

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/21/01263/FPA
FULL APPLICATION DESCRIPTION:	Conversion of existing unoccupied 12no bedroom hostel into 5no self-contained supported living units (class C3.b) with staff and communal areas
NAME OF APPLICANT:	Mr Kevin Davison, Riversdale Homes 3 Eureka Terrace Tanhills
ADDRESS:	Nettlesworth Chester-le-Street DH2 3PZ
ELECTORAL DIVISION:	Sacrison Steve France Senior Planning Officer
CASE OFFICER:	Telephone: 03000 264871 <u>steve.france@durham.gov.uk</u>

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. This application proposes the conversion of an existing hostel into self-contained living units for an applicant who provides supported accommodation for people with autism.
2. The property at Tanhills has been in specialist residential use and is in a residential area. The two-storey significantly extended and altered dwelling is semi-detached from a modern two and a half storey development of residential flats which has a rear parking courtyard that the development site overlooks. The site has off-street parking area to the side, amended during the course of the application to provide an additional space at the expense of an existing tree, where a flat roofed single storey porch provides the main access into the building.
3. There is a range of generally two storey dwellings in the immediate area, in a wide range of appearance, style and age, most with off-street parking. A small mini-supermarket and post office is present just south of the site fronted by lay-by parking.

The Proposal

4. The proposal seeks to change the existing internal layout of 12 bedrooms, lounges, staff offices and kitchen. The proposed arrangement rearranges the floorplans to provide two ground-floor and three first-floor flats, each with a

bedroom, separate lounge, kitchen and toilet facilities. Adjacent the existing retained entrance is a communal hub with staff offices and a staff hub/kitchen. No external changes are proposed to windows, however the uses of some rooms served by existing openings will be changed, with particular attention drawn to the existing wc and store windows on the first-floor west elevation which are proposed to serve a bedroom. An amended plan submitted during the course of the application shows on-site parking for four vehicles, three in tandem.

5. The operational management plan submitted with the proposals details a scheme of supported independent living for adults with Autism and Learning Disabilities, with residents generally, 'not be able to leave the property without staffing support'. The home would have a senior manager in situ who would be available at all times for residents needs and also community liaison.
6. This application is reported to Committee upon the request of Councillor Simon Wilson to consider the parking and highways implications of the scheme in a public forum.

PLANNING HISTORY

7. 2/04/00840/FUL - Construction of new entrance at rear of property to facilitate sub-division of nursing home. Approved December 2005.
8. 2/90/0303/DM – Proposed Change of Use to home for mentally handicapped adults. Approved October 1990.
9. 2/83/0055/DM – Proposed Double Garage and Utility Room. Approved February 1983.

PLANNING POLICY

NATIONAL POLICY

10. 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.
11. The NPPF requires local planning authorities to guide development towards sustainable solutions whilst taking local circumstances into account, to reflect the character, needs and opportunities of each area.
12. The following elements of the NPPF are considered relevant to this proposal;
13. *NPPF Part 2 - Achieving sustainable development.* The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The

application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.

14. *NPPF Part 4 - Decision-making.* Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
15. *NPPF 5. Delivering a sufficient supply of homes.* To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
16. *NPPF Part 8. Promoting healthy and safe communities.* Planning policies and decisions should aim to achieve healthy, inclusive and safe places which: promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other, are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and enable and support healthy lifestyles, especially where this would address identified local health and well-being needs.
17. *NPPF Part 9 - 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.
18. *NPPF Part 15 - Conserving and enhancing the natural environment.* Recognises the wider benefits from natural capital and ecosystem services – including the economic and other benefits of trees and woodland.

NATIONAL PLANNING PRACTICE GUIDANCE:

19. 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.
20. *Healthy and safe communities* - advises 'Planning and health need to be considered together in two ways: in terms of creating environments that support and encourage healthy lifestyles, and in terms of identifying and securing the facilities needed for primary, secondary and tertiary care, and the wider health and care system (taking into account the changing needs of the population)'.
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21. *Housing for older and disabled people* – states, 'The provision of appropriate housing for people with disabilities, including specialist and supported housing, is crucial in helping them to live safe and independent lives. Unsuitable or unadapted housing can have a negative impact on disabled people and their carers. It can lead to mobility problems inside and outside the home, poorer mental health and a lack of employment opportunities. Providing suitable housing can enable disabled

people to live more independently and safely, with greater choice and control over their lives. Without accessible and adaptable housing, disabled people risk facing discrimination and disadvantage in housing’.

LOCAL PLAN POLICY:

22. The following policies in the Durham County Plan (adopted October 2020) are relevant to the consideration of this application:
23. Policy 15 (*Addressing Housing Need*) states. establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure mix of affordable housing, the requirements of developments to meet the needs of older people and people with disabilities and the circumstances in which the specialist housing will be supported.
24. Policy 21 (*Delivering Sustainable Transport*) requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.
25. Policy 31 (*Amenity and Pollution*) sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
26. *Policy 40 (Trees, Woodlands and Hedges)* states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting.

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

<https://www.durham.gov.uk/media/34069/County-Durham-Plan-adopted-2020-pdf/CountyDurhamPlanAdopted2020vDec2020.pdf?m=63742496933140000>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

27. Highways – *‘The care facility will be reduced in terms of the number of bedrooms from 12 to 5 bedrooms. There is a sizable parking area at the site for the 3 spaces proposed at the side of the property for visitors and staff needs. The site is located only a short walk to access the public bus service to the north of the site. No highways objections would be raised’.*

EXTERNAL RESPONSES:

28. The Police Architectural Liaison Officer in consultation with the local Police Inspector raises no objection to the proposals subject to the restriction to the operation of the facility in accordance with the Operational Management Plan as set out in condition 3.

INTERNAL CONSULTEE RESPONSES:

29. Adult and Health Services - note they have been in discussion with the applicants, and the scheme has been reduced from an initial proposal for 8 flats at their suggestion. They are still in discussions with the applicants over their business case.

PUBLIC RESPONSES:

30. 20 letters of consultation were sent out to surrounding residents. This has resulted in two representations including one objection at the point this report is being written. If additional comments are received, they will be reported verbally to Members at the Committee Meeting.
31. The objector considers the proposals, *‘a ridiculous proposal when we have a hostel within half a mile, which over the years has brought a number of anti-social behaviour problems into the village. Nettlesworth is a compact village and I feel this development should be declined and relocated to a more suitable area’.*
32. The other correspondent, neither supporting nor objecting the principle raise concerns at parking overspill, with congestion in the street exacerbated by the nearby shops and post office. The previous hostel use is contended to have generated 4-5 cars on-street most days.

APPLICANT’S STATEMENT

33. *‘Riversdale Homes would like to develop the project to support 5 people with Learning Disabilities and or Autism in conjunction with Durham County Council, an approved social housing provider to manage the accommodation and additionally in partnership with an experienced care provider. The care provider will be approved not only by CQC but also contracted from an approved framework list managed and monitored by Durham County Council’.*
34. *‘Our intention is to provide 5 large spacious apartments in line with the current thinking around the specific requirements of people with Autism (Autism is a sensory condition that is aided by the provision of bespoke environments). The people at the home will view the home as a home for life and their own individual needs will be assessed via a multi-disciplinary team who will offer ongoing support’.*

in addition to the care team. Our hope is that the local community will be involved in the project and that the prospective tenants will be offered opportunities to be involved in the local community, our ultimate aim is to integrate people not segregate people with disabilities from society. The home will be offered to people who originate from Durham therefore the project will provide support for local people'.

35. *'I do hope that this proposal will be an opportunity for everyone to support local vulnerable people'.*

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:

<https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QRATUQGD0A500>

PLANNING CONSIDERATIONS AND ASSESSMENT

The Principle of the Development

36. 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 implications of the use for the existing community, the suitability of the location for the proposed residents and highways considerations.

The Development Plan

37. The County Plan 2020 was adopted in October, with the policies therein up to date in terms of the required consistency with the NPPF. The NPPF and NPPG guidance is a material consideration in its own right.

The Principle Issues

38. The principle issue is the appropriateness of the site for both proposed and existing residents, led by the requirements of Policy 15. The policy states that the council will support the provision of specialist housing for older people, vulnerable adults and people with disabilities where: the development is in an appropriate location with reference to the needs of the client; it is designed to meet the particular requirements of residents; appropriate measures will be in place to ensure access for emergency vehicles and safety measures such as fire escapes; and satisfactory outside space, highway access, parking and servicing can be achieved.
39. National Planning Guidance advises, *'The provision of appropriate housing for people with disabilities, including specialist and supported housing, is crucial in helping them to live safe and independent lives. Unsuitable or unadapted housing can have a negative impact on disabled people and their carers. It can lead to mobility problems inside and outside the home, poorer mental health and a lack of employment opportunities. Providing suitable housing can enable disabled people to live more independently and safely, with greater choice and control over their*

lives. Without accessible and adaptable housing, disabled people risk facing discrimination and disadvantage in housing’.

40. Part 8 of the Framework advises that planning policies and decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other.
41. The scheme provides for 5 flats in a low-density arrangement, with each having the facilities to allow an individual all the expected aspects of independent living, with immediate access to support staff. The applicant describes that; *the people in the home will need help with all of their physical daily living activities to the extent that some may require support with bathing, washing and eating. The home staff will be selected by the Council and they will be registered with CQC the national body for inspection and regulation no-one in the home will be there without a thorough risk assessment which is the case for everyone, everywhere in the country with a level of Learning Disorder/Autism.* The proposed scheme, in layout and operation has been designed to meet the needs of the proposed residents.
42. For the remaining criteria, as a modern conversion the new layout will meet all the required fire and escape requirements of the Building Regulation Acts - it will be vetted by Building Control and Fire Officer to ensure it meets the necessary requirements for emergency vehicles / compartmentation / protected means of escape /emergency lighting/fire detection and alarm systems. The nature of the needs of the proposed residents is such that the restricted outdoor space available around the building appears appropriate, noting that particularly to the north of Tanhills/Nettlesworth, there is a network of countryside footpaths that allows for easy recreational access.
43. The above assessments are specific to the stated use and likely implications of the scheme. Existing residents will require surety that the development cannot be used as a different type of hostel within the stated Use Class without the potential for further assessment and consultation. To this end a condition tying the operation of the home to the applicant’s Management Plan for residents with Learning Disorder/Autism/high level of cognitive disability needs is proposed.
44. Within an existing urban area, the site is considered to be in a sustainable location. Within a standard walking distance of 400m, there are 10 bus stops, including on the main A167 that would allow staff access via public transport. There also a small convenience store and post office within 20m of the site.

Highway Safety

45. Highways Officers note the historic parking demands of the site, the proposed level of use and car parking provision and the relationship to local bus stops, raising no objection. Since this response an additional parking space has been added to the proposed site layout to provide off-street parking for visitors and staff as well as accessible vehicles, which is considered at an appropriate level for the proposed use. The scheme is concluded to comply with the requirements of Policy 21 of the plan for Highway Safety.

Residential Amenity

46. The direct implications for residential amenity are protected by Policy 31 of the County Plan, which seeks to ensure that there will be no unacceptable impacts on health or living conditions. With no external physical changes proposed, this assessment relates to the changed uses of windows on the west elevation, where on the first-floor windows previously serving a wc and storeroom are proposed to serve a single bedroom. These windows overlook the car parking courtyard of the adjacent flats and at an angle of 90 degrees have a relationship to the rear elevation and habitable rooms in that development. The relationship is close, but as a variation on the existing arrangement, not considered unreasonable.
47. The significantly lower density of occupation of the development site is also relevant in the assessment of the effects on the surrounding population. In combination with the requested changes to the building, the proposed conversion is considered to have no net impact upon existing residential amenity from the established planning use of the building in accordance with Policy 31 of the County Plan.

Other Issues

48. The addition in process of an additional parking space has put the existing small tree adjacent the entrance into a restricted landscape space, resulting in limited long-term survival prospects. It is proposed that a planning scheme including replacement with two specimens of an appropriate species be agreed through a condition to be attached to any approval, ensuring compliance with Policy 40 of the plan.

CONCLUSION

86. Both the development Plan policies and national advice in the Framework and Planning Guidance notes seek to ensure the planning system provides the opportunity for disabled members of the community for independent living. The scheme will be subject to the appropriate regulatory and inspection regimes of Care Services, and it would be inappropriate for a planning consent to replicate these.
87. It is however appropriate that as the assessment and conclusions for the appropriateness of the use are derived from the specific nature of the proposals, the needs of the occupants and the care regime set up to support them, that a consent should be likewise specific enough to give the Council as Local Planning Authority control over any future changes in the nature of the occupants, and therefore the local community the opportunity to comment on this should it ever be proposed. A condition is proposed to this effect.
88. The parking implications may be considered neutral. Less residents are proposed on the site, but there are likely to be more support staff. Off-street parking is available, and bus-stops are within easy reach.
89. The loss of the single small tree on the site can be mitigated by replanting.

RECOMMENDATION

92. 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 approved plans listed in Part 3 - Approved Plans.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 15, 21, 31 and 40 of the Durham County Plan, 2020 and parts 2, 4, 5, 8, 9 and 15 of the National Planning Policy Framework.

3. The development must be occupied by and run for the benefit of residents with Learning Disorder/Autism/high level of cognitive disability needs in accordance with the details of the submitted Operational Strategy, submitted 7 May 2021. The operator must ensure that suitable risk assessments to protect residents are in place, with appropriate ratios of CQC registered trained staff.

Reason: In the interests of residential amenity, to ensure amenity and safeguarding relationships for existing and proposed residents, to ensure compliance with policies 15 and 31 of the Durham County Plan 2020, parts 8 and 15 of the Framework and the advice for Housing for Older and Disabled People in the National Planning Guidance

4. No development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority for a scheme of replacement planting for the tree proposed to be felled adjacent the single parking space.

Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats.

The landscape scheme shall include accurate plan-based details of the following:

- Details of landscaping including planting species, sizes, layout, densities, numbers.
- Details of planting procedures or specification.
- Finished topsoil levels and depths.
- Details of temporary topsoil and subsoil storage provision.
- Seeded or turf areas, habitat creation areas and details etc. Details of land and surface drainage.
- The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.

The Local Planning Authority shall be notified in advance of the start on site date and the completion date of all external works. The scheme must be implemented before the end of the first available planting season. Trees, hedges and shrubs shall not be removed without agreement within five years. Any specimens that fail must be replanted to the original specification within the same time period.

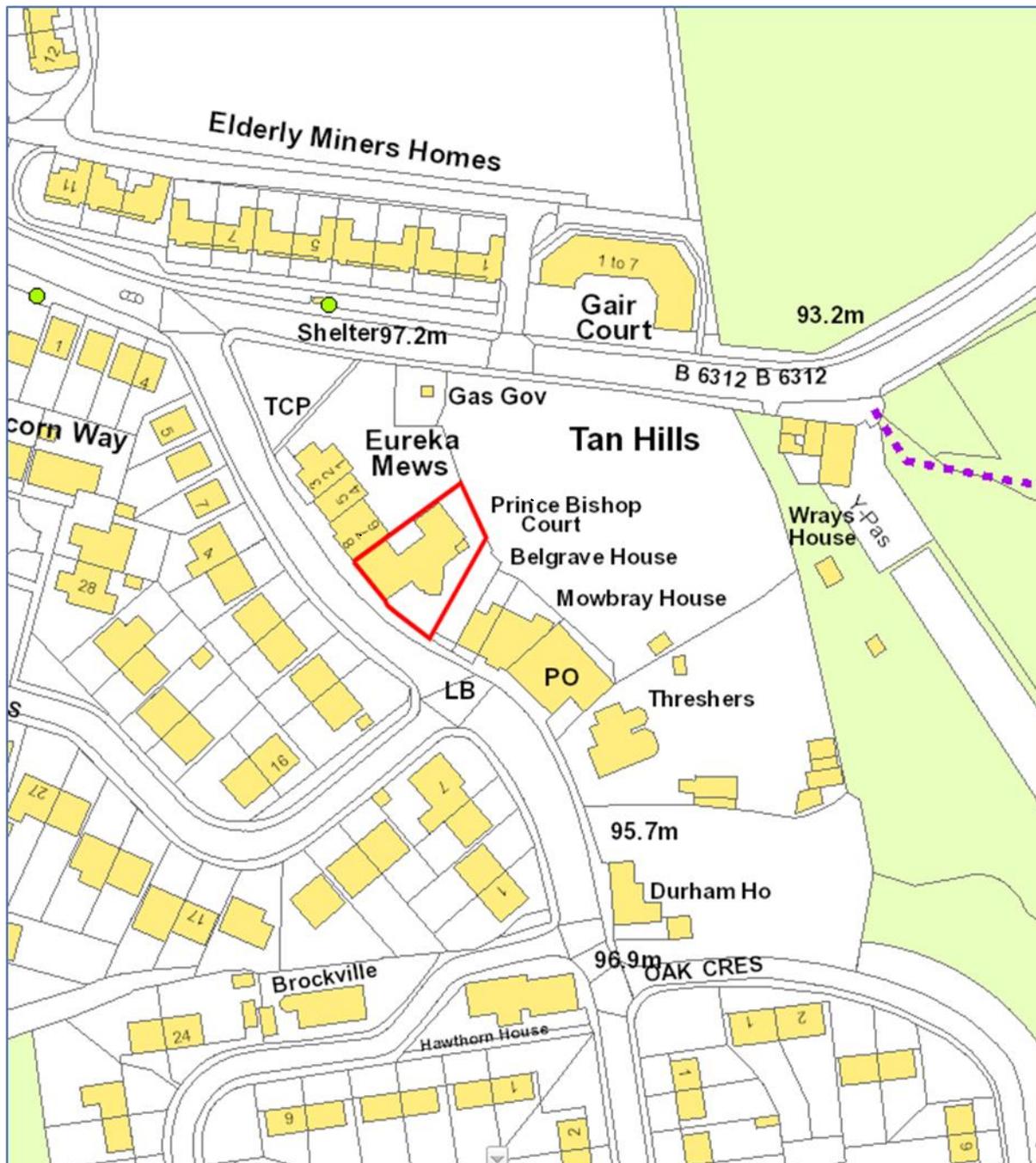
Reason: In the interests of the visual amenity of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF.

BACKGROUND PAPERS

The National Planning Policy Framework (2019)
National Planning Practice Guidance Notes
Durham County Plan 2020
Statutory, internal and public consultation responses
Submitted forms, plans and supporting documents



Planning Services

DM/21/01263/FPA

Conversion of existing unoccupied 12no bedroom hostel into 5no self-contained supported living units (class c3.b) with staff and communal areas.

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Comments

Date 15 June 2021

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