

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/15/03561/OUT
FULL APPLICATION DESCRIPTION:	Outline application with all matters reserved for care home development for up to 50 residents and staff
NAME OF APPLICANT:	Mr D Clauzel
ADDRESS:	Land to the East of Ushaw Villas, Cockhouse Lane, Ushaw Moor
ELECTORAL DIVISION:	Deerness
CASE OFFICER:	Chris Baxter Senior Planning Officer 03000 263944 chris.baxter@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is a redundant parcel of land located east of Ushaw Villas in Ushaw Moor. The adopted roads of Cockhouse Lane and Station Road run along the north and east boundaries respectively. To the north are the residential terrace properties on Cockhouse Lane and to the south are further residential properties. Commercial properties are located to the east of the site.

The Proposal

2. Outline planning permission is sought for a care home development for up to 50 residents and staff. All matters are reserved therefore only the principle of development is to be considered within this application. Illustrative plans have been submitted which indicates that a care home building can be located on the site. The illustrative elevation drawings shows a building which ranges from three and half storey to two storey in height. The illustrative site plan indicates that the building would run along the north and east boundaries of the site with parking to the west boundary.
3. This application is referred to the Planning Committee as it constitutes a major planning application.

PLANNING HISTORY

4. Outline planning permission was approved in 2004 for the demolition of the existing public house and the development of residential accommodation.
5. A planning application for a proposed care home development was withdrawn in 2008 and in 2007 an application for the erection of 12no apartments and 6no terraced was also withdrawn.

PLANNING POLICY

NATIONAL POLICY:

6. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
7. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'.
8. The following elements are considered relevant to this proposal;
9. *NPPF Part 1 – Building a Strong and Competitive Economy.* The Government attaches significant weight on the need to support economic growth through the planning system. Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.
10. *NPPF Part 4 – Promoting Sustainable Transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
11. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* Local Planning Authorities should use evidence bases to ensure that their Local Plan meets the needs for market and affordable housing in the area. Housing application should be considered in the context of the presumption in favour of sustainable development. A wide choice of homes, widened opportunities for home ownership and the creation of sustainable, inclusive and mixed communities should be delivered. Where there is an identified need for affordable housing, policies should be met for meeting this need unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and such policies should also be sufficiently flexible to take account of changing market conditions over time.
12. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
13. *NPPF Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
14. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change. Local Planning Authorities should have a positive strategy to promote energy from renewable and low carbon sources. Inappropriate development in areas at risk of flooding should be avoided.

LOCAL PLAN POLICY:

City of Durham Local Plan

15. *Policy E16 (Protection and Promotion of Nature Conservation)* is aimed at protecting and enhancing the nature conservation assets of the district. Development proposals outside specifically protected sites will be required to identify any significant nature conservation interests that may exist on or adjacent to the site by submitting surveys of wildlife habitats, protected species and features of ecological, geological and geomorphological interest. Unacceptable harm to nature conservation interests will be avoided, and mitigation measures to minimise adverse impacts upon nature conservation interests should be identified.
16. *Policy H13 (Residential Areas – Impact upon Character and Amenity)* states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.
17. *Policy T1 (Traffic – General)* states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and / or have a significant effect on the amenity of occupiers of neighbouring property.
18. *Policy T10 (Parking – General Provision)* states that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.
19. Policies Q1 and Q2 (General Principles Designing for People and Accessibility) states that the layout and design of all new development should take into account the requirements of all users.
20. Policy Q3 (External Parking Areas) requires all external parking areas to be adequately landscaped, surfaced, demarcated, lit and signed. Large surface car parks should be subdivided into small units. Large exposed area of surface, street and rooftop parking are not considered appropriate.
21. Policy Q5 (Landscaping General Provision) sets out that any development which has an impact on the visual amenity of an area will be required to incorporate a high standard of landscaping.
22. Policy Q8 (Layout and Design – Residential Development) sets out the Council's standards for the layout of new residential development. Amongst other things, new dwellings must be appropriate in scale, form, density and materials to the character of their surroundings. The impact on the occupants of existing nearby properties should be minimised.
23. *Policy U5 (Pollution Prevention)* states that development that may generate pollution will not be permitted where it would have unacceptable impacts upon the local environment, amenity of adjoining land and property or cause a constraint the development of neighbouring land.

24. *Policy U8a (Disposal of Foul and Surface Water)* requires developments to provide satisfactory arrangements for disposing foul and surface water discharges. Where satisfactory arrangements are not available, then proposals may be approved subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.
25. *Policy U11 (Development on Contaminated Land)* sets out the criteria against which schemes for the redevelopment of sites which are known or suspected to be contaminated. Before development takes place it is important that the nature and extent of contamination should be fully understood.
26. *Policy U13 (Development on Unstable Land)* will only be permitted if it is proved there is no risk to the development or its intended occupiers, or users from such instability, or that satisfactory remedial measures can be undertaken.
27. *Policy U14 (Energy Conservation – General)* states that the energy efficient materials and construction techniques will be encouraged.

RELEVANT EMERGING POLICY

The County Durham Plan

28. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

29. *County Highways Authority* does not object to the proposal. Concerns are expressed over the positioning of the site entrance that will likely bring conflict to the existing bus stop on Cockhouse Lane. Relocation of the bus stop would reduce concerns of highway safety for vehicles and pedestrians.
30. *Northumbrian Water* has not raised any objections subject to a condition for details of foul and surface water to be submitted.
31. *Drainage* has not raised any objections to the proposed scheme.

INTERNAL CONSULTEE RESPONSES:

32. *Archaeology* has not raised any objections.
33. *Sustainability Officer* raises no objections subject to a condition for a scheme to be submitted which embeds sustainability and minimises carbon from the development.

34. *Environmental Management (Contamination)* has not raised any objections to the proposed development. A condition is required for further contamination assessments to be undertaken.
35. *Environmental Management (Noise/Light)* has not raised any objections to the proposed development indicating that given the nature of the site it is unlikely that the noise climate will be such that it prohibits development.
36. *Environmental Management (Air Quality)* states that the proposed development is not adjacent to or in close proximity to any known sources of emissions of one or more of the air quality pollutants in the local area.

PUBLIC RESPONSES:

37. The application has been advertised on site and in the local press. Neighbouring residents were also notified individually of the proposed development. Two letters of representation have been received from the general public.
38. Concerns are raised over loss of light; noise and air pollution; security during and after the development process; loss of access and parking.
39. The Parish Council have conveyed their support for the scheme indicating that the site is currently an overgrown, derelict site and an eye sore at the centre of the village of Ushaw Moor.

APPLICANTS STATEMENT:

40. The proposed care home development will be able to offer accommodation for up to 50 residents/staff. The objective is to create an economically viable commercial alternative to the current situation that provided a financially sustainable future for the site. This was to ensure its longevity and position within the local community.
41. The layout of the proposed care home consists of five storeys, Sub floor, Ground floor, First Floor, Second Floor and Third Floor.
- Sub-Floor- Boiler room, laundry and ironing room
 - Ground Floor- Main entrance, lounge, kitchen, dining room, offices, bedrooms, toilets and bathrooms with access to communal garden.
 - First, Second & Third Floors - Bedrooms, toilets, bathrooms and lounge and dining room.
42. In order to determine the best type of use several factors have been taken into consideration. Government legislation, local initiatives and policies have been reviewed to get a better understanding of the local area. The scale of the building was determined both by the environment in which it is located and the economic viability of the build. Limiting the impact on the streetscape but maximising the return to the client meant reaching a compromise on the scale of the design.
43. Once the design criteria had been established creating a new environment in which the building would sit was important in making the scheme work. The use of matching and appropriate materials was intrinsic in creating a new build that doesn't look out of place and fits comfortably within the local area.

44. In order to achieve the best design there were several principles that underpinned the design process. The factors influencing these principles are what drove the design forward allowing the development of the site to take place.

- Layout & Topography
- Access/egress
- Relationship to existing buildings
- Views to and from the site
- Scale & Massing
- Sustainability

PLANNING CONSIDERATIONS AND ASSESSMENT

45. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues relates to the principle of development; and impacts on the surroundings.

Principle of development

46. The application site is a derelict parcel of land in the centre of Ushaw Moor which is a blight on the village. The site is previously developed and is considered a suitable location for a care home development. The site is located within close walking distance to shops, public facilities and transport services and therefore the site is considered to be within a sustainable location.

47. The principle of development is acceptable and the proposal would be in accordance with the sustainable principles of the NPPF.

Impact on surroundings

48. The application has been made in outline with all other matters reserved for future consideration. The applicant has submitted some illustrative drawings which shows a potential layout and appearance of a care home development. It is therefore considered prudent to comment on these issues at this stage.

49. The elevational drawings show a building which ranges from three and a half storey to two storey in height and has hipped roof design. Given the site slopes away from north to south, it is considered that the scale and height of the development shown on the illustrative drawings could be accommodated on site without having an adverse impact on the appearance of the surrounding area nor would it have any adverse impacts on residential amenity.

50. The Highways Officer has commented that the proposed parking arrangement would be sufficient to accommodate the level of development which is being proposed. The Highways Officer has indicated that the access shown on the illustrative drawings could cause some conflict with the existing bus stop. Vehicles leaving the site from the proposed access could have difficulties should a bus be stationary at the bus stop. Given the frequency that this scenario may occur it is not considered that the planning application could be refused on this particular issue.

51. An area of adopted highway to the south of the site is proposed to be utilised as garden amenity space for the care home facility. There are no objections in terms of the use of this land as garden amenity space. It is noted however that this parcel of land would have to go through a separate procedure (outside of the planning application) for the road to be stopped up.

52. Northumbrian Water have not raised any objections to the proposal however a condition is recommended for details of foul and surface water to be submitted. A condition is recommended accordingly.
53. No objections have been received from the Councils Environmental Management Team other than the inclusion of conditions relating to contamination. Further noise assessments would have to be submitted at reserved matters stage to ensure noise issues do not adversely impact on residential amenity. Conditions are recommended accordingly. The Council's Sustainability Officer has also requested a condition relating to sustainability and reducing carbon emissions. A condition is recommended accordingly.
54. Standard conditions are also proposed in relation to the submission of materials, hard standing, means of enclosures etc.

Public representations

55. Concerns have been received regarding loss of light which may occur due to the proposed building. This application is only made in outline and the final details of the building would be considered under a reserved matters application. That being said, it is considered that the details shown on the illustrative plans would not have any adverse impacts on neighbouring properties.
56. Security of neighbouring properties during and after the development has been raised as an issue. Although security is not necessarily a planning consideration, it is not considered the development of a care home would raise any adverse impacts in terms of security.
57. The loss of the access lane to the north and west of 34 Ushaw Villas has been raised as an issue as well as loss of parking. The access to the north of 34 Ushaw Villas is not an adopted road. It is noted that the County Highways Officer has not raised any objections to the loss of parking or access to neighbouring properties.

CONCLUSION

58. The proposed development is considered acceptable in principle as it is the redevelopment of a brownfield site sustainably located in an area which has existing residential use. The proposals are therefore considered to be in accordance with the presumption in favour of sustainable development as outlined in the NPPF.
59. It is considered that a care home development could be located on this site which would not compromise the surrounding area and would be in accordance with policies from the City of Durham Local Plan.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a Section 106 legal agreement to secure the payment of commuted sums towards open space, recreational facilities and public art in the locality and subject to the following conditions;

1. Approval of the details of scale, appearance, layout, landscaping and access (hereinafter called "the reserved matters") for the development shall be obtained from the local planning authority before the development is commenced. Approval of the reserved matters for the development thereafter shall be obtained from the local planning authority before development is commenced.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Application for approval of reserved matters for the development must be made not later than the expiration of three years beginning with the date of this permission, and the development must be begun not later than the expiration of two years from the first approval of the reserved matters.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

3. The development hereby approved shall be carried out in strict accordance with the following approved plans:

Plan Ref No.	Description	Date Received
1/1	Site Plan	23/06/2016

Reason: To define the consent and ensure that a satisfactory form of development is obtained.

4. Notwithstanding any details of materials submitted with the application no development shall commence until details of the external walling, roofing materials, means of enclosure and hardsurfacing have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with policies E3, E6 and E22 of the City of Durham Local Plan.

5. The development hereby permitted shall not commence until a scheme to deal with contamination has been submitted and agreed in writing by the local planning authority. The scheme shall include the following:

Pre-commencement

- a) A Phase 1 Preliminary Risk Assessment (Desk Top Study) shall be carried out by a competent person(s) to identify and evaluate all potential sources and impacts on land and/or groundwater contamination;
- b) If the Phase 1 identifies the potential for contamination, a Phase 2 Site Investigation and Risk Assessment is required and shall be carried out by a competent person(s) to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.
- c) If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall be carried out by a competent person(s). No alterations to the remediation proposals shall be carried out without the prior written agreement of the local planning authority. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the local planning authority and the development completed in accordance with any amended specification of works.

Completion

- d) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the local planning authority within 2 months of the first occupation of the development.

Reason: To remove the potential harm of contamination in accordance with Policy U11 of the City of Durham Local Plan 2004.

6. Prior to the commencement of development hereby approved a detailed scheme for the disposal of foul and surface water from the development shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be constructed in accordance with the approved details.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

7. Prior to the commencement of development a scheme to embed sustainability and minimise carbon from the construction and in-use emissions shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and retained for the lifetime of the building.

Reason: In order to minimise energy consumption and to comply with the aims of the NPPF.

8. No development works (including demolition) shall be undertaken outside the hours of 8am and 6pm Monday to Friday and 8am and 1pm on a Saturday with no works to take place on a Sunday or Bank Holiday.

Reason: In the interests of residential amenity having regards to policy H13 of the City of Durham Local Plan.

9. No development shall take place until a construction management plan has been submitted to and approved in writing by the local planning authority. The construction of the development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety and to accord with policy T1 of the City of Durham Local Plan.

10. All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development and any trees or plants which within a period of 5 years from the completion die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of the appearance of the area and to comply with policy H13 of the City of Durham Local Plan.

In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documentation

City of Durham Local Plan 2004

National Planning Policy Framework


Internal consultee responses

Public responses

Responses from statutory and other consultees

National Planning Policy Guidance



 <p>Durham County Council</p> <p>Planning Services</p>	<p>Outline application with all matters reserved for care home development for up to 50 residents and staff at Land to the East of Ushaw Villas, Cockhouse Lane, Ushaw Moor Ref: DM/15/03561/OUT</p>		
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