

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/16/00672/FPA
FULL APPLICATION DESCRIPTION:	Change of use from class D1 (non-residential institution) to B1 (offices) with ancillary treatment rooms for aromatherapy massage purposes
NAME OF APPLICANT:	If U Care Share Foundation
ADDRESS:	23 The Green Nettleworth Chester-le-street DH2 3PQ
ELECTORAL DIVISION:	Sacrison
CASE OFFICER:	Nick Graham Planning Officer Telephone: 03000 264 970 nicholas.graham@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is comprised of 23 The Green, Nettleworth, a two storey detached building with a mono-pitch roof. The last known use of the site was as a day centre, falling within the D1 use class, and has been subject to sale by the Council's Assets Department.
2. The site falls within a broadly residential area, with properties located to the north, east and west of the site at The Green. Approximately 50 metres to the west of the site, planning approval has been granted, and conditions have discharged, for the demolition of two bungalows and the erection of nineteen dwellings. Nettleworth Primary School lies approximately 80 metres to the east of the site, with the library, playground and community centre further to the east.
3. To the south of the site is a small piece of recreational land, beyond which is the B6312 Plawsworth Road. Two bus stops lie on Plawsworth Road within 70 metres of the site, with daily hourly services to Durham, Sacrison and Langley Park. Further bus stops lie on the A167, 700 metres to the east of the site, with services to Newcastle, Gateshead and Bishop Auckland. Three car parking spaces are located within the curtilage of the site fronting The Green. Topographically, the site sits a relatively flat level, with views of the site particularly prominent across the recreation land from Plawsworth Road.

The Proposal

4. Permission is sought for the change of use of the building from a non-residential institution (use class D1) to offices (use class B1) with ancillary treatment rooms in the building for aromatherapy massage purposes. All works at the building are proposed to be internal, with no external changes proposed.
5. The application is presented to Committee at the request of the Divisional Member.

PLANNING HISTORY

6. 2/09/00192/FUL – Conversion of garage to rear room and replacement of flat roof with pitched roof – Approved 25 August 2009

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. *NPPF Part 1 – Building a Strong, Competitive Economy* – reinforces the Government's commitment to securing economic growth to create jobs and prosperity, ensuring the planning system supports this aim – 'significant weight' is to be placed on this aim. Planning policies should seek to address potential barriers to investment, setting out clear economic vision and strategy which proactively encourages sustainable economic growth, identifies sites and inward investment, and identifies priority areas for economic regeneration. There is no specific advice on decision making.
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.

LOCAL PLAN POLICY:

13. *Policy IN8 – Industrial Development Beyond Defined Industrial Estates* – permits B1 uses within defined settlement boundaries, of which Nettlesworth and Kimblesworth is one, subject to the following being acceptable: the amenity of neighbouring occupiers; the design, scale and visual impact; adequate landscaping; and does not involve the loss of sound housing in residential areas.
14. *Policy T15 – Access and Safety Provisions in Design* – Development should have safe access to classified road, should not create high levels of traffic exceeding capacity, have good links to public transport, make provision for cyclists and service vehicles and have effective access for emergency vehicles.

RELEVANT EMERGING POLICY:

15. *The County Durham Plan* – 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 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. In the light of this, policies of the CDP can no longer carry any weight.

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:

16. The *Highways Engineer* has noted the site is a former community building with car parking to the front, and no objection is made to the proposed use.

INTERNAL CONSULTEE RESPONSES:

17. None.

EXTERNAL CONSULTEE RESPONSES:

18. None.

PUBLIC RESPONSES:

19. Neighbours have been consulted by way of direct notification, and a site notice was posted on The Green. No comments or objections have been received.

APPLICANTS STATEMENT:

20. The If U Care Share Foundation (IUCSF) provides support around the prevention of suicide, delivers services to support those affected by it and to promotes positive mental health in and around the North East of England. On a day to day basis, we

support individuals who have been bereaved by suicide. The vast majority of appointments take place away from the office however we do still have appointments in the office, but on average only about 2-3 appointments per day.

21. We have 10 members of staff, 2 of which do not have cars, 3 are support workers who are often out of the office, 3 staff deliver training and are also out of the office on a regular basis.

The above 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://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FPA>

PLANNING CONSIDERATIONS AND ASSESSMENT

22. 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 development, impact on neighbouring amenity and privacy, and access and highway safety.

Principle of development

23. The application site is located within the defined settlement boundary of Nettlesworth and Kimblesworth, as designated on the Chester-le-Street District Local Plan Proposals Map. The change of use needs to be assessed against Policy IN8 of the Chester-le-Street District Local Plan. This states that a proposal constituting a B1, B2 or B8 use is permitted within the defined settlement boundaries subject to certain criteria. The inclusion of aromatherapy treatment rooms within the scheme would not fall within the B1 use class, and would instead normally be considered under the D1 use class, however as this use would be incidental to the primary use as offices, this is considered to be ancillary.
24. Policy IN8 seeks to protect neighbouring occupiers in terms of virtue of noise, dust, smell and general disturbance. The proposed use is for offices and when compared to the previous use as a day centre, the amenity impacts are considered to be minimal given no external changes would occur and the proposed operating hours are standard working times of 9am to 5pm Monday to Saturday.
25. The proposal is for a B1 use within a defined sustainable settlement, and is re-using an existing building, strongly supported by the aims of the NPPF and NPPG. The site is considered to meet the criteria of Policy IN8 of the Chester-le-Street District Local Plan and can therefore be supported in principle subject to the amenity of neighbouring residents not being adversely affected, which is discussed below.
26. The presumption in favour of sustainable development is a prime material consideration 'unless adverse impacts of the development significantly and demonstrably outweigh the benefits'. These detailed issues are examined below.

Impact on neighbouring amenity and privacy

27. Residential properties are located to the north, west and east of the site, however as the building is to be unchanged in terms of its construction, the privacy of these neighbours is not considered to be of an increased impact from the existing arrangement.

28. It is important to note that under the existing D1 use class, the building could be used as a health centre, crèche, nursery or school without requiring the benefit of planning permission. It would also appear the building currently has no restriction on the hours of operation it could be used. A continuation of any of the above uses could theoretically operate at any time, with the number of employees and visitors unknown, and could generate significantly more noise and disturbance and attract greater levels of parking than the proposal under consideration.
29. The proposal under consideration has noted the number of employees and proposed daily visitors. Additionally, as part of any approval granted, it is proposed to attach a condition restricting the proposed hours of operation in the interests of residential amenity, and would control such hours of operation which are deemed to be standard business hours, 9am to 5pm Monday to Saturday. Given the above, it is not considered the amenity of neighbours would be adversely affected, particularly when compared against the existing, unrestricted, arrangement.

Highway safety and access

30. The application has been called in by the divisional member on the issue of car parking within the vicinity of the site. The applicant has stated in their supporting statement that the charity employs ten members of staff, whilst only eight of these use cars and six members of staff are regularly out of the office as part of their employment. It is also noted two-three visitors would frequent the site for massage therapy purposes daily. It is therefore considered in theory, there could be a maximum of ten-eleven vehicles visiting the site at any one time, and this would be during the operating hours of between 9am and 5pm Monday to Saturday. The applicant has indicated within the application that the car parking area to the front of the building can accommodate three, possibly four, cars.
31. It is also noted two bus stops fall within 70m of the site to the south on Plawsworth Road, with daily hourly services to Durham City, Sacriston and Langley Park. Further bus services are located on the A167, approximately 700m to the east of the site or a 10 minute walk, with frequent daytime services to Newcastle, Gateshead, Durham City, Bishop Auckland, Spennymoor and South Shields.
32. The Highways Engineer is satisfied that given the existing and proposed uses of the building, the number of car parking spaces associated with the proposal is acceptable, and when coupled with the proximity to public transport, the proposal is considered to meet the criteria of Policy T15 of the Chester-le-Street District Local Plan.

CONCLUSION

33. The site, by virtue of its location, is considered sustainable and noted as reusing an existing building. This is considered to meet the requirements of the Chester-le-Street District Local Plan and the NPPF.
34. Subject to a condition restricting operating hours, the proposal would meet the requirements with respects to neighbouring privacy and amenity, and highway safety and access. No objections have been raised from statutory consultees or the public.
35. No other issues have been raised, and it is on the above basis that the application is recommended favourably.

RECOMMENDATION

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:

Location Plan and Site Plan ARC-15-326

29 February 2016

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies IN8 and T15 of the saved policies of the Chester-le-Street District Local Plan, 2009.

3. The use of the premises as an office (B1) with ancillary treatment rooms shall not be open: before 8am Monday to Saturday; after 6pm Monday to Saturday; at any time Sundays and Bank Holidays.

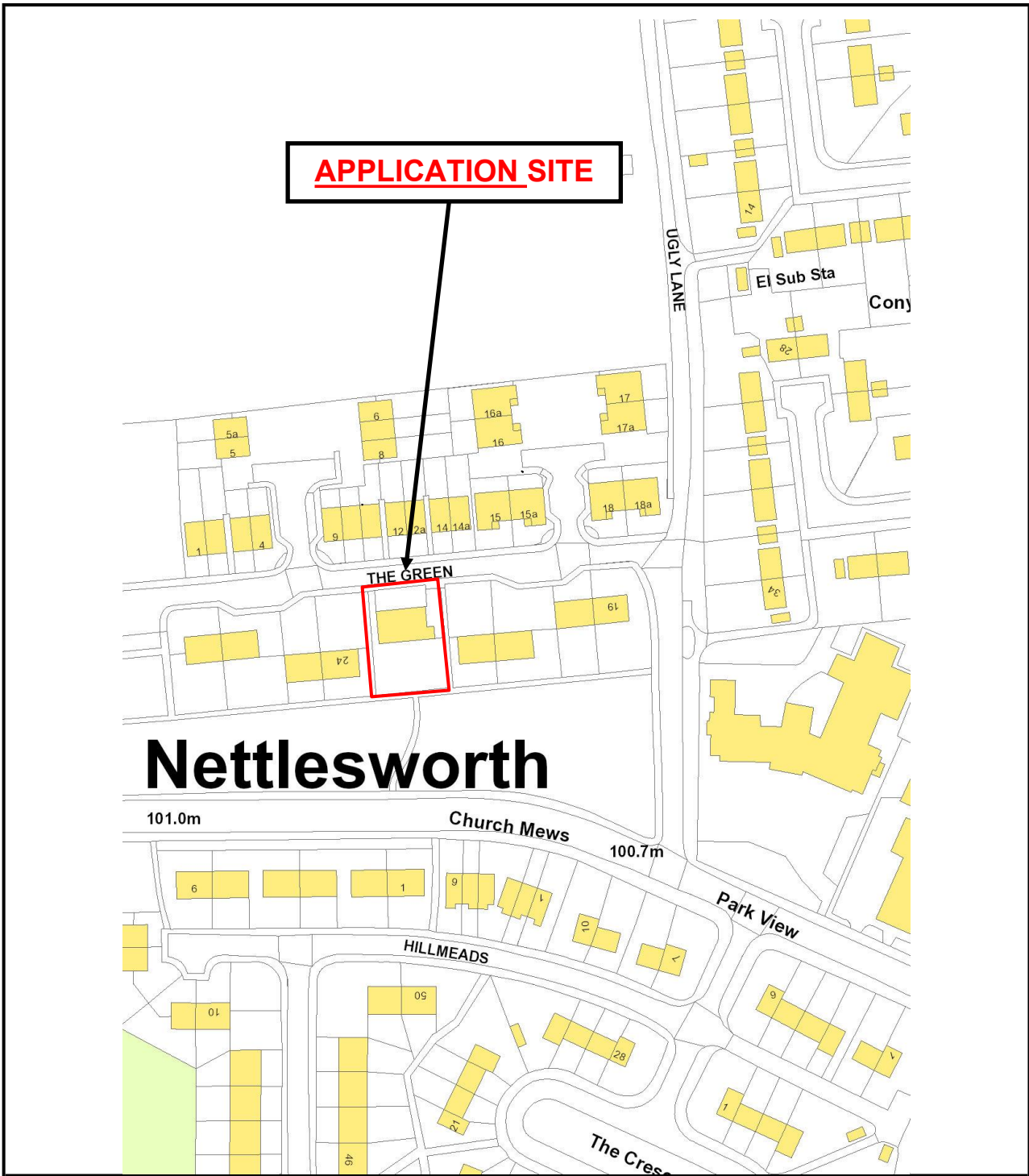
Reason: In order to control any disturbance from the use within the local area and to accord with Policy T15 of Chester-le-Street District Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to approve the application 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. (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
- Chester-le-Street District Local Plan (saved Policies 2009)
- Statutory consultation responses



Nettleworth



Planning Services

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23 The Green, Nettleworth, Chester-le-street, DH2 3PQ

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Comments

Date 19th May 2016

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