

# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	<b>DM/16/00892/FPA</b>
<b>FULL APPLICATION DESCRIPTION:</b>	<b>Construction of two new residential care buildings</b>
<b>NAME OF APPLICANT:</b>	<b>Inclusion Housing</b>
<b>ADDRESS:</b>	<b>Land To The East Of 74 High Street South, Langley Moor</b>
<b>ELECTORAL DIVISION:</b>	<b>Brandon</b>
<b>CASE OFFICER:</b>	<b>Chris Baxter</b> <b>Senior Planning Officer</b> <b>03000 263944</b> <a href="mailto:chris.baxter@durham.gov.uk">chris.baxter@durham.gov.uk</a>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The application site is a vacant parcel of land located east of 74 High Street South in Langley Moor. Immediately to the north west is to the A690 highway with amenity land and housing located beyond. To the north east is the retail store of Lidl with further commercial properties located north of the site along the main High Street. The property of No. 74 High Street South is located to the south west and this building is currently occupied by a laundrette known as Domestic Bliss. Beyond Domestic Bliss is the terraced street which appears to be predominantly occupied as residential properties. Industrial commercial buildings are located to the east and south of the site.

### The Proposal

2. Planning permission is sought for the erection of residential care buildings which will be divided into two separate buildings on the site. A sensory care unit will be located to the northern part of the site with a mental health recovery unit to the southern part of the site. Both buildings would be of two storey design with hipped style roofing. Two accesses are proposed into the site. One from the side lane of High Street South and the second from the industrial estate road to the east. Parking provision is proposed within the site as well as community garden areas.
3. This application is referred to the Planning Committee as it constitutes a major planning application.

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## PLANNING HISTORY

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4. Full planning permission was granted in June 2009 for a supermarket and housing; and in the same application outline permission was granted for a children's nursery.

The supermarket has subsequently been built as a Lidl and the housing was also constructed to the rear of the Lidl store. The children's nursery which was proposed to be located on the same site subject of this current application was not brought forward.

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## **PLANNING POLICY**

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### **NATIONAL POLICY:**

5. 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.
6. 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'.
7. The following elements are considered relevant to this proposal;
8. *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 21<sup>st</sup> century.
9. *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.
10. *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.
11. *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.
12. *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.

13. *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.

*The above represents a summary of the NPPF considered most relevant the full text may be accessed at:*

<http://www.communities.gov.uk/publications/planningandbuilding/nppf>

## **LOCAL PLAN POLICY:**

### **City of Durham Local Plan**

14. *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.
15. *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.
16. *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.
17. *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.
18. 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.
19. 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.
20. 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.
21. 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.

22. *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.
23. *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.
24. *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.
25. *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.
26. *Policy U14 (Energy Conservation – General)* states that the energy efficient materials and construction techniques will be encouraged.

#### **RELEVANT EMERGING POLICY**

##### The County Durham Plan

27. 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 from examination. In the light of this, policies of the CDP can no longer carry any weight at the present time.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

28. *County Highways Authority* has not raised any objections to the proposal. Concerns would be raised if the building was to be used as standard C3 residential apartments.
29. *Northumbrian Water* has not raised any objections subject to a condition for details of foul and surface water to be submitted.
30. *Coal Authority* has confirmed that the site does not fall within a defined Development High Risk Area.
31. *Drainage* has not raised any objections to the proposed scheme.

#### **INTERNAL CONSULTEE RESPONSES:**

32. *Landscape* has not raised any objections.

33. *Design and Conservation* has not raised any objections in principle to the proposed scheme.

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/Odour/Dust)* has not raised any objections in principle to the proposed development.

36. *Ecology* has not raised any objections to the proposed development.

#### **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. No letters of representation has been received from the general public.

#### **APPLICANTS STATEMENT:**

38. As indicated in the supporting letter from Durham County Councils Commissioning Policy and Planning Officer Fred Grand, there is significant demand for the housing we propose in this application.

39. This is the last parcel of land in a 3.5 acres site which we have taken on to redevelop over the last 8 years. It is the area that contained the inappropriately placed scrap yard which ceased operating as a result of our development plans. With it we hope to provide high quality affordable accommodation in a suitable location for people who require residential care. We aim to provide them with a safe environment to live whilst giving a feeling of independence.

40. The size and layout of the development are a result of consultation with the local authority and their service providers to best fit their housing needs. With the input of our architects we have endeavored to create something which will enhance the appearance of the surrounding area and make good use of a brown field site.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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41. 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; visual impacts; residential amenity and highway considerations.

#### Principle of development

42. The application site is a vacant parcel of land located on the main street running through Langley Moor. There is a mixture of different uses in the surrounding area, including commercial, industrial and residential and it is not considered a care home use would be out of keeping. 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.

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

#### Visual impact

44. The development proposals a scheme of 2 blocks; the sensory unit would be positioned to the front of the site with the larger scaled mental health building set behind, providing 13 and 18 1-bed residential care units respectively with the surrounding spaces development as access, car parking and a community garden area.
45. In design terms the development has a number of strengths, the frontage blocks positioning and linear plan responds effective to the existing building line of the street and echoes the form of the terrace which once existed on the site, while the two storey scale is generally compatible to the surrounding built form, and the hipped roof echoes the end-terraced property adjacent to the site. It can therefore be considered to pay some regards to the domestic environment in which it would be located. The elevation fronting onto the A690 originally lacked articulation and appeared flat and monotonous. Amended plans have been submitted by the architect and this elevation now shows a projected bay and gives a dual pitched roof which breaks the flat frontage given it a more interesting appearance.
46. Overall it is considered that the proposed design and appearance of the proposed buildings are considered acceptable and would not have an adverse impact on the appearance of the street scene or surrounding area. Conditions are recommended in terms of details of materials and surface treatment to be submitted prior to works commencing which will ensure the finished appearance does not compromise the visual amenity of the surrounding area.

#### Residential amenity

47. In terms of impacts on existing residential properties, it is noted that the separation distances between the proposed buildings and the existing properties on High Street South exceed the separation distances detailed in planning policy. The proposed development would therefore not result in the loss of privacy to existing residential occupiers. The proposed buildings are to be of two storey design and given the location of the buildings, it is not considered that they would create any overbearing or overshadowing impacts which would compromise residential amenity.
48. The other surrounding uses in the area are commercial and industrial and given the nature of the proposed development it is not considered that the proposed use of the site would have an adverse impact on surrounding uses. Consideration has to be given however to the potential for disturbance on future occupiers of the proposed building from the surrounding uses. A noise assessment has been submitted with the application to demonstrate the potential impact of the noise on the proposed development. This assessment identifies the noise climate in the area and then identifies appropriate mitigation measures to ensure the noise climate does not significantly impact on future residents. The Noise Officer has been consulted on the proposed noise assessment and no objections are raised in principle. Further conditions are recommended for a specific scheme of noise measures to be submitted as well as details of any plant which would be required on the building. Conditions are recommended accordingly.

49. It is not considered that existing and future occupiers of neighbouring residential properties or the proposed scheme would be adversely compromised in terms of loss of residential amenity.

#### Highway considerations

50. The proposed development provides sufficient parking provision within the site to accommodate the proposed development and there are sufficient footways and links to existing footpaths to allow for movement around the site. The proposed accesses into the site are acceptable and sufficient visibility splays are achieved. Adequate manoeuvring space is provided within the site to allow vehicles to enter and exit the site in a suitable manner.

51. The Highways Officer has indicated that the parking provision proposed is adequate for the intended use as a care home. However if the use of the building was to change to standard apartments then objections would be raised in terms of lack of parking. A condition had been requested ensuring that the care home could not be converted into apartments. A care home falls under a C2 use and apartments fall under C3 use and there are no permitted rights to change from C2 to C3. Planning permission would be required if the care home building was to be converted into residential apartments therefore there is no requirement for a condition to be imposed on this application as the local planning authority would still have control over any proposed change of use.

52. Overall, it is considered that the proposed development is acceptable in highway terms and would not compromise highway safety.

#### Impact on surroundings

53. The Council's Landscape Officer and Ecologist has not raised any objections to the proposed scheme. A condition is recommended with regards to the submission of further details of landscaping.

54. Northumbrian Water and the Council's Drainage Officer 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.

55. No objections have been received from the Council's Environmental Management Team other than the inclusion of conditions relating to contamination.

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## **CONCLUSION**

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56. The proposed development is considered acceptable in principle as it is the redevelopment of a brownfield site sustainably located in an area which has a mix of residential, commercial and industrial use. The proposals are therefore considered to be in accordance with the presumption in favour of sustainable development as outlined in the NPPF.

57. The proposed buildings have been suitably designed and would not appear visually intrusive within the surrounding area. It is considered that the proposed development would not have an adverse visual impact on the appearance of the street scene or the surrounding area and would be in accordance with policies H13 and Q8 of the local plan.

58. Adequate separation distance would be achieved between existing properties and the proposed buildings, therefore there would be no loss of privacy and no adverse impacts created in terms of overbearing or overshadowing impacts. Sufficient information has been submitted which would ensure that future occupiers of the proposed buildings would not be adversely compromised by noise from adjacent uses. The proposed development is therefore considered to be acceptable and would not compromise residential amenity. The proposals would be in accordance with policy Q8 of the local plan.

59. The proposed accesses to the site are considered acceptable and sufficient parking provision and footpaths are provided within the site. The proposed development would not compromise highway safety and would be in accordance with policies T1 and T10 of the local plan.

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## **RECOMMENDATION**

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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:

<b>Plan Ref No.</b>	<b>Description</b>	<b>Date Received</b>
AL(0)001 A	Proposed General Site Arrangement	01/06/2016
AL(0)002	Sensory Unit Proposed Floor Plans	17/03/2016
AL(0)003	Sensory Unit Proposed elevations and Section	17/03/2016
AL(0)004	MHR Unit Proposed Floor Plans	17/03/2016
AL(0)005	MHR Unit Proposed Elevations and Section	17/03/2016
AL(0)006	Existing and Proposed Site Sections	17/03/2016
AL(0)007 A	Proposed Site Block Plan	01/06/2016
AL(0)008 B	Proposed Site Roof Plan	01/06/2016
AL(0)010	Site Location Plan	17/03/2016

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

3. 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 H13 and Q8 of the City of Durham Local Plan.*



4. 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.*

5. 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.*

6. Before the development hereby approved is occupied, a detailed noise impact assessment and scheme of sound attenuation and noise mitigation measures (including details of any proposed external machinery/plant) shall be submitted to and approved in writing by the local planning authority. The proposed machinery/plant shall thereafter be implemented and maintained in accordance with the approved details.

*Reason: In the interests of residential amenity and to comply with policy H13 of the City of Durham Local Plan.*

7. Prior to the commencement of development hereby approved a detailed landscaping scheme 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: In the interests of the amenity of the area and to comply with policies Q5 and H13 of the City of Durham Local Plan.*

8. 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.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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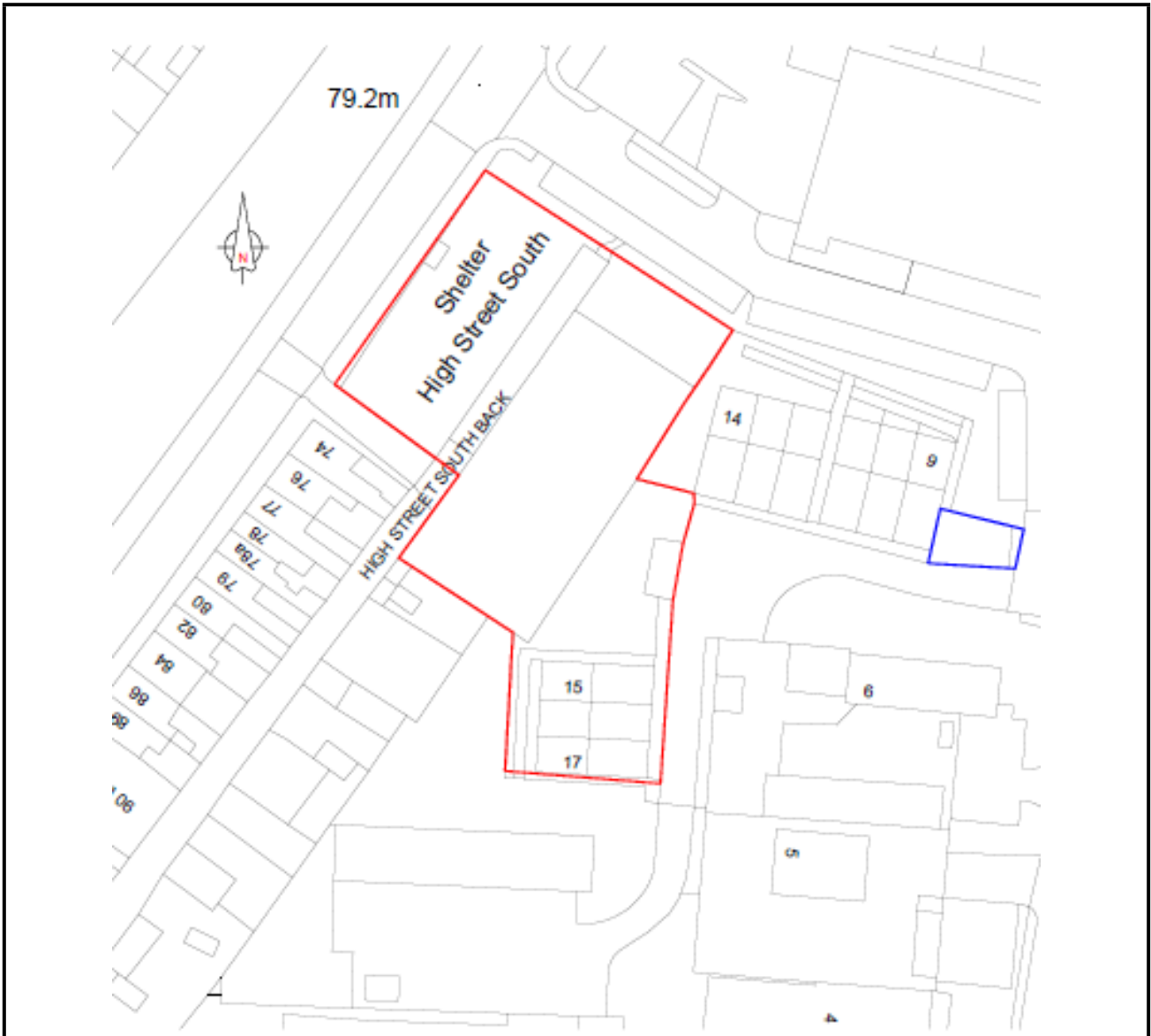
In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process.

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## **BACKGROUND PAPERS**

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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




**Durham**  
County Council

**Planning Services**

**Construction of two new residential care buildings at Land to the East Of 74 High Street South, Langley Moor Ref: DM/16/00892/FPA**

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<b>Date</b> 14 <sup>th</sup> June 2016	
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