

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/16/00905/FPA
FULL APPLICATION DESCRIPTION:	Conversion of former care home to 14 residential 1 bed flats, 3 training rooms, 15 office suites and cafe
NAME OF APPLICANT:	Apeks Property Services
ADDRESS:	Stanfield House Joicey Square Stanley DH9 0PG
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 consists of Stanfield House, the former residential Care Home at Joicey Square, a large one and two storey brick built building of institutional appearance. The vacant building is set within small grounds, with vehicular service access from the rear. Although vacant, the building has been subject to ongoing refurbishment works, internal and external for over a year to facilitate a change of use, without the benefit of planning consent, and therefore is partially retrospective.
2. The site is demarked on three sides by low level walls and open mesh fencing, with the side of a small commercial garage on the fourth. The front elevation of the building faces across roadways and open grass verges to Joicey Gardens, the site being clearly visible from one of the two large roundabouts that take the A693 in dual carriageway form through Stanley. Joicey Gardens is a development of semi-detached and mid-linked older persons bungalows which wrap around three sides of the former nursing home, the different forms of development originally designed to offer a range of complimentary accommodation and a community of older residents. The remainder of the boundaries are shared by a small commercial garage, and a vehicular service yard serving that business and the Cooperative Funeral Services building that fronts the roundabout.
3. The site is adjacent the centre of the settlement, well served by, and with easy access to goods, services and sustainable transport opportunities.

The Proposal

4. The current version of the application proposes the conversion of former care home to 14 residential single bed flats, 3 training rooms, 15 office suites and café. The residential accommodation is proposed centred on the first floor of the building, this element of the project having been constructed and finished, but not brought into use. The offices and training rooms occupy the ground floor, with a proposed café, open to the public, in the conservatory element of the former use. Extended car parking, taking access from both the front of the site and through the existing rear access provides for 29 on-site spaces in total. The minor elevational changes proposed through the application are now retrospective.

5. The application is presented to Committee at the request of the local Member.

PLANNING HISTORY

6. In 2013 an application for the conversion of the redundant nursing home to 14 residential apartments was approved by Committee. The current applicant has recently sought to 'discharge' the written elements of the conditions attached to that approval, keeping that consent live, and giving them a 'fall-back' position.

7. Over the last year attempts to formalise the on-going works in the building have resulted in withdrawn and returned applications and negotiations with the applicant regarding the details of the proposal.

PLANNING POLICY

NATIONAL POLICY

8. 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. 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.

The following elements of the NPPF are considered relevant to this proposal;

10. *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.

11. *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.
12. *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.
13. *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.
14. *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.

NATIONAL PLANNING PRACTICE GUIDANCE:

15. 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.
16. *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.

LOCAL PLAN POLICY:

17. The following are those saved policies in the Derwentside District Local Plan relevant to the consideration of this application:
18. *Policy GDP1 – General Development Principles* – is an overarching policy which aims to ensure that all developments incorporate a high standard of design, conserve energy and are energy efficient, protect the existing landscape and natural and historic features, protect and manage the ecology of the area, protect valuable

open land, provide adequate landscaping, incorporate crime prevention measures and improve personal safety, protect amenity, provide adequate drainage, protect flood risk areas and protect the water resource from pollution.

19. *Policy CO12 – Hot food take-away shops and cafes* – permission will only be granted for uses within town centres if premises are not located close to concentrations of residential property, and not located close to parking restrictions or within mixed use areas or local shopping centres if there would be no harmful effect on living conditions of nearby residents from noise. Such uses can only be considered appropriate if satisfactory opening hours are proposed, satisfactory details of fume extraction including its siting have been agreed, and an approved scheme for the collection / disposal of litter can be effectively implemented. Hot food uses are considered unacceptable located amidst dwellings and isolated from other non-residential uses
20. *Policy TR2 – Development and Highway Safety* – relates to the provision of safe vehicular access, adequate provision for service vehicle manoeuvring, etc.
21. *Policy TR3 – Cycling* – Requires cyclists' needs to be taken into account when considering proposals for new traffic management, road improvements and new developments. Permission will only be granted if safe and convenient access and cycle parking facilities such as racks or wall bars are provided.

RELEVANT EMERGING POLICY:

22. 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.

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:

23. *Highways* – County Highways Engineers considered the amount of parking originally proposed insufficient, calculating the on-site requirement to be 31 spaces, with the flexibility the applicants required from the different uses of the building creating potential overlap in demand between uses that could otherwise be calculated to co-exist between daytime and evening / night-time demand.

PUBLIC RESPONSES:

24. Twenty seven neighbours were consulted by direct mail. Correspondence has been received from the Residents Association who have maintained direct contact with the developers following the withdrawal of the previous application. A pro-active group, they confirm extensive talks that have addressed the issues previously raised with the development and proposals. They are 'now fully in favour of what is being proposed for the building and are fully behind the developers', including the detailed issue of the proposed 29 car parking spaces.

APPLICANTS STATEMENT:

25. Through the planning application it has been demonstrated that the proposals are acceptable in principle and will not give rise to any undue amenity impacts. Indeed the development proposals will bring back into use a vacant building, which has been constantly vandalised whilst standing empty, in a prominent location adjacent to Stanley Town Centre for a range of uses that will significantly benefit the community.

26. The development proposals will also support the provision of jobs in Stanley by providing office accommodation for individual and small business. NPPF requires that great weight is applied to proposals that support economic growth. The proposed café (open to local residents) and training rooms will be of significant community benefit.

27. The local residents group has formed a joint residents group with the people who operate the building to ensure open communication. The local residents are fully supportive of the development.

28. The development proposals accord with the aims and aspirations of the NPPF and the Local Plan representing sustainable development and as such planning permission should be granted without delay

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

29. 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 principles of the different uses proposed from development, and their potential impact upon the surroundings, primarily relating to issues of residential amenity and parking.

Principle of the Development

30. The NPPF sets out the three dimensions of sustainability, economic, social and environmental and the application must be assessed against each of these dimensions.

31. The site is well located just north of the main retail area of Stanley that also includes a bus station, schools, churches and a sports centre. Pedestrian crossings connect the area around the site to these facilities across the dual carriageways of the

A6076. Permission is sought for suitable edge of town centre use which would be complementary to other uses within the vicinity. In locational terms, for all the proposed uses the site is considered to have a high level of locational sustainability.

Economic Sustainability

32. It should be noted that the proposed 'training rooms' are not proposed directly related to the residential flats, although residents may avail themselves of the facility if they wish. The training rooms are proposed operated by First Point Training who provide specialist courses related to occupational studies, return to work and personal development, although a planning permission would not restrict the use to this operator.
33. The proposed offices are contended to deliver 'significant economic benefits' by providing office space for individuals and small businesses to support the local economy. Whilst this is not quantified, either in showing a demand or projected financial benefits, the provision is capable in principle of achieving this, in line with the 'economic' sustainability thread of the NPPF, and the Council's own 'Altogether Wealthier' corporate aims.

34. Social Sustainability

The café is primarily designed to serve the needs of the other elements of the development, and the local community, although there would be no restriction on this. This facility would offer a place for residents of the development and the wider community to gather therefore it is considered that this will offer social benefits in compliance with the aims of the NPPF. In addition the training facilities would provide a social benefit for the benefit of not only the occupiers of the development but also the larger area.

35. Each of the 'commercial' elements of the scheme have implications if operated differently from the way detailed in the applicant's Design and Access Statement, and as set out on the forms. The planning judgement must consider how the consent could operate in unexpected ways if left unrestricted. The commercial operations set out are considered potentially acceptable sustainable development, if restricted to the operations and uses either described in the forms, or implied in the Access Statement. For example requiring the café is restricted to the A3 Use Class ensures that potential litter, public order, residential amenity and traffic problems sometimes associated with A4 and A5 uses are within the control of the Council. The offices are set out in the forms as within Use Class B1(a) (general offices, not including professional and financial services) which would appropriately restricts their use. The meeting rooms are described as D1 (non-residential institutions) – a Class that includes non-residential education and training centres as proposed, but also crèches, day nurseries, clinics and medical centres. These latter uses have different implications to residential amenity and traffic movements, and are therefore considered to justify an extra level of control in respect of controlling these potential issues.

36. The commercial elements of the proposals are therefore considered acceptable in principle if restricted by condition to Use Classes A3 for the café, B1(a) for the offices, and for non-residential education and training centre purposes, and no other use within Class D1, and if restricted to hours of operation. The condition detailed at the end of this report sets out Officer's recommendations for a balanced scheme of commercial operation and protection of residential amenity, taking into account of the potential for the nature of the uses to change in the future. In response to sight of the conditions, the applicant has suggested revisions to make the commercial spaces more attractive to potential customers and give flexibility on working hours – 8 am

until 8pm Monday to Friday is requested. The applicant also asks that the hours relating to the café be extended to enable it to operate on a Sundays 11 am until 5 pm – it being claimed local residents would like to use the facilities at this time. The use could not be restricted to local residents and Officers suggest caution on the implications of these extended hours.

37. The nature of the proposed residential accommodation has raised some concern during the extended course of the building works preceding the submission of this application. The applicant has latterly put some effort into engagement with the local community who are now satisfied with the proposals. Again, clear definition of the type of accommodation proposed within the use classes is considered necessary to address previous concerns that the accommodation may have an institutional or care element to it. To this end restricting the proposed 14 individual flats, presented as available for rent on the open market, to Use Class C3 will give surrounding residents some surety as to the nature of the residential accommodation, and the Council an appropriate degree of control and the ability to accept this element of the proposals as acceptable in principle, in line with NPPF requirements to, 'to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities' whilst meeting Policy GDP1(h)'s requirement to protect residential amenity.

38. In terms of the cafe Policy CO12 of the Derwentside Local Plan is relevant. Whilst this policy pre-dates changes to the Use Classes Order that sub-divided the Use Class into cafes (A3) / drinking establishments (A4) / and hot food take-aways (A5), the Policy has 'partial' weight for current decision making, in terms of considering pollution and amenity implications of developments. Policy CO12 seeks to protect residential amenity from the by-products of food related enterprises. To protect the residential amenities of both existing residents and the new residents within the scheme a standard condition to require details of odour extraction and bin storage / removal from that café element is proposed.

39. Environmental Sustainability

Having established that in locational terms the proposal is highly sustainable it is important to then address the following environmental constraints. The site sits within a mature urban area, with the natural environment restricted to occasional feature tree planting and the protected trees around the nearby Church, which with the Church Institute building, currently subject to a conversion to residential apartments, represents the historic environment. With minimal effect on these features which are protected within the core principles of the Framework, it is considered that that on the whole the proposal meets the environmental role set out in the NPPF.

Impact upon the Character of the Surrounding Area

40. The minor works carried out externally on the building to date have improved its visual appearance in an area of existing well maintained residential dwellings and are therefore considered to be acceptable.

Neighbouring Amenity

41. No new windows have been implemented as part of the building's conversion and therefore there are no new relationships in terms of residential privacy and amenity interrelationships with existing dwellings. With the former nursing home a high density residential occupation, the proposed level of residential occupation of the building is considered comparable and therefore acceptable.

42. There will be an effect on the amenity of those bungalows in Joicey Gardens that face the proposed parking / vehicle manoeuvring areas, and whilst the applicants have made it clear that their preference is for maximum flexibility for the commercial elements of the scheme they have also submitted the following suggested operating hours during the course of the application: Office Suites 8am until 6pm, Café 8am until 8pm, and Training Rooms 8am until 6pm for training purposes and 6pm until 10pm for community uses (stated by the agent as having been requested by local residents through the applicant's community consultation process). The restriction to these hours and uses is considered reasonable and proportionate in order to ensure the protection of residential amenity required by Policy GDP1(h) of the Development Plan. The separation of the different user groups accessing the facilities at different times of the day requires definition to be enforceable and the condition set out below is designed to achieve this. Those using the facilities on an evening should be non-commercial community based uses that will generate little in the way of car parking demand.
43. Local residents have indicated that through direct contact with the applicants that they have no objection to the proposals. The extended parking scheme does not directly affect the existing residents. With the application a conversion of an existing structure, and with no new relationships introduced the scheme is considered acceptable in this regard.

Highway Safety

44. There has been extended debate regarding the requirements for on-site parking during the course of the application. Difficulties have revolved around the applicant's requirements for maximum flexibility from the various uses, and estimating parking requirements from daytime and evening / night-time users of the development that may overlap rather than dovetail. Highways Engineers have reached a calculation of 31 on-site spaces as the requirement. The applicant has both argued for flexibility taking into account the sustainable nature of the location, and stated that there are significant physical impediments in terms of ground levels to the provision of parking spaces at the front of the site. However, it should be noted that the same applicant has submitted a 'discharge of conditions' application parallel with the application in hand to keep the existing consent 'alive' for apartments that includes parking spaces at the front of the site. Officers have however investigated the potential for a scheme of cycle parking as a condition of an approval to both mitigate the shortfall and demonstrate a flexible and sustainable approach to transport issues on the site, and this appears acceptable to all parties, and reflects recent Committee Member requests for such. Noting that local residents have specifically indicated they have no objection to the level of parking proposed, the scheme is accepted as compliant with Policies TR2 and TR3 of the Development Plan, subject to a condition requiring a cycle parking scheme be implemented before occupation of any of the residential dwellings.

Other considerations

45. The proposed development falls under the threshold for the provision of affordable housing.
46. The applicants have indicated they wish to set up an 'advisory group' to keep communication open with the existing surrounding community, with those existing residents involved in activities within the development. Whilst this voluntary offer from the developer is welcomed, it cannot be a condition of any approval as such a condition would not meet the relevant tests for Planning conditions and is not

something which any weight can be afforded to in the consideration of this application.

CONCLUSION

47. The application site is set in a highly sustainable location. The application proposes a number of uses each of which as presented have economic and social benefits that align both with national planning guidance, and with the corporate aspirations of the County Council.
48. It is the role of the planning system however to guard against 'unintended consequences' from approvals that may move within use classes to operations that may have unacceptable effects on residential privacy and amenity and highway safety. To this end the application is supported as presented, but subject to a number of restrictive conditions designed to protect against future uses and users that might bring unacceptable effects.

RECOMMENDATION

49. That the application be **APPROVED** subject to the following conditions/reasons:

1. The non-residential use of the building is restricted to: Use Classes A3 for the café and no other use falling within the Town and Country Planning (Use Classes) Order 1987, B1(a) for the 15 offices and no other use falling within the Town and Country Planning (Use Classes) Order 1987, and for the three meeting rooms defined on approved plan STAN-010(PL).non-residential education and training centre purposes, and no other use falling within Class D1 or any other class in the Town and Country Planning (Use Classes) Order 1987

Reason: To define the consent and ensure the continued residential privacy and amenity of existing residents in accordance with Policy GDP1 of the Derwentside District Local Plan 1996 (saved 2009)

2. The non-residential uses of the building must be not be operated outside the hours of Monday through to Saturday: Office Suites 8am until 6pm, Café 8am until 8pm, and Training Rooms 8am until 6pm for commercial training purposes and 6pm until 10pm for community uses

Reason: To define the consent and ensure the continued residential privacy and amenity of existing residents in accordance with Policies GDP1 and CO12 of the Derwentside District Local Plan 1996 (saved 2009).

3. Before any part of the building is brought into use, the approved parking layout must be completed in full as shown on plan STAN-LP B, providing 29 spaces. In addition, a scheme of on-site cycle parking provision must be submitted to, approved in writing by the Local Planning Authority and implemented in full before any part of the building is brought into use and thereafter retained in perpetuity.

Reason: To ensure sustainable highway requirements and highway safety are incorporated into the scheme and available for all site users in accordance with Policies TR2 and TR3 of the Derwentside District Local Plan 1996 (saved 2009).

4. The café shall not be brought into operation until details of fume extraction, which accord with current DEFRA guidance on the control of odour and noise from commercial kitchen exhaust systems, are submitted to, and approved in writing by, the Local Planning Authority and implemented in full, being thereafter operated at all times when cooking is being carried out on the premises.

Reason: In the interests of preserving the amenity of residents in accordance with Policies GDP1 and CO12 of the Derwentside District Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

50. 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

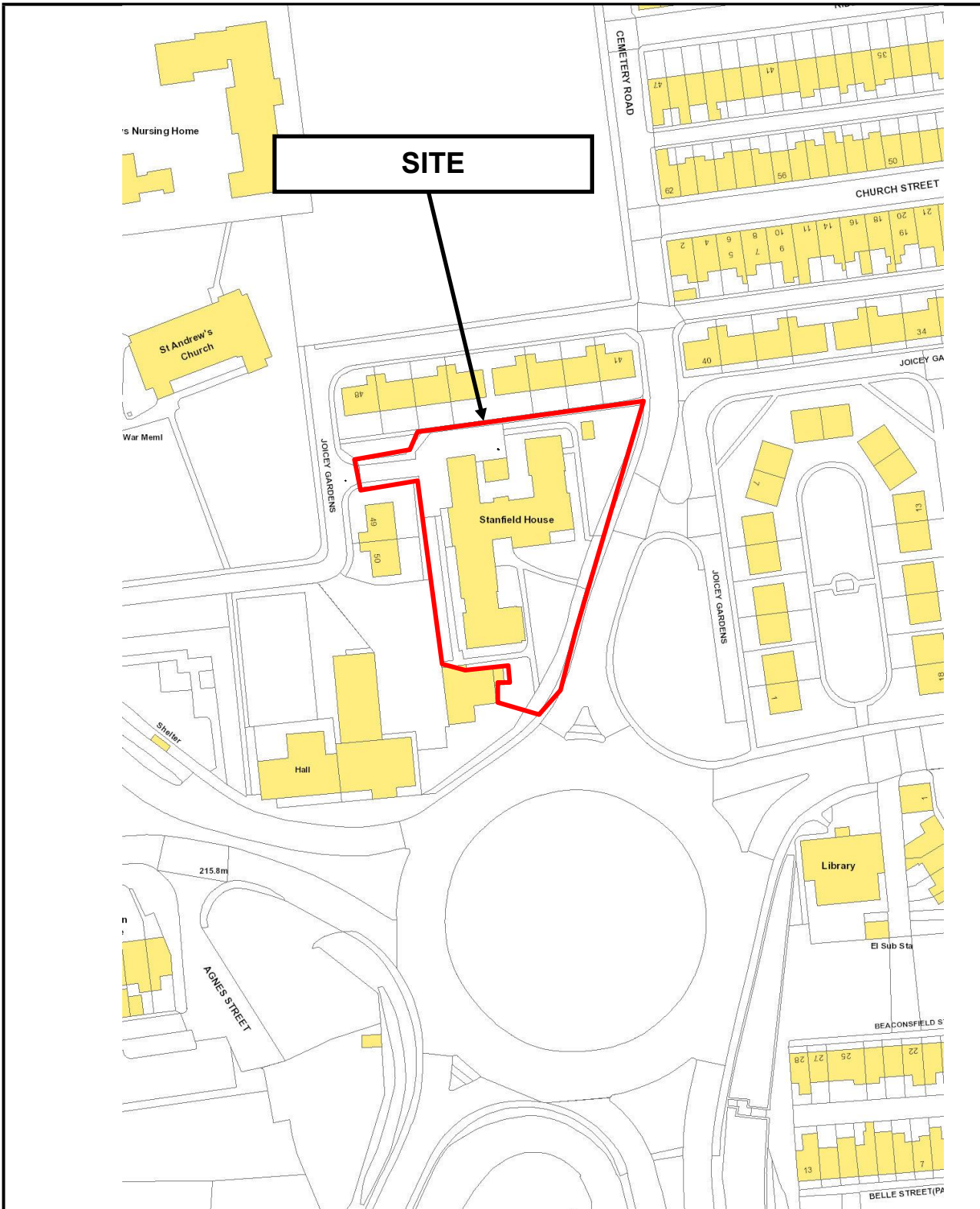
Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2012)

National Planning Practice Guidance Notes

Derwentside District Local Plan 1997 (saved policies 2009)

Statutory and public consultation responses



Planning Services

Stanfield House, Joicey Square, Stanley,
DH9 0PG

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Comments