
Appeal Decision

Site visit made on 14 August 2023

by T Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 October 2023

Appeal Ref: APP/W2845/W/22/3312300

Rathgar Care Home, 349 Kettering Road, Northampton NN3 6QT

- 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 H Modhani (Rathgar Care Home Ltd) against the decision of West Northamptonshire Council.
 - The application Ref WNN/2021/0159, dated 4 May 2021, was refused by notice dated 11 August 2022.
 - The development proposed is demolition of existing dwelling at no. 351 Kettering Road and replacement with part single, part two and part three storey extension to Rathgar Care Home together with parking and associated works.
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Decision

1. The appeal is allowed. Planning permission is granted for demolition of existing dwelling at no. 351 Kettering Road and replacement with part single, part two and part three storey extension to Rathgar Care Home together with parking and associated works at Rathgar Care Home, 349 Kettering Road, Northampton NN3 6QT in accordance with the terms of the application Ref WNN/2021/0159, dated 4 May 2021 subject to the conditions set out within the attached schedule.

Procedural Matters

2. The description has altered from the application form to the decision notice. That on the application form is adequate to describe the proposal and I have considered it on this basis.
3. The evidence indicates that The Northampton Local Plan Part 2 (NLPP2) was adopted in March 2023 replacing the saved policies of the 1997 Northampton Local Plan.
4. The Council refer within their decision notice to the 'submitted' version of the NLPP2. My decision needs to be made on the development plan in place at the time of my decision. This includes considering the adopted versions of the NLPP2 policies, which are before me.

Main Issues

5. The first main issue is whether the level of on-site parking proposed would compromise highway safety or the living conditions of nearby occupiers. The second is whether the proposal would harm the character and appearance of the area. The third is the effect of the proposal on the living conditions of the occupiers at the neighbouring 353 Kettering Road (No. 353).

Reasons

6. Rathgar Care Home occupies a well sized plot on the north-western side of Kettering Road, extending substantially to the rear of the main part of the building. It is neighboured to the north by 351 Kettering Road and it is proposed to demolish this property to make way for an extension to the care home.
7. The area is characterised by well sized detached dwellings on large plots. Garages and outbuildings are common features in nearby gardens accessed off the rear lane, whilst a reasonably modern dwelling sits on a back-land site closely to the southwest, accessed from The Avenue.

Highway Safety

8. The extended care home would see an under-provision against the requirements of the Northamptonshire Parking Standards¹ which are detailed as 1 space for full time member of staff plus one visitor parking space per 3 beds.
9. Based on the available staffing evidence and a total of 34 bedrooms as a result of the extension, the Council indicate that the parking requirement based on the standards would be 16 staff spaces along with 11 visitor spaces. The proposal is for 10 parking spaces within the bounds of the site to the front of the building.
10. However, I consider it unlikely that all members of staff/visitors would be driving to the site and therefore requiring parking within the site. In this regard I am mindful of the regular bus service that is available from stops close to the appeal site as well as extensive residential areas within the body of Northampton that are within walking and cycling distance of the site.
11. On the basis of the evidence, it is likely that some staff/visitors may park vehicles off the site. Given the nature of Kettering Road, the most likely place that this would occur is across the road on Greenfield Avenue which forms a residential street and a less strategic route.
12. There is nothing within the evidence to suggest that some additional parking could not be absorbed here without harm to highway safety or any significant adverse impact on the living conditions of residents. This is particularly the case as the first section of Greenfield Avenue relates to the side elevations and gardens of properties either side which front Kettering Road.
13. There is nothing within the evidence which convinces me that access and egress from the site onto Kettering Road, even if that were to occasionally be in reverse gear would cause any significant adverse impact on highway safety.
14. Such vehicular movement would not automatically be dangerous and whilst I accept that there would be an intensification, it is likely that such manoeuvres sometimes happen at the existing site. I am mindful of the speed limit on the road, the urban nature of the site and the straight alignment of the road to the north-east and south-west which allows good visibility on approach to the site. There is nothing to indicate that other vehicle movements associated with a care home would be unacceptable.

¹ Northamptonshire Parking Standards, September 2016, Northamptonshire County Council.

15. The parking standards indicate that some flexibility can be applied. They state that there may be exceptional circumstances where material considerations may justify a lower provision than set out in the standards being applied, for example where there are no road safety or amenity implications. I consider that this is an example where flexibility should be employed. The proposal would not therefore conflict with SPG guidance.
16. As a result of the above considerations there would therefore be no conflict with Policy MO2 of the NLPP2 which amongst other things states that development proposals will be permitted provided there would be no unacceptable impacts on highway safety and they are designed to allow safe and suitable means of access and site operation.

Character and appearance

17. Given the presence of back-land style development within the immediate area, and the rather extensive single storey addition that is already in place to the rear of the existing care home, the rear additions that are proposed would not be out of keeping with the character and appearance of the area.
18. The flat roofed dormer would be a minor feature within the development as a whole, and similar features can be observed at the existing care home. I note that the proposed extension on the site of No. 351 would have a greater bulk, mass, height and width than the existing dwelling. It would also be set forward. However, it would not be set forward of the existing care home and would remain well set back from Kettering Road from where it would not form an overly obvious or intrusive feature within the street scene.
19. There would therefore be no adverse impact on the character and appearance of the area. There would subsequently be no conflict with policies S10 and H1 of the West Northamptonshire Joint Core Strategy Local Plan Part 1 (2014) (JCS). Amongst other things they require sustainable design and development which will protect, conserve and enhance the built environment. There would also be no conflict with Policy Q1 of the NLPP2 which amongst other things requires high quality design.

Living conditions

20. There would be a reduction in outlook from the side windows within the first floor side elevation of No. 353 given that the two storeys of the extension would come closer to the boundary. The evidence indicates that these are habitable but secondary windows. They are also small in size and given these factors, the proposal would not result in any significant adverse impacts on the living conditions of the occupiers of No. 353 in this regard.
21. The first floor windows facing towards No. 353 within the rear element of the extension would be set well away from the boundary with the neighbouring property. Given the distance involved the potential for any significant level of overlooking is limited, however, to ensure that this would be the case, a condition has been included requiring obscure glazing which would ensure that there would be no adverse impacts on the living conditions of the occupiers at No.353 with regards to overlooking.
22. The evidence indicates that bins would be stored at the site at the far end of the rear garden a notable distance from the neighbouring dwelling at No.353 would be moved once per week. Given the likely limited movements of the bins

that would be within this storage area, there would be no significant adverse impact on the living conditions of the occupiers of No.353 with regard to this aspect of the development.

23. There would therefore be no conflict with policies H1 and BN9 of the JCS which amongst other things require that development has regard to the impact on the amenities of occupiers of neighbouring properties and seeks to appropriately manage and control any pollution associated with a proposal. There would also be no conflict with Policy Q2 of the NLPP2 which amongst other things states that development will be required to create and protect a high standard of amenity for occupiers including ensuring there are adequate facilities for the storage of bins.

Other Matters

24. The evidence indicates that there is an identified need for good quality care home beds in Northamptonshire and that there are not enough care home beds to meet current demand. There is therefore a need for the proposal before me. I am told that the care home was rated as good by the Care Quality Commission at the 2022 inspection. The need is a consideration to which I have afforded significant weight in favour of the proposal.
25. I have been supplied with information regarding five year housing land supply within the area. The information that I have before me and over which there does not appear to be disagreement between the parties suggests that the housing land supply is 3.8 years.
26. However, this appears to relate to the period around the determination of the original application which was some time ago. It is not clear whether that is reflective of the current position.
27. Even were the proposal to benefit from the presumption in favour of sustainable development, this would form a material consideration of little importance in relation to this particular scheme given my conclusions on the main issues.
28. Construction disturbance is an inevitable result of any development and would be temporary in duration. I therefore afford limited weight to this matter. There is nothing to indicate that the proposal would increase flood risk in the area or have a significant adverse impact on local biodiversity.

Conditions

29. Planning permission is granted subject to the standard three-year time limit. It is also necessary that the development be carried out in accordance with the approved plans, that details of levels are provided and that the use is defined for the avoidance of doubt and in the interests of certainty. Details of materials are required in the interests of the character and appearance of the area. Details of obscure glazing are required in the interests of the living conditions of nearby occupiers.
30. A Construction Management Plan is necessary to minimise adverse impacts on the living conditions of occupiers within and around the site. The AMS and TPP needs to be implemented in the interests of the character and appearance of the area and a condition is included. A contaminated land condition is included in the interests of the safety of future occupiers.

31. A condition requiring the provision of parking and visibility splays at the access is necessary in the interests of highway safety. Conditions securing an EV charging point and a cycle storage area are necessary in the interests of sustainable development. Landscaping conditions are necessary in the interests of the character and appearance of the area. The bin storage requires implementation to ensure proper running of the site, while external boundary details are necessary in the interests of the character and appearance of the area. Details of an odour control system in relation to food preparation is necessary in to protect the living conditions of nearby occupiers, whilst details of glazing adjacent to Kettering Road are necessary in the interests of the living conditions of future occupiers.

Planning Balance and Conclusion

32. There is nothing to indicate that the decision should be made otherwise than in accordance with the development plan and the appeal is therefore allowed.

T Burnham

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 202 Rev B, 204, 205, 206, 207, 208, 209.
- 3) Notwithstanding the submitted details and prior to the commencement of the development hereby permitted (including demolition), a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. Development shall than be carried out in accordance with the approved CEMP which shall include:
 - i. Demolition processes.
 - ii. Traffic management and signage during construction.
 - iii. Construction access.
 - iv. Parking for site operatives and visitors.
 - v. Storage areas for plant and materials.
 - vi. The erection and maintenance of security fencing/hoardings and lighting.
 - vii. Welfare and other site facilities.
 - viii. Working hours and delivery times.
 - ix. Measures to control noise, vibration, dust and fumes during construction.

- x. Measures to prevent mud and other debris being deposited on the surrounding highway.
 - xi. Ecological mitigation measures.
- 4) The arboricultural method statement (AMS) and tree protection plan (TPP) as outlined by MacIntyre Trees in their Arboricultural Impact Assessment and Method Statement and appendices reference 2184_Fv1 dated September 2021 shall be implemented upon commencing works on site (including demolition) and shall be retained in full until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed from site.
 - 5) Prior to the commencement of the development hereby permitted, full details of the existing and proposed ground levels and finished floor levels of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.
 - 6) In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a Verification Report must be prepared, which is subject to the approval in writing of the Local Planning Authority.
 - 7) Prior to the construction of the development hereby approved above ground floor slab level, full details of all proposed external facing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
 - 8) The development hereby permitted shall not be occupied until the first-floor side facing windows to the northern elevation, serving the shower room of bedroom 29, the adjacent stairwell, the corridor access and bedroom 34 have been fitted with obscured glazing, and no part of those windows that are less than 1.7 metres above the floor of the room shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the Local Planning Authority before the windows are installed and once installed the obscured glazing shall be retained thereafter.
 - 9) Prior to the occupation of the development hereby permitted, car parking shall be constructed and laid out in accordance with the details shown on drawing number 202 Rev A and retained thereafter.
 - 10) Notwithstanding the submitted details, prior to the occupation of the development hereby permitted, full details of the revised access to include sufficient visibility splays, shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the access shall be constructed in accordance with the approved details and retained as such and all existing accesses from the site onto the highway, specifically the private driveway serving no. 351 Kettering Road, shall be permanently

closed in accordance with the details shown on drawing 202 Rev B, including the reinstatement of the footway and verge.

- 11) Prior to occupation of the development hereby permitted, a scheme for the installation of at least one electric vehicle charging point within the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 12) Notwithstanding the submitted details and prior to the occupation of the development hereby permitted, full details of facilities for the secure and covered parking of bicycles to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle storage shall be provided prior to the occupation of the development hereby permitted and retained thereafter.
- 13) Notwithstanding the submitted details and prior to occupation of the development hereby permitted, a detailed scheme of hard and soft landscaping for the site, including details of the proposed green roof, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include, where present, the location and species of any existing trees and hedgerows on the land and details of any to be retained.
- 14) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and which shall be maintained for a period of five years; such maintenance to include the replacement in the current or nearest planting season whichever is the sooner or shrubs that may die are removed or become seriously damaged or diseased with others of similar size and species.

All hard landscaping shall be carried out in accordance with the approved details prior to the occupation of the development hereby permitted.
- 15) The details for the provision of storage of refuse and materials for recycling as outlined on drawing reference drawing 202 Rev B shall be implemented prior to the first occupation or bringing into use of the building hereby permitted and thereafter retained in full.
- 16) Notwithstanding the submitted details, prior to the construction of the development hereby approved above ground floor slab level, full details of the method of the treatment of the external boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority, implemented prior to the first occupation of the development hereby permitted and retained thereafter.
- 17) Prior to the occupation of the development hereby permitted, full details of an odour control system for the cooking equipment to serve the enlarged care home and measures for the acoustic treatment of the system shall be submitted to and approved in writing by the Local Planning Authority. The approved system and acoustic treatment shall be installed prior to the occupation of the approved development and retained and maintained thereafter in accordance with the approved details.

- 18) Prior to the occupation of the development hereby permitted, glazing and ventilation acoustic design details of windows and external doors to the Kettering Road elevation shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall then be implemented in accordance with the approved details prior to occupation and retained and maintained as such thereafter.
- 19) The development hereby permitted shall be used as a care home only and for no other purpose including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.