



Area Planning Committee (North)

Date Monday 12 December 2016
Time 2.00 pm
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of the Meeting held on 24 November 2016 (Pages 3 - 6)
4. Declarations of Interest (if any)
5. Applications to be determined by the Area Planning Committee (North Durham)
 - a) DM/16/03379/FPA Demolition of existing building and construction of new 90 bedroom residential care home plus associated parking and landscaping (Pages 7 - 20)
Delves Lane Community Bar, Gloucester Road, Delves Lane, Consett.
6. Appeal Update (Pages 21 - 24)
7. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

Colette Longbottom
Head of Legal and Democratic Services

County Hall
Durham
2 December 2016

To: **The Members of the Area Planning Committee (North)**

Councillor C Marshall (Chairman)

Councillor I Jewell (Vice-Chairman)

Councillors B Armstrong, H Bennett, P Brookes, J Cordon,
J Maitland, O Milburn, J Robinson, K Shaw, A Shield, L Taylor,
O Temple, K Thompson, S Wilson and S Zair

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**DURHAM COUNTY COUNCIL
AREA PLANNING COMMITTEE (NORTH)**

At a Meeting of the **Area Planning Committee (North)** held in the Council Chamber, County Hall, Durham on **Thursday 24 November 2016 at 2.00 pm**

Present:

Councillor C Marshall (Chairman)

Members of the Committee:

Councillors H Bennett, J Cordon, I Jewell (Vice-Chairman), J Maitland, J Robinson, L Taylor, O Temple, K Thompson and S Wilson

1 Apologies for Absence

Apologies for absence were received from Councillors B Armstrong, P Brookes, K Shaw, A Shield and S Zair.

2 Substitute Members

There were no substitutes.

3 Minutes of the Meeting held on 27 October 2016

The minutes of the meeting held on 27 October 2016 were confirmed as a correct record and signed by the Chairman.

4 Declarations of Interest (if any)

There were no declarations of interest.

5 Applications to be determined by the Area Planning Committee (North Durham)

a DM/16/02237 Land To The Rear Of Johnsons Buildings, Iveston Lane, Iveston

The Committee considered a report of the Planning Officer regarding an application for the change of use of land to private equestrian and construction of a building house 6no. new private stables plus ancillary rooms at land to rear of Johnsons Buildings, Iveston Lane, Iveston (for copy see file of Minutes).

The Planning Officer provided a detailed presentation of the application which included photographs of the site and a plan of the proposed layout. She further advised that although a number of concerns had been raised by residents

regarding noise, odour and concerns over the future use of the stables these would be mitigated by way of condition. It was also noted that condition 5, would be amended to include that all landscaping work should be undertaken no later than the next planting season and that condition 7, be amended to include that arrangements for the storage and disposal of animal waste be completed prior to occupation.

Councillor Temple asked two questions, the first as to why the application had been brought before committee. The second related to the footprint of the new structure.

In response the Planning Officer advised that the application had been called in by local member, Councillor Stelling on the grounds that residents had concerns regarding noise, odour and future use. With regard to footprint of the building, she advised that the proposed structure although in the same position was larger in size than the previous kennel structure.

Councillor Jewell commented that he found the proposals to be totally acceptable and considered the concerns raised to have been mitigated against. He therefore **MOVED** that the application be approved subject to the amended conditions as reported by the Planning Officer.

Councillor Maitland **SECONDED** the proposal.

Resolved:

That the application be approved subject to the conditions as listed within the report and the following amended conditions, numbers 5 and 7:-

5. Within 1 month of the commencement of development a detailed landscaping scheme and plan shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the provision of Native species hedge planting within 3m wide stock-proof fenced corridors along the field sub-dividing internal fence to the west of the site and hedge planting to the northern boundary of the field. Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats. The approved scheme shall be implemented in full no later than the first planting season following the commencement of the development.

Reason: To ensure that the impact upon the surrounding countryside is controlled in accordance with Part 11 of the NPPF and Saved Policy EN1 of the Derwentside District Local Plan prior to the construction of the stable block.

7. The approved arrangements for the storage and disposal of animal waste shall be implemented in full prior to the use of the stables commencing and shall be undertaken in perpetuity. If the arrangements are not undertaken in accordance with the approved arrangements the use of the site shall cease and the stables shall be permanently removed from the site.

Reason: In the interests of residential amenity in accordance with Policy EN26 of the Derwentside District Local Plan.

6 Appeal Update

The Committee received a report of the Principal Planning Officer, which provided an update regarding appeals received.

Resolved:

That the content of the report be noted.

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/16/03379/FPA
FULL APPLICATION DESCRIPTION:	Demolition of existing building and construction of new 90 bedroom residential care home plus associated parking and landscaping
NAME OF APPLICANT:	Sandhu Investments Ltd
ADDRESS:	Delves Lane Community Bar, Gloucester Road, Delves Lane, Consett
ELECTORAL DIVISION:	Delves Lane Steve France Senior Planning Officer
CASE OFFICER:	Telephone: 03000 264871 steve.france@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is 0.4ha of land north of the mini-roundabout and 'T' junction of Delves Lane and Gloucester Road in Delves Lane. Delves Lane is included within the settlement grouping of Consett as a 'main town' in the 'County Durham Settlement Study, September 2012'.
2. The site itself has been used by a large social club, cut into the slope of the adjacent main road. The club buildings are tall single storey brick-built shallow pitched and flat-roofed structures whose generic design identifies their former use. Elements of the buildings are beginning to fall into disrepair. The existing car park is sited on the lower part of the site accessed from Gloucester Road. There are no trees or landscape features of note on the site. Large areas of the site are affected by records showing shallow mine-workings.
3. The surrounding area is mixed use, including mid-linked local authority built dwellings, two large nursing homes, set at a lower level and a mix of large commercial and employment related buildings. The site is 700m from the main commercial area of Consett and the bus station, via a footbridge access over the busy A692. There is a football ground, cycle routes, public houses and large retail premises in the immediate locale.

The Proposal

4. The application proposes a large nursing home development, providing 90 beds in two linked three-storey blocks formed into a 'U' shape. Accommodation consists of individual bedrooms with toilet and shower facilities, communal lounges and dining areas, nursing stations in addition to kitchens, service/plant rooms, staff rooms and

offices. The blocks are built on split levels, with the lower of the two using the existing 'cut' site levels. The large blocks are broken up with a series of design features including projecting gables changes, in elevational materials, in roof accommodation served by roof-lights.

5. A parking scheme, amended during the course of the application provides for 22 car parking spaces, including disabled spaces, with the applicant having indicated by swept-path analysis that the layout is accessible by service vehicles. Cycle parking and bin stores are included within the layout.
6. The Gloucester Road elevation of the proposed building is 30.5m from the facing dwellings. That elevation varies between 6.5m and 7.7m to eaves in height. The closest part of the proposed building to the existing nursing home to the north-east is separated by 21m.
7. The proposal is reported to Committee as a 'major' application.

PLANNING HISTORY

8. Recent planning history relates to small scale changes associated to the former club buildings and advertisements for such.

PLANNING POLICY

NATIONAL POLICY

9. 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.
10. 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'.
11. 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.
12. The following elements of the NPPF are considered relevant to this proposal;
13. Paragraph 14 of the NPPF sets out that at the heart of the document is a presumption in favour of sustainable development. For decision-making this means approving development proposals that accord with the development plan without delay, and where relevant policies in a development plan are out-of-date, granting consent unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole: or where specific policies in the framework indicate development should be restricted.

14. *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.
15. *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.
16. *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.
17. *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.
18. *NPPF Part 11 – Conserving and enhancing the natural environment.* The planning system should contribute to and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimising impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.

NATIONAL PLANNING PRACTICE GUIDANCE:

19. 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.
20. *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.
21. *Natural Environment* - Section 40 of the Natural Environment and Rural Communities Act 2006, which places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making throughout the public sector.

LOCAL PLAN POLICY:

22. The Development Plan for this area at the current time is the Derwentside District Local Plan, and those policies 'saved' in 2009.

The site is not shown as subject to and special designation or restriction on the Derwentside District Local Plan Proposals Map.

23. *Policy GDP1 – General Development Principles* – outlines the requirements that new development proposals should meet, requiring high standards of design, protection of landscape and historic features, protection of open land with amenity value, respecting residential privacy and amenity, taking into account 'designing out crime' and consideration of drainage.
24. *Policy EN24 – Proposals for the Reclamation and Re-use of derelict sites* – will be approved providing issues of nature conservation, environmental improvement and compliance with other policies in the plan have been addressed.
25. *Policy TR2 – Development and Highway Safety* – relates to the provision of safe vehicular access, adequate provision for service vehicle manoeuvring, etc.
26. *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.

The Development Plan's policies relating to Care and Nursing Homes were not saved.

RELEVANT EMERGING POLICY:

27. Paragraph 216 of the NPPF says that decision-takers should give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP from examination. In the light of this, policies of the withdrawn CDP can no longer carry any weight. As a new plan progresses through the stages of preparation it will begin to accrue weight in due course.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

28. *Highways* – The scheme was redesigned during the application process to raise the originally proposed 15 car parking space provision to 22 including disabled spaces. On this basis Highways Engineers raise no objection to the proposals.

29. *Northumbrian Water* – note the application does not provide sufficient detail with regards to the management of foul and surface water from the development for Northumbrian Water to be able to assess our capacity to treat the flows from the development, and therefore request a condition be applied to any approval.
30. *The Coal Authority* – asks their response to the consultation exercise be considered a material consideration. They have reviewed the proposals and the conclusions and recommendations of the submitted reports, concurring that the, ‘coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site’. They raise no objection to the proposed development subject to the imposition of a condition or conditions to secure a scheme of intrusive site investigations for approval, undertaking these, submissions of conclusions and a scheme of remedial works, then implementation of such.

INTERNAL CONSULTEE RESPONSES:

31. *Ecology* – The bat report is considered sound with no further works required on protected species. It is suggested that the applicant could consider putting some of the grassland areas down to species rich grassland with an annual cutting regime. This would help create habitat and wildlife linkages and in the long term would reduce maintenance costs.
32. *Environmental Protection (Contamination)* – have considered the applicants submitted reports and recommend that as the development constitutes a change to a more sensitive receptor (i.e. residential), a pre-commencement condition be applied to any approval.
33. *Drainage and Coastal Protection* – advise that there is no historical evidence of flooding on the site, but that the drainage strategy should be submitted with the application, with reference made to the ‘Surface Water Principles’ and the Hierarchy of Preference. The acceptable surface water discharge rate for the new development will be 50% of the current run off rate from the existing impermeable area. A detailed scheme and calculations are recommended submitted prior to approval.

PUBLIC RESPONSES:

34. One response was received to the consultation exercise querying the lack of a Transport Assessment and the low level of car parking proposed, along with construction period implications. The proposed layout was subsequently amended to incorporate additional spaces. Further correspondence from that neighbour states, ‘looks good, can only be good for the area for employment and such. The construction traffic may be an inconvenience, but that’s only short term’.

APPLICANT’S AGENT’S STATEMENT:

35. ‘Mr Sandhu is a local businessman living and working within the Delves Lane area, he owns and operates Delves Lane chip shop, Blackhill chip shop, The Mill public house at Knitsley and Delves Lane Community Bar until it closed earlier this year. Although an experienced businessman, this development represents the first of its type for Mr Sandhu, and professional guidance has been sought from a leading north east care consultant in developing a quality and considered care facility that will meet the needs and exceed the expectations of our aging community.’

36. This submitted proposal has been developed to achieve a landmark building at the gateway of Delves Lane. The design of the proposed care home has been carefully thought to reflect the site topography and orientation of the site as well as being sensitive to the scale and massing of the adjacent buildings. The proposed development is centred on a two storey glazed entrance lobby that will form the main feature of the building, each three storey residential block is accessed off the central core. The residential blocks enable the development to be divided internally, a full breakdown of accommodation is scheduled in the submitted documents, but can be summarised as follows: general residential care, dementia care and care for residents with learning difficulties.
37. Along with the standard accommodation that this type of development requires, the proposal also includes the following provision: hairdressers, gym, treatment room, 8no resident's lounges and 6no resident's dining rooms. The internal layout is fully compliant with the DDA requirements as well as Part M of the Building Regulations - Accessibility for the disabled.
38. Mr Sandhu hopes that the planning committee can support this application'.

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

39. 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 this form of residential development, scale and character and residential amenity.

The Principle of Development

40. The site sits adjacent to two existing developments for older residents – Maple Court and Abigail Lodge. These developments are separated and screened from Gloucester Road by established shelter belts. The application proposes a large development adjacent two roads and a mini-roundabout junction. The passing vehicular and pedestrian traffic must not be assumed a negative of the siting, potentially allowing a relationship with the activity of the outside world for residents who may generally be restricted to the development, a point that was made by residents in a recent consultation exercise for application in Stanley. The area has a mix of uses, commercial, employment and different forms of residential.
41. The application site meets the definition of 'previously developed land' as set out in the NPPF, encouraging the redevelopment of which is one the 'core principles' of the NPPF and a requirement of Part 11 of that document. Similar provisions are set out in Policy EN24.
42. Part 8 of the NPPF states, 'the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities', promoting, 'opportunities for meetings between members of the community who might not otherwise come into contact with each other, including through mixed-use developments, strong neighbourhood centres and active street frontages which bring together those who work, live and play in the vicinity'. This adds to the advice

in Part 6 requiring Planning Authorities to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities', planning for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community including older people and people with disabilities.

43. In terms of locational sustainability, the building is within an established urban area with easy access to existing goods and services, and sustainable transport links for residents, staff and visitors.
44. The Development Plan's Policies for the erection of 'Sheltered Accommodation, Care and Nursing Homes' were not 'saved' in 2009 and therefore the proposals must be considered in the light of paragraph 14 in the NPPF and its 'presumption in favour of sustainable development' where the development plan is silent or policies are out of date. Weight can be given to old policies proportionate to their degree of consistency with the NPPF. Where there is policy advice on specific topic areas such as design and transportation these are examined below. Policy HO5 of the plan, referred to by the applicant in the submission is not considered relevant.
45. Officers indicated they had no objection to the principle of the proposals in the pre-submission exercise with the applicants, and having examined the detail of the submitted scheme, maintain this opinion.

Scale and Character

46. The development is large and in a prominent location, that seeks through its split design, elevational appearance and in following the landform, to reduce its apparent mass. The surrounding area is mixed use, and therefore includes a variety of built forms in terms of both size and appearance. The building is considered appropriately spaced – as detailed below – from adjacent development, and would sit as an appropriate 'landmark' at a transport intersection. Design features and use of materials seek to introduce interest into the building's public faces. Officers are satisfied that in this regard the proposals accord with the requirements of Local Plan Policy GDP1 that, 'the form, mass, layout, density and materials should be appropriate to the site's location, and should take into account the site's natural and built features', in addition to the advice in NPPF Part 7.

Residential Privacy and Amenity

47. Physical residential privacy and amenity relationships for existing and proposed residents have been fully considered and concluded to meet the requirements of Policy GDP1(h) and the Framework's instruction in the Core Principles that development should ensure 'a good standard of amenity for all existing and future occupants of land and buildings'. The rear of the building, with stairwell service windows, is over 21m from the adjacent Nursing Home, with a separation distance of 30m to the two facing residential dwellings across Gloucester Road.
48. The applicant's statement describes, 'hairdressers, gym, treatment room, 8 resident's lounges and 6 resident's dining rooms' to show that the residential amenity of occupiers of the building has been considered.
49. In terms of privacy and residential amenity, the proposals are considered compliant with Policy GDP1(h) of the Plan.

Highway Safety

50. The single respondent to the consultation exercise that consisted of 18 direct letters to adjacent homes and businesses and advertisement in the local press, raised concern over the level of parking proposed compared to adjacent facilities. Following similar concerns from County Highways Engineers, the scheme was revised and the level of car parking was increased to 22 spaces including wide disabled bays. Engineers have confirmed they have no objection to the revised scheme. The correspondent has likewise indicated that the scheme is now acceptable to them in this regard, and can be considered a positive contribution to the area. The proposal is considered to meet the proportionate weight given to Policy TR2.
51. Bicycle racks are shown on site, giving a sustainable dimension to the on-site transport provision, Delves and nearby Consett being well served by cycle-friendly routes. Their implementation can be conditioned. This brings the development in line with Policy TR3 of the Local Plan.
52. The application includes the siting of bin-stores on the Proposed Site Layout, with Highways Officers confirming the 'swept path analysis' for service vehicles accessing these to be acceptable.

Other Issues

Ecology

53. The County Ecologist is satisfied with the submitted bat report, with no further works required in this regard. Suggestions are made to increase net biodiversity, as described in the following section. The scheme, appropriately conditioned, will meet the requirements of Policy GDP1(f) and part 11 of the NPPF.

Landscaping

54. There is no existing flora on the site, save a single bush at the edge of the car park. A beech hedge shown on the proposed plans to soften the site boundary to the north-east and three specimen trees the sum of that proposed. The County Ecologist has suggested that the grassland areas be maintained in part as species rich grassland with an annual cutting regime. This would help create habitat and wildlife linkages and in the long term would reduce maintenance costs. This proposal has the potential to add to residents' amenity and is therefore proposed as a condition on any approval. The applicant's Design and Access Statement concurred that any required landscaping scheme could be addressed via condition. This requirement meets the NPPF's advice to ensure biodiversity gains on the site.

Drainage

55. In the absence of detail submitted with the application Northumbrian Water have asked for a condition to assess flows and capacities before any development commences. Council Drainage Officers have asked for this detail before any approval. Discussions with the applicant's agent has indicated that detailed survey work and design has not been undertaken at this stage of the project, but that an area of the site that can accommodate sustainable drainage storage can be identified on a plan at this stage, suggesting that a detailed condition be imposed to ensure a scheme acceptable to all parties.

56. The NPPF advises, 'When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that: within the site, the most vulnerable development is located in areas of lowest flood risk ...'. The site is not in an area of flood risk. To ensure the development does not increase flood risk elsewhere a suitably worded condition requiring 'surface water discharge rate for the new development to be the 50% of the current run off rate from the existing impermeable area', as specified by the Council Drainage Engineers in their detailed response.
57. Planning Authorities are advised by the Development Management Procedure Order (DMPO), 2015, to avoid pre-commencement conditions wherever possible, to avoid delays to the start of the development process. The nature of this issue is such however that it must be agreed before development commences, the pre-commencement form of condition therefore being considered appropriate.
58. Both foul and surface water, site and strategic drainage issues have been given appropriate weight in the decision making process as required by part 11 of the NPPF and Policy GPD1(j) of the Plan, with the proportionate approach of a pre-commencement condition considered the appropriate response.

Contaminated Land

59. A pre-commencement condition is proposed in line with Environmental Protection Officer's requests, with the site moving to a 'more sensitive receptor', i.e. residential use. This approach accords with Policy EN24 of the Plan and Part 11 of the NPPF. The requirement for the timing of this condition has been carefully considered in light of the advice on such outlined above.

Coal Mining Legacy

60. The requirements of the Coal Authority to ensure that the potential risks to the proposed development posed by the coal mining legacy are fully identified and mitigated are proposed addressed by pre-commencement condition – again, the requirement for the timing of this condition has been carefully considered in light of the advice on such outlined above.

Economic Benefits

61. The construction of the development would bring economic activity and therefore benefits into the area. Whilst this is acknowledged as a material benefit of the scheme that is accorded positive weight in principle, the applicant has not provided specific evidence or details that would allow specific weight to be accorded.
62. Likewise as the applicant has not indicated the likely staffing levels of the development when in use, the employment potential is again added positive weight in principle in the absence of specific information.

Construction

63. The surrounding area includes different residential uses, and therefore a 'construction condition' restricting working hours, designed to protect residential amenity to when it can be most expected, balanced with the need for the developer to construct the Home as efficiently as possible, is suggested. The public correspondent acknowledged that this would be a short-term impact.

CONCLUSION

64. The application proposes erection of a large 90-bed Nursing Home on previously developed land at the junction of Delves Lane and Gloucester Road in a sustainable location in established urban area. The various elements considered against the principle of development are concluded acceptable by Officers.
65. Main issues of scale and character, implications to residential amenity and highways have been considered in detail and concluded policy compliant.
66. Detailed technical issues including contaminated land, coal mining legacy, drainage and ecology have been considered against the advice of specialist consultees and the national and local policy context and found acceptable subject to the imposition of conditions. The timing of these conditions has been carefully considered and justified against the DMPO 2015.
67. The proposal is considered sustainable development; a potential asset to the settlement of Delves Lane, bringing an additional offer to the residential environment, along with economic and employment benefits. It is recommended approved subject to conditions to ensure design quality through compliance with approved plans control over materials and boundary markers, and those issues identified above as requiring further control by the Local planning authority.

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:

15/26-201c Proposed Site Plan & External Works, 15/26 202b Proposed Site Sections, 15/26-300d Floor Plan & Elevations Level 0, 15/26-301d Floor Plan & Elevations Level 1, 15/26-302d Floor Plan & Elevations Level 2, 15/26-303d Floor Plan & Elevations Level 3,

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies GDP1, EN24, TR2 and TR3 of the Derwentside District Local Plan 1997 (saved Policies 2009).

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

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

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

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

5. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. The scheme for drainage of the site should be developed to incorporate source control with sustainable drainage systems wherever possible - sustainable drainage systems should be provided unless demonstrated to be inappropriate. The acceptable surface water discharge rate for the new development will be 50% of the current run off rate from the existing impermeable area. Thereafter the development shall take place in accordance with the approved details.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF and the requirements of Policy GDP1 of the Derwentside District Local Plan 1997 (saved Policies 2009). This element of the scheme is considered required pre-commencement, the requirements of the DMPO 2015 having been taken into account.

6. The development hereby permitted shall not commence until a pre-commencement scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The full scheme, both pre-commencement and completion shall include the following, unless the Local Planning Authority confirms in writing that any part of sub-sections a, b, c or d are not required.

Throughout both the pre-commencement and completion phases of the development all documents submitted relating to Phases 2 to 4 as detailed below shall be carried out by competent person(s) and shall be submitted to and agreed in writing with the Local Planning Authority.

Pre-Commencement

A Phase 2 Site Investigation and Risk Assessment is required to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. Prior to the Phase 2 a Sampling and Analysis Plan is required.

If the Phase 2 identifies any unacceptable risks, a Phase 3 Remediation Strategy detailing the proposed remediation and verification works is required. If gas protection measures are required a verification plan is required detailing the gas protection measures to be installed, the inspection regime and where necessary integrity testing programme. The installation of the gas membrane should be carried out by an appropriately qualified workforce and the verification of the installation should be carried out by an appropriately competent, experience and suitably trained

person(s) (preferably independent to the installer) to ensure mitigation of the risk to the buildings and the people who occupy them. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority.

Completion

During the implementation of the remedial works (if required) and/or development if any contamination is identified that has not been identified pre-commencement, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be carried out in accordance with part b of the condition and where necessary a Phase 3 Remediation Strategy shall be prepared in accordance with part c of the condition. The development shall be completed in accordance with any amended specification of works.

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 completion of the development. If integrity testing of the membrane(s) was required a verification pro forma should be included.

Reason: The site may be contaminated as a result of past or current uses and/or is within 250m of a site which has been landfilled and the Local Planning Authority wishes to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems in accordance with NPPF Part 11, and Policy EN24 of the Derwentside District Local Plan 1997 (saved Policies 2009). Given the implications of this issue, this element of the scheme is considered required pre-commencement, the requirements of the DMPO 2015 having been taken into account.

7. Before the development commences, to assess and mitigate coal mining legacy issues, the applicant must submit in writing a scheme of intrusive site investigations for approval by the Local planning authority, thereafter undertaking in full the approved scheme of intrusive site investigations. The applicant must then submit a written report of findings arising from the intrusive site investigations, which must include a scheme of remedial works and mitigating measures, with scheduling for their implementation for written approval by the Local Authority and thereafter implement said remedial and mitigation works in full and as approved.

Reason: To ensure the implications of the Coal Mining legacy of the area and potential land instability is fully taken into account, in order to comply with the advice set out in Part 11 of the NPPF. Given the implications of this issue, this element of the scheme is considered required pre-commencement, the advice of the DMPO 2015 having been taken into account.

8. The development hereby approved must be carried out in accordance with a scheme of landscaping to be submitted to and approved in writing by the Local planning authority. Before the development hereby approved is occupied a scheme of landscaping including but not restricted to areas of species rich grassland and the beech hedge shown on the approved Site Layout plans, with details of species, mixes and sizes, planting schedule, a timetable for implementation, and a detailed scheme of maintenance for a period of a minimum period of 5 years that includes provision for replacement of elements that fail within that time period.

Reason: In the interests of the natural environment and species protected by law, and to comply with the advice set out in Part 11 of the NPPF 2012.

9. No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1400 on Saturday. No internal works audible outside the site boundary shall take place on the site other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1700 on Saturday. No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays. For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

Reason: In the interests of residential amenity in accordance with Policy GDP1 of the Derwentside District Local Plan 1997 (saved Policies 2009).

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information
- provided by the applicant.
- The National Planning Policy Framework (2012).
- National Planning Practice Guidance Notes.
- Derwentside District Local Plan (saved policies 2009) .
- Statutory, internal and public consultation responses.



16.



Planning Services

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Demolition of existing building and construction of new 90 bedroom residential care home plus associated parking and landscaping

Application Number : DM/16/03379/FPA

Comments

Date 12th Dec. 2016

Scale NTS



Planning Services

COMMITTEE REPORT

AGENDA ITEM NUMBER:

APPEAL UPDATE REPORT

APPEALS RECEIVED

An appeal has been received against the refusal of permission for the erection of one dwelling and the creation of a new access involving the removal of a small section of boundary wall at Cadde Tou, Ebchester Hill, Ebchester, Consett, DH8 0QE (DM/16/00970/FPA).

The application site relates to an area of land to the rear of a property known as 'Cadde Tou' a detached stone built dwelling located at the Ebchester Hill junction with Springhouse Lane and within the Ebchester Conservation area. The application was refused permission under delegated powers in September 2016 as it was considered that the formation of the access together with the introduction of conflicting traffic movements on the B6309, generated by the proposed access, would be prejudicial to highway safety. The adverse impacts in terms of highway safety were considered to outweigh the economic, social and environmental benefits of the proposal.

The applicants have requested a written representations procedure for the appeal, the outcome of which will be reported to Members in due course.

APPEALS DETERMINED

Appeal against the refusal of Planning Permission for the erection of a front porch and two storey rear extension at 11 Park View, South Pelaw, Chester-le-Street, County Durham, DH2 2JW (DM/16/00449/FPA).

The application was refused under delegated powers on the following grounds:-

“The proposed extension would have an adverse effect on the scale, form and character of the original dwelling contrary to Policy HP11 of the Chester-le-Street District Local Plan and Part 7 of the NPPF.

The proposed rear extension is considered to have a significantly adverse effect on neighbouring residents in terms of amenity by virtue of its projection, and is therefore contrary to Policy HP11 of the Chester-le-Street District Local Plan.”

It is noted that the proposed porch to the front was considered acceptable in principle.

The appeal was dealt with by written representations following a site visit on the 7th November 2016.

Due to the scale and flat roof design of the proposed two storey rear extension, the Inspector considered that the proposal would dominate the host dwelling and have an adverse impact upon the character and appearance of the traditional terraced row.

In addition, the Inspector considered the extension to have an unreasonable impact upon the amenity of the residents of No.10 and No.12 Park View in relation to daylight by virtue of its proximity to the neighbouring dwellings and failure to comply with the 45 degree rule outlined in the Residential Estate Design Guidance contained in the Chester-le-Street District Local Plan.

The Inspector dismissed the appeal.

Appeal against the refusal of Planning Permission for the removal of condition 4 of permission 1/2011/0035 to permit the use of the residential annex as a dwelling (use class C3) at The Granary, Woodlea, Lanchester, County Durham, DH7 0RP (DM/16/00240/VOC).

The application relates to the variation of condition 4 of planning permission 1/2011/0035 to permit the use of the existing residential annex as an individual dwelling. The application was refused by members on the 25th February 2016 on the following grounds:-

“Removal of condition 4 of planning permission 1/2011/0035 to restrict the use of the building to an annex to 'Woodlea Manor' would result in the creation of a separate single dwelling in an unsustainable location that would not contribute to the three roles of sustainability: environmental, economic or social as defined within the NPPF. The proposal would therefore be contrary to paragraphs 7 and 8 of the NPPF, and saved Derwentside Local Plan Policy EN1.”

The appeal was dealt with by written representations following a site visit held on the 17th October 2016.

The Inspector noted that the removal of the condition would result in the creation of one new home in the countryside. Due to the isolated nature of the site it is likely that the residents would rely upon the private car to access essential services and facilities on a day to day basis, meaning sustainable transport would not be promoted.

In addition, although the Inspector considered that the removal of the condition would not harmfully impact the character or appearance of the host dwelling or the surrounding area, the social and economical benefits of the development would be limited. Therefore the Inspector noted that the proposal would not result in a satisfactory form of development having regard to the principles of sustainable development.

The Inspector dismissed the appeal.

Appeal against the Refusal of Planning Permission for the erection of a single 4 bedroom dwelling and 2 outbuildings on land to the east of Ravenscroft, Stoney Lane, Beamish.

This application, for the erection of a detached dwelling and outbuildings in open countryside designated as Green Belt was refused at the Committee Meeting of 25th February 2016 for the following reasons:

- 1. The proposed dwelling causes harm to the openness of the Green Belt, and contrary to the reasons of including the land within Green Belt without the benefit of very special circumstances, contrary to Policies NE4 and NE5 of the Chester-le-Street Local Plan (saved policies 2009), and Part 9 of the NPPF.*
- 2. The proposed dwelling represents isolated, unsustainable residential development in the open countryside, without benefit of sufficient special circumstances, contrary to Policy NE2 of the Chester-le-Street Local Plan (saved policies 2009), and Part 6, paragraph 55 of the NPPF.*
- 3. The proposed dwelling represents unsustainable development, being poorly related to the facilities, goods and services reasonably expected of modern residential accommodation, likely to lead to a significant reliance on private cars, contrary to Policies HP9 and T10 of the Chester-le-Street Local Plan (saved policies 2009), and Part 9 and the Core Principles of the NPPF.*

The Inspector summarised the relevant issues thus; Whether or not the proposal is inappropriate development in the Green Belt; The effect of the proposal on the openness of the Green Belt and Green Belt purposes; whether occupants of the proposed development would have reasonable access to shops and services; and if the proposal is inappropriate development whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

In the absence of structures that would allow the site to be considered 'previously developed land' the new development was considered 'inappropriate' and therefore harmful by definition.

It was noted that whilst there is no definition of openness in the Framework, in the Green Belt context it is generally held to refer to freedom from, or the absence of, development. The essential characteristics of Green Belts are their openness and their permanence and one of the purposes of the Green Belt is to keep land permanently open. Proposing a large, modern, detached dwelling, surrounded by 'residential paraphernalia', the proposal would encroach into the countryside and to a significant loss of Green Belt openness and conflict with the Green Belt purpose of safeguarding the countryside from encroachment.

In terms of access to local goods and services, the Inspector considered that 'the walk would be off-putting to future occupiers on a regular basis to meet day-to-day needs. Occupiers would, therefore, be reliant on the private car in order to reach the majority of day-to-day services'. The site was considered 'isolated', without benefit to enhancing or maintaining the vitality of rural communities.

Amongst other issues, the Inspector considered arguments relating to the low carbon approach of the development, the contribution to housing land supply, the applicant's personal association with the land and aspirations to self-sufficiency.

The Inspector dismissed the appeal on the basis of the development being by definition harmful to the Green Belt, and further, being harmful to the openness of the Green Belt.

RECOMMENDATION

That the reports are noted.

Reports prepared by Jayne Pallas (Assistant Planning Officer) and Steve France (Senior Planning Officer).