

NORTHUMBERLAND

Northumberland County Council

Cramlington, Bedlington and Seaton Valley Local Area Council 19 July 2017

Application No:	16/02030/FUL		
Proposal:	Proposed demolition of existing Beresford Lodge, creation of new 37 bed Beresford Lodge (Re-submission) (as amended by plans received 22/03/17)		
Site Address	Beresford Lodge, Beresford Road, Seaton Sluice, Whitley Bay, Northumberland, NE26 4RJ		
Applicant:	Supreme Healthcare Ltd Holmside Residential Carehome, Station Road, Bedlington, Northumberland NE225PP	Agent:	Mr Mark Hitchmough, Street Design Partnership, 16 Brewery Yard, Deva Centre, Trinity Way, Salford, Greater Manchester, M3 7BB
Ward	Hartley	Parish	Seaton Valley
Valid Date:	24 June 2016	Expiry Date:	21 July 2017
Case Officer Details:	Name: Mr Neil Armstrong Job Title: Principal Planning Officer Tel No: 01670 622697 Email: neil.armstrong@northumberland.gov.uk		



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1. Introduction

- 1.1 Under the provisions of the Council's current Scheme of Delegation, where applications raise significant planning issues and objection from a Town or Parish Council, they are referred to the Head of Planning Services and Planning Committee Chairs for consideration to be given as to whether the application should be referred to a Planning Committee for determination. The matter has been duly considered under these provisions at which time it was confirmed that the application should be determined by committee as the proposal raises matters in respect of impacts upon neighbours and heritage assets.

2. Description of the Proposals

- 2.1 Full planning permission is sought for the demolition of an existing 22 bed residential care home which has accommodation over two storeys, and its replacement with a new 37 bed care home with accommodation over two storeys and a basement level at Beresford Lodge, Seaton Sluice. Amended plans have been submitted during the course of the application following discussions with officers and in light of representations received during the consultation process. These amended plans have sought to alter the layout of the building, access and parking arrangements, as well as reduce the scale and massing of the building, which have been subject to re-consultation.
- 2.2 The site is located on the east side of Beresford Road and adjacent to the Grade II* listed boundary wall around Fort House and a water tower, the Grade II listed Delaval Arms public house, and is within 85 metres of the Seaton Delaval Conservation Area. Residential properties at St Mary's Wynd are located to the northern boundary of the site and to the west side of Beresford Road on The Crest. There are also residential properties to the east at Fort House as well as to the south-east and south of the site. Land to the north of St Mary's Wynd and east of Fort House falls within the existing Green Belt, although the application site does not lie within this designation.
- 2.3 A previous application (ref: 15/03425/FUL) for a similar form of care home development along with a detached building to the south for 12 supportive housing units over three storeys was previously withdrawn. This followed discussions with officers regarding the effects on the adjacent heritage assets. It is also noted that there were a number of outstanding matters raised by consultees in the case. Planning permission for a replacement building with 33 bedrooms has previously been granted under application 11/00038/FUL, although this has since lapsed.
- 2.4 The existing care home is built around and behind a two-storey brick detached dwelling, which was added to in the 1980s with a large two-storey brick extension designed to provide care home accommodation with 22 no. bedrooms. The design and access statement submitted with the application identifies that the existing accommodation only offers two bedrooms with ensuite facilities, has limited recreation and amenity space for residents, whilst the lack of lift access to parts of the upper floors along with steep stair access negates the effective use of 4 no. bedrooms. It is stated this falls below the optimum size for this type of care home and restricts the service and facilities that can be offered as existing.

2.5 The statement sets out that the new-build proposal would provide a purpose built facility to current standards and regulations. The intention is to provide a single building rather than a series of extensions to up to date sustainable standards, reducing energy consumption and securing the future life of the building and its use. The key aims of the development are:

- to improve the available accommodation in line with current standards and requirements;
- improve the space standards and amenities for residents;
- include en-suite facilities for each bedroom;
- increase the residential numbers able to be accommodated in order to merit allocation of increased resources; and
- to create additional employment within the area.

2.6 The submitted plans show a basement level with kitchen, stores, staff room, treatment room, GP room, plant room and staff facilities. The ground floor comprises a large area of day space with reception area, office and 15 no. en-suite bedrooms, whilst the first floor comprises 22 no. en-suite bedrooms.

3. Planning History

Reference Number: B/03/00641/RES

Description: Resubmission of application for proposed 2 blocks of 20 apartments (new-build) with associated access and car parking

Status: Refused

Reference Number: B/04/00009/RES

Description: Resubmission of application for two storey extensions forming 7 bedrooms, lift and staircase, entrance lobby and office

Status: Refused

Reference Number: B/06/00259/OUT

Description: Outline application for residential development for: 2no detached houses, 10no. town (linked) houses in rows and 4no. apartments (affordable)

Status: Withdrawn

Reference Number: B/08/00213/FUL

Description: Extension to Beresford Lodge to provide modern accommodation for 38 residents. The proposal also includes supportive housing in the form of four semi-detached two bedroom houses and six one and two bedroom flats on the associated ground.

Status: Refused

Reference Number: B/09/S/00119/RES

Description: Extension to existing care home to provide upgraded accommodation for up to 30 residents, all rooms with en-suite facilities, and enlarged and improved common and recreation areas. The proposal also includes 8 new supportive housing flats in a single block with all associated guest and visitor car parking on site.

(description amended 5.8.09)

Status: Approved

Reference Number: 11/00038/FUL

Description: Purpose built carehome to replace the existing carehome of multiple extensions, to provide modern care facilities for 33 residents, all rooms with en-suite facilities and improved recreational facilities.

Status: Approved

Reference Number: B/78/C/528

Description: Outline application for erection for three dwellings on land

Status: Withdrawn

Reference Number: B/78/C/670

Description: Provision of new vehicular access.

Status: Approved

Reference Number: 15/03425/FUL

Description: Demolition of existing Beresford Lodge, creation of new 39 bed Beresford Lodge and 12no. supportive housing units adjacent

Status: Withdrawn

Appeals

Reference Number: 04/00026/REFUSE

Description: Resubmission of application for two storey extensions forming 7 bedrooms, lift and staircase, entrance lobby and office

Status: Appeal dismissed

4. Consultee Responses

Seaton Valley Parish Council	<p><u>Comments on original proposals</u></p> <p>Seaton Valley Parish Council has reviewed the resubmitted plans and accompanying documentation supporting this application but still feels unable to support the proposals in their present form. Consequently the Council objects to the application on the following grounds:</p> <p>The height of the proposed building is significantly higher than adjoining properties and will inevitably have an adverse effect on the privacy of the families living in St Mary's Wynd;</p> <p>Similarly the Council believes that the height of the building will have an adverse impact on the view of the listed buildings (Delaval Arms and the Water Tower) from Beresford Road;</p> <p>Concerned about access and exit arrangements to the residential home from Beresford Road as they are close to a</p>
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roundabout and a bus stop; congestion being caused by deliveries to the existing premises; the plans do not show any improvement to the current access/exit arrangements and therefore the Council can only see the situation becoming worse with more staff and delivery vehicles accessing a larger building; and

Concerned in respect of ground conditions and that any excavation works could lead to damage to the existing foundations of neighbouring properties and to the foundations of the listed buildings in the area.

Comments on amended plans

The Council has reviewed the resubmitted plans and accompanying documentation supporting this application but still feels unable to support the proposals in their present form. In submitting its objections the Council has also taken into account a Pre Application Enquiry submitted by the same applicant for the adjoining site situated between the existing care home and the Delaval Arms public house. This pre application enquiry is for a '12 unit supported living scheme to provide support to adjacent care home'. The Council believes that planning application number 16/02030/FUL and Pre Application Enquiry number 17/00251/PREAPP are intrinsically linked and should be considered as one application.

Consequently the Council objects to the application on the following grounds:

The height of the proposed building, whilst lower than in the previously submitted plans will still have an adverse effect on the privacy of the families living in St Mary's Wynd. The front of the proposed new building would be both higher and wider than the existing building and the Council feels that the overall footprint of the new build would be substantially larger and therefore more intrusive than the existing premises.

Similarly the Council believes that the height of the building will still have an adverse impact on the view of the listed buildings (Delaval Arms and the Water Tower) from Berresford Road. The proposal to build a 12 unit supported living scheme on the adjacent land significantly increases our concerns in relation to maintaining sight lines to these listed buildings.

The Council remains concerned about access and exit arrangements to the residential home from Berresford Road as they are close to a roundabout and a bus stop. This road is becoming busier day by day, and the Council is aware of congestion being caused by deliveries to the existing premises. Similarly; these concerns have increased with the submission of the pre application enquiry as the traffic and parking implication (staff and visitors) of this additional development

	<p>will only add to potential congestion in the area.</p> <p>Local residents continue to draw the Councils attention to the prevailing ground conditions of the surrounding area and the area where the basement of the replacement care home is to be dug out. Residents advise that the site is rock based and that there are a number of underground tunnels in the immediate vicinity of the building. The Council is therefore concerned that any excavation works could lead to damage to the existing foundations of neighbouring properties and to the foundations of the listed buildings in the area.</p>
NCC Highways	No objection subject to conditions.
NCC Building Conservation	While the proposed development does not better reveal the significance of the Grade II listed building consider that the impact on the heritage asset's setting is neutral. Comments have been made in respect of the removal of a section of wall and need to ensure the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
NCC County Ecologist	No objection subject to conditions.
NCC Public Protection	No objection subject to conditions.
NCC County Archaeologist	No objection subject to condition.
Lead Local Flood Authority (LLFA)	No objection subject to conditions.
Historic England	In respect to the grade II* listed assets adjoining the site the impact of the proposal is largely neutral taking into account the existing building on the site. No objection to the application on heritage grounds but notes that further consideration of heritage impacts is required in liaison with your in-house conservation advisor.
Natural England	No objection.
Northumbrian Water Ltd	No objection subject to condition.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	30
Number of Objections	28

Number of Support	0
Number of General Comments	2

Notices

Site Notice - Affecting Listed Building: 30th June 2016

Press Notice - Affecting Listed Building: News Post Leader 7th July 2016

Summary of Responses:

Following consultation on the original application objections had been received from Seaton Sluice & Old Hartley Residents Association, the local Ward Councillor and 21 residents in the locality. In addition one representation neither supporting nor objecting was received. Following consultation on the amended plans 9 representations were received from residents, 8 of which had previously commented on the application. These raise objections and concerns in respect of matters including:

- increase in scale, height and massing of the new building;
- impacts on residential amenity (loss of light, privacy, visual intrusion, increased noise, disturbance etc.);
- effects on the setting of heritage assets;
- visual impact and effects on the character and appearance of the area;
- concerns over ground conditions and proposed excavation works and construction of basement level;
- increased traffic and effects on highway safety;
- parking and access arrangements;
- drainage;
- noise, dust and contamination;
- impacts on the coastline, visitors and businesses;
- effects on wildlife;
- potential for further development on the site; and
- upheaval for residents and how this will be managed during construction.

The above is a summary of the comments. The full written text is available on our website at: <http://publicaccess.northumberland.gov.uk/online-applications//applicationDetails.do?activeTab=summary&keyVal=O8K1HVQSI3D00>

6. Planning Policy

6.1 Development Plan Policy

Blyth Valley District Local Plan (1999)

E3 Landscape: General Approach
H16 Residential Care Homes

Blyth Valley District Local Development Framework: Core Strategy (2007)

SS1 Integrated Regeneration and Spatial Strategy
SS2 The Sequential Approach and Phasing
SS3 Sustainability Criteria
ENV1 Natural Environment and Resources

ENV2 Historic and Built Environment

Blyth Valley Development Control Policies Development Plan Document (2007)

DC1 General Development
DC11 Planning for Sustainable Travel
DC14 Sites of National Importance for Nature Conservation
DC16 Biodiversity
DC17 Landscape: General Protection and Restoration
DC19 Drainage and Flood Risk
DC20 Utilities and Infrastructure
DC21 Pollution Control
DC22 Noise Pollution
DC23 Conservation Areas
DC24 Listed Buildings
DC26 Archaeology
DC27 Design of New Developments
DC30 Integrated Renewable Energy

6.2 Emerging Policy

In accordance with paragraph 216 of the NPPF it is considered weight can be given to emerging policy giving consideration to the stage of preparation of the emerging plan, the level of unresolved objections to these policies and consistency with NPPF;

The Northumberland Local Plan Core Strategy Draft Plan was submitted to the Secretary of State for examination on 7th April 2017. The submission plan comprises the Northumberland Local Plan Core Strategy Pre-Submission Draft (October 2015), as amended by:

Proposed Major Modifications (June 2016)
Proposed Further Major Modifications (November 2016)
Proposed Additional Major Modifications (February 2017)
Proposed Minor Modifications (February 2017)

1 Sustainable development
2 High quality sustainable design
3 Spatial distribution
15 Housing provision – scale and distribution
18 Planning for housing
28 Principles for the environment
29 Biodiversity and geodiversity
30 Landscape
33 Historic Environment
35 Water quality
36 Water supply and sewerage
37 Flooding
38 Sustainable Drainage Systems
40 Unstable and contaminated land
41 Promoting sustainable connections
41A The effects of development on the road network
49 Community services and facilities
70 Planning conditions and obligations

6.3 National Planning Policy

National Planning Policy Framework (2012)
National Planning Practice Guidance (2014, as amended)

7. Appraisal

- 7.1 In assessing the acceptability of any proposal regard must be given to policies contained within the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration and states that the starting point for determining applications remains with the development plan, which in this case contains policies from the Blyth Valley District Local Plan (LP - 1999), the Blyth Valley Core Strategy (BVCS - 2007) and the Blyth Valley Development Control Policies Development Plan Document (BVDPD – 2007).
- 7.2 Paragraph 216 of the NPPF states that from the day of its publication, weight can be given to policies contained in emerging plans dependent upon the stage of preparation of the plan, level of unresolved objections to policies within the plan and its degree of consistency with the NPPF. The emerging Northumberland Local Plan (NCS) has now been formally submitted to the Secretary of State on the 7 April 2017. The Authority are therefore affording appropriate weight to policies contained within the emerging plan, which form a material consideration in determining planning applications alongside Development Plan Policies.
- 7.3 The main issues for consideration include:
- Principle of development
 - Effects on the Character and Appearance of the Area
 - Heritage Assets
 - Residential Amenity
 - Transport Matters
 - Flood Risk and Drainage
 - Ecology
 - Ground Conditions
 - Equality Duty
 - Crime & Disorder Implications
 - Human Rights Act

Principle of Development

- 7.4 Policy H16 of the LP permits the development of residential care homes provided that criteria are satisfied in respect of proximity to local services, it is part of a predominantly residential area, and that suitable layout and access arrangements can be achieved.
- 7.5 Paragraph 50 of the NPPF looks to deliver a wide choice of high quality homes and states that local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community, including older people and house with disabilities.

- 7.6 The proposal would result in the redevelopment of an existing site and see the replacement of the existing building with a new care home, albeit larger in scale. There is an existing lawful use on the site for a residential care home, and permission has previously been granted for a replacement building. This is considered to be a sustainable location for the new development, which is in close proximity to existing development and housing within Seaton Sluice.
- 7.7 The principle of development on the site is therefore considered to be acceptable and in accordance with the development plan and the NPPF on the basis that this is a suitable location and the scheme would replace an existing facility providing a new and enhanced level of accommodation. However, given the increase in scale over and above the existing building on the site, careful consideration needs to be given to impacts upon the site and wider environment.

Effects on the Character and Appearance of the Area

- 7.8 Policy ENV2 of the BVCS looks to secure high quality design in all new developments, and development that in visual terms would cause significant harm to the character or quality of the surrounding environment will be refused. Policy DC1 of the BCDPD sets out a range of criteria for new development, including that proposals should be of a high standard of design and landscaping that takes account of existing natural and built features, the surrounding area and adjacent land uses. In addition development should have no adverse impact on the character and views of important landscape, or on historic and geological features of the area, unless it can be satisfactorily mitigated or that there would be an overall net environment gain. Policy DC27 relates to the design of new developments, which will be expected to achieve a high standard of design.
- 7.9 The Government attaches great importance to the design of the built environment and, through Part 7 of the NPPF, recognises that good design is a key aspect of sustainable development which is indivisible from good planning and should contribute positively to making places better for people. Paragraph 57 of the NPPF stresses the importance of planning positively for the achievement of high quality and inclusive design for all development. Paragraph 64 reinforces this message by stating that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 7.10 The existing building is relatively modern in terms of the extension and its overall character and has little architectural merit, although the original section to the front reflects residential development in the area. The use of red/brown brick and tiled roof is characteristic of the area. Whilst there are heritage assets adjacent to the east and south of the site, the properties to the north are a relatively modern housing development.
- 7.11 The proposed replacement care home would result in a development of a larger scale than the existing building overall in terms of footprint, height and massing. As a result careful consideration has been given to the effects of the design and the visual impact of the proposal on the site and wider area. Whilst

larger in scale, it should be noted that the applicant has reduced the height and massing of the new building from that originally submitted with the application, and which was very similar to the scheme withdrawn under application 15/03425/FUL. The amendments include the reduction in height of the eaves and ridge level of the building, and the removal of a second floor of accommodation that was located partly within the roof space. This has the effect of now reducing the scale from what was proposed as a two and a half storey building to a two-storey building, and a more similar approach to the scheme approved under application 11/00038/FUL, albeit larger in scale.

- 7.12 The eaves height of the new building would be similar to the higher sections of the existing building at around 5.5 metres, with a maximum ridge height to the front section of 9.3 metres and 8.7 metres to the rear section. This compares to a maximum ridge height of 8.5 metres to the front of the existing building and 7.8 metres to the extended rear element. The existing building features a lower section between the original frontage and extension to the rear, and the proposed design has also sought to incorporate a similar design with a flat roof link section between the front and rear sections. This assists in breaking up the bulk of the new building rather than a more solid massing and higher building than originally proposed.
- 7.13 Whilst the new building is clearly larger than the existing care home it is officer opinion that the proposed scale and design of the development would result in an acceptable form of development in this location. The use of brick, render and tiled roof materials would also be compatible with the site and surrounding area. The development would be larger and therefore have a greater visual impact than the existing building. However, it is not considered to result in a significant or harmful impact upon the character and appearance of the area, and would therefore be in accordance with the development plan and the NPPF.

Heritage Assets

- 7.14 As referred to earlier the site is located in close proximity to heritage assets, comprising listed buildings and conservation area. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In addition, Section 72 of the Act imposes a duty on the local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.
- 7.15 As with the previous applications, consultation has taken place with Historic England and the Council's Building Conservation Officer (BCO). Historic England commented on the original proposals advising there would be harm to the setting of the Grade II* listed buildings to the east at Fort House as well as the Grade II listed Delaval Arms due to the siting and massing of the new building. Furthermore, the BCO highlighted that there would be harm to the setting of the listed buildings, whilst proposals for access and parking to the south side of the building would result in total loss of a boundary wall to the south of the care home, which would be substantial harm.

- 7.16 The amended plans were submitted following further discussions with officers in order to address these concerns, as well as other objections raised in relation to the overall scale and design of the building. Following re-consultation, Historic England has advised that it now has no objection. It comments that the reduction in the amount of development and changes to the layout of the access and car park to the north of the building reduce the impact on the historic environment. With regard to the Grade II* listed heritage assets, Historic England advises that the impact of the proposal is now largely neutral.
- 7.17 The BCO has commented on the amended plans acknowledging the reduction in the overall massing and in turn the substantial harmful impact on the heritage assets, as well as the more open nature of the land to the south of the building. As a result the BCO considers the impact on the setting of the heritage assets to be neutral. There is still a proposal to remove a section of boundary wall to the south side of the new building, although a large section is still retained given the changes to the layout. Whilst this is not listed in its own right it is considered that given its location adjacent and fixed to the listed buildings then it would have listed status. This loss therefore needs to be considered having regard to paragraph 132 and 133 of the NPPF.
- 7.18 Paragraph 133 sets out that where there is substantial harm local planning authorities should refuse consent unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. In this case it is considered that there are substantial public benefits that outweigh any harm in terms of the removal of the section of wall. The development will improve facilities for the residents of the care home and will result in people having en-suite rather than shared bathroom facilities. The development would support the Council's commissioning strategy for residential care homes by supporting development that will sustain smaller good quality care homes and in an area where there is not an oversupply of such facilities. On this basis the harm is considered to be outweighed by the benefits and would be in accordance with the NPPF.
- 7.19 Consultation has also taken place with the Council's Conservation team in respect of archaeology, and no objection has been raised subject to a condition requiring a scheme of archaeological work to be undertaken.
- 7.20 In summary, the amended plans showing a reduction in scale and massing as well as altering the layout of the development, are considered to have addressed matters in relation to effects on heritage assets and no objections are raised from Historic England or the BCO. Identified harm in respect of the boundary wall can be justified given the public benefits of the proposal. The development would therefore be in accordance with Policy ENV2 of the BVCS, Policies DC1, DC23 and DC24 of the BVDPD and the NPPF.

Residential Amenity

- 7.21 Policy DC1 of the BVDPD includes a criterion that development proposals will be expected to have no adverse impact on the amenities of nearby residential properties. This is an aspect that officers have given careful consideration to given the increase in scale of the development on the site and the objections

that have been received raising specific concerns in relation to impacts on residential amenity. Officers have visited the site and also neighbouring properties to view the application site from the adjacent housing to the north on St Mary's Wynd.

- 7.22 Following initial assessment of the plans as originally submitted and site inspection, officers raised concerns in respect of the scale and massing of the new building. It was felt that in addition to impacts on heritage assets, the replacement building would have an unacceptable impact upon the amenity of the residents to the north by virtue of the scale and massing of the building. The eaves level of the building were between 5.2 – 7 metres and the main ridge height was 10.3 metres.
- 7.23 Whilst the amended plans still result in a building that is larger than the existing care home, the reduction in scale to two-storeys is considered to result in a more appropriate form of development. The layout of the building is considered to result in acceptable separation distances from the housing. Given the reduction in scale of the building, the separation and the orientation of the properties, it is not considered that there would be significant or harmful impacts upon the amenity of adjacent residents having regard to matters such as overbearing impact, visual intrusion, loss of light, privacy or outlook.
- 7.24 The amended layout results in additional parking along the boundary between the care home and properties on Sty Mary's Wynd, although it should be noted that this area is already used as the main access and parking for the site. There is an existing boundary wall that separates the application site from the housing, and the additional use in this area is not considered to result in any significant or adverse impacts upon amenity.
- 7.25 Consultation has also taken place with the Council's Public Protection team, given the nature of the use and potential for noise and odour issues. No objection has been raised subject to conditions that include securing appropriate mitigation in relation to noise and odour from the development.
- 7.26 Whilst the concerns of residents are fully acknowledged in terms of the visual and other effects of the development, the proposed scheme is not considered to result in any unacceptable or significant harm in relation to residential amenity for either existing residents and for those that would occupy the new building. The proposal is therefore considered to be in accordance with Policy H16 of the LP, Policies DC1, DC21 and DC22 of the BVDPD and the NPPF.

Transport Matters

- 7.27 Policy DC11 of the BVDPD sets out criteria for planning for sustainable travel. This includes matters of highway safety and appropriate parking provision within the site. Paragraph 32 of the NPPF advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 7.28 Consultation has taken place with Highways Development Management (HDM) officers on the original and amended plans. The site is considered to be a sustainable location that benefits from existing pedestrian, cycle and public transport links in the vicinity. HDM have raised no objections in relation

to matters of road safety and comment that the existing access to the site is considered to be appropriate for the proposed development. In addition comments have been made that the proposed development includes the provision of appropriate car parking and turning manoeuvring space within the curtilage and that the proposed development will not have an adverse impact on highway safety. Some additional clarification has been sought on proposed staff numbers and whether the proposed parking on site will be sufficient. A condition can be attached to secure further details of this to ensure parking provision is acceptable.

- 7.29 Having regard to the comments of HDM it is considered that the proposal would not result in any adverse effects on highway safety, and that matters can be conditioned where necessary in respect of car and cycle parking, demolition/construction method statement and refuse storage. The proposal is therefore considered to result in an acceptable form of development that would be in accordance with Policy DC11 of the BVDPD and the NPPF.

Flood Risk and Drainage

- 7.30 The application site falls within Flood Zone 1 and is therefore at a lower risk of flooding. Consultation has taken place with Northumbrian Water (NWL) and the Lead Local Flood Authority (LLFA) in relation to foul and surface water drainage.
- 7.31 NWL has raised no objection to the application subject to a condition that would require submission of a scheme for disposal of foul water. The LLFA also raises no objection subject to a condition that would secure an appropriate scheme for surface water drainage and subsequent adoption and maintenance of all SuDS features.
- 7.32 Having regard to the above comments, and subject to conditions as requested, the proposal would be acceptable in relation to matters of flood risk and drainage, in accordance with Policies DC19 and DC20 of the BVDPD and the NPPF.

Ecology

- 7.34 The application has been submitted with ecological survey work and given the nature and location of the development consultation has taken place with Natural England and the Council's ecologists.
- 7.35 Natural England has advised that the development is not likely to have a significant effect on the interest features for which the Northumbria Coast SPA and Ramsar have been classified, and therefore the Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the sites' conservation objectives. In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Northumberland Shore SSSI and Tynemouth to Seaton Sluice SSSIs have been notified.

- 7.36 The Council's ecologists also raise no objection on ecological grounds subject to conditions that secure necessary avoidance, mitigation and enhancement measures as set out in the ecology survey.
- 7.37 Having regard to the consultee responses received, and subject to conditions to secure mitigation where necessary, the proposal is not considered to have any adverse impacts upon ecology and biodiversity on the site and wider area, including designated sites. The development would therefore be in accordance with Policy ENV1 of the BVCS, Policy DC16 of the BVDPD and the NPPF.

Ground Conditions

- 7.38 The application site falls within the Coal Authority Coal Working Standing Advice Area, which is a lower risk zone compared to the Coal Working Referral Area. A number of concerns have been received from residents in relation to ground conditions, land stability and potential impacts due to excavation works on the application site.
- 7.39 Consultation has taken place with the Council's Public Protection Team on the application, who have commented in relation to potential for contamination. The Phase 1 desk top study submitted with the application concluded that there was "no significant plausible pollutant linkages or significant uncertainties are considered to exist" and that no ground intrusive investigation was required for this site. Public Protection concur with this, but recommend a condition that would address any unexpected contamination, should it be found.
- 7.40 No consultation has taken place with The Coal Authority given the location of the site within the standing advice area only. However, an informative would need to be attached to any permission granted that would highlight the potential for coal mining hazards.
- 7.41 Officers have also sought further advice from the applicant in relation to excavation works and the potential to impact upon neighbouring properties. The applicant's structural engineer has advised they would recommend the following in order to address concerns raised, which can be highlighted as an informative with any grant of planning permission:

Pre/ post construction surveys to be carried out in order to document the pre-construction conditions and to be able to identify any new damage that may potentially be caused from construction.

Consult with owners of the adjacent properties to help protect their facilities and reduce the risk of construction-related damage and/ or business downtime.

Carry out a site investigation in order to determine the appropriate foundation type to the adjacent properties and structure i.e. using the bored piles insisted of driven piles to minimise noise and vibration.

Provide as required to the neighbouring and adjoining structures the temporary supports during the demolition and reconstruction works

Ensure heavy machines and construction material are kept away from the adjacent properties and the structure

- 7.42 The applicant or developer of the site will be expected to adhere to relevant Building Regulations in terms of foundation design etc. and this would be outside of the planning process. However, the applicant is aware of the concerns raised on ground conditions and land stability, and should permission be granted, informatives can be used to highlight further matters in respect of the coal working standing advice area and structural engineer recommendations.

Other Matters

- 7.43 As set out earlier there are a number of concerns and objections that have been raised by the local ward Councillor, Parish Council and residents in the locality. This report has considered matters in respect of the main issues that have been identified in the representations.
- 7.44 Some concerns have been received in relation to the impact of redevelopment of the site on existing residents and how they will be accommodated during demolition and construction. The applicant's agent has advised that a priority for the applicant would be to make the transition as smooth as possible for residents. In the event of planning permission being granted, construction of the new care home would not start immediately. A period of time to plan and organise relocation of the existing residents would be built into any construction programme. This would be carried out in full consultation with the residents, their care managers and families, to place residents in alternative care homes for the duration of the work. The agent comments that the overall objective is to provide a replacement building, with an improved living environment and enhanced facilities, for residents and carers to return to.

Equality Duty

- 7.45 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

Crime and Disorder Act Implications

- 7.46 These proposals have no implications in relation to crime and disorder.

Human Rights Act Implications

- 7.47 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an

individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

- 7.48 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.
- 7.49 The Committee should also be aware of Article 6, the focus of which (for the purpose of this committee) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

8. Conclusion

- 8.1 The proposed redevelopment of the site in order to provide improved residential care home facilities is considered to be acceptable in this location, which would replace an existing facility in a sustainable location. It is acknowledged that there are constraints on the site in terms of its proximity to existing housing and heritage assets, and the impact upon these has been carefully considered. The amended plans have sought to address concerns raised in relation to the overall scale and design of the building on the site and to ensure that it is more compatible with the site and the surrounding area.
- 8.2 On the basis of the amendments it is considered that a suitable layout, scale and design of development can be achieved that would not result in significant or unacceptable harmful impacts on the environment or the amenity of adjacent residents. Where there may be effects or harm identified then these can be mitigated where required through the use of planning conditions, and the benefits of the enhanced care home facilities would outweigh harm in relation to the loss of a section of boundary wall. Planning conditions can also be used to address matters raised by consultees. The proposal is therefore considered to result in a sustainable form of development that would be in accordance with the development plan and the NPPF.

9. Recommendation

That this application be GRANTED permission subject to the following:

Conditions/Reason

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended)

02. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans and documents. The approved plans and documents are:-

6269 PS – 13 C – Proposed Site Layout

6269 PS – 14 A – Proposed Nursing Home Basement, Ground Floor Floor Plans

6269 PS – 15 B – Proposed Nursing Home First Floor and Roof Plans

6269 PS – 16 B – Existing and Proposed SE Elevations

6269 PS – 17 B – Existing and Proposed NW Elevations

6269 PS – 18 B – Existing and Proposed SW and NE Elevations

Reason: To ensure that the approved development is carried out in complete accordance with the approved plans and documents and to ensure that a satisfactory form of development is obtained.

03. Notwithstanding any description of the materials, no development above damp proof course level shall be undertaken until precise details of the materials to be used in the construction of the external walls and roofs of the development have been submitted to, and approved in writing by, the Local Planning Authority. All roofing and external facing materials used in the construction of the development shall conform to the materials thereby approved.

Reason: To retain control over the external appearance of the development in the interests of amenity and in accordance with the provisions of Policy ENV2 of the Blyth Valley Core Strategy, Policies DC1 and DC27 of the Blyth Valley Development Control Policies DPD and the National Planning Policy Framework.

04. No development shall commence until details of the existing and proposed site levels and finished floor levels of the new building have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: In the interests of visual and residential amenity of the area from the outset of development, and in accordance with the provisions of Policy ENV2 of the Blyth Valley Core Strategy, Policies DC1 and DC27 of the Blyth Valley Development Control Policies DPD and the National Planning Policy Framework.

05. Notwithstanding the submitted details, the development shall not be occupied until full details of car parking provision have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought in to use until the approved car parking provision has been hard surfaced, sealed and marked out in parking bays. Thereafter, the car parking area shall be retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles associated with the development.

Reason: In the interests of highway safety, and in accordance with Policy DC11 of the Blyth Valley Development Control Policies and the National Planning Policy Framework.

06. The development shall not be occupied until cycle parking shown on the approved plans has been implemented. Thereafter, the cycle parking shall be retained in accordance with the approved plans and shall be kept available for the parking of cycles at all times.

Reason: In the interests of highway safety, residential amenity and sustainable development, in accordance with Policy DC11 of the Blyth Valley Development Control Policies and the National Planning Policy Framework.

07. Development shall not commence until a Demolition/Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Demolition/Construction Method Statement shall be adhered to throughout the demolition/construction period. The Demolition/Construction Method Statement shall, where applicable, provide for:

- i. details of temporary traffic management measures, temporary access, routes and vehicles;
- ii. vehicle cleaning facilities;
- iii. the parking of vehicles of site operatives and visitors;
- iv. the loading and unloading of plant and materials;
- v. storage of plant and materials used in constructing the development;
- vi. measures to control the emission of dust and dirt;

Reason: To prevent nuisance in the interests of residential amenity and highway safety, in accordance with Policy DC11 of the Blyth Valley Development Control Policies and the National Planning Policy Framework.

08. The building envelope of rooms 33 to 37 shall be constructed so as to provide sound attenuation against external noise, to not exceed an internal noise level LAeq of 35dB(A) during the day. Details of the final glazing and ventilation option(s) shall be submitted to the Local Planning Authority for approval in writing. This should demonstrate clearly that these internal levels will be achieved; this could be done by showing the calculated internal reverberant noise level accounting for attenuation provided by glazing and ventilation.

Reason: To provide a commensurate level of protection against obtrusive noise.

09. The rating level of noise emitted from any kitchen extraction/ventilation and any fixed air handling plant on the site shall not exceed 42dB LAeq (1 hour) during the day and 42 dB LAeq (15 minute) during the night, as measured in the Northburn Acoustics Acoustic Report (Report Number 15-51-410-Revision 2 and dated 31st March 2017). The noise levels shall be determined or calculated one metre from the façade(s) of the nearest noise sensitive properties at St Mary's Wynd. The measurements and assessments shall be made according to BS4142:2014 submitted and approved in writing by the Local Planning Authority.

Reason: To protect nearby residential receptors from undesirable noise impacts, in accordance with Policies DC1, DC21 and DC22 of the Blyth Valley Development Control Policies DPD and the National Planning Policy Framework.

10. Prior to the development being brought into use, or continue in use, the applicant shall provide full details of the kitchen extraction system to the Local Planning Authority for its written approval. The kitchen extraction system shall be designed to provide a Very High Level of odour control. The approved scheme shall be implemented in full.

Reason: To protect residential amenity and provide a commensurate level of protection against odour, in accordance with Policies DC1 and DC21 of the Blyth Valley Development Control Policies DPD and the National Planning Policy Framework.

11. Prior to the commencement of the development hereby permitted a cleaning and maintenance schedule shall be submitted to and approved in writing by the Local Planning Authority. This should detail the interval and methods employed to clean and maintain all relevant part of the kitchen extraction/ventilation system. The system shall be installed prior to the opening of the premises for the use hereby permitted and such equipment shall thereafter be operated and maintained in accordance with the manufacturer's specifications.

Reason: To protect residential amenity and ensure a commensurate level of protection against odour, in accordance with Policies DC1 and DC21 of the Blyth Valley Development Control Policies DPD and the National Planning Policy Framework.

12. If during redevelopment contamination not previously considered is identified, then an additional written Method Statement regarding this material shall be submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until a method statement has been submitted to and approved in writing by the Local Planning Authority, and measures proposed to deal with the contamination have been carried out. Should no contamination be found during development then the applicant shall submit a signed statement indicating this to discharge this condition.

Reason: To ensure that risks from land contamination to the future users of the land and dwellings are minimised and to ensure that the development can be carried out safely without unacceptable risks to any future occupants, in accordance with Policy DC21 of the Blyth Valley Development Control Policies DPD and the National Planning Policy Framework.

13. Prior to commencement of development a scheme to dispose of surface water from the development shall be submitted to and approved by the Local Planning Authority. This scheme shall

- i. Restrict discharge from the development to 3/s for all rainfall events up to and including the 1 in 100 year event, unless otherwise agreed by LLFA and the local planning authority.
- ii. Adhere to the principles as set out in the Preliminary Drainage Strategy from Patrick Parsons reference N17101-220 Rev. P1.
- iii. Provide attenuation on site for the 1 in 100 year plus climate change event (currently 40%).
- iv. Incorporate sustainable drainage techniques throughout the development wherever possible and practicable.

- v. Provide details of the adoption and maintenance of all surface water features on site.

The development shall thereafter be fully implemented prior to the development being brought in to use, and maintained in accordance with the approved details.

Reason: To ensure the effective disposal of surface water from the development, in accordance with Policy DC19 of the Blyth Valley Development Control Policies DPD and the National Planning Policy Framework.

14. Prior to first occupation details of the adoption and maintenance of all SuDS features shall be submitted to and agreed by the Local Planning Authority. A maintenance schedule which includes details for all SuDS features for the lifetime of development shall be comprised within. The development shall thereafter be maintained in accordance with the approved details.

Reason: To ensure that the scheme to disposal of surface water operates at its full potential throughout the developments lifetime, in accordance with Policy DC19 of the Blyth Valley Development Control Policies DPD and the National Planning Policy Framework.

15. Development shall not commence until a detailed scheme for the disposal of foul water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

Reason: To prevent the increased risk of flooding from any sources in accordance with the National Planning Policy Framework, in accordance with Policy DC20 of the Blyth Valley Development Control Policies DPD and the National Planning Policy Framework.

16. A programme of archaeological work is required in accordance with the brief provided by Northumberland Conservation (NC ref BV9/1: 25778 dated 20/09/2016). The archaeological scheme shall comprise three stages of work. Each stage shall be completed and approved in writing by the Local Planning Authority before it can be discharged.

a) No development or archaeological mitigation shall commence on site until a written scheme of investigation based on the brief has been submitted to and approved in writing by the Local Planning Authority.

b) The archaeological recording scheme required by the brief must be completed in accordance with the approved written scheme of investigation.

c) The programme of analysis, reporting, publication and archiving if required by the brief must be completed in accordance with the approved written scheme of investigation.

Reason: The site is of archaeological interest, in accordance with Policy DC26 of the Blyth Valley Development Control Policies DPD and the National Planning Policy Framework.

17. No development shall take place unless in accordance with the avoidance, mitigation and enhancement measures detailed within the ecological reports (Extended Phase 1 Habitat and Bat Risk Assessment Survey Beresford Lodge Care Home, Total Ecology Ltd., January 2016 and Bat Survey Report Beresford Lodge Care Home, Total Ecology Ltd., September 2016) including, but not restricted to:

- adherence to timing restrictions;
- adherence to precautionary working methods;
- adherence to external lighting recommendations in accordance with Bats & Lighting in the UK Bat Conservation Trust/Institution of Lighting Engineers, 2009;
- erection of bat boxes (as specified) on the new building with numbers and locations to be agreed in writing with the Local Planning Authority;
- any deep (in excess of 300mm) excavations left open overnight to be either securely covered or provided with an earth or timber ramp not less than 300mm wide and no steeper than 45 degrees to provide an escape route for ground animals that might otherwise become entrapped;
- an updating active season bat and bird nesting survey to be carried out in the event that development works do not commence on or before the end of August 2018 with the results of that survey together with any necessary modifications to avoidance, mitigation or enhancement measures to be forwarded to and agreed in writing with the Local Planning Authority before development works commence.

Reason: To maintain the favourable conservation status of protected species, in accordance with Policy ENV1 of the Blyth Valley Core Strategy and Policy DC16 of the Blyth Valley Development Control Policies DPD and the National Planning Policy Framework.

18. No development / demolition, removal of vegetation or felling of trees shall be undertaken between 1 March and 31 August unless an ecologist has first confirmed that no bird's nests that are being built or are in use, eggs or dependent young will be damaged or destroyed.

Reason: To protect nesting birds, all species of which are protected by law, in accordance with Policy ENV1 of the Blyth Valley Core Strategy and Policy DC16 of the Blyth Valley Development Control Policies DPD and the National Planning Policy Framework.

19. A detailed landscape/hedge planting plan including the planting of locally native trees and shrubs of local provenance shall be submitted to and approved in writing with the Local Planning Authority. The landscaping shall thereafter be fully implemented during the first full planting season (November to March inclusive) following occupation of the development.

Reason: To maintain and protect the landscape value of the area and to enhance the biodiversity value of the site, in accordance with Policy ENV1 of the Blyth Valley Core Strategy and Policy DC16 of the Blyth Valley Development Control Policies DPD and the National Planning Policy Framework.

Informatives

01. You should note that a highway condition survey should be carried out before the commencement of construction vehicle movements from this site. To arrange a survey contact Highway Development Management at highwaysplanning@northumberland.gov.uk.

02. Building materials or equipment shall not be stored on the highway unless otherwise agreed. You are advised to contact the Streetworks team on 0345 600 6400 for Skips and Containers licences.

03. In accordance with the Highways Act 1980 mud, debris or rubbish shall not be deposited on the highway.

04. The applicant/developer should refer to the DEFRA Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust (January 2005):

<https://www.gov.uk/government/publications/guidance-on-the-control-of-odour-and-noise-from-commercial-kitchen-exhaust>

and complete the odour risk assessment in Annex C and look particularly at the following:

- Food types to be cooked.
- Cooking methods.
- Number of covers.
- The dispersion characteristics and proximity of receptors.
- Any filtration or abatement for odours to be included in the extraction System.
- Proposed days and hours of operation.

The risk assessment should inform the choice and level of odour abatement required to suitably mitigate odour in extracted/ventilated kitchen fumes impacting local receptor.

The applicant/developer should refer particularly to Annex C of the guidance and present a risk assessment as shown in the guidance; this will inform the applicant and demonstrate to the Local Planning Authority that the system will not cause undue odour impacts to local residents.

05. During the demolition and construction period, there should be no noisy activity, i.e. audible at the site boundary, on Sundays or Bank Holidays or outside the hours: Monday to Friday - 0800 to 1800, Saturday 0800 to 1300. Any repeatedly noisy activity at any time may render the developer liable to complaints which could result in investigation as to whether a statutory nuisance is being caused.

06. Any fixed, external lighting installed as part of this development should have regard for the ILP Guidance on the Reduction of Obtrusive Light, 2012: <https://www.theilp.org.uk/documents/obtrusive-light/>

The applicant/developer should ensure that lighting does not cause an annoyance to any nearby receptors.

07. The Public Health Protection Unit would advise that the prevention of nuisance is the responsibility of the developer and their professional advisors. Developers should, therefore, fully appreciate the importance of professional advice.

Failure to address issue of noise and light at the development stage does not preclude action by the Council under Section 79 of The Environment Protection Act 1990 in respect of statutory nuisance.

08. Typically a minimum discharge rate of 5l/s is usually applied to minimise blockage risk associated with small orifice sizes. The typical accepted size is 75mm the applicant's drainage consultant has suggested restriction to 3l/s can be achieved with a 87mm orifice size which is acceptable. Due to the lower discharges, and under advice from industry experts, the maintenance regime for SuDS features will need to be more frequent to ensure the system operates as designed.

09. Any areas of hardstanding areas (patio, driveways etc.) within the development shall be constructed of a permeable surface so flood risk is not increased elsewhere. There are three main types of solution to creating a permeable surface: Using gravel or a mainly green, vegetated area. Directing water from an impermeable surface to a border rain garden or soakaway. Using permeable block paving, porous asphalt/concrete. Further information can be found here –

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7728/pavingfrontgardens.pdf

In addition the development should explore disconnecting any gutter down pipes into rain water harvesting units and water butts, with overflow into rainwater garden/pond thus providing a resource as well as amenity value and improving water quality.

10. The risk of encountering bats, nesting birds or other protected species in connection with the execution of this planning consent is low providing the conditions are strictly adhered to, but there remains a small risk that individual animals may be encountered during works.

All species of bat and their roosts (whether occupied or not) are strictly protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010. Similarly, all wild birds and their nests are protected whilst in use and it is an offence to recklessly or intentionally destroy nests or dependent young when on or near the nest, or to kill or take them.

Applicants and contractors should note that the protected species legislation operates independently of the planning system, planning consent does not override the legislation relating to protected species and that they should be aware that there is a small chance of encountering protected species during works.

In the unlikely event of protected species such as bats or nesting birds being encountered during development then works should cease immediately and professional advice should be sought straight away. Applicants and contractors can obtain advice and a list of appropriately qualified consultants by telephoning Natural England's bat advice line on 0845 1300 228.

Further information about protected species and the law can be found on the Natural England website at www.naturalengland.org.uk

11. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered

during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: <https://www.gov.uk/government/organisations/the-coal-authority>

12. The applicant/developer is advised to follow the recommendations provided during the course of the application from the applicant's structural engineers (Albos Associates Ltd, Engineering & Environmental Consultants) in respect of development of the site. These are as follows:

Pre/ post construction surveys to be carried out in order to document the pre-construction conditions and to be able to identify any new damage that may potentially be caused from construction.

Consult with owners of the adjacent properties to help protect their facilities and reduce the risk of construction-related damage and/ or business downtime.

Carry out a site investigation in order to determine the appropriate foundation type to the adjacent properties and structure i.e. using the bored piles instead of driven piles to minimise noise and vibration.

provide as required to the neighbouring and adjoining structures the temporary supports during the demolition and reconstruction works

ensure heavy machines and construction material are kept away from the adjacent properties and the structure

Background Papers: Planning application file(s) 16/02030/FUL