

COMMITTEE REPORT

APPLICATION DETAILS

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| APPLICATION No: | DM/16/02703/FPA |
| FULL APPLICATION DESCRIPTION: | Erection of two-storey residential building containing 16 self-contained one-bedroom supported living apartments, and two additional single-storey buildings containing five one-bedroom supported living dwellings, with ancillary staff area and associated open space and car parking (Use Class C3). |
| NAME OF APPLICANT: | HB Villages Developments Limited |
| ADDRESS: | Land at Anthony Street, Stanley |
| ELECTORAL DIVISION: | Tanfield |
| CASE OFFICER: | Steve France Senior Planning Officer Telephone: 03000 264871 steve.france@durham.gov.uk |

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is 0.4ha of 'brownfield' land at the head of Anthony Street, on the eastern side of Stanley. The site was previously occupied by industrial buildings, all now cleared, with the scrub and natural regeneration that had been left to establish, likewise recently cleared to allow for detailed site surveys. The surrounding area is in mixed use, with commercial buildings, and both modern and traditional dwellings, detached, semi-detached and terraced in the immediate vicinity. The west boundary of the site is shared with open countryside, with a public footpath running along the south boundary connecting to an extensive public right of way network and the C2C footpath/cycleway.
2. The site is close to Stanley Town Centre, less than 120m walk from the main pedestrianised shopping street, and 350m from the bus station. The main A693 Chester-le-Street to Consett road passes within 300m of the site, with the A6076 that heads north to Gateshead and the Tyneside conurbation a similar distance.

The Proposal

3. The application proposes a large two-storey residential structure containing 16 self-contained one-bedroom supported living apartments with ancillary support staff areas, and 5 one-bedroom supported living bungalows arranged in blocks of two and three. Twenty one supported living dwellings are therefore proposed in total, with the application also including external works to provide parking, landscaping, a mobility scooter store and bin-store.

4. As described by the applicants; the residential accommodation is specifically designed for vulnerable adults with learning and physical disabilities who may need occasional support in their daily lives. The aim is to help these vulnerable people lead an independent life in good quality, well-equipped accommodation with access to 24 hour on-site support as and when required. The development is therefore not a residential institution (which includes hospitals, nursing homes, residential schools and training centres) and so for the purpose of this application, the proposal falls within Use Class C3 which covers 'Dwellings for individuals, families or not more than six people living together as a single household'. Supported living requires the Registered Provider to be able to grant an Assured Tenancy for a period of up to 60 years, which is only possible under Use Class C3. The funding for the supported living development is also predicated on the fact that the scheme is in Use Class C3.
5. The proposal is reported to Committee as a 'major' application.

PLANNING HISTORY

6. The site has no recent planning history.

PLANNING POLICY

NATIONAL POLICY

7. 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.
8. 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'.
9. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.
10. The following elements of the NPPF are considered relevant to this proposal;
11. Paragraph 14 of the NPPF sets out that at the heart of the document is a presumption in favour of sustainable development. For decision-making this means approving development proposals that accord with the development plan without delay, and where relevant policies in a development plan are out-of-date, granting consent unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole; or where specific policies in the framework indicate development should be restricted.
12. *NPPF Part 4 – Promoting Sustainable Transport*. Notes the importance of transport policies in facilitating sustainable development and contributing to wider sustainability

and health issues. Local parking standards should take account of the accessibility of the development, its type, mix and use, the availability of public transport, levels of local car ownership and the need to reduce the use of high-emission vehicles.

13. *NPPF Part 6 – Delivering a wide choice of high quality homes.* Housing applications should be considered in the context of a presumption in favour of sustainable development. Local Planning Authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create inclusive and mixed communities. Policies should be put in place to resist the inappropriate development of residential of residential gardens where development would cause harm to the local area.
14. *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.
15. *NPPF Part 8 – Promoting Healthy Communities* – the planning system is considered to have an important role in facilitating social interaction and creating healthy, inclusive communities, delivering social recreational and cultural facilities and services to meet community needs. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.
16. *NPPF Part 11 – Conserving and enhancing the natural environment.* The planning system should contribute to and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimising impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.

NATIONAL PLANNING PRACTICE GUIDANCE:

17. The newly introduced National Planning Practice Guidance (NPPG) both supports the core government guidance set out in the NPPF, and represents detailed advice, both technical and procedural, having material weight in its own right. The advice is set out in a number of topic headings and is subject to change to reflect the up to date advice of Ministers and Government.
18. *Design - The importance of good design.* Good quality design is an integral part of sustainable development. The National Planning Policy Framework recognises that design quality matters and that planning should drive up standards across all forms of development. As a core planning principle, plan-makers and decision takers should always seek to secure high quality design, it enhancing the quality of buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on wellbeing.
19. *Natural Environment* - Section 40 of the Natural Environment and Rural Communities Act 2006, which places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making throughout the public sector.

LOCAL PLAN POLICY:

20. *Policy GDP1 – General Development Principles* – outlines the requirements that new development proposals should meet, requiring high standards of design, protection of landscape and historic features, protection of open land with amenity value, respecting residential privacy and amenity, taking into account ‘designing out crime’ and consideration of drainage.
21. *Policy HO5 – Housing Development on Small Sites* – Stanley is one of the listed settlements where housing development will be permitted on small sites. Development must be appropriate to the existing pattern and form of development; must not extend beyond the existing built up area; must not represent backland or tandem development; and should not exceed 0.4 hectares when taken together with an adjoining site.
22. *Policy TR2 – Development and Highway Safety* – relates to the provision of safe vehicular access, adequate provision for service vehicle manoeuvring, etc.

RELEVANT EMERGING POLICY:

23. Paragraph 216 of the NPPF says that decision-takers should 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 was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP from examination. In the light of this, policies of the withdrawn CDP can no longer carry any weight. As a new plan progresses through the stages of preparation it will begin to accrue weight in due course.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

24. *Highways* – noting that the new highways proposed will remain in private ownership, and will be maintained by the landowner, County Engineers have no objection in principle to the proposals subject to the relocation of a lighting column away from the new junction radii. This request is being addressed on the drawings as this report is written.

INTERNAL CONSULTEE RESPONSES:

25. *Affordable Housing* – have written to confirm that if a ‘Registered Provider’ is identified to manage the development, they would support the proposals.
26. *Environmental Protection (Contamination)* – have agreed with the risk assessment and requirement for a site investigation and risk assessment, but have drawn the applicants attention to Geo-environmental Reports from 2005 in which a site

investigation and risk assessment is included which should inform their approach to this topic. The extent of conditions required by Environmental Protection Officers will be dependent on the incorporation of this additional information into the applicant's assessment and proposed working methods and mitigations. With this issue currently evolving under negotiation, the final proposed condition will be reported to Members at the Committee Meeting.

PUBLIC RESPONSES:

27. The occupants of one neighbouring dwellings have submitted two objections to the proposals in response to the consultation exercise. The first letter is concerned at the effect on wildlife that now uses the site, asking that the area is protected for such. Loss of view and devaluation of property are further reasons for objection, as is potential congestion in proximity to the nearby Primary School. The second objection considers the proposal would cramp the adjacent terrace, the type of buildings proposed out of place, the scheme likely to introduce anti-social behaviour, there being no benefit or advantage to existing residents, and that there are other disused buildings in the local area that would be better suited to the plans proposed.

The above is not intended to list every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

PLANNING CONSIDERATIONS AND ASSESSMENT

28. 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 in this instance relate to the principle of residential development, housing land supply and the effect on neighbouring properties.

The Principle of Development

29. Policy HO5 of the Development Plan has been assessed as only 'partially' NPPF compatible in being inflexible in restricting the size of sites it refers to and in therefore restricting residential development opportunities. HO5 has four criteria, and assessed against these the proposals: are considered appropriate to the pattern and form of the settlement, do not extend beyond the existing built-up area, and do not represent inappropriate backland development, with the site size restriction not relevant, as above.
30. The application proposes residential development on land which meets the definition of 'previously developed land', the re-use of which is one of the Core Principles of the NPPF. The site is in a highly sustainable location, with excellent access to local goods, services, facilities and transport nodes, and therefore the presumption in favour of development set out in paragraph 14 of the NPPF is of prime relevance.
31. In proposing residential development on previously developed land in a sustainable location the proposals are considered acceptable in principle, and in this regard, Development Plan Policy compliant.

Housing Land Supply

32. The Council is currently unable to demonstrate the housing land supply required of it. Whilst the lack of a 5 year supply, and the guidance at paragraph 49 of NPPF make it clear that it is not the case that every housing site should therefore be approved, there is a strong “presumption in favour of sustainable development”. This site and the development proposed are considered sustainable. The scheme will make a positive contribution to the supply of housing in County Durham. This a material issue in determining the planning balance of the proposals.

Scale and Character

33. The existing built environment surrounding the site consists of Bloom Avenue, a traditional Victorian terrace that looks towards the site from the east, Anthony Court, a modern development of semi- and detached one and two storey dwellings built of varied materials. Modern and Victorian commercial / light industrial buildings with flat and pitched roofs, built of buff and dark red bricks give a further range of scale, massings and characters in the immediate setting of the site.
34. The proposed apartment block and bungalows have been designed with a simple palette of materials and elevational references to the local vernacular that would help the structures assimilate into the existing residential environment, whilst allowing for a communal character of its own. The buildings are relatively simple in design, with a contrasting projecting string-course and ‘soldier course’ heads around the windows, which are recessed to give a three-dimensional appearance to the elevations. Deep soffits give a strong shadow-line below the roof to reinforce this effect. A dark red stock brick and dark grey interlocking roof-tiles accentuated by dark grey soffits and fascias will help give appropriate reference to the surrounding Victorian vernacular. The submitted design reflects pre-submission discussions between the applicant and Officers, who consider the proposals respond well to the Framework’s and NPPG’s requirements. Design issues are required to be a driver and material consideration in planning to raise the quality of the built environment, reflecting the requirements of Policy GDP1 of the Development Plan.

Residential Privacy and Amenity

35. The main relationship to consider for this topic is that between the terrace of Bloom Avenue and the proposed structures. The facing distance between the main terrace, which is elevated above the site, and the proposed bungalows, at over 31m is well in excess of the Council’s guidelines to ensure privacy and amenity. There is likewise concluded no material effect on the detached dwelling named ‘Oakwell’, offset from the site, to the rear of Anthony Drive.
36. For the prospective residents of the block building, living room windows are arranged on the front and rear, the side elevation which faces the rear of the RAFA Club on Bloom Avenue displaying only service openings. The living room windows on the rear elevation of the block overlook a private communal garden area, some 15m in depth. The bungalows likewise benefit from private communal gardens to the rear, with the parking areas to the front of all the dwellings broken up by communal landscaping areas. Bin store and a shelter for mobility scooters and bicycles as appropriate are also proposed.
37. The objectors raise the potential for the development to attract anti-social behaviour. Such issues, where they occur, are within the control of the Police and the Council’s Anti-social Behaviour Team. The development proposes good-quality living accommodation for vulnerable members of society with on-site support when

required. The NPPF advises that 'the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities', and give 'opportunities for meetings between members of the community who might not otherwise come into contact with each other, including through mixed-use developments...'. 'Housing applications should be considered in the context of the presumption in favour of sustainable development', 'to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities...'. Officers consider that the scheme represents an opportunity to provide this extension to the housing mix and demographic in the area in a location where housing is acceptable in principle.

38. Physical residential privacy and amenity relationships for existing and proposed residents have been fully considered and concluded to meet the requirements of Policy GDP1(h) and the Framework's instruction in the Core Principles that development should ensure 'a good standard of amenity for all existing and future occupants of land and buildings'. The proposals are further considered widen home ownership opportunities, inclusive of more vulnerable members of the community in line with Part 6 of the Framework. Should neighbours' concerns come to pass both the Council and Police have relevant powers to address anti-social behaviour. In planning terms however, any potential adverse impacts of an approval have neither been demonstrated nor shown so significant as to outweigh the benefits of housing supply and provision of specialist accommodation.

Highway Safety

39. Subject to a detail relocating a lighting column at the entrance to the development, the scheme has been indicated acceptable in highways terms, reflecting the efforts of the applicant in pre-application discussions. The site is in a sustainable location in highways terms, and is considered compliant with Part 4 of the NPPF and the proportionate weight given to Policy TR2 of the Development Plan.

Other Issues

40. The applicant has confirmed that the development will be constructed and managed as specialist housing by a Registered Social Landlord, meeting the requirements of the Affordable Housing Officer. On this basis the affordable housing requirement that would be applied to a market housing scheme of this size is not appropriate. A condition will be required to ensure the accommodation remains in this specialist use.
41. For contaminated land issues, site investigations and discussions between the Applicant and Local planning authority are still underway as this report is written that will define the extent of the contaminated land remediation condition – the need for this condition being agreed by both parties.
42. There have been no impacts to species protected by law identified on the site, there being no existing structures removed that might affect bats, and no newt ponds in the area. The scrub trees that covered the site have recently been removed by the applicants (to aid detailed site survey) but were not considered to justify formal protection.
43. Members will be aware that loss of view and devaluation of property are not material planning issues. It is however noted in respect of the first issue, that the development of bungalows, set below the existing terrace will allow for views over, to the countryside beyond.

44. The development site is accessed through a 'tight' highways network that reflects the time it was built and increased levels of car ownership. To mitigate any effects of development traffic on local residents to a degree that reflects a reasonable balance whilst allowing the development to be implemented as quickly and efficiently as possible, a standard construction condition is proposed.

CONCLUSION

45. The application proposes socially inclusive residential development on previously developed land in a sustainable location. No issues have been raised that would significantly and demonstrably outweigh these significant benefits. The application is recommended positively subject to the following conditions.

RECOMMENDATION

46. That the application be **APPROVED**, subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in strict accordance with the following approved plans: Proposed Ground Floor Plan – Block A 16023-(PL)100 11/08/16, Proposed First Floor Plan – Block A 16023-(PL)101 11/08/16, Proposed Roof Plan – Block A 16023-(PL)102 11/08/16, Proposed Ground Floor Plan – Block B 16023-(PL)110 rev.A 05/08/16, Proposed Roof Plan – Block B 16023-(PI)111 Rev.A 05/08/16, Proposed Ground Floor Plan – Block C 16023-(PL) Rev.A 08/08/11, Proposed Roof Plan – Block C 16023-(PI)121 08/08/16, Proposed Front Elevation - Block A 16023-(PL)200 11/08/16, Proposed Side Elevation Block A 16023-(PL)201 11/08/16, Proposed Rear Elevation Block A 16023-(PL) 202 11/08/16, Proposed Side Elevation 2 Block A 16023-(PL)203 11/08/16, Proposed Front Elevation Block B 16023-(PI)210 Rev.A 05/08/16, Proposed Side Elevation 1 Block B 16023-(PI)211 Rev.A 05/08/16, Proposed Rear Elevation – Block B 16023-(PI)212 Rev.A 05/08/16, Proposed Side Elevation 2 Block B 16023-(PI)213 Rev.A 05/08/16, Proposed Front Elevation Block C 16023-(PI)220 08/08/16, Proposed Side Elevation 1 Block C 16023-(PI)221 08/08/16, Proposed Rear Elevation Block C 16023-(PI)222 08/08/16, Proposed Side Elevation 2 Block C 16023-(PI)223 08/08/16, Proposed Site Plan 16023-(PI)401 09/08/16, Proposed Materials Block A 16023-(PI)500 Rev.A 12/08/16, Proposed Materials Block B 16023-(PI)510 Rev.A 17/08/16, Proposed Materials Block B 16023-(PI)510 Rev.A 17/08/16, Proposed Materials Block C 16023-(PI)520 Rev.A 17/08/16.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies GDP1, HO5 and TR2 of the Derwentside District Local Plan 1997 (saved Policies 2009).

3. Notwithstanding any details of materials submitted with the application the above ground erection of the built structures hereby approved shall not commence until details of the make, colour and texture of all walling, roofing, roof edge and hardstanding materials have been submitted to and approved in writing by the Local planning authority. The development shall not be constructed except in accordance with the approved details.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies GDP1 and HO5 of the Derwentside District Local Plan 1997 (saved Policies 2009).

4. Notwithstanding any information submitted with the application, details of all proposed boundary markers and ancillary structures, including scooter stores and bin stores must be submitted to the Local planning authority before the three residential blocks hereby approved are completed and thereafter approved in writing, being implemented in full, and in full accordance with said written approval before any part of the scheme is occupied.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies GDP1 and HO5 of the Derwentside District Local Plan 1997 (saved Policies 2009).

5. The three residential blocks hereby approved must only be occupied as supported living apartments and for no other use in Use Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: To justify the departure from affordable housing requirements.

6. Contaminated land – tbc.

7. No construction operations, including the use of plant, equipment and deliveries, shall take place before 0800hrs or continue after 1800hrs Monday to Friday, or commence before 0800hrs or continue after 1300hrs on Saturday. No works shall be carried out on a Sunday or a Bank Holiday.

Reason: In order to protect the amenities of residents in and adjacent the development site as a requirement of Policy GDP1 of the Derwentside District Local Plan, 1997 (saved Policies 2009).

STATEMENT OF PROACTIVE ENGAGEMENT

47. The Local Planning Authority in arriving at the decision to approve the application has actively engaged with the applicant to secure a positive outcome in accordance with the Local Plan and the NPPF. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

BACKGROUND PAPERS

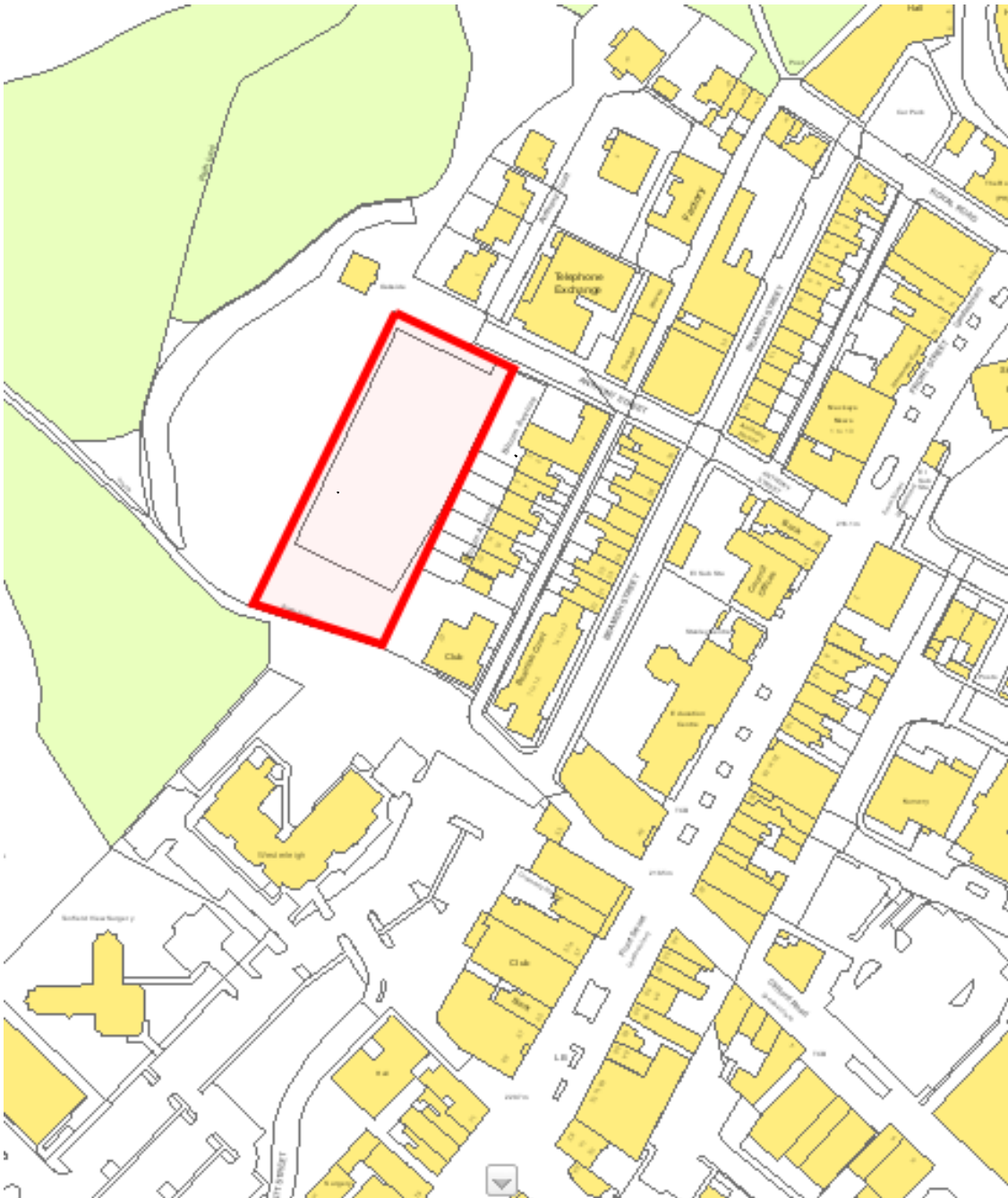
Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2012)

National Planning Practice Guidance Notes

Derwentside District Local Plan (saved policies 2009)

Statutory, internal and public consultation responses



Planning Services

Erection of two-storey residential building containing 16 self-contained one-bedroom supported living apartments, and two additional single-storey buildings containing five one-bedroom supported living dwellings, with ancillary staff area and associated open space and car parking (Use Class C3).

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Comments

Date 27.10.16

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