key issues for consideration are:

- principle of development and material considerations;
- design, layout and the effect on the character and appearance of the surrounding area;
- the Upper Nene Valley Special Protections Area;
- living conditions of future occupiers (compliance with national space standard, national accessibility standards);
- living conditions of the neighbouring occupiers;
- housing mix;
- effect/impact on highway safety in relation to the proposed access arrangement and parking provision;
- Crime and disorder

7.1 Principle of Development and material considerations - Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that *“If regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the development plan unless material considerations indicate otherwise.”*

7.2 Policy 1 of the JCS is clear that when considering development proposals, the local planning authority will take a positive approach that reflects the presumption in favour of sustainable development as set out within the revised NPPF.

7.3 In addition to the specific NPPF requirements set out above, paragraph 132 states that ‘applicants will be expected to work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably’.

7.4 Each flat would be used as a supported living apartment falling under Class C3A of the Town and Country Planning (Use Classes) Order 1987 as amended ('the UCO'). Low level support would be provided to the four occupants, with the applicant describing such support as akin to an elderly person living within their own home and receiving limited care/support. Policy H4 of PBW supports supported housing schemes that have good access to local facilities and public transport routes. The principle of conversion of the property for differing residential development of this site is broadly acceptable and would comply with policy H4 of PBW, however the proposals must also be considered against the other relevant policies in the development plan and other material considerations.

7.5 Design, layout and the effect on the character and appearance of the surrounding area

JCS at policy 8 (d) (i) and (ii) describes the principles that proposed development must take into account with regards to its effect on the character and appearance of an area.

7.6 The government at paragraph 130 (a) – (d) of the revised NPPF attach great importance to the design of built development. It goes on to advise that planning decisions should ensure that development will function well and add quality of the overall area; not just for the short term but over the life time of a development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the built environment and landscape setting, while not discouraging appropriate innovation and change; establish or maintain a strong sense of place, using the arrangements of streets, space, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

7.7 The National Design Guide, illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice. It forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools.

7.8 The proposed conversion results in minimal external alterations but includes a new external door to the shared access. Any other elevation changes would be purely cosmetic, with replacement doors and windows where appropriate. As such the proposals are considered in accordance with policy 8 (d) (i) & (ii) of the JCS.

7.9 Effect on the Upper Nene Valley Special Protection Area

The Upper Nene Valley Gravel Pits Special Protection Area (SPA)/Ramsar site is legally protected by the Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations').

7.10 Policy 4 of the JCS on biodiversity and geodiversity states that developments likely to have an adverse effect either alone or in-combination on the Upper Nene Valley Gravel Pits Special Protection Area must satisfy the requirements of the Habitat Regulations and avoid or mitigate any impacts identified.

7.11 The Upper Nene Valley Gravel Pits Supplementary Planning Document (SPD) has been produced to help local planning authorities, developers and others ensure that development has no adverse effect on the SPA, in accordance with the legal requirements of the Habitats Regulations. The SPD has been developed with

Natural England and the RSPB. A Mitigation Strategy adopted as an addendum to the SPA SPD provides further guidance for development within the 3km zone of the SPA and details a specific financial contribution for each new dwelling towards Strategic Access Management and Monitoring (SAMM) to avoid and mitigate impact.

7.12 Since these policies were adopted there has been a ruling made by the Court of Justice of the European Union (the CJEU) on the interpretation of the Habitats Directive in the case of People Over Wind and Sweetman vs Coillte Teoranta (ref: C 323/17). This requires development relying on mitigation in relation to the Habitats Regulations to no longer be considered at the screening stage, but taken forward and considered at the appropriate assessment stage to inform a decision as whether no adverse effect on site integrity can be ascertained.

7.13 A Habitat Regulations Assessment to identify the likely effects of the proposed development on the SPA has been undertaken. It is considered that a planning decision on the merits of the proposed development can be taken as the applicant has made an SPA mitigation payment of **£322.41** (application made valid on 3 March 2023) (**2 x £322.41 = £644.82**) made under section 111 of the Local Government Act 1972 and the development meets the criteria set out in the SPA SPD for this approach to be taken.

7.14 The proposed development would comply with policy 4 of the JCS and with the requirements of the SPA SPD. The contribution provided will be used for measures to reduce the impacts of the proposed development and allows a conclusion of no adverse effect on the integrity on the Upper Nene Valley Gravel Pits Special Protection Area and Ramsar Site.

7.15 **Housing mix**

7.16 Policy 30 (a) (i) of the JCS seeks to the mix of house types within developments to reflect the need to accommodate smaller house households with an emphasis on the provision on small and medium sized dwellings (1 to 3 bedroom) include where appropriate dwellings designed for older people.

7.17 Policy 30 (a) (ii) of the JCS seeks to ensure there would not be an overconcentration of a single type of housing where this would adversely affect the character or infrastructure of the area.

7.18 The proposals seek to create 4 No 1-bedroom units and the scale of the development is not considered to result in an overconcentration and meets the need for small units especially in terms of supported living. NNC housing development officer is supportive of the additional supported housing in the area. The need is demonstrated in the most recent Housing Enabling Needs Assessment. As such the proposals comply with policy 30 (a) (i) & (ii) of the JCS.

7.19 **National Space Standards**

The JCS at Policy 30 (b) requires the internal floor area of new dwellings to meet the National Space Standards as a minimum.

7.20 The proposals create the following ground and first floor apartment sizes:

- Ground Floor Self-Contained Apartments – 37.0 square metres.
- First Floor Self Contained Apartments – 50.4 square metres.

7.21 The proposals for the ground floor apartments meet the minimum gross internal floor area set out in the national space standards for a 1 bed 1 person 1 storey dwelling with a shower which require a minimum gross internal area of 37 square metres or with a bath 39 square metres. The proposals for the first floor apartments exceed meet the minimum gross internal floor area set out in the national space standards for a 1 bed 2-person 1 storey dwelling.

7.22 All bedrooms are single occupancy and over the minimum gross internal area of 7.5 square metres in floor area for a single bedroom. The ground and first floor flats have built in storage measures which exceed the required 1.0 square metre.

7.23 The proposals as such comply with policy 30 (b) of the JCS.

7.24 National Accessibility Standards

7.25 Policy 30 (c) seeks new dwellings to meet category 2 of the National Accessibility Standards as a minimum. During the consideration of this application, the applicant's agent indicated that they would not be able to fully comply with this policy requirement. As such, justification and further details were sought. The applicant's agent has indicated that due to the conversion of an existing dwelling into two one-bedroom flats and the constraints on the site, that not all elements of the standard can /will be met. However, a statement has been provided which sets out which parts of the standards will be met, and these are acceptable and justified

7.26 In this instance, the applicant is considered to have satisfactorily demonstrated that the site is too constrained to comply with several of the criteria set out under category 2 of the national accessibility standards.

7.27 The council is seeking a range of housing types to be provided with the growth town of Wellingborough, not just for older persons being designed for people with mobility issues. It would be acceptable in this instance for this small-scale development not to comply with category 2 of the national accessibility standards and be built in accordance with the submitted statement.

7.28 Living conditions of the neighbouring occupiers

7.29 The JCS at policy 8 (e) (i) details policy relating to the protection of amenity of neighbouring occupiers.

7.30 At paragraph 130 (f) of the revised NPPF the government requires new development to provide 'a high standard of amenity for all existing and future users.

7.31 6 objections have been received and the points raised are noted.

7.32 Representations have raised the level of accommodation and the activity from this and whilst the proposals result in 4 residential units these are single bedroom one person units as such 4 persons in total and when compared to the present 2 No 3 bedroom homes which could accommodate a higher number of people due to the higher number of bedrooms it is considered that the proposals will not result in a significant level of activity that would impact on residential amenity. Furthermore, the planning inspector considered that 'the existing dwellings each contain three bedrooms which could be occupied by a family. The proposal would contain four one-bedroom flats that would each be occupied by a single person. The comings and

goings associated with two, three-bedroom family homes would, in my opinion, result in more activity than the proposed development, even when considering the additional low-level support that the occupants may receive. Therefore, the proposal would not result in a level of activity that would unacceptably affect the living conditions of the occupiers of the adjacent neighbouring properties’.

7.33 Overlooking and privacy has also been raised, there are no changes to the positioning of the existing windows within each property and the use would remain domestic in nature and fall within the definition of a Use Class C3A dwellinghouse. Therefore, the degree of overlooking of neighbouring properties would not change, and therefore the harm to the occupiers of neighbouring properties in this respect would not be adversely affected.

7.34 Matters such as property values, property maintenance, behaviour of previous residents, damage during construction are not planning matters.

7.35 To facilitate the proposed development, the existing first floor accommodation within each terraced property would be altered to include an en-suite within the front bedroom, the larger rear bedroom would be altered to a lounge, and the smaller rear bedroom would be altered to a kitchen. The first-floor lounges would share a party wall with each other, whilst the proposed en-suite and kitchen of each first floor apartment would share a party wall with a neighbouring terraced property. Concern has been raised by neighbouring occupiers that the internal reconfiguration would lead to noise and disturbance. It is recognised that the provision of a kitchen and an en-suite along the party wall could result in more noise and disturbance to the occupiers of the bedrooms of the adjacent neighbouring properties. However, the proposed development would be subject to the requirements of Part E of the Building Regulations that sets out the soundproofing standards for new homes and conversions. There is nothing to suggest that the development would not be undertaken in compliance with Building Regulations and therefore the living conditions occupiers of the adjacent properties should not be adversely affected by the proposed internal reconfiguration. In addition, the inclusion of an en-suite within the first-floor front bedroom could be undertaken without planning permission and without complying with Part E of the Building Regulations.

7.36 The proposed development would not significantly affect the living conditions of the occupiers of neighbouring properties, with particular reference to noise and disturbance and privacy. The proposal would therefore comply with Policy 8(e)(i) and (ii) of JCS which seek to, amongst other things, not result in an unacceptable impact on the amenities of neighbouring properties or the wider area by reason of noise and overlooking. The proposal would also comply with paragraph 130(f) of the NPPF which seeks to, amongst other things, create places with a high standard of amenity for existing users.

7.37 Highway safety

7.38 JCS policy 8 (b) (i) gives a number of requirements that new development should achieve with regards to highway, pedestrian and other sustainable transport matters.

7.39 JCS policy 8 (b) (ii) seeks to ensure a satisfactory means of access and provision for parking, servicing and manoeuvring in accordance with adopted standards.

7.40 Parking

7.41 Parking accommodation should be provided in accordance with the Northamptonshire parking standards (2016) and satisfy policy 8 (b) (i) of the JCS. A one-bedroom unit should provide one allocated parking space. A two- and three-bedroom unit should provide two allocated parking spaces.

7.42 The properties have no off-street parking as it exists, and a three-bedroom dwelling would generally require two off street parking spaces to meet parking standards. The proposals create 4 one-bedroom apartments which would require one parking space each to meet the parking standards. One covered cycle parking space per bedroom should be provided.

7.43 NNC senior highway engineer has been consulted on this application and has raised no objection to the application on highway safety and capacity grounds but has noted that the proposal makes no provision for off street parking. The senior highway engineer has indicated that based on the information provided and in their professional judgement there is sufficient information available that the local highway authority could not sustain an objection to the proposals.

7.44 The applicants have undertaken a parking beat survey in support of this application which demonstrates suitable on street space exists for parking. The parking beat survey was undertaken on Saturday 13 May 2023 and Tuesday 16 May 2023 between 01:00am and 05:30 am and found a total of 71 spaces available within 200 metres walking distance of the site on the Saturday and 65 available within 200 metres walking distance on the Tuesday.

7.45 It should be noted that on street parking cannot be allocated or assigned to any individual person or property and its availability to accommodate the parking requirements of the development cannot be assumed or relied upon. A condition should be imposed seeking details of the covered cycle store to be provided to serve each dwelling.

7.46 On balance, it is considered the applicant has demonstrated that sufficient parking is available in the wider context and the residual cumulative impacts on the road network would not be severe therefore the proposal is in compliance with policy 8 (b) (i) and (ii) of the JCS and advice contained within paragraph 111 of the NPPF and is acceptable in highway terms.

7.47 Crime and disorder

Section 17 of the Crime and Disorder Act 1998 details the need for the council to do all that it reasonably can to prevent, crime and disorder in its area.

7.48 The JCS at policy 8 (e) (iv) sets out the policy requirement for new development to seek to design out crime and disorder and reduce the fear of crime.

7.49 The adopted designing out crime supplementary planning guidance gives detailed advice this issue.

7.50 The revised NPPF at paragraph 130 (f) state that decisions should aim to ensure that developments create safe, inclusive and accessible environments which promote health and wellbeing with a high standard of amenity for existing and future

users and where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion and resilience.

7.51 The proposals result in limited external changes; Northamptonshire police recommend the imposition of an informative relating to part Q of the building regulations in terms of security. Part Q states: The guidance in this approved document applies to new dwellings only; this includes dwellings formed by a change of use.

- All doors including individual apartment doors and windows in domestic dwelling should meet the requirements of Approved Document Q of Building Regulations. Northamptonshire Police recommend the use of 3rd party accredited products. With the inclusion of the above informative the proposed development is considered to accord with policy 8 (e) (vi) of the JCS.

8. CONCLUSION/PLANNING BALANCE

8.1 The proposed development complies with the relevant development plan policies and is consistent with the provisions in the revised NPPF specifically in relation to promoting sustainable development and transport considerations. In the absence of any material considerations of sufficient weight, it is recommended that the proposal be approved subject to conditions.

8.2 Members are also advised that the reason for refusal in the previous application that ended up at appeal were not considered sufficient grounds of refusal by the planning inspector and the appeal was purely dismissed on a technicality in terms of the SPA payment which is resolved in this submission.

9. Other Matters

9.1 Health Impact Assessment

Paragraph 92 of the NPPF states planning policies and decisions should aim to achieve healthy, inclusive and safe communities and, specifically, criterion (c) of this seeks to enable support healthy lifestyles for example, layouts which encourage walking and cycling. It is considered that the proposal subject to this application will enable many of these aims to be achieved and therefore it is considered acceptable on health impact grounds.

9.2 **Equality** – The proposed dwellings will provide accommodation for single persons in need a supported living and would meet the national space standards.

10. RECOMMENDATION

10.1 That planning permission be **GRANTED** subject to the conditions listed below.

11. Conditions

1. The development shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To prevent the accumulation of planning permissions; to enable the local planning authority to review the suitability of the development in the light of altered circumstances; and to conform with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in accordance with the following plans and documents:

Drawing 21-2370-(LP) A4 Site Location Plan Received 03.03.23

Drawing 21-2370-(01)04 Rev P2 Proposed Layout and site plan Received 06.07.23

Supplementary Access Statement Rev P1 received 03.03.23

Reason: To define the permission and to conform with the requirements of The Town and Country Planning (General Development Procedure) (Amendment No. 3) (England) Order 2009.

3. The development hereby approved shall be used for 4 No single occupancy supported living apartments within use class C3 (a) (and not for any other purpose) of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 only.

Reason: To define the permission and to conform with the requirements of The Town and Country Planning (General Development Procedure) (Amendment No. 3) (England) Order 2009

4. The dwellings hereby approved shall incorporate measures to limit water use to no more than 105 litres per person per day within the home and external water use of no more than 5 litres per day in accordance with the optional standard 36 (2b) of Approved Document G of the Building Regulations (2015).

Reason: To ensure that the development complies with policy 9 of the North Northamptonshire Joint Core Strategy.

5. Prior to the first occupation of the development hereby permitted details of the proposed bicycle parking shall be submitted to and approved in writing by the local planning authority and the scheme approved shall be provided and be retained thereafter.

Reason: To ensure the provision and availability of adequate cycle parking in accordance policy 8 (b) (i) of the North Northamptonshire Joint Core Strategy.

6. No dwelling hereby permitted shall be occupied until the refuse store, and area/facilities allocated for storing of recyclable materials, as shown on the approved plans has/have been completed in accordance with the approved plans. Thereafter, all refuse and recyclable materials associated with the development shall either be stored within this dedicated store/area, as shown on the approved

plans, or internally within the building(s) that form part of the application site.

Reason: To safeguard the amenity of the occupiers of adjoining premises, protect the general environment, and prevent obstruction to pedestrian movement, and to ensure that there are adequate facilities for the storage and recycling of recoverable materials in accordance with policy 8 (b) (i) and (e) (i) of the North Northamptonshire Joint Core Strategy.

12. INFORMATIVE/S:

1. In accordance with the provisions in the Town and Country Planning (Development Management Procedure) (England) Order 2015 and pursuant to paragraph 38 of the National Planning Policy Framework, where possible and feasible, either through discussions, negotiations or in the consideration and assessment of this application and the accompanying proposals, the council as the local planning authority endeavoured to work with the applicant/developer in a positive and proactive way to ensure that the approved development is consistent with the relevant provisions in the framework.

2. The Public Health Act 1875 Town Improvement Clauses Act 1847 at S.64. Prior to occupation of the newly created premises(s), the street numbering for this development or conversion - residential and commercial, must be agreed with the Street Naming and Numbering Officer. When issued, the number allocated must be clearly displayed on the outside of the property. Application forms for Street Naming and Numbering are available at https://www.wellingborough.gov.uk/info/200011/building_control/1039/street_naming_and_numbering

3. All gas fired boilers should meet a minimum standard of 40 mgNO_x/Kwh.

4. The application must meet the requirements of Part Q building regulation 2015 in relation to security as stated by the regulation. Part Q states: The guidance in this approved document applies to new dwellings only; this includes dwellings formed by a change of use. All doors including individual apartment doors and windows in domestic dwelling should meet the requirements of Approved Document Q of Building Regulations. Northamptonshire Police recommend the use of 3rd party accredited products.

Appeal Decision

Site visit made on 13 December 2022

by **A Berry MTCP (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 January 2023

Appeal Ref: APP/M2840/W/22/3304578

57 & 59 College Street, Wellingborough, Northamptonshire NN8 3HF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Tony Hardie of Jackson Design Associates Ltd against the decision of North Northamptonshire Council.
 - The application Ref NW/22/00116/FUL, dated 23 February 2022, was refused by notice dated 7 April 2022.
 - The development proposed is the conversion of 2no existing terraced houses into 4no supported living apartments (C3A).
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Tony Hardie of Jackson Design Associates Ltd against North Northamptonshire Council. This application is the subject of a separate decision.

Procedural Matters

3. The address within the banner heading above differs from that on the planning application form. However, it is clear from the submitted Location Plan that the appeal site incorporates both 57 and 59 College Street. This was confirmed by the appellant when the appeal was registered. I have therefore determined the appeal on this basis.

Main Issue

4. The Council has stated that the appellant has paid directly to them a sum of money towards measures to mitigate any adverse impacts of the development on the Upper Nene Valley Gravel Pits Special Protection Area (SPA)/Ramsar site. The Council has confirmed that this satisfies their requirements. Nevertheless, it is incumbent upon me as the competent authority, to consider whether the proposal would be likely to have a significant effect on the integrity of the SPA. It is therefore necessary for me to consider this matter as a main issue.
5. Therefore, the main issues are the effect of the proposed development on:
 - the living conditions of the occupiers of neighbouring properties, with particular reference to noise and disturbance and privacy; and
 - the integrity of the SPA.

Reasons

Living Conditions of Occupiers of Neighbouring Properties

6. The appeal site comprises two two-storey terraced dwellings sited adjacent one another. They are located on a predominantly residential street of terraced properties, close to the town centre of Wellingborough. The proposed development would involve the conversion of each terraced property into two flats (one on the ground floor and one on the first floor) that would be accessed independently and share the existing rear garden. Each flat would be used as a supported living apartment falling under Class C3A of the Town and Country Planning (Use Classes) Order 1987 as amended ('the UCO'). Low level support would be provided to the four occupants, with the appellant describing such support as akin to an elderly person living within their own home and receiving limited care/support.
7. The existing dwellings each contain three bedrooms which could be occupied by a family. The proposal would contain four one-bedroom flats that would each be occupied by a single person. The comings and goings associated with two, three-bedroom family homes would, in my opinion, result in more activity than the proposed development, even when considering the additional low-level support that the occupants may receive. Therefore, the proposal would not result in a level of activity that would unacceptably affect the living conditions of the occupiers of the adjacent neighbouring properties.
8. To facilitate the proposed development, the existing first floor accommodation within each terraced property would be altered to include an en-suite within the front bedroom, the larger rear bedroom would be altered to a lounge, and the smaller rear bedroom would be altered to a kitchen. The first floor lounges would share a party wall with each other, whilst the proposed en-suite and kitchen of each first floor apartment would share a party wall with a neighbouring terraced property. Concern has been raised by third parties that the internal reconfiguration would lead to noise and disturbance.
9. It is recognised that the provision of a kitchen and an en-suite along the party wall could result in more noise and disturbance to the occupiers of the bedrooms of the adjacent neighbouring properties. However, the proposed development would be subject to the requirements of Part E of the Building Regulations that sets out the soundproofing standards for new homes and conversions. There is nothing to suggest that the development would not be undertaken in compliance with Building Regulations and therefore the living conditions occupiers of the adjacent properties should not be adversely affected by the proposed internal reconfiguration. Furthermore, I note that the Council's Environmental Protection Officer in respect of noise and air quality, has not raised an objection in this regard or recommended the provision of conditions. In addition, the inclusion of an en-suite within the first floor front bedroom could be undertaken without planning permission and without complying with Part E of the Building Regulations.
10. Concern has been raised that the positioning of a kitchen adjacent to a first floor bedroom would result in cooking smells penetrating into the bedroom when the bedroom window is open, adversely affecting the living conditions of the occupiers of the neighbouring properties. The first floor kitchen windows would be located in close proximity to the bedroom window in the neighbouring properties. However, the apartment would be occupied by a single person and

therefore the kitchen would have a domestic intensity that would be lower than a family-occupied dwelling. Furthermore, an additional window is positioned within the kitchen that faces away from the neighbouring properties, and there is nothing to suggest that mechanical extraction would not be fitted within the kitchen areas to reduce the effects of any cooking smells. I also note that the Council's Environmental Protection Officer in respect of noise and air quality, has not raised an objection in this regard or recommended the provision of conditions.

11. There are no changes to the positioning of the existing windows within each property and the use would remain domestic in nature and fall within the definition of a Use Class C3A dwellinghouse. Therefore, the degree of overlooking of neighbouring properties would not change, and therefore the harm to the occupiers of neighbouring properties in this respect would not be adversely affected.
12. Concern has been raised by third parties in respect of the previous use of the dwellings as supported living accommodation and the associated impact that this had on the living conditions of occupiers of neighbouring properties. However, the previous use was as shared supported living units, rather than independent supported living units and it would be operated by a different company, albeit linked to the original provider. The proposal would promote a greater level of independence for occupiers compared to the previous use. Furthermore, the appellant has stated that each occupier would have a tenancy agreement with a Registered Provider (RP) and therefore should an issue arise, the RP would be able to take steps to resolve it or ultimately end the tenancy of the occupier. The differences between the previous and proposed use is such that a direct comparison cannot be made. In any event, each proposal must be determined on its own merits.
13. In respect of the first main issue, the proposed development would not significantly affect the living conditions of the occupiers of neighbouring properties, with particular reference to noise and disturbance and privacy. The proposal would therefore comply with Policy 8(e)(i) and (ii) of the North Northamptonshire Joint Core Strategy 2011-2031, adopted 2016 (CS) which seek to, amongst other things, not result in an unacceptable impact on the amenities of neighbouring properties or the wider area by reason of noise and overlooking. The proposal would also comply with paragraph 130(f) of the National Planning Policy Framework (NPPF) which seeks to, amongst other things, create places with a high standard of amenity for existing users.

Integrity of the SPA

14. The appeal site lies within 3km of the SPA. This is a European Designated Site afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended ('the Habitats Regulations'). The Habitats Regulations impose a duty on me, as the competent authority, to consider whether the proposal would be likely to have a significant effect on the integrity of the SPA, either alone or in combination with other plans and projects. In 2018, the Court of Justice of the European Union held that the decision maker, when considering the effect that a proposal may have on a European Site, must consider mitigation within the Framework of an Appropriate Assessment (AA),

rather than at the screening stage¹. This responsibility now falls to me as the competent authority.

15. Evidence shows that the SPA is under significant pressure from an increase in the level of public access for recreation, and disturbance of bird and reptile species, as a result of urban development. The proposed development has the potential to impact on the integrity of the SPA, through increased recreational disturbance. The increase in recreational pressure can lead to an increase in wildfires, damaging recreational uses, the introduction of incompatible plants and animals, loss of vegetation and soil erosion. Accordingly, disturbance by humans and their pets, amongst other factors, can have an adverse effect on the SPA.
16. There would be a likelihood of future occupiers visiting the SPA. Natural England has advised that the proposed development would be likely to result in recreational disturbance to the bird populations. I therefore conclude that the proposal, particularly when combined with other development in the area, would have a significant effect on these habitat designations through increased disturbance arising from recreational activity.
17. The Habitats Regulations state that permission may only be granted after I have ascertained that the development will not affect the integrity of the SPA. As part of my assessment, I must therefore consider whether the impact of the development could be mitigated. The Council has been operating a strategy for the protection of the SPA, which is set out in the Upper Nene Valley Gravel Pits Special Protection Area Supplementary Planning Document, adopted 2015 (SPD) and the Addendum to the SPA SPD: Mitigation Strategy, adopted 2016 ('the Addendum'). Natural England has stated that mitigation could be suitable and such measures could contribute towards the strategic mitigation project. The SPD identifies that mitigation could take the form of management of recreational activities, access/visitor management and habitat management.
18. The evidence before me suggests that the appellant has paid £299.95 per additional dwelling to the Council towards the mitigation strategy to mitigate any adverse impacts of the development on the SPA. This complies with the approach detailed within the Addendum. However, paragraph 4.4 of the Addendum requires the contribution to be secured either through a planning obligation or through a Section 111² template, to ensure the money is to be used for the Strategic Access Management and Monitoring (SAMM) of the SPA. Although requested, no evidence has been provided that either a planning obligation or a Section 111 template accompanied the payment of the monies. Without such a mechanism, the payment would not be properly secured, and therefore I am unable to give it any weight.
19. In respect of the second main issue, insufficient information has been submitted to verify that the proposal would not harm the integrity of the SPA. The proposal is therefore contrary to Policy 4 of the CS, which seeks to ensure the integrity of the SPA is protected.

Other Matters

20. Concern has been raised that the siting of the proposed first floor en-suites adjacent to the party wall with neighbouring properties could lead to damage,

¹ People over Wind and Sweetman v Coillte Teoranta ECLI:EU:C:2018:244

² Section 111 of the Local Government Act 1972

such as leaks, and that the previous use of the properties as shared supported living units led to damage to neighbouring properties. There is nothing before me to suggest that the en-suites would not be installed correctly, that the proposed development or its future occupants would necessarily cause any damage to neighbouring properties, or that any future issues that may arise would not be dealt with in an appropriate manner.

21. Third parties dispute the findings of the appellant's Beat Survey submitted in support of the planning application, as they have great difficulty in parking on College Street. However, these comments have not been substantiated with evidence and I also note that the Local Highway Authority has not disputed the results of the survey. Therefore, there is nothing before me to dispute the result of the appellant's Beat Survey.
22. I have had due regard to the Public Sector Equality Duty (PSED) contained in Section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment, and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. The Act sets out the relevant protected characteristics which includes disability. Since there is the potential for my decision to affect persons with a protected characteristic, I have had due regard to the three equality principles set out in Section 149.
23. The negative impacts of dismissing this appeal would arise from people with a protected characteristic to not be able to live in the manner proposed at the appeal site. However, it does not follow from the PSED that the appeal should succeed. I have not been provided with evidence that the people who may reside at the appeal proposal are not currently being catered for elsewhere, or that there is an urgent need for such accommodation to be provided, particularly as the appeal site is currently vacant and was previously used for a similar type of development. My actions in this respect, and my decision therefore on the appeal, are a proportionate response to the requirements of the Act and those of the plan led system.

Conclusion

24. I have found for the appellant in regard to the first main issue and compliance with the development plan. As a lack of harm however, this would not be sufficient to weigh against my findings and subsequent conflict with the development plan in regard to the second main issue. There are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with the development plan. For the reasons given above, and having regard to the development plan as a whole and all other matters raised, I conclude that the appeal is dismissed.

A Berry

INSPECTOR



**North
Northamptonshire
Council**

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NOTICE OF REFUSAL

Town and Country Planning Act 1990 (as amended)

Part I – Particulars of application

**Date Valid:
23 February 2022**

**Application Number:
NW/22/00116/FUL**

Location:

57 & 59 College Street, Wellingborough, Northamptonshire, NN8 3HF

Description:

Conversion of 2 no. existing three bedroom terraced houses into 4 no. one bedroom supported living apartments (C3A)

Part II – Particulars of application

North Northamptonshire Council having considered a valid application for the above development, in pursuance of its powers under the above mentioned Act:

REFUSE PERMISSION

for the development as described in Part I above and in accordance with the application and plans submitted, subject to the following reason/s:

- 1. The proposed development would result in unacceptable noise, loss of amenity of local to local residents and the general environment. The proposed development would be contrary to policy 8 (e) (i) and (ii) of North Northamptonshire Joint Core Strategy and advice contained within paragraph 130 (f) of the National Planning Policy Framework.**

INFORMATIVE/S:

1. In accordance with the provisions in the Town and Country Planning (Development Management Procedure) (England) Order 2015 and pursuant to paragraph 38 of the National Planning Policy Framework, where possible and feasible, either through discussions, negotiations or in the consideration and assessment of this application and the accompanying proposals, the council as the local planning authority endeavoured to work with the applicant/developer in a positive and proactive way to ensure that the proposed development is consistent with the relevant provisions in the framework.

2. Link to Policies for Refusals -

<http://www.nnjpu.org.uk/docs/Joint%20Core%20Strategy%202011-2031%20High%20Res%20version%20for%20website.pdf>

3. The following plans and documents have been refused:

Drawing 21-2370-(LP)A4

Site Location Plan Received 23.02.22

Drawing 21-2370-(01)04 REV P2

Proposed Layout and site plan Received 22.03.22 AD M4(2)

Supplementary Access Statement Document Reference: 21 / 2370/ SAS

Revision: P1 Date: March 2022 (5 pages) Received 22.03.22

Decision Date

7 April 2022

Signed:

George Candler 
Executive Director Place and Economy

Officer Ref: GN

NOTES:

1. In reaching this decision the Council has implemented the requirement in the National Planning Policy Framework to deliver sustainable development in a proactive and positive way in accordance with paragraph 38.

2. A full report is available at <https://www.wellingborough.gov.uk/viewplanningapplications>

3. RIGHT OF APPEAL:

If you are aggrieved by the decision of the local planning authority to refuse permission, then you can appeal to the Secretary of State under s.78 of the Town and Country Planning Act 1990.

The rules for lodging an appeal are set out in Article 37 of Town & Country Planning (Development Management Procedure) (England) Order 2015. The following is a summary of the rules:

1. If you wish to appeal against this decision you must do so on the Planning Appeal form. Appeals may be made online at <https://www.gov.uk/appeal-planning-inspectorate> . If you are unable to use the online service, please contact the Planning Inspectorate's Customer Services Team on 0303 444 5000.
2. Completed appeals (forms and supporting documents set out in the appeal form) must be received by the Planning Inspectorate within the relevant time scale set out in the table below. The Secretary of State has the power to allow a longer period for you to give notice of an appeal, but will not normally exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal.

Appeal Type	Time Period
Appeal against decision where no enforcement action taken or pending	Six months from date of this decision notice
Appeal against decision where enforcement notice served in respect of substantially the same development: <ul style="list-style-type: none">• within two years before the date of the planning application, or• before the date of this planning decision and still in force.	28 days from date of this decision notice
Appeal against decision where enforcement notice served in respect of substantially the same development: <ul style="list-style-type: none">• on or after the date of this planning decision, and• is still in force.	The earlier of the following dates: <ul style="list-style-type: none">• 28 days from date enforcement notice is served, or• Six months from date of this decision notice

These time scales are in relation to the appeal against the planning decision.
The time scales for appeals against the enforcement notice (as set out in the enforcement notice) are not affected by this decision.

3. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

4. If you intend to submit an appeal that you would like examined by inquiry then you must notify the local planning authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on [Further details are on GOV.UK](#)

PURCHASE NOTICES:

If permission is refused, whether by the local planning authority or by the Secretary of State and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonable beneficial use by carrying out of any development which has been or would be permitted, he may serve on the Council of the district in which the land is situated a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.