

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(2)	24/01288/REG3 Thatcham	7 <sup>th</sup> January 2025	Change of use from class C2 [nursing home] to sui generis use comprising accommodation for those in housing need plus retention of family contact centre-part retrospective.  Land at Walnut Close, Thatcham  West Berkshire Council.

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The application can be viewed on the Council's website at the following link:

<https://publicaccess.westberks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SFFQICRD09N00>

**Recommendation Summary:** The Development Manager be authorised to grant planning permission.

**Ward Member(s):** Councillors Cottam and Dillon

**Reason for Committee Determination:** The Council is both the land owner and the applicant. It is also a major application. No delegated authority to determine such applications.

**Committee Site Visit:** 27<sup>th</sup> November 2024

#### Contact Officer Details

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## 1. Introduction

- 1.1 The purpose of this report is for the Committee to consider the proposed development against the policies of the development plan and the relevant material considerations, and to make a decision as to whether to approve or refuse the application.
- 1.2 This application seeks planning permission for the change of use of this former nursing home [ Class C2] to a sui generis use of temporary accommodation for those in housing need, plus a family contact centre. The Western quadrant of the building is being used at present as a Family Centre, which provides services to families under court appointed contact time. It is proposed that this use continues, and the building is subdivided internally to allow continuation of the family centre on the western side of the building at ground floor and a change of use of the remainder of the building on the ground and first floors on the eastern quadrant to provide temporary supported accommodation for 23 households. The only physical change to the internal layout of the building will be to provide internal separation between the proposed accommodation and the family contact centre use. There are existing separate entrances to each wing of the building and these will continue to be utilised. The proposal will provide 19 rooms with access to shared cooking and washing facilities. A further 4 units will be used for larger families. In total 23 habitable units will be utilised. Additionally internal communal spaces will be available for family use. An office and washroom facilities for staff use will be provided. The staff will manage the facility and provide day to day support for families whilst they reside in the premises. Externally, to the West of the building the land adjacent to Thatcham Library, there is a small area which will be fenced off to provide privacy to other areas of the building.
- 1.3 Around the site will be 17 car parking spaces within the amended red line block plan submitted in the application details with cycle store and bin store. The spaces will be for staff and residents, plus visitors. 4 spaces will be assigned to staff.

## 2. Planning History

- 2.1 The table below outlines the relevant planning history of the application site.

Application	Proposal	Decision / Date
12/01621/FUL	Modify the existing nursing home to provide an additional 11 care rooms.	Approved 4/9/12

## 3. Legal and Procedural Matters

- 3.1 **Environmental Impact Assessments (EIA):** Given the nature, scale and location of this development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.
- 3.2 **Publicity:** Publicity has been undertaken in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's Statement of Community Involvement. Site notices for the original description were posted on the 17<sup>th</sup> October 2024 with an expiry on the 7<sup>th</sup> November. Once the amended description and additional supporting information was submitted the amended plans site notice was posted on the 6<sup>th</sup> November with an expiry on the 20<sup>th</sup> November 2024. The NWN had an advert posted on the 24<sup>th</sup> October.

3.3 **Local Financial Considerations:** Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body. The table below identifies the relevant local financial considerations for this proposal.

Consideration	Applicable to proposal	Material to decision	Refer to paragraph(s)
Community Infrastructure Levy (CIL)	No	No	
New Homes Bonus	No	No	
Affordable Housing	No	Yes	
Public Open Space or Play Areas	No	No	
Developer Contributions (S106)	No	No	
Job Creation	Yes	Yes	

3.4 **Community Infrastructure Levy (CIL):** CIL is a levy charged on most new development within an authority area. The money is used to pay for new infrastructure supporting the development of an area by funding the provision, replacement, operation or maintenance of infrastructure. This can include roads and transport facilities, schools and education facilities, flood defences, medical facilities, open spaces, and sports and recreational areas. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of net floorspace (including extensions) or when a new dwelling is created (even if it is less than 100 square metres).

3.5 Given that the proposed use is sui generis, CIL will not be payable. In any event the Council is the applicant so would be the recipient of CIL if it were to be chargeable.

3.6 **New Homes Bonus (NHB):** New Homes Bonus payments recognise the efforts made by authorities to bring residential development forward. NHB money will be material to the planning application when it is reinvested in the local areas in which the developments generating the money are to be located, or when it is used for specific projects or infrastructure items which are likely to affect the operation or impacts of those developments. NHB is not considered to be a relevant material consideration in this instance, but can be noted for information.

3.7 **Public Sector Equality Duty (PSED):** In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The Council must have due regard to the need to achieve the following objectives:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.8 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
  - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
  - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 3.9 The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have regard to and remove or minimise disadvantage. In considering the merits of this planning application, due regard has been given to these objectives.
- 3.10 There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development. However, it is noted that if the application is approved, those in housing need will be assisted by the additional accommodation provided.
- 3.11 **Human Rights Act:** The development has been assessed against the provisions of the Human Rights Act, including Article 1 of the First Protocol (Protection of property), Article 6 (Right to a fair trial) and Article 8 (Right to respect for private and family life and home) of the Act itself. The consideration of the application in accordance with the Council procedures will ensure that views of all those interested are taken into account. All comments from interested parties have been considered and reported in summary in this report, with full text available via the Council's website.
- 3.12 Any interference with property rights is in the public interest and in accordance with the Town and Country Planning Act 1990 regime for controlling the development of land. This recommendation is based on the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.
- 3.13 **Listed building setting:** Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 16(2) has the same requirement for proposals for listed building consent. Number 3 Bath Road lies to the south of the application site and is a grade 2 listed building. This does need to be taken into account however as it is noted that no external alterations are being proposed to the application building.
- 3.14 **Conservation areas:** Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The Thatcham town centre conservation area lies to the south east of the site about 100m distant -the application will have no impact on the setting of that area. [

## 4. Consultation

### *Statutory and non-statutory consultation*

- 4.1 The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

<b>Thatcham Town Council</b>	Supports the application.
<b>WBC Highways:</b>	On the original plans -additional information requested. Consulted on revised information received-. Conditional permission now recommended.
<b>Active Travel England</b>	No views to make
<b>Thames Water</b>	No objections on waste or water supply grounds.,
<b>CCG -integrated care board</b>	Request a s106 contribution of just over £19,000 as mitigation for local surgery in recognition of the increased population on site.
<b>Environmental health.</b>	No objections.
<b>SUDS</b>	No objections.
<b>Archaeologist.</b>	No implications.
<b>Thames Valley Police</b>	Designing out crime officer. Notes that not much information has been submitted with the application. More detail needed on safe and secure access points, window detail, surveillance of car parking and so on. Officer comment -it is recommended that an additional condition is applied to any permission to ensure these details are approved.  Officer note. The applicant has supplied additional information on security. No condition required.

### *Public representations*

- 4.2 Representations have been received from 3 contributors, 1 of which supports, and 1 of which objects to the proposal. The other seeks clarification.
- 4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:

Support –Good that additional affordable units are being provided. However some concerns remain over local parking issues.

Objection-the red line location plan includes land owned by the Sovereign Group and this is for parking for those residents alone. The red line plan should be amended. Officer comment -this has been done.

Clarification -re the original description. This needs clarifying-officer view -this has been done via the amended plans.

4.4 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.

- Policies ADPP1 , ADPP3, CS1 , CS13, of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies C1 and P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).

4.5 The following material considerations are relevant to the consideration of this application:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

## **5. Appraisal**

5.1 The main issues for consideration in this application are:

Principle of the development  
Parking on site.  
Other factors-housing need and CCG.

### **Principle**

5.2 The application site is an existing building in a settlement boundary in a highly sustainable location. It accords with the advice in policy CS1 in the Core Strategy in that it will re use an existing building for residential purposes, albeit the actual use class is sui generis [use class of its own] given the mixed use with the family centre. Policy CS1 notes that there should be no net loss from the existing housing stock-in this case the use was C2 [residential institution] being a nursing home, so not class C3 as such-so no loss is occurring. Policy ADPP1 being the strategic policy for the District notes that most development will be directed to the main urban areas, Thatcham being one of those. Policy ADPP3 relating specifically to Thatcham, adds little of any significance to the overall policy position, in regards to the appraisal of this application.

5.3 In addition in terms of local housing need, this application will be very helpful to the Council in meeting its statutory obligations, in providing temporary accommodation for families without alternative accommodation, so that principle is supported being a clear public benefit. In terms of financial considerations, if approved the project will assist the Council in reducing ongoing public expenditure on temporary bed and breakfast accommodation for families in such circumstances in the District.

### **5.4 Parking on site.**

5.5 The original application scheme wrongly included additional parking spaces in an extended red line. This has now been rectified to 19 on site spaces. 4 of these spaces will be for the supporting living staff plus the family centre staff . This leave 15 spaces for future occupants. This is a ratio of 1.5 rooms per parking space. Normally the on site provision should be at least 23 spaces for the 23 rooms provided but in this case it is noted that many of the residents will not have access to any vehicles, given their

nature of occupancy “type”. Whilst at the time of writing this report the highways officer has not formally responded to the updated plans it is envisaged that the number of spaces will be adequate for the sui generis use proposed which has no formal parking standard/ratio applied to it, under policy P1 in the HSADPD of 2017. Given the very sustainable location of the application, it is not considered that any objections should be raised on parking grounds. Finally, the highways officer has recommended that 2 of the parking spaces have ev charging points attached.

## 5.6 Other factors

- 5.7 The Committee will note that in the consultations section of this report, the CCG have requested that the Council as applicant provide the local NHS foundation with just over £19,000 for improvements to local surgery’s, given the increase in accommodation provided on site. This request is flawed for a number of reasons. Firstly, those being accommodated are not new to the District but existing homeless who will already derive services from the NHS. Secondly, whilst no CIL is payable with the proposal since the use is sui generis, the CIL funding that the Council receives is [in part] directed back to the NHS for funding, from other housing schemes permitted in the District where there is a net gain in dwellings and so population. Finally given the loss of the nursing home itself, these occupants themselves would have derived services from the local surgery. So, the officer advice is clear that if the application is approved no such funding is justified in terms of the tests set out in regards to s 106 obligations in the NPPF.

## 6. Planning Balance and Conclusion

- 6.1 There is much to commend this application. Whilst the loss of the nursing home is clearly regrettable, given the ongoing high demands for such accommodation, the proposed building re use for those in acute housing need is fully supported, in such a “good” location for all locals services and general accessibility. There will also be clear financial benefits for the Council which whilst not a planning matter per se, is a public benefit in reducing public expenditure. There should also be helpful social benefits for those being housed in this location.
- 6.2 The application is accordingly recommended for approval.

## 7. Full Recommendation

- 7.1 To delegate to the Development Manager to **GRANT PLANNING PERMISSION** subject to the conditions listed below.

### **Conditions**

1.	<p><b>Commencement of development</b></p> <p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).</p>
2.	<p><b>Approved plans</b></p> <p>The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:</p> <p>Job number 240122-30-101 Rev A, 102 Rev A, and 10-002-Rev C.</p>

	Reason: For the avoidance of doubt and in the interest of proper planning.
3	<p><b>EV points.</b></p> <p>The development hereby permitted shall not be occupied until details of one ev charging point on the site has been provided. This shall be retained in perpetuity on the application site.</p> <p>Reason. To provide facilities which will assist in carbon reduction in accord with policy CS15 in the WBCS of 2006 to 2026</p>
4	<p><b>Cycle store</b></p> <p>Details of appropriate cycle storage facilities on the site for staff and residents shall be submitted to and approved by the LPA prior to the occupation of the site. Within 3 months of the first occupation date the cycle facilities shall be constructed in accord with the approved details and retained to the satisfaction of the LPA.</p> <p>Reason. To promote cycling on the site in accord with policy CS13 in the WBCS dated 2006 to 2026.</p>
5	<p><b>Use restriction</b></p> <p>Notwithstanding the proposed use of the building as sui generis, the building shall not be used as an HMO at any time in the future unless express permission has been granted by the LPA for such a use.</p> <p>Reason. To ensure the purpose and use of the building is retained in the public interest, in accord with the advice in the NPPF of 2023.</p>