

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/21/03473/FPA
FULL APPLICATION DESCRIPTION:	Erection of 3 storey 66no. bed residential care home for the elderly with associated works
NAME OF APPLICANT:	LNT Care Developments
ADDRESS:	Land west of Durhamgate Development Centre, Hay Lane, Spennymoor, Co Durham
ELECTORAL DIVISION:	Tudhoe
CASE OFFICER:	Mark O'Sullivan, Senior Planning Officer, 03000 261056, mark.o'sullivan@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site relates to a parcel of undeveloped grassland and hard landscaping (some 0.51Ha) within the Durham Gate redevelopment area on the eastern edge of Spennymoor. The site is located to the north of the Fox Cub PH and south of the Durham Gate/Eve Lane roundabout, bordering residential properties on Hay Lane/Eve Lane to the west and an office building to the east. To the north of the roundabout is a hard landscaped area with currently grassed undeveloped plots beyond. It is intended that the areas immediately adjacent to the roundabout and application site will be developed in the future for retail purposes.

The Proposal

2. Planning permission is sought for the erection of a 3 storey, 66no. bed residential care facility for the elderly with associated access, parking and landscaping, falling within the Class C2 (residential institutions) use classification. The main care facility building would be located to the north of the site fronting Eve Lane, with parking and secure gardens to the rear (south). A solar battery store building and meter house would be constructed, detached from the main facility to the south of the site adjacent to the site access which would be taken off Hay Lane.
3. The application is submitted by LNT Care Developments (a company with considerable experience in the operation and construction of care homes for older people). The proposed facility would be built to current government standards and cater for two types of care (general residential and residential dementia), with the proposed internal layout designed as such so as to provide for these separate care requirements.

4. The planning application is reported to the Planning Committee in accordance with the Council's Scheme of Delegation as the proposals fall within the definition of major development.

PLANNING HISTORY

5. The application site forms part of the wider Durham Gate redevelopment area, where outline consent was granted in October 2009 (planning ref: 7/2008/0488/DM) for the erection of 376no. homes including offices, retail and community facilities, a health centre and PH. This was subsequently varied by other applications including approval ref: DM/15/02341/VOC (November 2015) which concerned the phasing of development and remains the most relevant approval for the wider Durham Gate site. Much of the development across the wider Durham Gate site has already been delivered with a number of housing cells and the PH having been completed.

PLANNING POLICY

NATIONAL POLICY

6. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. In accordance with Paragraph 213 of the National Planning Policy Framework, the following elements of the NPPF are considered relevant to this proposal.
7. *NPPF Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
8. *NPPF Part 4 Decision-making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
9. *NPPF Part 5 Delivering a Sufficient Supply of Homes* - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
10. *NPPF Part 6 Building a strong, competitive economy* - Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and

productivity, taking into account both local business needs and wider opportunities for development.

11. *NPPF Part 8 Promoting Healthy and Safe 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.
12. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
13. *NPPF Part 11 Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
14. *NPPF Part 12 Achieving Well-Designed Places* - 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.
15. *NPPF Part 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
16. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.

<https://www.gov.uk/guidance/national-planning-policy-framework>

NATIONAL PLANNING PRACTICE GUIDANCE:

17. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; determining a planning application; flood risk; healthy and safe communities; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; natural environment; noise; public

rights of way and local green space; planning obligations; use of planning conditions; and; water supply, wastewater and water quality.

<https://www.gov.uk/government/collections/planning-practice-guidance>

LOCAL PLAN POLICY:

The County Durham Plan

18. Paragraph 47 of the NPPF states that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan is the County Durham Plan (CDP). The following CDP policies would be deemed relevant to the determination of the application:

Policy 6 (Development on unallocated sites)
Policy 15 (Addressing housing need)
Policy 19 (Type and mix of housing)
Policy 21 (Delivering sustainable transport)
Policy 25 (Developer contributions)
Policy 26 (Green infrastructure)
Policy 29 (Sustainable design)
Policy 31 (Amenity and pollution)
Policy 32 (Despoiled, degraded, derelict, contaminated and unstable land)
Policy 35 (Water management)
Policy 36 (Water infrastructure)
Policy 39 (Landscape)
Policy 41 (Biodiversity and geodiversity)
Policy 56 (Safeguarding mineral resources)

<https://www.durham.gov.uk/cdp>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

19. *Spennymoor Town Council* – No comments received.
20. *Highway Authority* – No objections, subject to condition ensuring the appropriate highways junction visibility splays into the site are achieved.
21. *The Coal Authority* – Raise no objections.

INTERNAL CONSULTEE RESPONSES:

22. *Spatial Policy* – No objections. The principle of development can be assessed by policies 6 and 15 of the CDP, and the main consideration is ensuring that the proposal will integrate into the surrounding area in accordance with Policy 29 of the CDP.
23. *Care Homes Adult and Health Services* – No comments received
24. *Children and Adult Services* – Raise concerns over the proposals which would involve the construction of a new Care Home within the County where existing DCC care homes are already running at low occupancy, with little need for additional capacity. Such provision could potentially increase empty bed numbers and put existing homes at risk, and service users at risk of moves with potential for upward pressure on DCC

fees. There is also no indication of the company who would provide care, with it requested that a more suitable alternative would be the provision of extra care.

25. *Ecology* – The proposed development would result in an overall net loss in biodiversity. Due to the low distinctiveness of the existing habitats, and relatively small nature of the site, the LPA could accept a financial contribution of £7700.00 to be used by the Council towards biodiversity enhancements in line with the framework identified in Durham County Council's Local Biodiversity Compensation Strategy document. The proposed onsite habitat creation would need to all be included on the proposed landscaping plans prior to determination, and the remaining offset would need to be agreed, and secured by S106 or similar. A detailed habitat management plan to ensure that the habitats proposed on site can be delivered would need to be controlled by condition.
26. *Contaminated Land* – No objections, subject to condition.
27. *Environmental Health (Noise)* – No objections, subject to condition.
28. *Drainage* – No objections, subject to a condition ensuring the submission a detailed method statement confirming how surface water arising from the development will be effectively managed. This information would be required to be pre-commencement and should include hydraulic calculations together with a drainage layout plan identifying cover and invert levels for all inspection chambers, and finished floor levels.
29. *Landscape* – No objections, subject to conditions controlling landscape and boundary treatment.
30. *Business Durham* – No comments received.
31. *Design and Conservation* – Raise no objections to the proposals.
32. *Energy* – No comments received.

NON-STATUTORY RESPONSES:

33. *NHS* – No Objections. Durham CCG do not expect any contribution for this development.

PUBLIC RESPONSES:

34. The application has been publicised by way of site and press notice, and notification letters to neighbouring residents. No representations have been received in response to this exercise.

APPLICANTS STATEMENT:

35. This application seeks approval for a 66 bedroom care home for the elderly providing general residential and dementia care for those with a medical need. The scheme is proposed on one of the remaining plots within the Durham Gate development that was originally identified within the outline application for office/commercial uses. Due to a lack of demand for office/commercial uses, an alternative use as a care home has been considered for the site and discussed with the LPA.
36. The proposed development provides a transition between the existing commercial uses surrounding the site and the residential developments to the east. The home provides a compatible neighbour to the recently approved over 55s bungalows on the

adjacent side of the road. Although falling within a residential C2 use, the care home provides employment and other economic benefits including:

- The generation of employment during construction stages and the operation of the home. The care home employs between 50 – 60 part- and full-time employment opportunities.
 - Support to local businesses during the construction and operation of the home.
 - Increase in local expenditure.
37. LNT Care Developments is part of LNT Group, a group of companies who not only construct the homes but will also operate them under Ideal Care Homes (the operational arm of the group of companies), therefore this is not a speculative development. Works will commence on the project once planning is approved and any relevant pre-commencement conditions discharged.
38. The scheme will provide a high-quality, purpose-built care home that will further enhance the community at Durham Gate and deliver an attractive building which will provide a high standard of care in a contemporary and stylish setting to reflect the surrounding development. The home will also include renewable energy provisions including ground source heat pumps and photovoltaic panels to provide heat and electricity to the home reducing the carbon emissions.
39. The site is in a sustainable location with excellent transport links, close to local amenities and a supporting population for the provision of nearby employees. The proposed scheme will deliver substantial social, economic and environmental benefits to enhance and support the Durham Gate development.

PLANNING CONSIDERATIONS AND ASSESSMENT

40. 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 relate to the principle of development, scale/design, privacy/amenity/impact on neighbouring uses, highways, ecology, land stability, flooding/drainage, sustainability and planning obligations.

The Principle of the Development

41. The application is to be determined in accordance with relevant policies set out within the County Durham Plan (CDP) and the NPPF. Paragraph 11C of the NPPF requires applications for development proposals that accord with an up to date development plan to be approved without delay.
42. The application site falls within the wider DurhamGate redevelopment area, where outline permission has been granted for a mixture of uses including residential, commercial, retail and business use. A care home facility was not included in the list of uses to occupy the redevelopment area, albeit such a use may be considered to complement adjacent residential and commercial uses.
43. Policy 6 (Development on Unallocated Sites) of the CDP allows for the development of this site which is within the built up area provided that the development meets certain conditions outlined within the policy. Of particular relevance would be part a.) which requires proposals to be compatible with, and not prejudicial to, any existing, allocated or permitted use of adjacent land, and d.) which specifies development must be appropriate in terms of scale, design, layout, and location to the character, function,

form and setting of the settlement. Policy 6 parts i.) which seeks to maximise the use of brownfield land and j.) which relates to urban regeneration would also weigh in favour of the proposal.

44. The NPPF (Section 5 – Delivering a sufficient supply of homes) clarifies the Government’s objective of significantly boosting the supply of homes, and Section 11 (Making effective use of land) seeks to promote an effective use of land in meeting the need for homes and strives to make as much use as possible of previously-developed land. Para 119 expects planning decisions to give substantial weight to the value of using suitable brownfield land within settlements for homes (part c) and promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing (part d).
45. Policy 15 (Addressing Housing Need) supports the provision of specialist housing for older people, vulnerable adults and people with disabilities provided that the criteria laid out within the policy is adhered to. This requires the development to be in an appropriate location with reference to the needs of the client (part i.); be designed to meet the particular requirements of residents (j.); contain appropriate measures to ensure access for emergency vehicles and safety measures (k.); and satisfactory outside space, highway access, parking and servicing will need to be provided (l.). Policy 15 also requires specialist housing for older people to meet some additional standards with 100% of accommodation required to meet M4(2) (accessible and adaptable dwellings); and a minimum of 25% of accommodation to meet M4(3) (wheelchair user dwellings).
46. Policy 19 of the CDP seeks to ensure that on all new housing developments, the Council will secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self-build or custom build schemes.
47. Proposals concern the provision of a care facility for the elderly, consistent with the above policies. The facility would be located within a suitable and acceptable location within residential surrounds, close to public transportation links to the town centre and beyond. The proposed development would improve the mix of housing on offer in the area and also bring with it important economic benefits to the local economy in terms of employment opportunities and investment in construction, with the applicant stating that between 40-50 full-time equivalent jobs would be created and offered to suitable candidates from the local area. These jobs would range from the Home Manager; a series of Care Workers; through to Catering and Domestic Assistants.
48. Subject to the following material planning considerations, the principle of the proposed development is considered acceptable.

Scale/Design

49. Part 12 of the NPPF and CDP policy 29 seek to ensure good design in new developments. New development should be appropriate in terms of scale, design, layout, and location to the character, function, form and setting of the settlement. It should contribute positively to an area’s character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities; and also create buildings and spaces that are adaptable to changing social, technological, economic and environmental conditions and include appropriate and proportionate measures to reduce vulnerability, increase resilience and ensure public safety and security.

50. The proposed development would be located at a prominent focal point towards the centre of the Durham Gate redevelopment site. It would comprise a large 3-storey building facing outwards toward the main carriageway and Durham Gate central roundabout which in the future is anticipated to be framed by retail and commercial development to the north.
51. The design of the building is largely dictated by its intended purpose, taking into account the operational needs of the home, and to meet the requirements of the Care Standards Act. The shape of building enables the home to function efficiently internally providing segregation between care categories and ensuring a secure environment for residents, providing separation between back of house functions and residents with a variety of communal spaces for residents to enjoy. Furthermore, the inclusion of solar panels to the main roof of the building would ensure a more sustainability, energy efficient development form.
52. Design officers have reviewed the submitted plans, raising no objections. The proposed development would positively address Eve Lane and Durham Gate with an outward-facing, active frontage to the street, set within a landscaping setting. Proposed access and parking areas, together with the single storey solar battery store and meter house would be located to the rear of the site, screened from the site frontage by the main building, having a minimal visual impact.
53. Landscape officers raise no objections to the proposals subject to control over landscape and boundary treatment details by condition.
54. The wider site context includes a variety of uses and building heights. The proposed 3 storey building would be set back from the street and existing housing and would be viewed adjacent to an existing 3 storey office building to the east. Where the development sits closest to existing dwellings on Eve Lane to the west, there is sufficient separation distance between the opposing gables and only a single storey difference in height, between the proposed development and 2 storey detached dwellings.
55. The overall mass of the building would be broken up with the inclusion of slight increase in height and footprint, stepping out from the dominant building lines at the centre of the block and centrally within the wings. In addition to this, the material palette and fenestration pattern gives a vertical rhythm to the building.
56. With regard to the material palette, the applicant has identified that the facility would be of red brick, render and grey weatherboard cladding construction with a smooth grey tile roof. Such design features would reflect some of the design features apparent within the surrounding area. Subject to control of materials via condition, the proposals are considered to be of a scale and design which would sit comfortably within the site and its surroundings without any resultant harm to the character or amenity of the area. Proposals are considered to be acceptable in design terms, satisfying the provisions of CDP Policy 29 and Part 12 of the NPPF.

Privacy/Amenity/Impact on neighbouring uses

57. CDP Policy 31 seeks to support proposals only where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment. The proposal will also need to demonstrate that future occupiers of the proposed development will have acceptable living and/or working conditions. Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise

or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated whilst ensuring that any existing business and/or community facilities do not have any unreasonable restrictions placed upon them as a result.

58. The proposed Care Facility would be located within its own private grounds within the wider Durham Gate redevelopment area. As explained by the applicant, the facility would be fully compliant with the Care Standards Act 2000; providing single-room accommodation, with en-suite facilities and a more than suitable ratio of communal/recreational space per resident together with level/amenable access throughout. The site would also provide for communal living/dining area, laundry rooms and staff facilities.
59. The development would be sufficiently separated from neighbouring uses which include residential to the west, a PH and car park to the south and commercial uses to the east. Land to the north surrounding the roundabout remains undeveloped at this time, albeit there is the intention to develop this area in the future as a retail hub to the wider Durham Gate development area. Given the level of separation (at least 28m from nearest residential properties), and intended use, there would be no adverse impact upon neighbouring uses in terms of overlooking or overshadowing.
60. EHO's have undertaken a technical review of information submitted in relation to the likely impact upon amenity in accordance with the relevant TANs (Technical Advice Notes). The proposed development is located in a sensitive area comprising a mixture of rural, residential and commercial uses, with several sources of commercial noise in the vicinity of the site as well as residential properties. The main issue associated with this proposal is considered to be the impact upon neighbouring amenity during construction, and impact upon the amenity of future occupiers due to road traffic noise.
61. The application is submitted alongside an acoustic report which suggests that noise should be at acceptable levels if the proposed mitigation measures are installed and retained (glazing, ventilation and close boarded fencing). Subject to adherence to these mitigation measures (to be controlled by condition), no objections are raised, with it considered that adherence to these measures for the lifetime of the development would ensure acceptable amenity standards for future residents irrespective of potential future retail development nearby, and continued operation of the adjacent PH. It is further recommended that approval be granted subject to a condition ensuring sensitive construction measures.
62. The information submitted demonstrates that the application complies with the thresholds stated within the TANS which would indicate that the development would not lead to an adverse impact. Based on the information submitted with the application, the development is unlikely to cause a statutory nuisance. Subject to the recommendations of the Environmental Health Officer, the application is considered to satisfy the provision of CDP Policy 31.

Highways

63. NPPF Part 9 seeks to ensure that development is only prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. CDP Policy 21 seeks to ensure that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestion or air pollution and that severe congestion can be overcome by appropriate transport improvements. New developments should provide for appropriate, well designed, permeable and direct routes for walking, cycling and bus

access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users.

64. The proposal is for a 66 unit residential care home located to the south of the main Durham Gate boulevard with on-site parking located to the rear, accessed from Hay Lane to the west.
65. Given the nature of the proposed use, it is not considered that the additional trips generated by the proposed development would have a material impact on the surrounding highways network, particularly given the nearby Thinford signalised junction was modelled on the anticipated development of Durham Gate as a whole.
66. The minimum parking provision for a care home is generally expected to be 36% of the number of residential units. The proposed parking achieves this minimum and is therefore acceptable in highway terms. The provision of charging points for electric vehicles and a cycle storage facility are also welcomed. The car park also includes an area for an ambulance/drop off along with two disabled bays and a footpath link to the frontage which will assist those wishing to access the nearby bus stops.
67. The section of Hay Lane adjacent to the site, and the access road from which the site will be accessed are not adopted public highway. Notwithstanding this, it is advisable to ensure that an adequate visibility splay of 2.4 x 33 metres is achievable for the proposed access in each direction. This will require fencing and vegetation to be no higher than 1 metre within the visibility splay, with such detail to be controlled via condition. On the basis of the above, no highways objections are raised, with proposals to satisfy the provisions of Part 9 of the NPPF and CDP Policy 21.

Ecology

68. Part 15 of the NPPF ensures that when determining planning applications, Local Planning Authorities seek to conserve and enhance biodiversity. CDP Policy 41 seeks to ensure new development minimizes impacts on biodiversity by retaining and enhancing existing diversity assets and features. Proposals for new development should not be supported where it would result in significant harm to biodiversity or geodiversity.
69. The application is submitted alongside a Preliminary Ecological Appraisal Report which confirms the proposed development would result in an overall net loss in biodiversity. This is supplemented by a Biodiversity net gain assessment and Biodiversity Metric calculations. Ecology officers advise that in light of biodiversity losses resulting from the development and the limited size of the site restricting the ability to provide reasonable on site mitigation, a biodiversity offset will be required in the form of financial contribution to be secured via S106 in line with the requirements of the NPPF. The applicant has agreed a suitable financial settlement of £7700.00 to be used by the Council towards biodiversity enhancements in line with the framework identified in Durham County Council's Local Biodiversity Compensation Strategy document. Where appropriate opportunities are available the delivery of compensatory works will be in the vicinity of development. The applicant has agreed to pay this amount within a set deadline, with the LPA recommending payment can be secured after development has commenced but prior to its completion. Subject to the above, no ecological objections are raised with proposals to satisfy the principles of Part 15 of the NPPF and CDP Policy 41.

Land stability

70. Part 15 of the NPPF seeks to prevent unacceptable risks from pollution and land stability. Where a site is affected by contamination or where land stability issues arise, responsibility for securing a safe development rests with the developer and/or landowner. Policy 32 of the CDP seeks to resist development where the developer is unable to demonstrate that:
- a. any existing despoiled, degraded, derelict, contaminated or unstable land issues can be satisfactorily addressed by appropriate mitigation measures prior to the construction or occupation of the proposed development;
 - b. the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities; and
 - c. all investigations and risk assessments have been undertaken by an appropriately qualified person.
71. EHO's have assessed the available information and historical maps with respect to land contamination including the following report: *Calabrian (June 2021) Geoenvironmental appraisal for land at Durham Gate, Spennymoor*
72. Officers are satisfied with the information provided in the report, with ground gas monitoring ongoing. A ground gas risk assessment is required, albeit contaminated officers are satisfied that this detail may be controlled by condition with findings unlikely to hinder the application. No information has been provided as to whether subsoil and topsoil is proposed to be imported for landscaping. Given the above, whilst there is no requirement for a phase 1, approval should be subject to a contaminated land condition.
73. With regards Coal mining legacy, the application site falls within the defined Development High Risk Area. Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application, specifically probable shallow coal mine workings.
74. The Coal Authority have reviewed the submitted Geo-Environmental Appraisal which has been informed by the findings of an intrusive investigation and confirms that the site is stable from a mining viewpoint. On account of the above, the Coal Authority offer no objection to this planning application. Proposals would satisfy the provisions of Part 15 of the NPPF and CDP Policy 32.

Flooding and Drainage

75. Part 14 of the NPPF seeks to resist inappropriate development in areas at risk of flooding, directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
76. Policy 35 of the CDP requires development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. Development in flood zones should not be permitted unless in exceptional circumstances. Regarding surface water flood risk,

the management of water must be considered intrinsic to the overall development, with runoff rates carefully controlled. Policy 36 of the CDP requires proposals to the disposal of foul water, utilising the hierarchy of foul water.

77. The application site is not located within a known flood risk area, with surface water drainage details having been provided in consultation with the Councils drainage team. The submitted information is deemed to be satisfactory with respect to the management of surface water for the development subject to a condition ensuring the submission a detailed method statement confirming how surface water arising from the development will be effectively managed. This information would be required to be pre-commencement and should include hydraulic calculations together with a drainage layout plan identifying cover and invert levels for all inspection chambers, and finished floor levels. Subject to the above, drainage engineers are satisfied, with no objections raised. Proposals would satisfy the provisions of Part 14 of the NPPF and CDP Policies 35 and 36.

Sustainability

78. CDP Policy 29 seeks to ensure all development proposals will be required to achieve well designed buildings and places. Development should minimise greenhouse gas emissions by seeking to achieve zero carbon buildings and providing renewable and low carbon energy generation.
79. Where connection to the gas network is not viable, development should utilise renewable and low carbon technologies as the main heating source. Furthermore, new development should minimise the use of non-renewable and unsustainable resources, including energy, water and materials, during both construction and use by encouraging waste reduction and appropriate reuse and recycling of materials, including appropriate storage space and segregation facilities for recyclable and non-recyclable waste and prioritising the use of local materials;
80. The application is submitted alongside a sustainability and energy statement and separate travel plan. The site is located within a sustainable location within built up surrounds, focusing a shift away from the use of private car use.
81. In terms of building design, steps have been taken to reduce energy demand having regard to the operational requirements of the home. Externally the building has been designed with glazed areas to maximise access to natural light and to minimise energy requirements for lighting and heating in communal areas, in particular in the main day lounge/dining areas and the quiet lounges. All glazing would be specified to minimise heat loss and excessive solar gain. Other glazing in the corridors and stairwells will provide natural light into circulation areas, reducing the level of artificial lighting required. Furthermore, the use of photovoltaic panels on the roof of the facility would support sustainable energy use and efficiency. The application is considered to satisfy the provision of CDP Policy 29 in this regard.

Planning obligations

82. Policy 25 of the CDP seeks to ensure that new development is only approved where any mitigation necessary to make the development acceptable in planning terms are secured through appropriate planning conditions or planning obligations. Developers will be required to enter into Planning Obligations which are directly related to the development and fairly and reasonably related in scale and kind to the development

Affordable Housing

83. As the proposed development concerns specialist housing for older people, it does not need to provide on-site affordable housing, or a financial contribution towards the delivery of affordable housing as part of the scheme.

Open Space contributions

84. CDP Policy 26 requires proposals for new residential development to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA). The OSNA sets out the most up to date position in respect to open space provision across the county and provides a formula for calculating requirements on a site specific basis.
85. In supporting documentation the applicant confirms that all future residents would have an assessed medical need to be in this type of care facility, which generally means they would not be active and unlikely leave the home alone. The facility would provide for a variety of different outdoor spaces within the home grounds for residents to enjoy in a safe and assisted environment. Furthermore, all rooms would be single occupancy, with most residents aged between 85 – 100. In addition, many residents in the home would require specialist dementia care, with those residents unlikely to be leaving the home requiring constant supervision. Officers acknowledge that typical open space calculations would relate more to retirement accommodation falling within the C3 residential use classification and not the C2 use care facility to be provided here which is more specialist in nature. Based on the demographic provided by the applicant, no open space contributions would be requested on this occasion.

Healthcare

86. Paragraph 93 of NPPF recognises the need for planning decisions to ensure an integrated approach when considering the location of new housing and to plan positively for the provision and use of community facilities and local services. This provides policy justification to seek mitigation in respect to essential services including GP provision where a deficit would result or be exacerbated by the proposal. Local surgeries are part of CCG wide plans to improve GP access and would be the likely beneficiaries of any S106 funds secured. Local GP Practices are keen to maintain/improve their access, and an increase in patient numbers may require adjustments to existing premises/access methods. The NHS advise that based upon the nature of the development proposed, no financial contribution would be required in this instance.

Other matters

CAS objections

87. Concerns have been raised by the Children and Adult Services team over the need for an additional elderly care facility within the area. It is argued that such overprovision could potentially increase empty bed numbers across the County and put existing care homes at risk, with existing service users at risk of moves and the potential for upward pressure on DCC care fees. The future management of the site is also unclear.
88. Whilst such matters do not necessarily constitute a material planning consideration relevant to the determination of the application, the applicant has provided further information in this regard. It is explained how the applicants (LNT Care Developments)

specialise in building care homes. The sister company (Ideal Care Homes) operate a number of these homes. This provides the applicant with a wealth of information relating to the operation of the homes and the suitability of the location for attracting residents and staff for the home. A Zone Report has been provided by the applicant as part of the application detailing all existing homes within a 3 mile radius, and the demand for care and types of care available. This information has been used by the applicant to assess the need in the area and the suitability of the site for a care home, which has ultimately informed the applicants decision pursue the current planning application.

Safeguarding mineral resources

89. CDP Policy 56 seeks to safeguard mineral resources. Significant areas of the county fall into such mineral safeguarding areas, including the application site and wider area. Although a non-mineral development is proposed, it is not considered that the current proposals would sterilise this mineral resource taking into consideration the scale of the site, previous land use and wider site history, and the residential setting. No objections are raised in this regard.

CONCLUSIONS

90. Planning permission is sought for the erection of a 3 storey, 66no. bed residential care facility for the elderly with associated access, parking and landscaping. The application is submitted by LNT Care Developments (a company with considerable experience in the operation and construction of care homes for older people). Consideration is given to the principle, of the works proposed, scale/design, privacy/amenity/impact on neighbouring uses, highways, ecology, land stability, drainage, sustainability and planning obligations.
91. Concerns raised have been taken into consideration where material to the application and the applicant has agreed to enter into a legal agreement to secure a £7700.00 contribution towards off-site ecological mitigation.
92. Proposals are considered to satisfy the provisions of Parts 2, 4, 5, 6, 8, 9, 11, 12, 14 and 15 of the NPPF and policies 6, 15, 19, 21, 25, 26, 29, 31, 32, 35, 36, 39, 41 and 56 of the CDP. Subject to the following conditions, the application is recommended for approval.

RECOMMENDATION

Recommendation that the application be **APPROVED** subject to the completion of a unilateral undertaking pursuant to S106 to secure a £7700.00 financial contribution and the following conditions.

1. Time limit

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. Approved plans

The development hereby approved shall be carried out in strict accordance with the following approved plans:

DL16 6FY-A-01 (Location Plan), received 06 October 2021

DL16 6FY-A-03-A (Proposed site plan), received 21 December 2021

DL16 6FY-A-04 (Proposed floor plans), received 06 October 2021
DL16 6FY-A-05 (Proposed elevations), received 06 October 2021
DL16 6FY-A-08 (PV battery store), received 21 December 2021
SDL-090.3B (Combined electric meter house and garden store detail), received 04 January 2022
NM15062113NR (Environmental Noise Assessment Report, 20 August 2021), received 06 October 2021
7120/1 (Geoenvironmental appraisal, June 2021), received 06 October 2021
Sustainability and energy statement, received 06 October 2021
Transport statement and travel plan, received 06 October 2021
ER-5641-01 (Preliminary Ecological Appraisal Report), received 06 October 2021
ER-5641-02A (Biodiversity net gain assessment), received 22 December 2021
Biodiversity Metric 3.0 revA, received 22 December 2021
DR-5641-01.01 rev B (Landscape plan)
B-11 (Surface water drainage scheme at construction stage), received 04 January 2022
DURD-BSP-ZZ-XX-DR-S-0240 P02 (Drainage strategy), received 07 December 2021
DURD-BSP-ZZ-XX-DR-S-0245 revP01 (Drainage diversion), received 07 December 2021
DURD-BSP-ZZ-XX-DR-S-0260 revP01 (Drainage details), received 04 January 2022
Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Parts 2, 4, 5, 6, 8, 9, 11, 12, 14 and 15 of the NPPF and policies 6, 15, 19, 21, 25, 26, 29, 31, 32, 35, 36, 39, 41 and 56 of the CDP.

3. Materials

Notwithstanding any details of materials submitted with the application no development shall be carried out above damp proof course level until details of the make, colour and texture of all walling and roofing materials have been submitted to and approved in writing by the Local planning authority. 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 Part 12 of the NPPF and CDP policies 6 and 29.

4. Surface water drainage

No development shall commence until a detailed method statement confirming how surface water arising from the development will be effectively managed is submitted to and approved in writing by the Local Planning Authority. This information shall include hydraulic calculations together with a drainage layout plan identifying cover and invert levels for all inspection chambers, and finished floor levels. The development shall be constructed in accordance with the approved details.

Reason: In order to satisfy the provisions of Part 14 of the NPPF and CDP Policies 35 and 36 in relation to effective surface water management.

5. Visibility splays

The section of Hay Lane adjacent to the site, and the access road from which the site will be accessed shall achieve and maintain an adequate visibility splay of 2.4 x 33m in each direction at all times. Fencing and vegetation within these splays shall be no higher than 1 metre at any point.

Reason: In the interests of highway safety in accordance with Policy 21 of the County Durham Plan.

6. EHO mitigation

No development shall take place unless in accordance with the mitigation detailed within the Environmental Noise Assessment Report. Such measures shall be retained for the lifetime of the development.

Reason: In the interests of the privacy/amenities of future residents in accordance with CDP policy 31.

7. Landscape implementation

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development (or occupation of buildings or commencement of use) and any trees or plants which within a period of 5 years from the substantial completion of the development 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 visual amenity of the area and to comply with policy 29 of the County Durham Plan.

8. Habitat management plan condition

No landscaping works shall commence until a detailed establishment and management strategy for all soft landscape areas, in line with the habitat types and areas as detailed within the Warwickshire biodiversity metric, and detailed within the approved landscape plan (DR-5641-01.01 rev B), Biodiversity net gains plan, and Design and Access Statement have been submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in strict accordance with the approved details thereafter and the management plan adhered to.

Reason: In the interests of the visual amenity of the area and to comply with policies 39 and 40 of the County Durham Plan.

9. External lighting

Prior to first occupation of the care facility hereby approved, details of all external lighting shall be submitted to and approved in writing by the Local Planning Authority. The detail provided must be sufficient to demonstrate adherence to the ILP guidance notes for the reduction of intrusive light. The external lighting shall be erected and maintained in accordance with the approved details to minimise light spillage and glare outside the designated area and maintained thereafter.

Reason: In the interests of the amenity of nearby sensitive uses and the appearance of the area in accordance with Part 12 and 15 of the NPPF and CDP policy 31.

10. Car parking

The approved car park shall be constructed, marked out and made available for use prior to the development hereby approved being brought into operation. Thereafter the car parking spaces shall be used and maintained in such a manner as to ensure their availability at all times for the parking of vehicles.

Reason: In the interests of highway safety in accordance with the requirements of CDP Policy 21.

11. Enclosures

Prior to the commencement of the development details of means of enclosure including the proposed refuse store shall be submitted to and approved in writing by the Local Planning Authority. The enclosures shall be constructed in accordance with the approved details prior to the first occupation of the care facility.

Reason: In the interests of the visual amenity of the area and to comply with policy 29 of the County Durham Plan.

12. Contaminated Land (Phase 2-3)

No development shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a further Phase 2 site investigation/Ground gas risk assessment. If the Phase 2 identifies any unacceptable risks, a Phase 3 remediation strategy shall be produced and where necessary include gas protection measures and method of verification.

Reason: To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are agreed in order to ensure the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.

13. Contaminated Land (Phase 4)

Remediation works shall be carried out in accordance with the approved remediation strategy. The development shall not be brought into use until such time a Phase 4 verification report related to that part of the development has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the remediation works are fully implemented as agreed and the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework.

14. Construction

No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 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 0730 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.

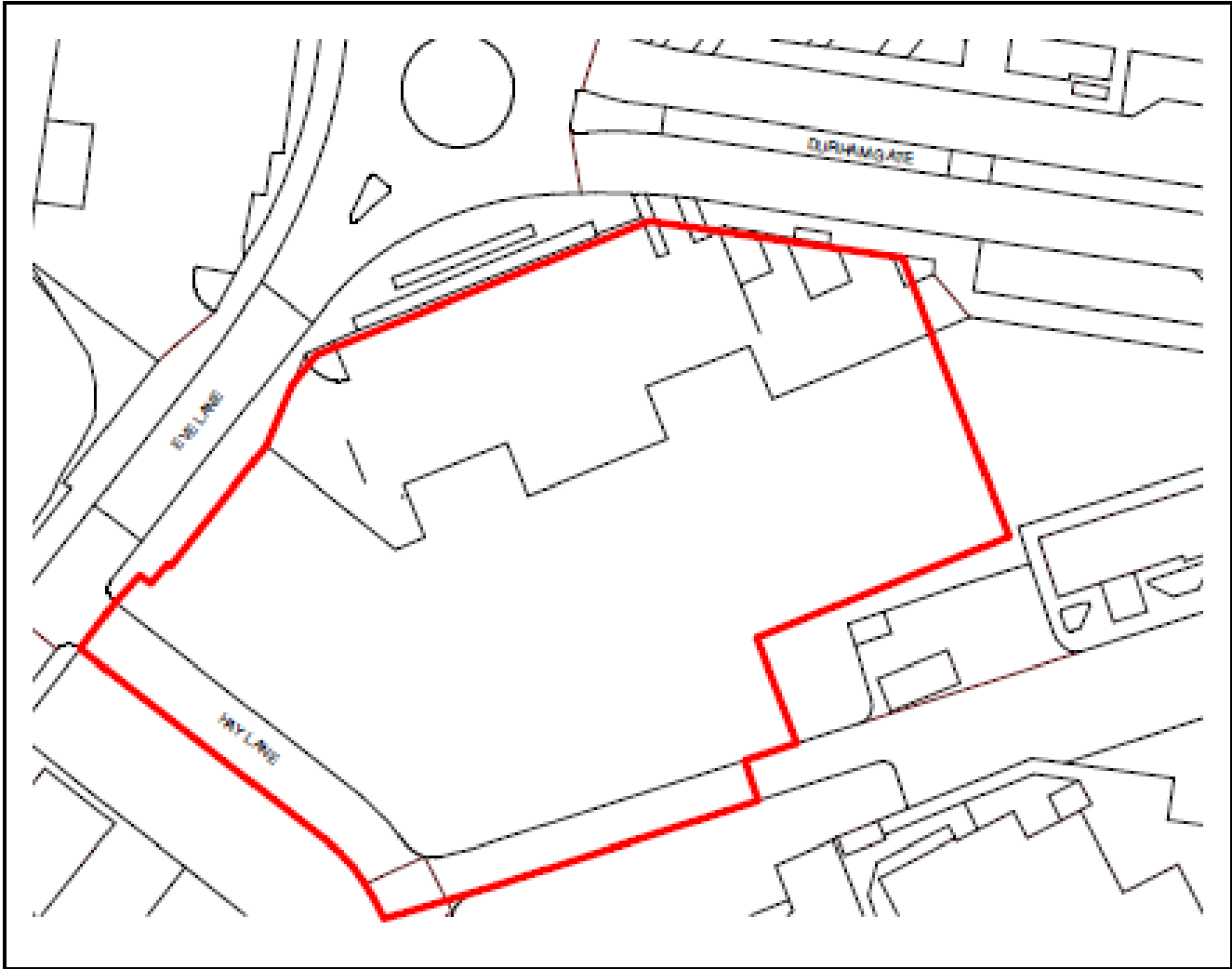
Reason: In the interests of the privacy/amenities of neighbouring occupiers in accordance with CDP policy 31.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision have, without prejudice to a fair and objective assessment of the proposals, issues raised, and representation received, sought to work with the applicant in a positive and proactive manner. The Local Planning Authority have sought to ensure that this application has been determined within a mutually agreed extended determination period. All pre-commencement conditions have been agreed in writing with the applicant.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
The County Durham Plan (CDP)
Statutory consultation responses
Internal consultation responses
External consultation responses



Planning Services

Erection of 3 storey 66no. bed residential care home for the elderly with associated works

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Comments

Date 20 January 2022