

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/22/02314/FPA
FULL APPLICATION DESCRIPTION:	Erection of a Care Home with associated vehicle parking, landscaping and infrastructure.
NAME OF APPLICANT:	Marton Care Limited and Helm Developments Limited
ADDRESS:	Land south of Bowburn Sewage Works and west of A688 Bowburn DH6 5NP
ELECTORAL DIVISION:	Coxhoe
CASE OFFICER:	Steve France Senior Planning Officer Telephone: 03000 264871 steve.france@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is one of the development phases indicated within the Masterplan for the Integra61 development at Bowburn. The Outline consent for Integra61 allowed for a mixed-use scheme including up to 270 houses, a hotel, a residential care home, general industrial, storage and distribution sites, a public house, nursery and restaurant / hot food take-aways.
2. The site lies immediately south of the village of Bowburn and near the interchange of the A688 and A1(M). Bowburn is around 3 miles south-east of Durham City, connected by the A177. The site is one of the closest phases of Integra61 to the village, separated by a phase area shown for the erection of a surgery. North-east of the site, across Bowburn Beck, a small watercourse that serves as part of the drainage, landscaping and ecology elements of the overall development, is the screening visually separating the site from Bowburn South Industrial Estate. Evident on the shared boundary to the south-west is a development of 91 dwellings currently under construction. Facing across the main spine road due east of the site is an area of open land now land-locked by the Integra61. There is a new small electricity sub-station on this front boundary. This main spine road, Rosalind Franklin Way is a dead end, including parking restrictions along its whole length, terminating as a vehicular highway just past the site, but extending as a pedestrian / cycle link to the village and its main facilities – including a convenience store, a community centre and a nursery.
3. Topographically, the land slopes steeply to the north-west towards Bowburn Beck. Formerly covered in rough scrub, the land of late has been used to facilitate the works on the adjacent housing site.

The Proposal

4. The approved Masterplan within the Outline consent set the extent of the site, its access and detailed considerations such as maximum heights and lighting levels along with expectations for the uses and their extent. For this phase, it included an 'indicative' plan showing a potential layout for a nursing home with a footprint, extended access road, a car parking area, open space and a landscape belt between the development and the adjacent housing phase to the south-west.
5. The site is 0.64ha in area.
6. This full planning application proposes a 73-bed care home – 13 beds more than included in the outline consent. Parking is on the higher ground to the front of the site. An 'L' shaped structure is proposed, 3 storeys in height, with a mix of pitched and flat roofs. A single storey flat roofed element closest to the south-west boundary faces the rear of the houses under construction on the adjacent phase. A mix of red multi and dark grey brickwork, grey concrete rooftiles and grey GRP cladding, with grey rainwater goods is proposed.
7. A service access road is proposed along the boundary with the adjacent housing development instead of the indicative planting belt. Overlooked by the two wings of the building is a landscaped private area of public open space including paths, seating and formal planting. Wildlife and a drainage attenuation pond are sited adjacent the beck on the north-east boundary of the site.
8. This application is being considered by committee due to the size of the site.

PLANNING HISTORY

9. The history of the site begins with DM/15/03912/OUT: '*Outline application with all matters reserved (except for access details of roundabout and internal distributor road) for a maximum of the following; 270 dwellings (class C3), a 70 bed hotel (class C1), a 60 bed residential care home (class C2/C3), a 3.96ha solar farm, change of use of 710m² of agricultural land to residential garden space, 170,859m² of general industrial, storage and distribution (class B2/B8), 1,858m² of restricted goods retail (class A1), 409m² restaurant/café/takeaway (class A3/A5), 613m² public house (class A4), 450m² childrens nursery (class D1), 400m² GP surgery (class D1) and 1860m² car showroom (class sui generis)*'.
10. This was modified though DM/18/01597/VOC, '*Amendment to planning permission DM/15/03912/OUT (Integra 61 mixed use development) so as to permit increase in general industrial, storage and distribution (class B2/B8) floorspace to 279,252m² and associated amendments*', with the area of the site subject to the current application unaffected.

PLANNING POLICY

NATIONAL POLICY

11. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
12. *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.
13. *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.
14. *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.
15. *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.
16. *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.
17. *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.
18. *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.
19. *NPPF Part 15 - Conserving and enhancing the natural environment.* Planning policies and decisions should contribute to and enhance the natural and local environment.

20. *NPPF Part 16 - Conserving and Enhancing the Historic Environment.* Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

NATIONAL PLANNING PRACTICE GUIDANCE:

21. 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; air quality; historic environment; design process and tools; 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; light pollution; natural environment; neighbourhood planning; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions; and; water supply, wastewater and water quality.

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

LOCAL PLAN POLICY:

The County Durham Plan

22. *Policy 15 Addressing Housing Need* notes the need to increase the range and quality of housing provision within the County and with regard to meeting the needs of older people and people with disabilities.
23. *Policy 21 Delivering Sustainable Transport* states that all development shall deliver sustainable transport by (in part) ensuring 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 congestions or air pollution and that severe congestion can be overcome by appropriate transport improvements.
24. *Policy 29 Sustainable Design* Requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access for all users; adhere to the Nationally Described Space Standards (subject to transition period).
25. *Policy 31 Amenity and Pollution* Sets out that development will be permitted 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 and that they can be integrated effectively with any existing business and community

facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.

26. *Policy 32 Despoiled, Degraded, Derelict, Contaminated and Unstable Land* states [in part] that development will not be permitted unless the developer can demonstrate that 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.
27. *Policy 35 Water Management*. Requires all 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. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.
28. *Policy 36 Water Infrastructure*. Advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and waste-water infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
29. *Policy 39 Landscape* states that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views and that development affecting valued landscapes will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of the development in that location clearly outweigh the harm.
30. *Policy 41 Biodiversity and Geodiversity* states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.
31. *Policy 43 Protected Species and Nationally and Locally Protected Sites*. Development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.
32. *Policy 44 Historic Environment* - states that development will be expected to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting.

33. *Policy 56 Safeguarding Mineral Resources*. Sets out that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area unless certain exception criteria apply.

The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at: <http://www.durham.gov.uk/article/3266/Development-Plan-for-County-Durham> (Adopted County Durham Plan)

Cassop-cum-Quarrington Neighbourhood Plan

34. *Policy CCQ4 Achieving Beautiful and Successful Development* – must be appealing and fosters a sense of delight and wellbeing for occupants, visitors and passers-by, must have a positive and coherent identity and character, thereby creating or contributing to a distinct sense of place and belonging, must enhance the positive qualities of its site and setting and improves negative ones, and must be efficient in terms of functionality and resource use.

<https://www.durham.gov.uk/media/36091/Cassop-cum-Quarrington-adopted-neighbourhood-plan/pdf/CcQNeighbourhoodPlanAdoptedVersion2021.pdf?m=637716200666730000>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

35. *Highways* - confirm this proposal would be considered acceptable. By their very nature, Care Homes do not generate significant amounts of vehicular traffic. Generally, there are no set visiting hours, and so Care Home uses don't have a set "peak" for traffic to and from the site.
36. The site would be served from an existing priority junction on Bowburn Way. This road is not a through road and this development would be the last use before the road terminates. The access road is already served by double yellow lines to prevent indiscriminate parking along the road.
37. Internally, parking provision would be made for 20 parking spaces for staff and visitors, with an additional 6 additional spaces. An area for service vehicles, including a turning area to allow them to enter the site, manoeuvre, and leave in a forward gear is also provided.
38. So overall, the impact of this development on the local highway network would be negligible. Adequate parking provision and servicing arrangements are provided and so there would be no detriment to road safety and the proposal is considered acceptable.

INTERNAL CONSULTEE RESPONSES:

39. *Spatial Policy* Officers acknowledge the Outline consent and the increase in bedroom provision. The requirements of Policy 15 (Addressing Housing Need) are set out and that the supporting text clarifies that there is a need for specialist housing in County Durham for older people, for the disabled and for vulnerable adults. Such forms of development include sheltered and extra care facilities (both for rent and owner occupation) and nursing homes. As the proposed development is specialist housing

for older people, it does not need to provide either on-site affordable housing, or a financial contribution towards the delivery of affordable housing as part of the scheme.

40. Policy 29 (Sustainable Design) is identified as of relevance, and in particular criteria a) which requires development to contribute positively to an area's character, identity and townscape, and provide high standards of amenity and privacy, and minimise the impact of development upon the occupants of existing adjacent and nearby properties; part b) which strives to 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 securing; part e) which requires developments to provide high standards of amenity and privacy; and part f) which specifically concerns the health impacts of development and the needs of existing and future users, including those with dementia and other sensory or mobility impairments.
41. Policy 31 requirements for amenity generally are highlighted with careful consideration to be given to that of the future users of this development as potentially older/vulnerable adults. 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.
42. *Landscape* – Officers are complimentary of the submitted scheme both intrinsically and in having the potential to accommodate residents and guests with sufficient space and opportunities for both privacy and interaction. Some detail for establishment and maintenance is provided, but additional information is required to form a future landscape management and maintenance plan.
43. *Ecology* - Officers have discussed the submitted Ecology and Biodiversity which has been updated during the course of the application to include additional detail, maintenance and to reflect the suggestions of Durham Bird Club in the consultation responses. They advise that within the context of the wider biodiversity gain for the wider development, the proposals sit as an appropriate response in a form that will be to the betterment of residents experience of the site.
44. *Drainage* – have advised on an evolving drainage scheme as the application has progressed, confirming latterly that further to their outlined requirements, 'the outstanding issues have been addressed and the proposed surface water management system can be approved.
45. *Environmental Health (Contamination)* – Officers confirm they have no adverse comments to make. There is no requirement for a contaminated land condition. A standard 'informative' for unexpected contamination is suggested.
46. *Environmental Health (Air Quality / Noise)* – accept the evolved reports submitted during the course of the application, suggesting a detailed condition to mitigate for potential effects from noise and dust.
47. The *Planning Monitor and Compliance* Officer has made suggestions for the Construction Management Plan in respect of site lighting and mitigation of noise/vibration potential.

EXTERNAL CONSULTEE RESPONSES:

48. *Northumbrian Water* - do not have any issues to raise with the above application, provided it is approved and carried out within strict accordance with the submitted document / drawing entitled "Drainage Strategy". A condition is suggested. This drainage area discharges to Bowburn Sewerage Treatment Works, which is not named on the Nutrient Neutrality Budget Calculator.

PUBLIC RESPONSES:

49. As a 'major' application site notices have been posted, and advertisement placed in the local press and 20 letters sent out to neighbouring residents and businesses. There have been two responses – one in support and one representation – i.e. there are no objections.
50. Bowburn and Parkhill Community Partnership support the application in principle. They comment:
 - The proposals are welcomed for energy and solar efficiency.
 - Cycle parking is welcomed but could be closer to the entrance.
 - No showering facilities are evident for cyclists.
 - Requirements for Biodiversity Net Gain should be considered.
 - Swift boxes should be considered.
51. Durham Bird Club, from an address in Old Quarrington welcome the Ecology Survey and noting the height of the building ask that consideration be given to the inclusion of a swift box – this species currently in decline but recorded in the Bowburn area.

APPLICANT'S STATEMENT:

52. The proposed development is for a 73-bed residential care home. The principal of development has already been established by the Integra 61 outline planning approval (application ref: DM/15/03912/OUT). As part of the outline permission the approval relates to a 60-bed care home. The proposed additional 13 beds can be easily accommodated on site and will make negligible difference to traffic entering and exiting the site, which can be easily accommodated by the existing access.
53. The proposed development provides residential care accommodation for elderly and dementia care services users while also providing employment opportunities for the residents of Bowburn and the wider County Durham. The applicant anticipates the creation of around 70 jobs with shift patterns of 8-8 or 7-7. Around 16 staff are likely to be required to work during a day shift while around 8 staff are likely to be required to work during a night shift.
54. The development is specifically designed to meet the needs of the residents and benefits from the established operational experience of the applicant. 100% of the proposed user bedrooms have been designed to comply with Approved Document Part M4(2) Category 2: Accessible and adaptable dwellings, and 25% of the proposed user bedrooms have been designed to comply with Approved Document Part M4(3) Category 3: Wheelchair user dwellings. This is in compliance with Policy 15 of the County Durham Plan.

55. The proposed development will contribute positively to the area's character drawing from the material palette and architectural character of the area as described in the Design and Access Statement. In addition, the proposed building will be designed at technical design stage to target an 'A' rated Energy Performance Certificate. This will help to minimise greenhouse gas emissions. The proposed building will incorporate on-site renewables through the use of photovoltaic panels mounted on the south-west facing pitches of the roof over the south-east to north-west orientated wing. This will help to make the fullest contribution to minimising carbon dioxide emissions when combined with a 'fabric first' approach including highly insulated envelope; Airtightness detailing; and Thermal bridging reduced to a minimum.
56. Overall, the proposed development will provide much needed residential and dementia care accommodation in a state-of-the-art building.

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

<https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RGDY8UGDG0N00>

PLANNING CONSIDERATIONS AND ASSESSMENT

57. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: the principle of the development, highway safety and access, layout and design, residential amenity, ecology, flooding and drainage, and other matters.

Principle of the Development

The Development Plan

58. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The County Durham Plan was adopted in October 2020 to cover the period until 2035 and along with the adopted Cassop-cum-Quarrington Neighbourhood Plan 2020 - 2035 provides the policy framework for development proposals in this area.
59. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay.
60. With the site approved in outline for a smaller version of the use proposed, assessment of the application is for the detail of the proposal – the principle effectively having been accepted and established with approval of the Integra61 masterplan.

Highways Safety and Access

61. Highways Officers advise the proposals are acceptable as by their very nature, Care Homes do not generate significant amounts of vehicular traffic. The road network around the site has been designed and restricted so as to discourage roadside parking. Parking and turning standards are met for staff, visitors and service vehicles. No objection has been raised in regard to the implications of the increased number of residents proposed over and above that expected from the outline consent.
62. Pedestrian and cycle access to the village is excellent, with the services, facilities and transport links within it being in easy reach.
63. The development is concluded to meet the requirements of Policy 21 (Delivering Sustainable Transport) in so far as ensuring that highway safety is ensured by the proposals. Vehicular parking and turning requirements are met. Electric Vehicle parking places are provided. Cycle storage is proposed to the front of the building. The increase in numbers of bedrooms proposed will have no discernible effect on the surrounding transport network.
64. The highways elements of the proposal have no implications for the advice at para.111 of the Framework, that 'Development should only be 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'.

Layout and Design

65. Policy 29 of the CDP outlines that development proposals 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. Policy CCQ4 Achieving Beautiful and Successful Development – must be appealing and fosters a sense of delight and wellbeing for occupants, visitors and passers-by, must have a positive and coherent identity and character, thereby creating or contributing to a distinct sense of place and belonging, must enhance the positive qualities of its site and setting and improves negative ones, and must be efficient in terms of functionality and resource use. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 130 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
66. The proposed building is set part way down the slope, reducing its height in comparison to the road level. The height restrictions set out in the masterplan are met. A frontage landscape scheme is proposed along the roadside, softening the front elevation from the spine road – and providing a backdrop to the aforementioned electricity sub-station – screening the car parking area, and providing a better aspect from residents' windows on the front elevation. A single storey element on the north-west gable elevation gives additional physical separation to the rear elevations of the houses facing in lieu of the landscape buffer suggested on the indicative layout in the Outline approval – albeit with a slightly odd, truncated gable detail – presumably to avoid a valley roof on this part of the building. This is not a significant feature and gives storage space and opportunity for photovoltaics.
67. The elevational treatment proposed references the local materials palette as visible in the nearby Conservation Area, with dark reds and grey colours in the main elevations,

roofs and roof edges. Whilst the form is that of a large and modern building, again, the use of steep pitched roofs and vertically proportioned openings with contrasting brick panels gives appropriate reference to a local vernacular. The form of the building is designed to break up the bulk through articulation of elevations, changes of materials and the use of multiple steep pitched roofs and plain gables with watertable detail. This approach is considered successful.

68. The 'L' shaped building has the private communal grounds overlooked by residents windows with ramped accesses seeking to ensure that the site levels do not disadvantage access for those with restricted mobility. The formal landscaped areas are bounded by the informal/ecology areas, including a SuDS basin, that itself sits adjacent Bowburn Beck with the proposed enhancement works contained within, and then the established woodland buffer climbing the far slopes beyond the Beck that visually and physically separate from Industrial Estate beyond. This ensures the design will give high levels of amenity in terms of outlook.
69. An additional essential aspect of Policy 29 for assessment is the requirement to minimise greenhouse gas emissions, by seeking to achieve zero carbon buildings and providing renewable and low carbon energy generation, and 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.
70. The application sets out a Sustainability Statement that includes for a 'fabric first' approach to include a 'highly insulated envelope, renewable technologies (solar panels) on south facing roofs, airtightness detailing; and thermal bridging reduced to a minimum. For emissions, the development will be built to the current Building Regulations which have been updated since the planning Policy requirement.
71. The proposed building is considered to meet the requirements of the two elements of the development plan in terms of the requirements of Policies 29 and CCQ4 and the complimentary advice in parts 12 and 15 of the Framework. A detailed list of 'Energy Efficient Measures' is also included with provision for insulation, metering, efficient white goods, water saving, a waste management and recycling plan amongst other devices. A condition of a verification report to demonstrate these measures have been incorporated into the scheme once complete is suggested.

Residential Amenity

72. Policies 29 and 31 of the CDP outline that developments should provide high standards of amenity and privacy, minimise the impact of development upon the occupants of existing adjacent and nearby properties and not lead to unacceptable levels of pollution. Policy 32 seeks to ensure that historic mining legacy and general ground conditions are suitably addressed by new development. A Residential Amenity Standards Supplementary Planning Document (SPD) has also been adopted by the Council. The aforementioned policies and SPD can be afforded significant weight. Parts 12 and 15 of the NPPF, which require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.
73. There are two aspects of residential amenity for consideration – those for residents of the scheme, and those for the neighbours in the housing development currently under construction.

74. Guidance within the SPD advocates separation distances of 21m between facing principal elevations and 18m between bungalows, 13m between principal and two storey gable elevations and 10m to a single storey. It is advised that additional separation may be required where there are changes in levels across a site or where additional storeys are involved.
75. Careful attention has been paid to ensure that the separation between the rear elevations of the dwellings being erected on the adjacent Bellway development, with 12.8m to the single storey off-shot and 16.7m to the main gable. The required separation distances between the structures are achieved. There has been discussion to ensure that the proposed service road is not set at a raised level and will be of an appropriate level and timing of use so as not to have an unreasonable effect on reasonable expectations of privacy and amenity for the dwellings and gardens adjacent, with the applicant happy to accept a restriction on delivery hours to between the hours of 8am and 6pm. These devices are considered to meet the relevant requirements of Policy 31 of the County Plan and the adopted Residential Amenity SPD 2020.
76. Proposed residents' amenity is in large part assessed through Policies 15, and 29, which ensures Inclusive Design. The proposals set out that 100% of the user bedrooms have been designed to comply with Approved Document Part M4(2) Category 2: Accessible and adaptable dwellings, and 25% of the user bedrooms have been designed to comply with Approved Document Part M4(3) Category 3: Wheelchair user dwellings to reflect the requirements of Policy 15. The car park includes 6No. parking bays designated for disabled people. A detailed description of the proposed accommodation demonstrates a clear commitment to proposed residents' amenity – likewise the layout of the proposed open space. Residential amenity accrued from the proposed landscape scheme is discussed below.
77. Both Environmental Health Officers and Planning Monitoring / Enforcement Officers suggest requirements for conditions to cover additional aspects not included in the submitted Construction Management Plan to ensure residential amenity through the construction process. These are considered required and reasonable as directly related to the requirements of Policy 31.
78. This approach is considered to bring compliance with the requirements of the policies relating to protection of residential amenity.

Landscape and Visual Impacts

79. Policy 39 of the County Durham Plan states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Elements of Neighbourhood Plan Policy CCQ4 are relevant with requirements for development creating or contributing to a distinct sense of place and belonging and enhances the positive qualities of its site. Parts 12 and 15 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment.
80. The submitted landscaping scheme is considered acceptable and compliant with the requirements of Policies 29, 39 and CCQ4 with particular note for it being appropriate for the residents of the proposed development. Further detail is needed for the future landscape management and maintenance plan, and this can be secured by condition.

Ecology

81. Policies 26, 35, 41 and 43 of the CDP seek to secure net gains for biodiversity and coherent ecological networks. Policy 43 relates to protected species and nationally and locally protected sites. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them.
82. The proposed Biodiversity scheme as an extended component of the landscape scheme, with provision for hedgehog, sparrow and swift boxes and including an appropriate maintenance component has been agreed as meeting the requirements of the local Policies and national guidance. It is reasonable to assess the proposal in the context of the wider BNG and landscape works on the estate as the proposals effectively blend into this on the site boundary. That it does this in a manner that will add to the enjoyment of the development finds resonance in Policy CCQ4 with a potential to, 'foster(s) a sense of delight and wellbeing for occupants'.
83. Subject to the imposition of a condition to secure the proposed scheme and its maintenance, the proposals are concluded Policy compliant.

Flooding and Drainage

84. Policies 35 and 36 of the CDP relate to flood water management and infrastructure. Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SuDs) to manage surface water drainage. Development should not have an adverse impact on water quality. Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water.
85. The Drainage scheme has evolved in response to the requirements of Council's Drainage Officers as the Lead Local Flood Authority, who confirm that the outstanding issues have been addressed and the surface water management system can be approved. Northumbrian Water have confirmed the impacts of the development and its operation can be accommodated within their system. Subject to a compliance condition, the Policy requirements are considered met.

Other Considerations

86. Policy 44 of the County Plan states that development will be expected to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting.
87. There are no heritage assets or non-designated heritage assets on or immediately adjacent the site. The Bowburn Conservation Area is 100m east of the site, east of the A177 as it passes through Bowburn, with two intervening terraces physically and visually separating the site from the designated area. Officers consider there is no impact on the Conservation Area nor its setting, ensuring compliance with Policy 44 (Historic Environment), the advice in part 16 of the Framework and the necessary assessment for potential harm required by The Planning (Listed Buildings and Conservation Areas) Act 1990.

88. Policy 32 of the County Plan requires developers to demonstrate that land contamination and stability issues can be satisfactorily addressed by appropriate mitigation measures prior to the construction or occupation of the proposed development, the site is suitable for the proposed use, and all assessments have been carried out by appropriately qualified persons.
89. Environmental Health Officers are satisfied with the information provided in relation to ground conditions and contamination, confirming there is no requirement for any condition – an ‘informative’ is suggested to cover the potential for unexpected contamination encountered during the construction process. The relevant elements of Policy 32 are considered addressed, likewise the corresponding advice in part 15 of the Framework. The site is unaffected by records of shallow mine workings.
90. Policy 31 sets out that development will be permitted 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.
91. The implications of this Policy for aspects of residential amenity is considered above. For noise and air quality – both for the construction process and operationally, both Environmental Health Officers and Planning Monitoring and Enforcement Officers had requested additional information, which has been provided to their satisfaction. A condition is suggested that Officers consider will ensure compliance with the Policy 31 requirements.
92. The planning application and applicant’s statement anticipates the creation of around 70 jobs in a shift pattern. Around 16 staff are likely to be required to work during a day shift while around 8 staff are likely to be required to work during a night shift. These operational jobs created – and those involved in the construction process are of positive material weight in the assessment of the planning application.
93. The proposal has generated public interest from the Community Partnership and the local Bird Group. The Partnership supports the proposals for an energy efficient building. Their suggestions for relocation of the cycle parking have been discussed with the applicant. The EV spaces are welcomed. Detailed suggestions for specific bird box types have been secured in the updated Biodiversity Net Gain proposals.

CONCLUSION

94. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.
95. In summary, the application site is concluded to be in a sustainable location, with the principle of development already established through Outline consents.
96. Assessment of the Policy context within the two elements of the Development Plan and advised by the National Planning Policy Framework as a material consideration conclude that the scheme is compliant, meets required standards and provides – or can provide through imposition of conditions as outlined above, a high-quality scheme of specialist residential accommodation that will extend the residential offer of both the development and the wider village as intended in the approved masterplan.

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 approved plans listed in Part 3 - Approved Plans.
Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 15, 21, 29, 31, 32, 35, 36, 39, 41, 43, 44, 46, 56 of the County Durham Plan 2020, Policy CCQ4 of the Cassop-cum-Quarrington Neighbourhood Plan 2020, and Parts 2, 4, 8, 9, 11, 12, 14, 15, 16 of the National Planning Policy Framework.
3. Notwithstanding any details of materials submitted with the application no development above ground level shall commence 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 Policy 29 of the County Durham Plan, Policy CCQ4 of the Cassop-cum-Quarrington Neighbourhood Plan and Part 12 of the National Planning Policy Framework.
4. Prior to the first occupation the development hereby approved, details of all means of enclosure of the site shall be submitted to and approved in writing by the Local Planning Authority. The enclosures shall be constructed in accordance with the approved details thereafter.
Reason: In the interests of the visual amenity of the area and to comply with Policy 29 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.
5. The submitted landscape scheme must be implemented in the first available planting season following the commencement of building works. A landscape management and maintenance plan to support the submitted landscaping scheme must be submitted to and approved in writing by the Local Planning Authority in advance of the provision of the landscape scheme, and thereafter adhered to for a minimum period of 5 years.
Reason: Reason: In the interests of the appearance of the area and to comply with Policy 39 of the County Durham Plan, Policy CCQ4 of the Cassop-cum-Quarrington Neighbourhood Plan and Parts 12 and 15 of the National Planning Policy Framework.
6. The development must be carried out and maintained in accordance with all post-development planting, habitat management and monitoring and ecological enhancements set out in the Bowburn Manor Biodiversity Impact Assessment dated October 2022 authored by Weddle Landscape Design.
Reason: To ensure Biodiversity Net Gain and in the interests of species protected by law as a requirement of Policies 41 and 43 of the County Durham Plan 2020 and part 15 of the National Planning Policy Framework.

7. For surface water and foul drainage, the development shall be completed in full and before occupation of the development hereby approved in accordance with the drainage scheme contained within the submitted document entitled "Drainage Strategy Rev. C2/11/2022". The drainage scheme shall ensure that foul flows discharge to the combined sewer upstream of 5602 manhole and ensure that surface water discharges to the existing watercourse.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

8. The electric vehicle spaces shown on plan 21-2395-(02)-001-P)04 must be available for use by electric vehicles on first occupation of the site.

Reason: In the interests of sustainability as required by Policy 29 of the Durham County Plan 2020 and part 15 of the National Planning Policy Framework.

9. Within 6 months of occupation of the development hereby approved a written Verification Report by a competent person must be submitted to the Local Planning Authority demonstrating compliance with the Sustainability Statement set out in the submitted Design and Access Statement Ref: 21/2395/DAS Rev:P.03.

Reason: In the interests of sustainability as required by Policy 29 of the Durham County Plan 2020 and part 15 of the National Planning Policy Framework.

10. Prior to commencement of any works on the site a Construction Emissions Management Plan to address the environmental impact during the development of all phases of the site shall be submitted to and approved in writing by the Local Planning Authority. The Construction Emissions Management Plan shall identify the steps and procedures that will be implemented to minimise the creation and impact of air pollution and dust resulting from the site preparation, demolition, groundwork and construction phases of the development, taking into account relevant guidance such as the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014. Appropriate measures including the use of agreed routes to and from site during the construction works and allocating arrival times for construction vehicles and suppliers must be set out along with minimum emission standards for construction vehicles operating on, and those delivering to the site. Details of site lighting must be included, designed so as to comply with the ILP Guidance Notes for the Reduction of Obtrusive Light GN01:2011, including siting and direction to avoid glare for residential amenity and highway safety. Where the use of piling or vibro-rollers within 75m of occupied residential properties is proposed, detailed control measures must be set out including:

- A letter drop to all affected properties providing them with details of how long works will be undertaken for and a telephone number to contact in the event of a complaint or for further information.
- Vibration monitoring to be undertaken whilst operations are being undertaken, measured vibration levels shall be compliant with the criteria in BS 5228: 2009 part 2 (i.e. 1mms-1 PPV for potential disturbance in residential). Results of monitoring shall be recorded and provided to the LA upon request.

Should vibration levels exceed the threshold levels stated above then the vibration causing works will cease and expert advice sought on mitigation.

Reason: In the interests of residential amenity and to meet the requirements of Policy 31 of the County Durham Plan and part 15 of the Framework

11.The development must be undertaken in compliance with the details set out in the Construction management Plan Ref: 32/12/41/CMP dated June 2022.

Reason: In the interests of residential amenity and to meet the requirements of Policy 31 of the County Durham Plan and part 15 of the Framework

STATEMENT OF PROACTIVE ENGAGEMENT

In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF.

PUBLIC SECTOR EQUALITY DUTY

Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic.

In this instance, Officers have assessed all relevant factors including the demographic of the intended residents and do not consider that there are any equality impacts identified or material to the assessment process or recommendation.

BACKGROUND PAPERS

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

Statutory, internal and public consultation responses

The National Planning Policy Framework

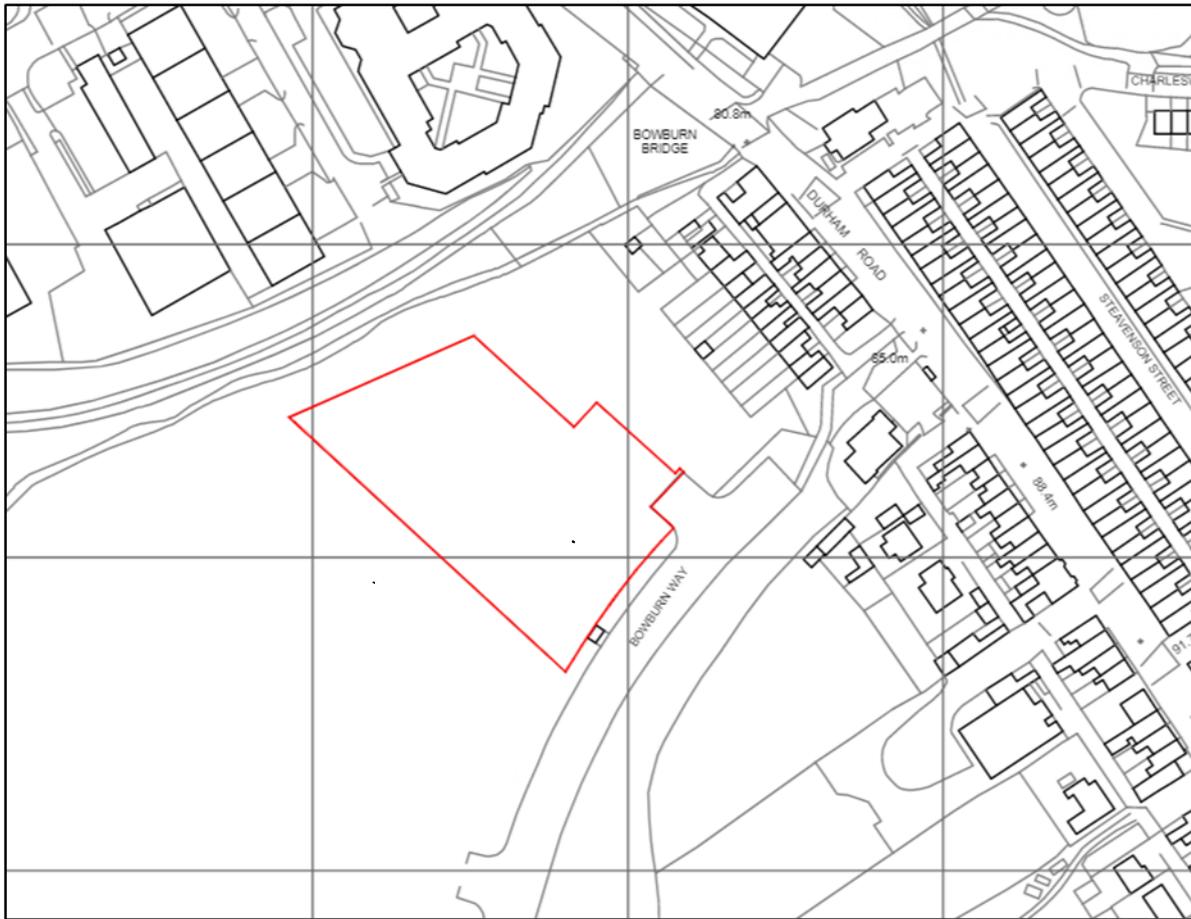
National Planning Practice Guidance Notes

County Durham Plan 2020

Cassop-cum-Quarrington Neighbourhood Plan 2020-2035

Residential Amenity Standards SPD (2020)

County Durham Landscape Strategy (2008)



Planning Services

DM/22/02314/FPA: Erection of a Care Home with associated vehicle parking, landscaping and infrastructure.

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Date 10th January 2023

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