

# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	<b>DM/15/01743/FPA</b>
<b>FULL APPLICATION DESCRIPTION:</b>	<b>Demolition of care home and construction of 26 dwellings and associated works.</b>
<b>NAME OF APPLICANT:</b>	<b>Frideswide Ltd</b>
<b>ADDRESS:</b>	<b>Cheveley House, Brackendale Road, Belmont, Durham</b>
<b>ELECTORAL DIVISION:</b>	<b>Belmont</b>
<b>CASE OFFICER:</b>	<b>Chris Baxter Senior Planning Officer 03000 263944 chris.baxter@durham.gov.uk</b>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The application site comprises of the Cheveley House Care Home which is located on Brackendale Road in Belmont. The care home is no longer in operation and is empty. The site is located within a predominately residential area. The residential properties of Cheveley Court are located to the north east, Bedale Close to the south east and Brackendale Road to the south and west. The main highway of Broomside Lane is directly to the north of the site with a restaurant situated beyond. The existing care home building is located fairly centrally within the site, with mature trees scattered along the boundaries. The existing access into the site is taken from Brackendale Road.

### The Proposal

2. Full planning permission is sought for the demolition of the existing care home and for the residential development of 26 residential units including associated parking bays and turning head. The units would be a mix of detached, semi-detached and apartments which would offer a range of 2, 3 and 4 bedroom properties. The properties are a mix of two and half and three storey height buildings constructed from a mix of brickwork and render. The proposed properties would be arranged around a central road and a turning head would be created within the site. Access is to be taken directly from Brackendale Road.
3. The application is reported to the Planning Committee as it constitutes a major development.

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## PLANNING HISTORY

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4. Other than an application for signage in 1998, there is no other planning history relating to this site.

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## **PLANNING POLICY**

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### **NATIONAL POLICY:**

5. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
6. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'.
7. The following elements are considered relevant to this proposal;
8. *NPPF Part 1 – Building a Strong and Competitive Economy.* The Government attaches significant weight on the need to support economic growth through the planning system. Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21<sup>st</sup> century.
9. *NPPF Part 4 – Promoting Sustainable Transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
10. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* The Government advises Local Planning Authority's to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
11. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
12. *NPPF Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
13. *NPPF Part 11 – 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 pollution and land stability and remediating contaminated or other degraded land where appropriate.

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

## LOCAL PLAN POLICY:

### City of Durham Local Plan

14. *Policy E14 (Trees and Hedgerows)* sets out the Council's requirements for considering proposals which would affect trees and hedgerows. Development proposals will be required to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost. Full tree surveys are required to accompany applications when development may affect trees inside or outside the application site.
15. *Policy E15 (Provision of New Trees and Hedgerows)* states that the Council will encourage tree and hedgerow planting.
16. *Policy H13 (Residential Areas – Impact upon Character and Amenity)* states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.
17. *Policy T1 (Traffic – General)* states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and / or have a significant effect on the amenity of occupiers of neighbouring property.
18. *Policy T10 (Parking – General Provision)* states that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.
19. *Policy Q5 (Landscaping General Provision)* sets out that any development which has an impact on the visual amenity of an area will be required to incorporate a high standard of landscaping.
20. *Policy Q8 (Layout and Design – Residential Development)* sets out the Council's standards for the layout of new residential development. Amongst other things, new dwellings must be appropriate in scale, form, density and materials to the character of their surroundings. The impact on the occupants of existing nearby properties should be minimised.
21. *Policy Q15 (Art in Design)* states that the Council will encourage the provision of artistic elements in the design and layout of proposed developments. Due regard will be made in determining applications to the contribution they make to the appearance of the proposal and the amenities of the area
22. *Policy U8a (Disposal of Foul and Surface Water)* requires developments to provide satisfactory arrangements for disposing foul and surface water discharges. Where satisfactory arrangements are not available, then proposals may be approved subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.
23. *Policy R2 (Provision of Open Space – New Residential Development)* states that in new residential development of 10 or more units, open space will be required to be provided within or adjacent to the development in accordance with the Council's standards. Where there is an identified deficiency and it is considered

appropriate, the Council will seek to enter into a planning agreement with developers to facilitate the provision of new or improved equipped play areas and recreational/leisure facilities to serve the development in accordance with Policy Q8.

#### **EMERGING POLICY:**

24. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was Quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP from examination. In the light of this, the CDP is no longer material.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

- 25. *Environment Agency* has not raised any objections to the proposed development.
- 26. *Coal Authority* has not raised any objections to the proposals, indicating that the site does not fall within the defined Development High Risk Area.
- 27. *Northumbrian Water* have not raised any objections subject to the imposition of a condition for details of foul and surface water drainage to be submitted for approval.
- 28. *Durham County Highways Authority* is satisfied that the revised access location is acceptable and would permit safe operation. The parking provision and internal layout is also considered acceptable.
- 29. *Police Architectural Liaison Officer* has indicated that the crime risk assessment for this proposed development, based on current crime trends in the area, is low.

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

- 30. *Archaeology* has no objections to the proposals.
- 31. *Sustainability Section* has raised no objections in terms of the suitability of the site due to the site having few issues that would impact upon the presumption in favour of sustainable development. A condition is recommended in terms of embedding sustainability and minimising carbon within the development.
- 32. *Spatial Planning Policy Team* have not raised any objections to principle of development.
- 33. *Tree Officer* has not raised any objections but has indicated that some trees may need to be removed to facilitate development and some dwellings may need to

be reduced in order to retain trees especially along the frontage of the site. New trees should also be planted to accommodate the loss of specimens which are to be removed. A landscaping plan and schedule should be submitted.

34. *Landscaping Section* have indicated that the scheme fails to recognise either the visual amenity value and safe useful life expectancies of the trees as individuals or groups, or the context of the surrounding streetscape and neighbourhood.
35. *Environmental Management (Noise, dust, smoke, odour, light)* have not raised any objections with regards to noise, dust, smoke or odour and some conditions are recommended in relation to noise from Broomside Lane.
36. *Housing Development and Delivery Team* has confirmed that the proposed affordable provision for the site is acceptable.
37. *Design and Conservation Team* has indicated that the layout provides a very straight forward tight pattern of perimeter block development, with the access road serving a courtyard, parking court and turning head that provides a central square. There are some issues relating to lack of public amenity space, tree retention, details for boundary and surface treatment; and landscaping details.
38. *Education Section* has confirmed that there are sufficient primary and secondary school places in the area to accommodate the additional pupils likely to be produced from this development.
39. *Drainage Section* have not raised any objections to the proposed development.
40. *Environmental Management (Contamination)* has not raised any objections but has indicated that a further contamination report shall be submitted prior to development commencing.
41. *Ecology Section* has not raised any objections to the scheme and requested that a condition is imposed for the development to be in compliance with the mitigation proposed in the submitted ecology report.

#### **PUBLIC RESPONSES:**

42. The application has been advertised in the local press and a site notice was posted. Neighbouring residents have also been notified in writing. 11 letters of objections have been received from local residents including a letter from Belmont Parish Council.
43. The main concerns relate to highway concerns, in particular the increase in traffic, parking concerns and the access is considered to be dangerous being too close to the junction with Broomside Lane. It has also been raised that the Brackendale Road can become bad in wintery conditions.
44. The loss of trees from the site is a concern and it has been questioned who's responsibility would it be for future maintenance of trees which are to be situated within garden areas. Residents have indicated that the site is overdevelopment and the appearance of the houses would not show the heritage of the area. The current boundary treatment is considered to be in poor condition and it has been questioned who will be responsible for the new fencing which will be erected. Some residents also consider that the proposed houses are within close proximity to existing properties.

45. It has been indicated that there is no need for further housing in the area and the affordable element of the scheme should be single storey accommodation for the elderly or disabled. There is a concern that the development would put additional pressure on drainage in the area. Finally there are concerns that there will be disruption during the construction stage, particularly with regards to dirt and dust, and that construction hour and deliveries will be at an unreasonable hour.

#### **APPLICANTS STATEMENT:**

46. All Saints Living plan to create a new residential development scheme of 26 properties on land currently occupied by an unoccupied residential care home with structural issues.

47. This new scheme will provide a range of 2, 3 and 4 bedroom homes designed to meet the needs of professionals and growing families in close proximity to the major transport links of Durham and the wider North East of England.

48. We aim to provide 5 affordable units as apartments and the remaining as 3 or 4 bedroom detached and semidetached homes, creating a small vibrant community in this highly desirable area of Durham.

49. The proposals for the site have been developed to create a scheme of high design quality, retaining trees where feasible and replacing greenery where possible. We have also taken into account the design of neighbouring housing estates.

50. The scheme will be delivered by All Saints Living, in partnership with All Saints Construction, a locally based construction and house building company. Recent developments include Larbert House & Country Estate, a 57 dwelling scheme with sensitive restoration of a listed mansion house, walled garden and stable block which we have sold 85% off plan, as well as more local schemes in Seaham and Hexham. Full information can be found on our website, [www.allsaintsliving.com](http://www.allsaintsliving.com).

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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51. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of residential development of the site; residential amenity; layout, design and visual amenity; highway and access issues; affordable housing and section 106 contributions.

### Principle of residential development

52. The site is located within a predominantly residential area with residential properties located to the south, east and west of the site. The site is previously developed and is located within a sustainable location being close to shops, service and public facilities. Public transport is also within close walking distance. It is therefore considered that the principle of development is acceptable and the proposed development would be in accordance with the sustainability principle of the NPPF.

### Residential amenity

53. The proposed dwellings are all positioned around the boundaries of the site with a central access and estate road. The interrelationship between the proposed properties are all considered acceptable and sufficient levels of privacy would be achieved for future occupiers of the proposed properties.
54. The separation distances between the proposed properties and the surrounding dwellings mostly exceed 21 metres. There are a couple of distances where separation distances are 21 metres however this accords with guidance within the local plan and it is considered that adequate levels of privacy would be maintained. A distance of 14 metres separates a small number of the proposed properties with the residential units on Cheveley Court to the north east. This distance is considered acceptable as the separation is between primary windows looking onto a gable elevation which again satisfies the guidance within the local plan, which states a separation distance of 13 metres is required.
55. The proposed houses located along the south east, south west and north boundaries are to be of two and half storey. Given the separation distance and the orientation of the properties it is not considered that any adverse impacts would be created in terms of overbearing or overshadowing impacts. Three storey properties are proposed along the north east boundary and these would be adjacent to the three and four storey properties on Cheveley Court. It is not considered that the residents of Cheveley Court properties would experience any adverse impacts in terms of overbearing or overshadowing affects.
56. The majority of the properties proposed would have sufficient levels of private amenity space. The properties proposed along Broomside Lane do have reduced garden areas, some measuring 6 metres in width by 4 metres in depth. These reduced garden areas have been dictated by the road layout requirements however it is acknowledged these are gardens are modest. Ultimately it would be for a prospective buyer of these properties to decide whether the gardens areas are suitable for their own use. It is not considered that the modest garden areas are sufficient to warrant refusal of this application.
57. Some residents have questioned whose responsibility would it be for the new boundary fencing as well as future maintenance of trees within gardens. Given the new fencing would likely be erected on the application site, then the responsibility would be with the eventual owners of the proposed properties. Similarly with the trees in the gardens, the responsibility of any maintenance to these trees would likely be with the owner of the properties. It is noted however that land ownership and issues with maintenance of fencing and long term maintenance of trees are not material planning considerations.
58. The Environmental Health Officer has not raised any objections to the proposed scheme however a number of conditions have been recommended in respect of noise, lighting, dust suppression and development construction methods. The majority of these issues would be covered through separate Environmental Health legislation and it not considered relevant to be imposed as planning conditions. The Environmental Health Officer dealing with contamination has not raised any objections but has requested that a further contamination report is submitted prior to works commencing on site. This issue can be adequately covered by a planning condition and a condition is subsequently recommended. It is noted that residents have raised some concerns with regards to hours of construction and deliveries should development be granted. Given the close proximity of existing residential properties it is considered appropriate to impose a

condition restricting hours of construction and deliveries to the site. A condition is recommended accordingly.

59. Overall, it is considered that the proposed development would not have an adverse impact on the residential amenities of existing and future occupiers of neighbouring properties and the proposed dwellings. The proposal would be in accordance with policies H13 and Q8 of the local plan.

#### Layout, design and visual amenity

60. The layout of the proposal has the houses occupying positions around the perimeter of the site with a central estate road. This layout provides a strong built up frontage along the main streets of Broomside Lane and Brackendale Road. It is considered that the layout of the proposed scheme is acceptable.
61. There is a mix of house types on the site with semi-detached, detached houses and an apartment building proposed. There is a mix of different house types in the area, ranging from traditional terraced properties, two storey properties and modern three and four storey properties and apartments. A mix of two and half and three storey properties which are proposed on this site would match in with the surrounding houses and apartments in the area. The three storey properties are located within the site adjacent to the existing three and four storey properties on Cheveley Court. The proposed properties would be of a typical design usually found on modern housing estates. The properties are to be constructed from a mix of brickwork and render which matches in with the general design approach of the properties in the area.
62. The Council's Design and Landscape Officers have raised some concerns with regards to the loss of some of the trees on the site. The site is currently populated by a number of mature trees, none of which are protected by tree preservation orders. Given the number of trees and their positioning on the site, it is inevitable that some of the trees would have to be removed for this site to be developed for housing. The majority of the trees along the north east and south east boundaries are to be retained however the trees which run along the Broomside Lane and Brackendale Road are proposed to be removed. Discussions have taken place with the developer in order to provide hedgerow along the boundaries with Broomside Lane and Brackendale Road. This would provide an attractive frontage within the street scene and aim to mitigate the loss of the trees along these boundaries. A condition is recommended for full landscaping details to be submitted and agreed prior to works commencing on site.
63. On balance, it is considered that the layout, design and appearance of the proposed development would not adversely compromise the character and appearance of the surrounding area. The proposal is considered to be in accordance with policies E14, E15, H13, Q5 and Q8 of the local plan.

#### Highway and access issues

64. A transport statement has been produced which sets out the accessibility of the site and estimates trip rate and mode type. Site accessibility has been assessed and it is concluded that the site is in a location suitable for sustainable transport travel. Trips generated from the development would not have any measurable impact on the highway network when netting off the trips associated with the existing use. Highway Officers are satisfied that the development would have no negative impacts on the highway network. The proposed access into the site was originally located close to the junction with Broomside Lane and was considered



unacceptable. Revised drawings have been submitted which proposes the access into site located further away from the Broomside Lane junction. The Highways Officer considers that the position of the access into the site is acceptable and would not compromise highway safety. The proposed parking provision within the site is considered acceptable. It is noted that residents are concerned that Brackendale Road becomes dangerous during wintery conditions. This stretch of road is already used by a number of vehicles from the existing houses. It is not considered that the additional traffic generated from the proposed development would not have an adverse impact on the road conditions during wintery conditions.

65. Given the above it is considered that the proposed development would not have an adverse impact on highway safety and the proposal would be in accordance with policies T1 and T10 of the City of Durham Local Plan.

#### Affordable housing and section 106 contributions

66. The NPPF states that, in order to ensure a wide choice of high-quality homes, Local Planning Authorities should “plan for a mix of housing”, “identify the size, type and tenure of housing that is required in particular locations”, and “where affordable housing is needed, set policies for meeting this need on site”. A development of this scheme usually expects 20% of the housing on the site to be affordable homes. The development would include 5 two bedroom apartments which would be the affordable provision for the site. The Council’s Housing Development and Delivery Team have confirmed that this type of affordable provision is acceptable in this location.
67. Policies R1 and R2 of the local plan seek to ensure that the provision of open space for outdoor recreation is evenly distributed and is maintained at a level which meets the needs of its population. Policy Q15 also encourages the provision of artistic elements in the design and layout of new development. To comply with policies R1, R2 and Q15, developers can make financial contributions which can be used to provide or enhance open space and outdoor facilities; and provide public art within the locality. These contributions would be £26,000 towards open space and recreational facilities and 1% of build costs for public art and they would be secured through a Section 106 legal agreement.
68. The above contributions would help to support and improve facilities within the surrounding locality for the benefit of occupiers of the additional properties and also existing residents of the local community. The contributions would be in accordance with policies R1, R2 and Q15 of the local plan.

#### Other issues

69. The presence of a European Protected Species (EPS) is a material planning consideration. The Conservation of Habitats and Species Regulations 2010 have established a regime for dealing with derogations which involved the setting up of a licensing regime administered by Natural England. Under the requirements of the Regulations it is an offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a licence from Natural England.
70. Notwithstanding the licensing regime, the Local Planning Authority must discharge its duty under the regulations and also consider these tests when deciding whether to grant permission for a development which could harm an EPS. A Local Planning Authority failing to do so would be in breach of the

regulations which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.

71. An Ecology Survey of the site has been submitted with the application. This survey concludes that the proposals to develop the site do not present a risk to protected species. The submitted survey has been analysed by the County Ecologist. The County Ecologist has confirmed that there are no objections to the findings of the survey. There is therefore no need to apply the derogation tests mentioned above as there isn't going to be interference with an EPS. Subsequently it is not considered that the proposed development would have an adverse impact on protected species or their habitats and would be in accordance with part 11 of the NPPF. Notwithstanding the above, a condition will be required which would ensure care is taken during construction in accordance with the recommendations in the submitted habitat survey. Subject to this mitigation, it is considered that the proposals would be in accordance with part 11 of the NPPF.
72. Northumbrian Water and the Council's Drainage Officer has not raised any objections but has recommended that a condition is imposed for details of foul and surface water is submitted and approved prior to works commencing on site. A condition is recommended accordingly. It is therefore considered that the proposed development would not compromise the surrounding area in terms of drainage. The Coal Authority have not raised any objections indicating the site is not within a development high risk area. The Council's Sustainability Officer has not raised any concerns with the scheme but has recommended that a condition is attached for details of low carbon measures to be submitted for approval prior to works commencing on site. A condition is recommended accordingly.

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## **CONCLUSION**

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73. The proposed development is located in a predominantly residential area and is considered to be in a sustainable location within close walking distance to shops, services and public facilities. It is therefore considered that the proposal can be considered sustainable development and would be in accordance with guidance contained within the NPPF.
74. Adequate separation distances are achieved between proposed properties and existing neighbouring dwellings, ensuring that there would be no loss of privacy or outlook and no adverse overbearing or overshadowing concerns would be created. Overall, the proposed development would not have an adverse impact on the residential amenities of existing and future occupiers of the proposed properties and existing neighbouring dwellings. The development is considered to be in accordance with policies H13 and Q8 of City of Durham Local Plan.
75. The proposed scheme would introduce a typical modern housing estate with the properties built from materials that would not appear out of place within the local area. The development provides a strong built frontage within the primary street scenes along Broomside Lane and Brackendale Road. It is not considered that the proposed development would have an adverse impact on the surrounding visual amenity. The proposals are considered to be in accordance with policies E14, E15, H13, Q5 and Q8 of the City of Durham Local Plan.
76. The Highways Authority has confirmed that the access into the site would be acceptable and the surrounding highway network has sufficient capacity to accommodate the proposed development. The proposed internal layout

arrangement is acceptable and sufficient parking is provided. Overall, it is considered that highway safety would not be compromised as a result of the proposed development. The proposal therefore accords with policies T1 and T10 of the City of Durham Local Plan.

77. The proposed development would provide 20% affordable units in the form of two bedroom apartments. The Council's Housing Development and Delivery Team have confirmed that the affordable provision is acceptable. The local community would also benefit from the development arising from developer contributions that would enhance green infrastructure in the locality as well as contributions towards public art. The affordable provision and developer contributions would be secured through a section 106 legal agreement.
78. Northumbrian Water and the Council's Drainage Officer have been consulted and they have not raised any objections to the proposed development. It is not considered that the proposal would create any flooding or drainage issues in the near locality.
79. Detailed ecology surveys have been submitted with the application and these surveys have found that no protected species would be adversely affected by the proposals, and ecology officers concur with this conclusion. The development would be in accordance with part 11 of the NPPF.

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## RECOMMENDATION

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That the application be **APPROVED** subject to the completion of a Section 106 Legal Agreement to secure 20% affordable housing provision in the form of 5no. 2 bed apartments; and a financial contribution of £26,000 towards open space and recreational provision in the locality; and a financial contribution of 1% of build costs towards public art in the locality; and subject to the following conditions;

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

*Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.*

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

<b>Plan Ref No.</b>	<b>Description</b>	<b>Date Received</b>
431/07 H	Proposed Site Plan	02/11/2015
452/02	Proposed Floor Plans – House Type E	22/10/2015
452/01	Proposed Floor Plans – House Type E	22/10/2015
452/03	Sectgion A-A – House Type E	22/10/2015
452/04	Section B-B – House Type E	22/10/2015
452/05	Specification and Details – House Type E	22/10/2015
447/01 B	Proposed Floor Plans – House Type A	29/09/2015
447/02 B	Proposed Elevations – House Type A	29/09/2015
431/02	Proposed Plans & Elevations – House Type B	04/06/2015
431/03	Proposed Plans & Elevations – House Type C	04/06/2015
431/04	Proposed Plans & Elevations – House	04/06/2015

431/06	Type D Proposed Plans & Elevations – House	04/06/2015
431/OS	Type F Location Plan	04/06/2015

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

- No development (excluding demolition) hereby permitted shall commence until details of the external walling and roofing materials have been submitted to and approved in writing by the local planning authority. Thereafter the development shall be constructed in accordance with the approved details.

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

- No development (excluding demolition) hereby permitted shall commence until details of all means of enclosure have been submitted to and approved in writing by the local planning authority. Thereafter the development shall be constructed in accordance with the approved details.

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

- No development (excluding demolition) hereby permitted shall commence until details of all hard standing areas have been submitted to and approved in writing by the local planning authority. Thereafter the development shall be constructed in accordance with the approved details.

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

- The development hereby permitted shall not commence until a scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the following, unless the Local Planning Authority is satisfied that the site is suitable for the proposed use and dispenses of any such requirements, in writing:

#### Pre-Commencement

(a) A Phase 1 Preliminary Risk Assessment (Desk Top Study) shall be carried out by competent person(s), to identify and evaluate all potential sources and impacts on land and/or groundwater contamination relevant to the site.

(b) If the Phase 1 identifies the potential for contamination, a Phase 2 Site Investigation and Risk Assessment is required and shall be carried out by competent person(s) to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.

(c) If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall be carried out by competent person(s). No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works.

## Completion

(d) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development.

*Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with NPPF Part 11.*

7. No development (excluding demolition) shall take place until a detailed scheme for the disposal of surface and foul water from the development hereby approved has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

*Reason: In the interests of the amenity of the area and to comply with policy U8a of the City of Durham Local Plan.*

8. The development hereby approved shall be carried out in full accordance with all ecological mitigation measures, advice and recommendations within the Ecological Assessment prepared by MAB Environment & Ecology Ltd dated June 2015.

*Reason: To conserve protected species and their habitat in accordance with the objectives of part 11 of the NPPF.*

9. No development (excluding demolition) shall commence until a landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme shall identify those trees/hedges/shrubs scheduled for retention and removal; shall provide details of new and replacement trees/hedges/shrubs; detail works to existing trees; and provide details of protective measures during construction period. The development shall be carried out in accordance with the approved details.

*Reason: In the interests of the appearance of the area and to comply with policies E15 and H13 of the City of Durham Local Plan.*

10. All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development and any trees or plants which within a period of 5 years from the completion die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

*Reason: In the interests of the appearance of the area and to comply with policies E15 and H13 of the City of Durham Local Plan.*

11. No development works (including demolition) shall be undertaken outside the hours of 08:00am and 06:00pm Monday to Friday and 08:00am to 01:00pm on a Saturday with no works to take place on a Sunday or Bank Holiday.

*Reason: To safeguard the residential amenity of neighbouring residents and to comply with policies H13 and Q8 of the City of Durham Local Plan.*

12. Prior to the commencement of the development (excluding demolition) a scheme to embed sustainability and minimise Carbon from construction and in-use emissions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved scheme and retained while the building is in existence.

*Reason: In order to minimise energy consumption and to comply with the aims of the NPPF.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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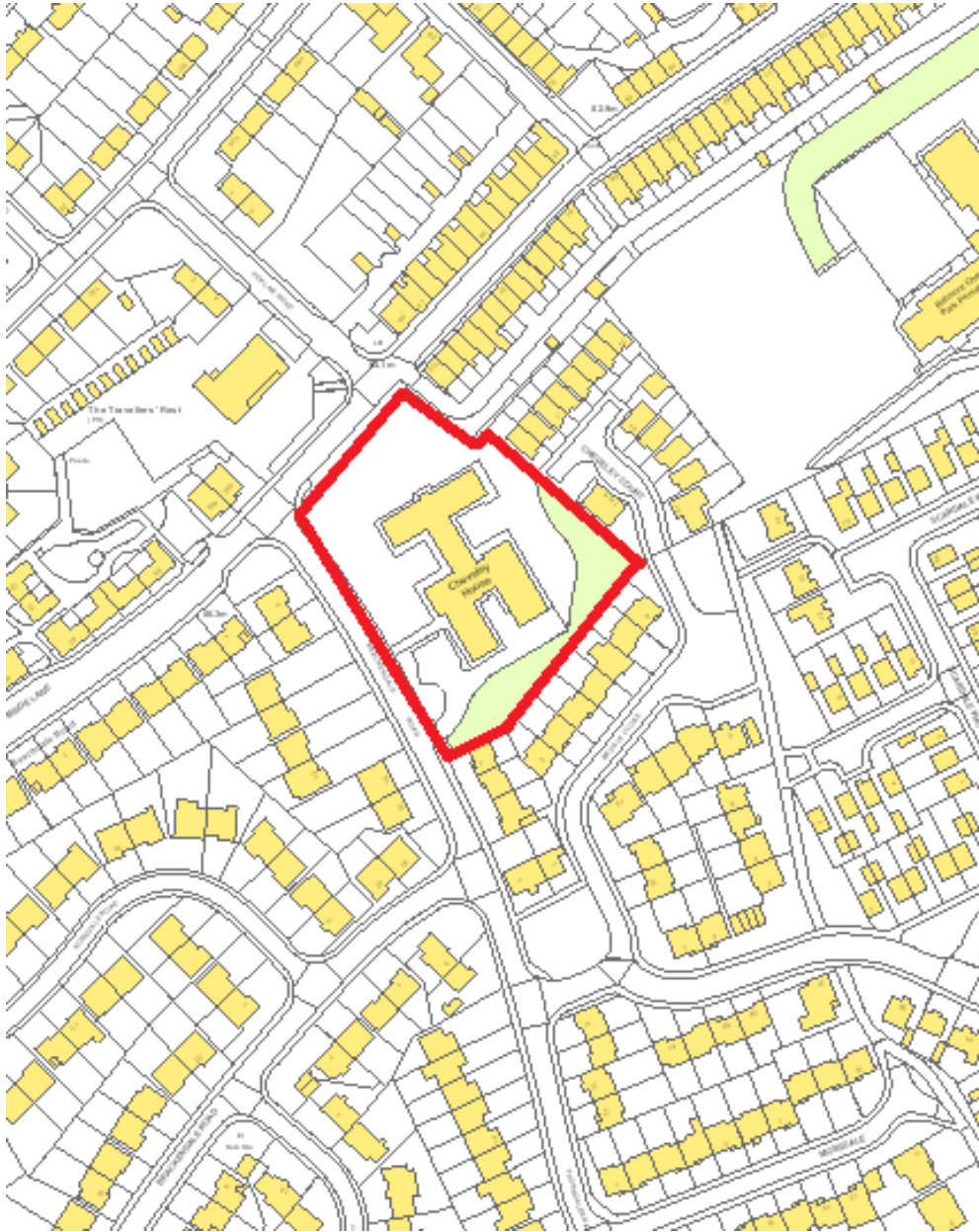
In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process. The decision has been made in compliance with the requirement in the National Planning Policy Framework to promote the delivery of sustainable development.

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## **BACKGROUND PAPERS**

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- Submitted Application Forms and Plans.
- Design and Access Statement
- Environmental Statement
- City of Durham Local Plan
- National Planning Policy Framework
- Consultation Responses



**Planning Services**

**Demolition of care home and construction of 26 dwellings and associated works at Cheveley House, Brackendale Road, Belmont, Durham  
Ref: DM/15/01743/FPA**

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**Date 10<sup>th</sup> November  
2015**