

North Northamptonshire Area Planning (Kettering) Committee 15/06/2022

Application Reference	NK/2022/0150
Case Officer	Louisa Johnson
Location	94 Finedon Street, Burton Latimer
Development	Full Planning Permission: Change of use from dwelling (C3) to children's care home (C2). Demolition of garage and creation of parking and works to the boundary wall
Applicant	Homes2Inspire
Agent	Mr J Thompson Lichfields
Ward	Burton Latimer
Overall Expiry Date	13/05/2022
Agreed Extension of Time	06/06/2022

All plans and documents can be viewed using the application reference number at <https://www.kettering.gov.uk/planningApplication/search>

Scheme of Delegation

This application is brought to committee because there are unresolved, material objections to the proposal.

1. Recommendation

- 1.1 That planning permission be GRANTED subject to conditions.

2. The Proposal

- 2.1 Full Planning Permission: Change of use from dwelling (C3) to children's care home (C2). Demolition of garage and creation of parking and works to the boundary wall.

3. Site Description

- 3.1 The site is a detached two storey dwelling with single storey annex, garage and off road parking on Finedon Street, Burton Latimer.
- 3.2 The main house has four bedrooms including one with en-suite; the annex has one bedroom.
- 3.3 The property has an integral garage and a detached garage to the side of the main house and parking for two / three cars on the driveway at the front of the property. There are no parking restrictions in the area.
- 3.4 Site Constraints:
Burton Latimer Conservation Area and Nene Valley NIA Boundary.

4. Relevant Planning History

- 4.1 List all previous planning applications as follows:

KET/2011/0803 – Renewal of extenat permission: KET/2008/0774 (Demolition of dwelling and commercial buildings. Construction of 12 no. apartments including vehicular access – Refused 27/01/2012

APP/L2820/A/12/2176567/NWF - KET/2011/0803 – Renewal of extant permission: KET/2008/0774 (Demolition of dwelling and commercial buildings. Construction of 12 no. apartments including vehicular access – Allowed 07/11/2012

KET/2011/0472 - Demolition of dwelling and commercial buildings. Construction of 14 no. apartments – Refused 16/12/2011

KET/2008/0774 - Demolition of dwelling and commercial buildings. Construction of 12 no. apartments including vehicular access – Approved 08/12/2008

KET/2007/0950 - 12 no. one and two bedroom apartments. Vehicle access, parking and amenity areas. Demolition of existing dwelling and commercial buildings - Refused 11/01/2008

5. Consultation Responses

A full copy of all comments received can be found on the Council's website at:
<https://www.kettering.gov.uk/planningApplication/search>

- 5.1 Burton Latimer Town Council

No objection subject to:

Resident have raised concerns re lighting and noise in the car park at unsociable hours due to shift changes. Would like to see provision for minimum disturbance. Security issues raised on old fencing and leylandii. Neighbours driveways should not be obstructed.

- 5.2 Neighbours / Responses to Publicity

7 letters of objection have been received. The issues raised are summarised below:

Parking and Highway Matters

The proposal would worsen parking congestion on the street. Even if staff parking is made on site often temporary staff do not use this, this already happens in duke street supported living area causing residents parking problems to escalate. Deliveries and visitors would contribute to this even if all staff park on-site.

Parking currently is dangerous with the T Junction of Alexandra Street a blind pull-away for motorists exiting Alexandra onto Finedon Street.

When the wall and illegal garage are demolished there will be less parking for the current residents.

With regards to the front access being stopped up and the current white line being changed and raised kerb, this is also the driveway entrance for 100 Finedon Street. Both the white line and the dropped kerb relate to no. 100 as well as no.94 and we want that to remain for our property as it is. Removing it will cause us difficulty in getting onto this driveway when needed.

Amenity

Concerns regarding loss of amenity due to noise and disturbance from shift changes / vehicles moving late at night, and the use of the site.

Security concerns due to proximity of parking area to gardens of neighbouring properties.

Construction/demolition works – works should only be carried out during normal working hours to prevent a loss of amenity to residents.

Issues with the Leylandi Trees which surround this property constantly over the years have blocked daylight from 82 Alexandra Street. The fence is also poorly maintained and will cause security issues if not resolved.

The sewers and drains are in a poor condition with blockages occurring frequently so the added occupancy of this dwelling will only overload them even more.

5.3 Local Highway Authority (LHA)

No objection subject to the following comments:

The stopping up of the existing access in the southwest corner, reinstatement of the footway and full height kerbing and proposed 6m crossover access will be subject to a minor s278 agreement with the LHA. Please note also that the works necessary to be undertaken within publicly maintained highway land must be undertaken only by a Northamptonshire Highways Approved Contractor, who has the required and necessary public liability insurance in place. Further details regarding the costs and requirements associated with this agreement can be obtained from the Section 278 Team at Northamptonshire Highways (section278.ncc@westnorthants.gov.uk), however the agreement cannot be entered into until planning consent is granted.

Any alterations to the H-bars on Finedon Street in light of the proposed changes to the accesses, they will need be subject to a TRO. The following link should provide further information as regards the Council's procedures for TROs Request for new parking restrictions - Northamptonshire Highways.

Following the reasoning, clarification of staff numbers on site at any one time and existing parking practices to be utilised at this new site, the LHA do not feel a Parking Beat Survey is necessary.

The LHA would suggest the application is conditioned to provide a demolition and construction management plan should the LPA be minded to approve it.

5.4 Environmental Health
No objection

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)
Section 2. Achieving sustainable development
Section 5 – Delivering a sufficient supply of homes
Section 8 – Promoting healthy and safe communities
Section 9 – Promoting sustainable transport
Section 12. Achieving well-designed places

6.3 North Northamptonshire Joint Core Strategy (JCS) (2016)
Policy 1- Sustainable Development
Policy 2 - Historic Environment
Policy 8 –Place shaping principles
Policy 28 - Housing requirements
Policy 29 – Distribution of new homes
Policy 30 – Housing mix and tenure

6.4 Site Specific Part 2 Local Plan
LOC1 – Settlement Boundaries

6.5 Other Relevant Documents
The Equalities Act (2010) Section 149 created the public sector equality duty which requires public authorities to have due regard where there are equality implications arising from a proposal in the determination of the application.

7. Evaluation

The key issues for consideration are:

- Principle of Development
- Visual Impact
- Impact on Neighbouring Amenity
- Highway Matters

7.1 Principle of Development

- 7.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. As detailed above, the Development Plan consists of the North Northamptonshire Joint Core Strategy (JCS) and the Saved Policies of the Local Plan.
- 7.1.2 Paragraph 11 of the National Planning Policy Framework (NPPF) sets out the presumption in favour of sustainable development. In this case the relevant part of paragraph 11 is c) which states that for decision taking this means *“approving development proposals that accord with an up-to-date development plan without delay.”*
- 7.1.3 The site is located within an established residential area in Burton Latimer. The settlement boundary was defined through the Site Specific Part 2 Local Plan December 2021. Policy LOC1 – Settlement Boundaries defines the extent of the settlement boundary and supports housing development within it. Policies 11 and 29 of the North Northamptonshire Joint Core Strategy direct development to the existing market towns to support regeneration and local services, and encourage the re-use of previously developed land and buildings in the growth towns.
- 7.1.4 Policies 28-30 of the North Northants Joint Core Strategy (NNJCS) allow for the creation of sustainable, inclusive and mixed communities delivering housing for the different groups within the communities.
- 7.1.5 The Town & Country Planning (Use Classes) (amendment) (England) Order 2017 defines Class C3 dwelling houses as:
*“by a single person or by people living together as a family; or
a) by not more than 6 residents living together as a single household (including a household where care is provided by residents).”*
- 7.1.6 Children’s homes run by workers on a shift pattern do not fall into either class a or b and therefore the dwelling house is not considered to be a C3 dwellinghouse.
- 7.1.7 Class C2 defines Residential institutions as:
“the provision of residential accommodation and care to people in need of care, use as a hospital or nursing home, residential school, college or training centre.”
- 7.1.8 In this instance, the proposal falls under Class C2 as its use is a residential care home.

- 7.1.9 The provision of residential care homes are by their very nature a residential use which, in this residential area within the settlement boundary, is an appropriate and acceptable use of this dwelling.
- 7.1.10 In this case, the proposed development would help towards meeting a specialised housing need within Kettering Borough. The proposed use of the property remains residential in nature and therefore there is no conflict with local or national planning policy in this regard.

7.2 Visual Impact

- 7.2.1 The council is required by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.
- 7.2.2 Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a decision maker to pay special attention to the need to preserve or enhance the character or appearance of a conservation area.
- 7.2.3 Policy 8 of the North Northamptonshire Joint Core Strategy requires all new development proposals to be high quality in design and respect and enhance the character of its surroundings through form, scale, design and materials.
- 7.2.4 The change of use of the building from a single dwelling house to a care home for 3 children with 4 support workers during the day, with up to 3 other staff on site to include the manager, deputy manager and 1 admin. During the night this falls to a maximum of 4 support workers. The maximum no. of staff on site would be during the afternoon change over between 14:30 – 15:30 where 9 staff would be on site.
- 7.2.5 The proposal includes the demolition of the garage and creation of parking in the rear garden and works to the boundary wall. It is considered that the demolition of the garage and works to the boundary wall would not have a detrimental impact on the amenity of the conservation area, as these are relatively modern structures with no historical significance. In addition, most of the properties in the street have low boundary walls, therefore the change would not be out of keeping with the character of the street.
- 7.2.6 The proposed parking area in the rear garden would form a change from the current garden area. However, residential properties have permitted development rights to create hardstanding and access to this area in their rear gardens without planning permission. Therefore it is considered that the proposed parking area would not have a significant detrimental visual impact on the area.
- 7.2.7 Although the use of the property would be run as a business rather than as a typical household with a single family, the proposed use remains as a residential use. This level of accommodation would be consistent with normal domestic arrangements associated with a large family unit. There is no reason to believe that the comings and goings associated with that level of accommodation and care would have an adverse impact on the areas character.

7.2.8 The use proposed however, falls under use Class C2, which includes other uses such as residential schools and training centres which may not be acceptable at this location. As such there are conditions attached restricting the use to that proposed C2 use and for three residents (not including carers).

7.2.9 For the reasons set out above, in this instance the proposal complies with Policies 2 and 8 of the North Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

7.3 **Impact on Neighbouring Amenity**

7.3.1 Policy 8 of the North Northamptonshire Joint Core Strategy requires that development protects amenity by not resulting in an unacceptable impact on the amenities of future occupiers, neighbouring properties or the wider area by reason of noise, vibration, smell, light or other pollution, loss of light or overlooking.

7.3.2 Objections have been received on the grounds of loss of amenity due to noise, disturbance and light pollution from construction and demolition, shift changes / vehicles moving late at night, and the use of the site. Security concerns due to proximity of parking area to gardens of neighbouring properties. The trees on the boundary causing a loss of light and the poor condition of the boundary fence.

7.3.3 The Environmental Health Officer has not raised any concerns regarding the proposals. It is not considered that the low-key use of the property as a small care home would impact on neighbours with regards to significant noise and disturbance. Although there would be shift patterns, the applicant has provided the following information in that the care of the 3 dependent young persons will be conducted by 4 support workers who will operate on a rota basis, providing 24-hour live-in supported care. The support workers work on a shift pattern as follows:

(a) Day shifts 07:30-15:30 hours;

(b) Evening shifts 14:30-22:30 hours (*with one remaining on site until 07:30 the following morning)

(c) Night shift 21:30 - 07:30 hours

The manager will only attend the site when needed, the deputy manager will work the morning shift and the admin support staff would normally work from home but may occasionally attend the site.

7.3.4 It would appear that shift handovers at 7:30am would be at a time when most households have typical traffic movement through normal work/school patterns and in this case. During the afternoon handover of 14:30 – 15:30, there would be 9 staff on site. It is unlikely that the pattern of household movements would give rise to undue noise or disturbance to neighbouring occupiers.

7.3.5 The applicant has agreed to remove the leylandii trees which is causing a loss of light to neighbouring properties and to erect a new boundary fence to ensure the privacy and security of neighbouring properties is protected. It is considered that conditions requiring a new boundary fence be erected and controlling the working

hours for construction and demolition would be appropriate, to protect the amenity of neighbouring properties.

- 7.3.6 It is considered that the proposal would not have a detrimental impact on neighbouring amenity, subject to conditions regarding working hours and erection of a boundary fence. The proposal accords with Policy 8 of the North Northamptonshire Joint Core Strategy.

7.4 Highway Matters

- 7.4.1 Policy 8 of the North Northamptonshire Joint Core Strategy requires all new development to create well connected places by ensuring that it integrates well with existing cycle, pedestrian, public transport and vehicular movement networks (a.ii) and makes safe and pleasant streets by; prioritising the needs of pedestrians, cyclists and public transport users and resisting developments that would prejudice highway safety (b.i) and ensures a satisfactory means of access (b.ii).
- 7.4.2 Paragraph 111 of the National Planning Policy Framework reflects policy 8 to a large degree. Paragraph 111 states that “*development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*”
- 7.4.3 The site is relatively close to the town centre and local facilities of Burton Latimer. The property benefits from off-street parking provision for 8 spaces, 2 to the front of the annex and 6 to the rear of the property which is adequate for the amount of parking required for the number of staff working at the site. Given the age of the children living at the site, they would not drive. Therefore it is considered that the level of parking provision would be adequate subject to a condition requiring the parking to be provided prior to occupation.
- 7.4.4 Objections have been received on the grounds that the proposal would result in increased parking problems on Finedon Street and would restrict on-street parking adjacent to the access to the site. That parking is currently dangerous due to the blind T junction with Alexandra Street. The demolition of the wall and garage would result in less parking for the current residents.
- 7.4.5 The site has off-street parking which would accommodate all the regular staff working at the site. There are no on-street parking restrictions and should there be the occasional need for additional visitors to park on the street then it is not considered that this would cause such an intensification of need for additional parking provision that it would warrant a refusal on highways grounds.
- 7.4.6 The LHA have raised no concerns regarding highway safety, therefore it is considered that the proposal would not worsen highway safety on the road or at the junction with Alexandra St.
- 7.4.7 The proposed access would be approximately 6m wide and would restrict parking outside the access but would not affect parking elsewhere. As the existing dropped kerb and white line are used to access the drive of 100 Finedon St as well as the

site, it is recommended that a condition requiring the access to the site is removed but the dropped kerb and white line are retained to ensure access to no. 100.

7.4.8 It is considered that the access arrangements will be adequate to provide manoeuvring and parking arrangements for all staff, visitors and support services, particularly at the staff handover points.

7.4.9 In this regard, the proposal is considered acceptable under Policy 8 of the North Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

8. Other Matters

8.1 Neighbour comments: The sewers and drains are in a poor condition with blockages occurring frequently so the added occupancy of this dwelling will only overload them even more.

8.1.1 The site has 5 bedrooms including the annex, the proposal would involve 3 children and up to 7 staff on site at any one time. Given the size of the property it is considered that this would not be unduly excessive and therefore is unlikely to be worse than the existing C3 use.

9. Conclusion / Planning Balance

9.1 In light of the above the application is considered to be in accordance with the Development Plan with no other material considerations that would justify coming to an alternative view.

10. Recommendation

10.1 That planning permission be GRANTED subject to conditions.

11. Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby permitted shall not be carried out other than in accordance with the approved plans and details listed below.
REASON: In the interest of securing an appropriate form of development in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

3. No more than three residents (not including carers) shall live at the property at any one time.
REASON To protect the amenities of neighbouring residential properties in accordance with Policy 8 of the North Northants Joint Core Strategy.

4. The property subject to this permission shall only be used for purposes associated with a residential care home or as a dwellinghouse and for no other purposes whatsoever.

REASON: In the interest of residential amenity, the area's character and highway safety in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

5. Works audible at the site boundary will not exceed the following times unless with the written permission of the Local Planning Authority or Environmental Health. Monday to Friday 08.00 to 18.00 hrs, Saturday 08.30 to 13.30 and at no time whatsoever on Sundays or Public/Bank Holidays. This includes deliveries to the site and any work undertaken by contractors and sub contractors.

REASON: In the interests of safeguarding residential amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

6. Prior to the commencement of development a Demolition and Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the demolition and construction works.

REASON: Details are required prior to the commencement of development because demolition and construction management occurs early in the construction process and in the interests of safeguarding highway safety and residential amenity in accordance with Policy 8 of the Northamptonshire Joint Core Strategy

7. No development above slab level shall take place on site until a scheme for boundary treatment has been submitted to and approved in writing by the Local Planning Authority. The use hereby permitted shall not commence until the approved scheme has been fully implemented in accordance with the approved details.

REASON: In the interests of the amenity and protecting the privacy of the neighbouring property in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

8. There shall be no external illumination on the site at any time other than in accordance with a detailed scheme which shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of the impact of the lighting on the vertical facades of sensitive properties and the measures necessary to reduce the impact. Any lighting shall be operated in accordance with the approved details at all times.

REASON: In the interest of safeguarding residential amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

9. The development hereby permitted shall not be occupied, or the use commence, whichever is the sooner until the existing access from the site onto Finedon Street has been permanently closed.

REASON: In the interests of highway safety in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

10. No other development shall take place on site until the access, including the footway and/or verge crossing, has been constructed in accordance with the approved details.

REASON: To provide satisfactory access in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

11. The parking spaces hereby approved shall be provided prior to the first occupation of the building hereby permitted and shall be permanently retained and kept available for the parking of vehicles.

REASON: To ensure adequate on-site parking provision for the approved building and to discourage parking on the adjoining highway in the interests of local amenity and highway safety in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

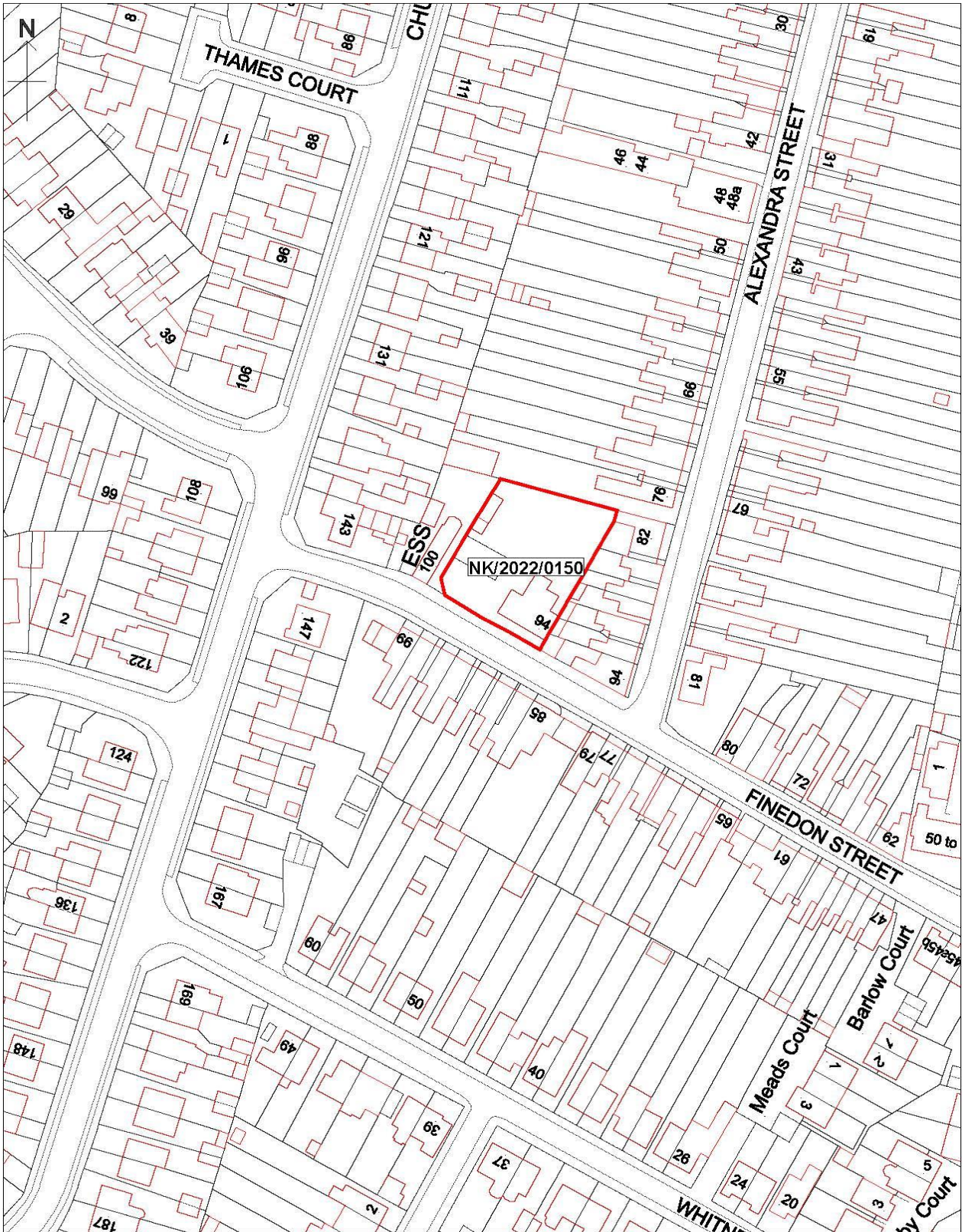
12. Informatives

Positive/Proactive - amendments
 Building Regulations consent required
 List of plans

The plans and documents, some of which may have been subsequently referenced by the LPA, are set out below and form the basis for this decision:

Title	NK Ref.	Agent's Ref	Received Date
Location plan		GIS_LF_64305_01-01	03/03/2022
Existing elevations & floor plan – Annex		102 Revision	18/03/2022
Existing elevations – Main building		101-R1	18/03/2022
Existing street view		100-R1	18/03/2022
Existing ground & first floor plans – Main Building		103-R0	18/03/2022
Proposed elevations & floor plan – Annex		202 Revision	18/03/2022

Proposed elevations - Main building		201-R1	18/03/2022
Proposed street view		200 Revision	18/03/2022
Proposed ground & first floor plans – Main building		203-R0	18/03/2022
Proposed bicycle store		204-R0	18/03/2022
Covering Letter		64305_01_JK_JTh_20798416v1	03/03/2022
Planning Statement	NK/2022/0150/1		03/03/2022
Proposed Parking Plan		FSBL-BWB-GEN-XX-DR-TR-004 S2 P8	11/05/2022
Response to Highways	NK/2022/0150/2		11/05/2022
Site layout plan	NK/2022/0150/3	(FSBL-BWB-GEN-XX-DR-TR-005 S2 P6)	25/05/2022



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