

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 9 May 2012**

**Page**

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<b>APPLICATION REF. NO:</b>	11/00397/FUL
<b>STATUTORY DECISION DATE:</b>	29 October 2011
<b>WARD/PARISH:</b>	HUMMERSKNOTT
<b>LOCATION:</b>	St Clares Abbey, Carmel Road North
<b>DESCRIPTION:</b>	Erection of 60 bed nursing home, an 11 bed care home, conversion of existing abbey to create office and residential accommodation by the Brothers of St John of God incorporating space for community use, an access road to Carmel Road and gated access to Cardinal Gardens with associated car parking and access roads (Additional Information received 12 August 2011, Amended Plans received 9 February 2012; Amended Design and Access Statement received 24 February 2012; Amended plans received 6 March 2012 and 9 March 2012; Additional Ecological Appraisal received 28 March 2012)
<b>APPLICANT:</b>	Hospitaller Order Of St John Of God

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**APPLICATION AND SITE DESCRIPTION**

St Clares Abbey is located on the west side of Carmel Road North within a predominately residential area. Carmel RC College and its associated playing fields and an open field in the ownership of the Council are located to the west. The application site measures 2.49 hectares and it contains a number of mature trees which are covered by a tree preservation order dated 1962. The site is currently accessed via an arched entrance off Carmel Road North.

The application site is surrounded on two boundaries (east and south) by a high brick wall into which is set a gatehouse on the eastern boundary. Beyond the western garden wall is a strip of woodland known as The Chase, which is part of the application site. This woodland area is separated from the Council owned land and the playing field for Carmel RC College to the west by a modern steel security fence. The northern boundary is comprised of a mix of hedging, fencing and wall. The existing gardens within the site are divided by paths and rows of Leylandii hedges. To the east of the Chapel is a burial ground and the formal entrance to the Abbey lies to the north of this.

The site was gifted to the Order of Saint John of God in 2008 by the Poor Clare Sisters who previously occupied the Abbey. The Sisters that lived in Darlington have moved to other accommodation in Hereford following a reduction in their number who resided at the site

The proposal involves the erection of 60 bed nursing home and an 11 bed care home within the grounds of the Abbey, the conversion of the existing abbey to create office and residential accommodation by the Brothers of St John of God incorporating space for community use, a new access road onto Carmel Road North and associated car parking and internal access roads.

A planning application (reference number 11/00396/LBC) seeking listed building consent for the change of use of the Abbey also forms part of this Agenda.

Prior to the submission of the planning applications, a Statement of Community Involvement exercise was carried out in accordance with Council policy. The main issues that were raised at the public meeting related to access from the site onto Cardinal Gardens and Carmel Road North and residential amenity issues

## **PLANNING HISTORY**

There is no relevant planning history for the site

## **PLANNING POLICY BACKGROUND**

The relevant planning policies are:

### **Borough of Darlington Local Plan 1997**

- E2 Development Limits
- E3 Protection of Open Land
- E12 Trees and Development
- H19 Special Care Accommodation

### **Darlington Core Strategy Development Plan Document 2011**

- CS2 Achieving High Quality Sustainable Design
- CS3 Promoting Renewable Energy
- CS4 Developer Contributions
- CS9 District and Local Centres and Local Shops and Services
- CS14 Promoting Local Character and Distinctiveness
- CS15 Protecting and Enhancing Biodiversity and Geodiversity
- CS17 Delivering a Multifunctional Green Infrastructure
- CS19 Improving Transport Infrastructure and Creating a Sustainable Transport Network

The Government published the new National Planning Policy Framework (NPPF) on 27 March. The NPPF indicates that:

- Core Strategy policies still prevail, unless there is more than a limited degree of conflict with the NPPF provisions;
- Saved local plan policies can only be used if they are consistent with the NPPF provisions.

In this case, the relevant Core Strategy policies and saved Local Plan policies identified above and discussed below do not significantly conflict with NPPF and are consistent with all the guidance set out in the new national planning policy framework.

## **RESULTS OF CONSULTATION AND PUBLICITY**

Twenty four letters of objection were received in relation to the original submission. In summary, the issues of concern related to:

- *A proposed gated vehicular access to the north of the site directly off Cardinal Gardens and the potential highway safety and parking issues that would arise;*
- *Highway safety issues relating to the proposed access onto Carmel Road North and any resulting increase in traffic*
- *The amount of green space within the locality would be reduced as a result of the development*
- *A three storey building would not be in keeping with the surrounding residential area*
- *The increase in traffic from the proposed development onto the existing road network*
- *The removal of trees to facilitate any access onto Cardinal Gardens*
- *The two new buildings would overlook the playing fields of Carmel RC College, which could prevent the redevelopment of land to the west of the application site*
- *The two storey building will have a detrimental impact upon the amenities of neighbouring dwellings in terms of privacy and TV and radio reception*
- *Noise and light pollution from the car park*
- *The buildings are not in keeping with the distinctive architecture of the existing Abbey and they will adversely affect its setting*

Following the submission of the amended plans a further twenty letters of objection have been received and the concerns can be summarised as follows:

- *Carmel Road North is already a very busy road, where vehicles including long vehicles are travelling well in excess of the speed limit, most of them doing between 40-50 mph. This will increase the amount of traffic, as vehicles access and exit the site, using the road and increase the risk of accidents with vehicles and pedestrians (school children use the road as a main route to the local schools). The proposed new access road is at the top of the hill which is very dangerous especially as vehicles try to access and exit the site from this new access road. Any vehicles trying to turn right out of the new access road will be doing so at the top of a hill and across traffic travelling at more than 40 mph. During school times the road is already congested with cars travelling south and it would create even more as the vehicles try to exit the site into this stationary traffic. It will also create the surrounding roads to be used more as vehicles try to find other routes to avoid the traffic. The disruption to residents who live opposite will be immense as the contractors park their vehicles outside our homes, blocking our drives and obstructing the access to and from our drives on to a very busy road. Have you ever tried to reverse onto Carmel Road North from a driveway when vans and lorries obstruct your view? This in its self is an accident waiting to happen, as vehicles come speeding up to you and you wonder if they will stop or slow down, some even overtake you!*
- *Carmel Gardens is already congested, dangerous even, with the vehicles toing and froing to visit the Carmel Road Surgery and the associated Carmel Pharmacy. The 'gated access . . . with associated car parking and access roads . . .' implies that even more vehicles are going to pass and re-pass Carmel Road to gain access to the proposed*

*Nursing Home and Community Centre. As I type, vehicles are densely parked along both sides of Carmel Gardens. Visitors to the Surgery and Pharmacy park here because the designated car parks are congested. This effectively restricts its width to one lane only. Allowing more vehicles to use Carmel Gardens can only make the current situation worse.*

- *The gated access has been removed but the gates still remain. Their purpose is to allow maintenance to a piece of land owned by the applicant but all our original concerns about pedestrians accessing the site via the gate remain*
- *Cardinal Gardens is already severely congested with the overflow from the Doctors Surgery and the chemist along the road side. Carmel Road is especially busy and vehicles turning into and out of the Abby will meet with similar congestion*
- *Despite comments in the revised plans and covering documents to the effect that this will not now happen, it seems that an access gate is still proposed. If this is purely for pedestrian access from the Abbey to enable maintenance of land owned by the Abbey, then I would have no objection to this. However, if the intention is to have vehicular access, or in any other way to increase the number of vehicles using Cardinal Gardens, then my original objection remains*
- *The Agent's covering letter is noted in which it is explained that: 'The access shown on the original application onto Cardinal Gardens has been removed in response to issues raised by local residents and discussions held with your highway officer at our meeting. The gates will remain in the wall to allow access for maintenance of land owned by the applicant outside of the wall. In taking out the access onto Cardinal Gardens the trees that were proposed to be removed to allow this will now be retained.' The amended 'proposed site plan' referenced '206 P20' is also noted on which the proposed internal road within the site appears to have been amended in terms of no longer showing a connection with the proposed gates onto Cardinal Gardens. The amendment to the proposed internal road so as to no longer connect with the proposed gates onto Cardinal Gardens is welcomed in tandem with the Applicant's commitment to retain trees that were previously proposed to be removed as part of the original proposal for access. However, I would wish to query the need to retain the proposed gates in the boundary wall and would wish to highlight that the legend / key on the proposed site plan does not include a symbol for tree retention. It is unclear from the submitted documentation as to why the development gives rise to a need for the gates in the wall given that gates in the wall currently do not exist and the Applicant owns the site at this time. In addition, the proposed gates appear to be of a similar width to the proposed emergency access on to Carmel Road North, thereby being sufficient to accommodate a large vehicle. If indeed a requirement for gates can be demonstrated, this still gives rise to a question as to why gates of the width proposed are necessary for maintenance purposes only. In this context and having regard to concerns expressed over access onto Cardinal Gardens raised previously and accepted by the Applicant, the proposed gates should either be removed or restricted to a narrower width. The key / legend on the proposed site plan should also be amended to include a symbol for trees to be retained. If despite these concerns, the Local Planning Authority is minded to approve the planning application as amended by the plans received on the 9th of February, then consideration should be given to attaching conditions to the planning permission to restrict the use of the gated access to the purpose to which the Applicant's Agent suggests it will be used and specify the retention and protection of those trees in close proximity to the gated access, which the Applicant's Agent says will now be retained.*
- *May we thank you, Highways and the Agent for your consideration and amendment to the original plans after listening to some of the residents of Cardinal Gardens who have been opposed to the idea of any access into Cardinal Gardens from St Clare`s Abbey. As*

*mentioned by the Agent in the Design and Access Statement 48073 the houses in Abbey Gardens now Cardinal Gardens have been up between 20 -30 years. In that time the land belonging to St Clare`s Abbey which is now sectioned off with a boundary fence at the Abbey side and another fence at Cardinal Gardens has never needed a through gated access for maintenance. We wish to standby our original objections to the first plans submitted for the reasons we gave. However, we are grateful for the revised proposal which seemingly removes any access into Cardinal Gardens. We are also greatly reassured in the fact that you intend to impose a planning condition to ensure that no vehicular or pedestrian access can be created at that point in Cardinal Gardens.*

- *The removal of the access is a welcome outcome however it is not entirely clear what the proposals are for this entrance. It would appear that the gates will be retained to allow access for maintenance but I can't understand why these gates will be of any use. Confirmation is requested that these gates will not be used for vehicular access*
- *I live at 170 Carmel Road North, close to the proposed access on the brow of the hill. Access to and from the property is difficult because of the volume of traffic (1536vph quoted in the Transport Assessment). Ideally I reverse into my property and this frequently causes problems with other drivers who object to being held up, albeit for a few seconds. If traffic is very heavy, I drive into the property, but then have the problem of reversing onto a major road. A no-win situation most of the time. Abuse and dangerous driving including squeezing past a car trying to reverse into the drive, or driving on the pavement to get past travelling North. The Traffic Assessment seems to ignore the facts of queuing at peak times - Traffic travelling South is frequently queued back from the Abbey Road junction to the Clareville Road junction and it is not unusual for traffic travelling North to queue back from the traffic lights at Milbank Road to beyond the brow of the hill. Another aspect is the fact that there have been a number of traffic accidents, some serious, either side of the brow of the hill. Whilst the majority have probably not been reported to the Police, the potential of increasing accident frequency and possible injury should be avoided. I therefore object to the location of the proposed junction as it will worsen an already difficult situation, increasing the risk of accidents and personal injury.*
- *We live at No. 168 Carmel Road North and this is virtually on the brow of a hill, and as the abbey proposes to put an entrance virtually opposite our entrance this would make entering and leaving our own driveway, impossible, along with a very serious safety issue. My husband has had two car accidents that were not his fault, this was due to him standing still on brow of hill, and signalling to enter our driveway, and vehicles driving up behind him at great speed and not been able to apply there brakes on time, what would this be like if the traffic was two way traffic.*
- *The disruption to all the houses along our block would be immense, where would workmen park there vehicles, it is a real serious problem at the moment, with people parking vans and cars on the grass verges as it is, and it is quite dangerous reversing out of our drives. We have done everything we can to allow our four vehicles somewhere to park, other than the grass verge, we have had a further drive made, at our own expense, but the parking is still a problem along this very busy stretch of road. From tea-time onwards very large heavy goods vehicles seem to be using our strip of road as a way of accessing the motorway, but they do not travel at a sensible speed. You mention that this area is not a queuing area, but with that comment you have been mislead. On a morning in between 8am-9am, and on an evening in between 3pm-6.00pm, this road must be one of the busiest in Darlington, and the road is congested for a considerable length of time, so any vehicle trying to turn right at this time would not be able to do so, because of the persistent queuing. I also don't think that you have given any thought to the busy schools that are in this immediate area, i.e. 2 x Abbey Road School, and Carmel Roman Catholic*

*School, it would exacerbate the amount of traffic on this busy main road at the best of times, and school children use this road as their route to school. We have no objections to any of the building works on the plans, just the entrance to the new access road, which we feel is a very serious safety issue for drivers and pedestrians alike*

- I noticed that the plan still has an access to Cardinal Gardens. I still emphatically object to the plan for an access on to Cardinal Gardens on the grounds of security, safety and traffic congestion*
- I strongly oppose to any access onto Cardinal Gardens no matter what restrictions are promised as I believe they will be ignored*
- The access onto Cardinal Gardens should not be used as an access during the construction phase*
- Cardinal Gardens currently provides access to a considerable numbers of houses, a large medical practice and a substantial sheltered housing facility. Traffic congestion is a routine occurrence which should not be increased.*

One letter of objection has been withdrawn following the submission of the amended plans

### **Consultee Responses**

**CE Electric UK** has raised no objections to the proposal

**Environment Agency** has raised no objections to the application

**Transco** have no objections to the proposed development

**Northumbrian Water** has raised no objections subject to the imposition of a planning condition relating to the disposal of surface water from the development

**Natural England** have raised no objections to the application

**English Heritage** have made comments that the Local Planning Authority should consider the impact of the scale of the proposed buildings to the Abbey but they have not objected to the application

The **Durham Police Traffic Management Officer** has withdrawn his original objection following the submission of the amended plans

The **Council's Highways Engineer** has no objections to the amended proposal

The **Council's Environmental Health (Commercial) Officer** has raised no objections to the proposed scheme subject to the imposition of planning conditions relating to waste storage

The **Council's Environmental Health (Pollution) Officer** has raised no objections to the proposed scheme subject to the imposition of planning conditions relating to issues such as contaminated land, a Noise Impact Assessment and a Construction Management Plan, lighting

### **PLANNING ISSUES**

The main issues to be considered here are whether or not the proposal is acceptable in the following terms:

Planning Policy

Impact upon the Character and Appearance of the Locality

Impact upon the Setting of the Listed Building

Sustainable Development

Highway Safety

Residential Amenity

Trees

Protected Species and Biodiversity  
Flooding  
Section 106 Agreement

### **Planning Policy**

The site is within the development limits of the urban area (Saved Policy E2 of Borough of Darlington Local Plan). It is part of the green infrastructure network (policy CS17 of the Core Strategy) and is also identified as open land by Saved Borough of Darlington Local Plan policy E3. The location of the new buildings on site has been carefully designed to minimise the loss of green infrastructure and in particular the loss of trees; particularly the mature tree belts on the north and west boundaries of the site. However the proposal will involve the loss of 1.23ha of open space to enable the development of the care home and nursing home to be developed and support the restoration of an important listed heritage asset. Policy CS17 states that the loss of any part of the green infrastructure network will only be considered in exceptional circumstances where:

*It is for essential infrastructure*  
Not applicable.

*The site no longer has any value to the community in terms of access and use*  
Not applicable – the site has never had community access or use.

*Is not required to provide an alternative green infrastructure function*

Green infrastructure can perform many other functions as well as for publicly accessible recreational open space. Given the nature of the proposed development, which will require a relatively quiet, calm environment it is considered that alternative green infrastructure functions would not be appropriate in this location. However functionality improvements to the existing space are being proposed: the transition from car parking to gardens in the south eastern part of the site will be softened with grass cell to aid flood mitigation. The two mature tree belts along the western and northern boundaries will be retained; improved management and maintenance of the trees will enhance the biodiversity value of the trees and the wider area, any trees lost to development will be replaced on site (Core Strategy policy CS15, Saved Borough of Darlington Local Plan policy E12). The retention of 1.09ha of open land, particularly the formal courtyard gardens and burial ground will provide the setting for the listed buildings consistent with policy CS14 of the Core Strategy. Additionally the applicant will be providing a financial contribution to mitigate the loss of the open space to improve the functionality of other open space in the locality (policy CS4 of the Core Strategy).

*It is not required to meet a shortfall in the provision of that or any other open space type*

Currently there is 6.9ha of accessible open space per 1000 population in this locality (South West), above the standard of provision sought (6.2ha/1000 population). The 2.32ha of open space that exists on the site is in addition to this because it is private space. Under these circumstances it is considered that the 1.23ha is not required to meet a shortfall of open space.

*An alternative equivalent or better space in terms of quality, quantity, accessibility, biodiversity, flood storage, attractiveness and functionality is available*

The site currently has no public access, has little multifunctionality and has had little management and maintenance for many years so its quality and attractiveness is limited. As a result it is considered that the publicly accessible sites in the locality provide a wider range of functions to meet local needs.

Development will only be permitted under saved Borough of Darlington Local Plan policy E3 where it maintains and enhances the open land network. However, E3 also recognises that a flexible approach to the development of open land should be taken, particularly where new community facilities are to be provided (policy CS9 of the Core Strategy). The proposal retains the chapel for community use, where previously there had been no access. This valuable local resource alongside the restoration of the listed buildings is considered to be sufficient to outweigh the loss of open land on site, particularly as this will be compensated for elsewhere. In addition development must not impact upon the following:

*Visual relief:* public access has not been available to the site and a high wall runs along its perimeter limiting the visual relief afforded by the site to glimpses of the formal gardens through the gated entrance.

*Openness and Greenery:* the site sits behind a high wall; from Carmel Road North and the adjoining residential areas it is difficult to perceive the extent of the open land because it is well contained. Over half of the green space will be retained, the majority is close to Carmel Road North and the publicly accessible Chapel; the size of the open space to the south of the Chapel is sufficient to support community activities. The layout of the site has incorporated several formal and informal gardens providing an appropriate level of greenery for the type of development proposed.

*Meeting the open space standards/Facilities available for other recreation and leisure activities, for informal recreation:* the site has not been publicly accessible and organised sport, informal and formal recreation was not permitted. This has remained the case since the site was vacated. As discussed above the site is not required to help deliver the open space standards for the locality.

*Continuity of the system:* the site adjoins Carmel RC College grounds and as such there is a complementary link between the two areas of open space and the tree belts, which will be retained providing valuable connections, particularly for wildlife.

*Nature conservation:* management and maintenance of the tree belts will add value to the mature trees that exist, while the financial contribution will enable additional biodiversity improvements to be made to nearby open spaces.

Saved Policy H19 of the Borough of Darlington Local Plan only permits a nursing home and a care home in close proximity to public transport, shopping and community facilities. The town centre is about 1 mile away, there are community facilities close by and the grounds of St Clare's Abbey will provide an attractive, peaceful setting for the residents. The conversion of the Abbey for offices and residential use for the Brothers of St John remains consistent with the previous use of the site.

To conclude, the provision of a care home, nursing home as well as office and residential accommodation for the Brothers of St John is appropriate in this location. The proposal involves the loss of 1.23ha of open space however this would be mitigated by a financial contribution to improve the quality of other open spaces in the locality. The development would also secure the restoration of an important heritage asset. Two mature tree belts are being retained and their management and maintenance will be provided for, improving the biodiversity value on site. Improved community access to the site, particularly to the Chapel will also be provided as part of the scheme. In this case the benefits outweigh the loss of open space and are consistent with policy CS17 of the Core Strategy and saved Borough of Darlington Local Plan policy E3.



### **Impact upon the Character and Appearance of the Locality**

The proposal involves the erection of two new buildings within the grounds of the Abbey and these designs have been revised following discussions with Officers. The new buildings are:

#### *A 60 bed nursing home for Community Use*

This three storey building would be located in the south west corner of the site with a car parking area positioned at the front. This is the lowest part of the site approximately 3 metres lower than the ground level at the front. To the east of the building and car park the existing gardens will be retained, albeit re-landscaped to remove the Leylandii. This building would provide general nursing care and more specific care for those patients suffering from Alzheimer's disease

#### *A 11 bed care home unit*

This two storey building is located within the northwest corner of the site and would be dedicated to the needs of the Order and religious community only, for which appropriate accommodation of this nature is at a premium.

The new buildings are of a contemporary design which make reference to the existing Abbey in terms of materials and features such as pitched roofs and bay windows. The building would be constructed using traditional building forms and materials such as stone quoins, window surrounds, mullions and slate roof coverings.

The site itself has not been available or indeed visible to the public for most of its life but this development will open up views into the site that will enable people to view the Abbey and the communal facilities that the buildings will provide will also be available to the local community. However care has been taken to position the new buildings to the rear of the site in order to minimise their impact upon the surrounding area and to also make the most of the retained garden features. In terms of approach, the smaller care home is more secluded and will not be visible until the corner of the Abbey is turned.

The design and scale of the two buildings has been revised to be more sympathetic with the Abbey and the surrounding area and it is considered that the proposal will not adversely harm the character or appearance of the locality in accordance with the Supplementary Planning Document – Design for New Development

### **Impact upon the Setting of the Listed Building**

St Clare's Abbey, along with its lodge, walls and garden buildings, is a Grade II listed building. The Chapel within the Abbey is a Grade II\* listed building. The proposal for listed building consent (11/00366/LBC) for the change of use and the internal and external alterations to the Abbey forms part of this Agenda.

English Heritage are satisfied that the setting of the Chapel will not be harmed by the proposed development, have offered advice to the Local Planning Authority on the proposed buildings within the grounds of the Abbey but confirm that the ultimate decision on this part of the application is a matter for the Local Planning Authority to determine.

Paragraphs 60, 61 and 65 of the National Planning Policy Framework (NPPF) cover new development within the historic environment. Paragraph 60 states: *“It is...proper to seek to promote or reinforce local distinctiveness.”*

Paragraph 132 of the NPPF is about ensuring the conservation of heritage assets and appropriate protection of their significance: *“...Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification...”*

Two new buildings are proposed in the grounds of the Abbey to provide the Nursing Accommodation and Elderly Religious Accommodation in keeping with health legislation requirements that would be difficult to provide in the Abbey without compromising the Listed Building.

Sometimes it is necessary to allow new development on a site to allow for conversion of a historic building to be viable. Both of the new buildings proposed will lie to the rear of the site, will not be prominent from Carmel Road North and have been designed to be contemporary solutions that do not compete with the Victorian gothic architecture of the Abbey itself. Again there have been alterations to the proposed design of the new buildings to ensure they have appropriate stone detailing, brick facing, slate roofs and some timber cladding, appropriate roof pitches and mullioned windows; both are contemporary designs with traditional detailing, which should reinforce the character and local distinctiveness of this site in accordance with paragraph 60 of the NPPF.

A new access is proposed onto Carmel Road North to the south of the Abbey. This is required because of the narrow and historic nature of the existing access. This will require partial demolition of the Listed wall. The location form of the proposed access is important, and has been designed to meet Highways requirements but not compete with the existing historic access, which is positive. There will also be screening for proposed car parking and retention of a lot of the existing landscape and protected trees on site. A number of the existing boundary walls within the site, will be removed to facilitate the development and the proposed internal access roads and new landscaping will introduce new elements, but these are necessary to allow for the additional uses on the site and have been sympathetically designed in the setting of the Listed Building, in accordance with paragraphs 60, 61, 65 and 132 of the NPPF.

Policy CS14 of the Core Strategy requires that developments protect and enhance the quality and integrity of Darlington’s built heritage. The development is considered to be in accordance with this policy.

### **Sustainable Development**

The Darlington Core Strategy Development Plan Document and the Design SPD sets out broad standards requiring the layout and design of new development to minimise energy consumption and maximise adaptive capacity. To help the Borough tackle climate change, developers will be expected to meet the minimum Code for Sustainable Homes Rating.

The Design and Access Statement that accompanies the application states that the buildings have been designed to reduce wherever possible the use of energy and other resources in particular heating fuel, electricity and water. Planning conditions can be imposed to secure the submission of a Sustainability Statement prior to the commencement of the development and to secure Final Code Certificate upon completion.

On site provision of decentralised and renewable or low carbon sources of energy should be required to achieve a standard of between 10% and 20% of the predicted energy supply unless a developer can show that it is not feasible or viable. The application proposes to secure between 10-20% from renewable energy generation in accordance with policy CS3 of the Core Strategy but a planning condition should be imposed to allow the Local Planning Authority and the developer to discuss this position further.

### **Highway Safety**

The Abbey and surrounding grounds are currently accessed off Carmel Road North via an arched entrance and a courtyard area. A second access further north provides an entrance to the Lodge. The proposal involves the creation of a new access off Carmel Road North and the existing entrances would become pedestrian and emergency accesses respectively. An internal road network would link the three buildings together along with the associated car parking areas. Approximately 113 parking spaces would be made available within the site.

The original proposal involved the creation of a secondary vehicular access to the north of the site directly onto Cardinal Gardens. Following the objections that have been received on this matter from local residents and further discussions with officers, the applicant has agreed to omit this access from the scheme. However, there is a section of land, approximately 48 square metres, to the north of the site at the end of Cardinal Gardens. The land is overgrown, enclosed by high fencing and within the ownership of the applicant. The proposal includes a gated access from the Abbey site into this piece of land to allow for maintenance only. There would be no access to the land or linkage to the proposed internal road network within the application site from Cardinal Gardens

The application has been accompanied by a Transport Assessment which concludes that the proposed development is not traffic intensive and whilst a new access is being created on Carmel Road North, the predicted use of it would not have any material adverse impact on existing conditions of traffic flow or safety. The predicted trip generation for the development is 56 (in and out) in the morning peak hour and 61 (in and out) in the evening peak hour. These traffic flows are approximately 2.5% of the existing two way traffic flows on Carmel Road North. The traffic impact of the development is considered not to be significant and the conclusions of the TA are therefore accepted.

The visibility recommended in Manual for Streets for a new access, as proposed is 2.4m x 43m and this is achievable at the proposed access point. The vertical alignment of the road does have an impact on whether or not sightlines are achievable. This has been considered in the TA and the recommended visibility splay can be achieved. Dropped crossings/tactile paving will be required at this access and an existing lamp column and telegraph pole will need to be re-sited.

The existing access onto Carmel Road North is to be retained as an emergency access. However, the width of the crossing of the footway on Carmel Road North does not match the width of the opening or the proposed width of the internal access road. Works will therefore be required to widen this crossing and to provide dropped crossings/tactile paving.

Also, there is an existing footway crossing at the gatehouse. This is to be a pedestrian access only therefore this crossing will be redundant and should be reinstated as a normal footway crossing (including new kerbs). The works to construct the new access, to widen the existing access and to reinstate the redundant crossing point are all within the public highway and these must be secured by condition.

The level of car parking, including disabled spaces, to be provided within the site is considered acceptable for the proposed uses.

The applicant has indicated that the roads and footpaths on the site will not be submitted for adoption but there must be a condition requiring that the roads are constructed to an adoptable standard and that there is a comprehensive maintenance regime in place, and this would include for maintenance and energy charges to street lighting.

The Council's Highways Engineer has raised no objections to the scheme subject to the imposition of the aforementioned planning conditions along with others to secure the submission of a Travel Plan, a Construction Management Plan and details for cycle parking.

The Durham Police Traffic Management Officer has withdrawn his original objection to the proposal following the submission of the amended plans which remove the secondary access onto Cardinal Gardens from the proposed layout.

A number of local residents remain concerned that, whilst recognising that the vehicular access onto Cardinal Gardens has been removed from the proposal, the creation of a gated access to maintain a piece of land on the end of Cardinal Gardens will lead to people accessing the site at this point. The applicant has agreed to the imposition of a suitably worded planning condition to restrict the usage of the gated access for maintenance purposes only.

### **Residential Amenity**

The application is bounded by residential properties to the north and south and there are further dwellings to the east on the opposite side of Carmel Road North. The site is currently well screened from the neighbouring dwellings by the existing means of enclosure and mature hedging and trees. The proposed nursing home and the care home are located in the south west and north west corners of the application site

#### *60 Bed Nursing Home*

The nursing home is the larger of the two new buildings, and it contains 60 beds across three storeys. It is an L shaped building in close proximity to the south boundary of the site and the long rear garden belonging to No 85 Carmel Road North. A garden area/courtyard would be located to the rear of the nursing home building (west) with a car park to the front (east). The boundary with the aforementioned neighbouring property consists of a high brick wall approximately 2.8m high, which is further screened by mature trees. The rear elevations of the dwellings on Hummersknot Avenue lie further beyond the rear garden of No 85 Carmel Road North. The area of land where this building would be sited is the lowest part of the application site and it would be positioned approximately 1m lower than the existing ground level.

The L shaped building has been positioned so that a gable end, rather than the full length of one of its main elevations, runs alongside the garden of No 85 Carmel Road North. The gable end itself is 8m from the boundary wall and it contains three window openings for the stairwell but no principle window openings. There are windows in the south facing elevation of a three storey dining room/lounge extension and the remainder of the building but they would be sited further away from the boundary and screened by the existing trees on the boundary.

The garden belonging to No 85 Carmel Road North is approximately 158 metres long and the proposed building would be sited at the western end arguably overlooking the section of garden that is not used for regular domestic purposes. The applicant has agreed that further planting will occur along the south boundary of the application to help screen the building even further. No 85

Carmel Road North is an L shaped bungalow sited approximately 100 metres to the south east of the new building. This proximity distance between the two dwellings would comply with guidance contained within the Supplementary Planning Document – Design for New Development. It is considered that the distance between the two buildings, taken with the existing and proposed screening by the boundary wall and trees will ensure that the development would not adversely affect this neighbouring property in terms of loss of privacy or from being an overbearing structure.

The dwellings on Hummersknott Avenue are approximately 65m to the south of the new building and they would not be adversely affected by the proposal.

#### *11 bed Care Home*

This is a two storey L shaped building in the north west corner of the site. A strip of land within the application site containing an existing wall, a belt of mature trees and a hedge separates the building from the dwellings to the north. A fence, approximately 2m high forms the actual boundary with the application site and the dwellings. One of the main elevations of this building runs east - west along the north boundary of the application site and it does contain window openings at first and second floor levels (although none of the openings are bedroom openings). However, the building is 15metres from the dwellings to the north and it is their gable ends that face the application site rather than the front or rear elevations. The existing tree belt provides significant screening from the north and therefore it is considered that the new building will not adversely affect the neighbouring properties in terms of loss of privacy or from being an overbearing structure.

#### *The change of use of the Abbey*

There are very few external alterations to the Abbey building being proposed due to its listed building designations and it is considered that the conversion of the building to office and residential accommodation is an acceptable alternative use in this residential setting.

#### *General Amenity Issues*

The existing site is well screened and secluded from the dwellings on the opposite side of Carmel Road North and the creation of the new access road will open new vistas and views into the site. However, the building that would become the most visible (the 60 bed nursing home) is set far enough away from these dwellings that it would not adversely impact upon their amenities.

The proposal includes the introduction of plant and machinery on the roofs of the buildings and also a generator and electricity sub station within the grounds. It is considered appropriate to impose planning conditions to secure the submission of a Noise Impact Assessment for the proposal along with details of lighting and a Construction Management Plan in the interests of residential amenity.

It is evident that the proposed use will result in an increase in the number of visitors to the site, which presently has very limited public access. However, it is considered the uses that are being proposed are acceptable in this location and would not be so visitor intensive to adversely harm the amenities of the neighbouring residential properties.

#### **Trees**

There are existing trees within the application site, some of which are covered by a tree preservation order dated 1962. These preserved trees are found on the north, east and west

boundaries of the site. There are also Leylandii hedges around the site and dissecting the garden areas.

In order to facilitate the development, a Tree Survey confirms that four moderate value trees and several low value trees would be removed along with some of Leylandii hedging. An existing orchard area of fruit trees would be removed to allow for the siting of the nursing home car park and extensive consideration was given to their possible relocation elsewhere within the site but the prohibitive costs involved along with there being no guarantee of any long term success to their continued growth resulted in this having to be discounted. The Council's Senior Arboricultural Officer has confirmed that the trees are not worthy of a preservation order and Officers accept that they will have to be removed.

The mature trees belts on the north and west boundaries of the site would not be adversely affected and further planting would occur along the southern boundary.

Planning conditions would need to be imposed to secure appropriate protection measures for the trees that would be retained and to secure a landscaping scheme for the site.

The original scheme involved the removal of trees on the northern boundary to facilitate the secondary vehicular access onto Cardinal Gardens but these trees would now be retained following the submission of the amended layout and the removal of the access.

### **Protected Species and Biodiversity**

An Ecological Report confirms that the application site does not contain any statutory or non statutory nature conservation designations. The roof voids of the Abbey will not be directly affected by the proposed development but no evidence of bats has been found within them. A dilapidated building within the grounds was found to have no greater than low suitability for occupation by roosting bats.

Four trees within the site were assessed from ground based assessments as having medium to high potential to support roosting bats but subsequent climbing surveys found no actual evidence of bats or roosting potential. The trees on the western and north western boundary were also assessed as having potential to support bats but these trees would not be affected by the proposed development.

Sections of the site were assessed as having some potential to support common reptiles but this would likely be either in low numbers or only on a transient basis. No badger setts were found on site and the site does not include any ponds with great crested newts.

Natural England has confirmed that they have no objections to the proposal and that the Local Planning Authority should consider requesting biodiversity enhancements.

Under the provisions of the Supplementary Planning Document – Design for New Development a development of the scale proposed, should include the creation of at least one priority habitat as identified within the Tees Valley Biodiversity Action Plan and this can be secured by the imposition of a planning condition.

### **Flooding**

The application site lies within Flood Zone 1, at lowest risk of flooding. As the site is over 12 hectare, the Environment Agency usually require an assessment of surface water drainage. For this site the total area of hard standing resulting from the development will be less than 1 hectare

and the Agency does not require the submission of a surface water drainage plan. However, Northumbrian Water has requested the imposition of such a condition, if the proposal is approved.

### **Section 106 Agreement**

A financial contribution to mitigate the loss of the open space to improve the functionality of other open space in the locality will need to be secured by a Section 106 Agreement. This request has been made to accord with policy CS4 of the Core Strategy and the sum would equate to £17,500.

### **SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

### **CONCLUSION**

The provision of the care home, nursing home as well as office and residential accommodation for the Brothers of St John is appropriate in this location. The proposal involves the loss of 1.23ha of open space however the restoration of an important heritage asset and the provision of a financial contribution to improve the quality and multifunctionality of other open spaces in the locality has been secured. Improved community access to the site, particularly to the Chapel will also be provided as part of the scheme. In this case the benefits are considered to outweigh the loss of open space and the proposal is considered to accord with the relevant general development plan policies.

The proposed development respects the amenity and general character of the Abbey building and its setting. The new buildings have no significant impact in terms of loss of daylight or sunlight to neighbouring dwellings and maintain adequate levels of privacy. The layout of the proposed development has been amended and it is not considered to raise any issues in relation to car parking provision, highway safety or crime prevention. The proposal is considered to comply with the relevant policies in the development plan set out below and the National Planning Policy Framework:

#### **Borough of Darlington Local Plan 1997**

- E2 Development Limits
- E3 Protection of Open Land
- E12 Trees and Development
- H19 Special Care Accommodation

#### **Darlington Core Strategy Development Plan Document 2011**

- CS2 Achieving High Quality Sustainable Design
- CS3 Promoting Renewable Energy
- CS4 Developer Contributions
- CS9 District and Local Centres and Local Shops and Services
- CS14 Promoting Local Character and Distinctiveness
- CS15 Protecting and Enhancing Biodiversity and Geodiversity
- CS17 Delivering a Multifunctional Green Infrastructure
- CS19 Improving Transport Infrastructure and Creating a Sustainable Transport Network

**RECOMMENDATION**

THE DIRECTOR OF PLACE BE AUTHORISED TO NEGOTIATE AN AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 TO SECURE THE FOLLOWING:

- A commuted sum of £17,500 for an off site contribution to improve the functionality of open space in the locality

PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3 – Implementation Limit (Three Years)
2. B4 – Details of Materials Samples)
3. E2 – Landscaping
4. J2 – Contamination
5. Prior to the commencement of the use a Noise Impact Assessment relating to all plant and machinery and deliveries associated with the site shall be submitted to and approved by the Local Planning Authority. The Assessment shall include all potential noise sources associated with the development, including any plant and machinery on the existing Abbey and the two new buildings hereby approved. The Assessment should include boilers, air conditioning units, chiller units, kitchen extraction and the electricity substation. The development shall be carried only in accordance with the findings of the noise impact assessment.  
REASON: In the interests of residential amenity
6. The Rating Level from all plant and machinery associated with the development combined shall be at least 5 dB(A) below the background noise level at any surrounding residential property, when measured in accordance with BS 4142:1997. The background noise level is to be measured by the applicant or their representative shall be agreed with the Local Planning Authority  
REASON: In the interests of residential amenity
7. Prior to the commencement of the use, precise details of the stand alone generator shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the size, power output along with an air quality impact assessment and the development shall not be carried out otherwise than in complete accordance with the approved details  
REASON: In the interests of residential amenity
8. When the stand by generator is in operation, the Rating Level shall be no greater than 5 dB(A) above the background noise level at any surrounding residential property, when measured in accordance with BS 4142:1997. The background noise level to be measured



by the applicant or their representative shall be agreed with the Local Planning Authority prior to the generator being brought into use.

REASON: In the interests of residential amenity

9. Prior to the commencement of the development precise details of a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in complete accordance with the approved details

REASON: In the interests of residential amenity

10. D4 – Refuse Storage (Details to be Submitted)

11. Prior to the commencement of the development a detailed scheme for the disposal of surface water from the development shall be submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. The development shall not be carried out otherwise than in complete accordance with the approved details

REASON: To ensure the discharge of surface water does not increase the risk of flooding from sewers in accordance with the requirements of the national Planning Policy Framework and complies with the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2000

12. Notwithstanding the details shown on the approved plans, the gated access on the northern boundary of the site shall be used to gain access to land adjacent to Cardinal Gardens for maintenance purposes only. The gated access shall not be used for general vehicular or pedestrian access to and from the site.

REASON: In the interests of highway safety

13. Prior to the commencement of the development, precise details of works within the public highway at the proposed access and proposed pedestrian and Emergency accesses shall be submitted to and approved in writing by the Local Planning Authority. The details shall include dropped crossings, tactile paving, the reinstatement of redundant pavement crossings, and widening of the Emergency Access dropped crossing and the development shall not be carried out otherwise than in accordance with the approved details

REASON: In the interests of highway safety

14. All new footways within the application site must be two metres wide with dropped crossings and tactile paving at all defined crossing points

REASON: In the interests of highway and pedestrian safety

15. Prior to the commencement of the development precise details of the design of the disabled parking spaces must be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details

REASON: To ensure that the spaces are satisfactorily designed to the satisfaction of the Local Planning Authority

16. Prior to the commencement of the approved uses, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The scope of the Plan shall be agreed with the Local Planning Authority and the development shall not be carried out otherwise in accordance with the approved Plan

REASON: To encourage the use of all modes of transport in the interests of sustainability

17. Prior to the commencement of the development, precise details of secure cycle parking and storage areas shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the number, location and design of the cycle stands and the development shall not be carried out otherwise than in complete accordance with the approved details

REASON: To ensure that appropriate cycle facilities are provided within the site to the satisfaction of the Local Planning Authority

18. Prior to the commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include details for wheel washing, a Dust Action Plan, the proposed hours of construction, vehicle routes, road maintenance, and signage. The development shall not be carried out otherwise than in complete accordance with the approved details

REASON: In the interests of highway safety and residential amenity

19. A Road Safety Audit shall be shall out for all works within the public highway and the details shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of the development

REASON: In the interests of highway safety

20. The internal road network shown on the approved plans shall be constructed to an adoptable standard and prior to the commencement of the development, a Maintenance Plan for the network shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of a maintenance regime and energy charges for street lighting. The development shall not be carried out otherwise than in complete accordance with the approved details

REASON: In the interests of highway safety

21. Prior to the commencement of the development, an Interim Certificate for Code for Sustainable Homes shall be submitted to and approved in writing by the Local Planning Authority. The necessary Code for Sustainable Homes Rating shall be agreed with the Local Planning Authority and the Certificate will include details to show how the approved development will meet the agreed Rating level.

REASON: To ensure that the development accords with the Darlington Core Strategy Development Plan Document 2011 and the Supplementary Planning Document – Design for New Development.

22. Upon completion of the development a Final Certificate for Code for Sustainable Homes shall be submitted to and approved by the Local Planning Authority to show that the development has been carried out in accordance with condition 21)

REASON: To ensure that the development has been carried out in complete accordance with condition 21) as per the Darlington Core Strategy Development Plan Document 2011 and the Supplementary Planning Document – Design for New Development

23. Prior to the commencement of the development details of a scheme for the on site provision of decentralised and renewable or low carbon sources of energy to achieve a standard of at least 10% - 20% of predicted energy supply shall be submitted to and approved by Local Planning Authority. Before the development is occupied the

renewable energy equipment shall have been installed and the Local Planning Authority shall be satisfied that their day to day operation will provide energy for the development for as long as the development remains in existence. Should the standard not be achievable the developer must submit a feasibility and viability Statement to the Local Planning Authority to enable the Local Planning Authority to determine whether or not the standard should be reduced or waived

REASON: To ensure that the development accords with the Darlington Core Strategy Development Plan Document 2011 and the Supplementary Planning Document – Design for New Development.

24. Prior to the commencement of the development, details of a priority habitat as identified within the Tees Valley Biodiversity Action Plan to be created within the application site shall be submitted to and agreed in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details

REASON: To increase the biodiversity of the site in accordance with the Supplementary Planning Document – Design for New Development.

25. Prior to the commencement of the development hereby approved (including demolition work), details shall be submitted of a scheme to protect the existing trees shown on the submitted plans to be retained. The submitted details shall comprise generally the specification laid down within BS 5837 and shall include fencing of at least 2.3m high, consisting of a scaffolding frame braced to resist impacts, supported by a weldmesh wired to the uprights and horizontals to dissuade encroachment. The agreed scheme of protection shall be in place before the commencement of any work, including demolition operations. The Local Planning Authority shall be given notice of the completion of the protection works prior to the commencement of any work to allow an inspection of the measurements to ensure compliance with the approved scheme of protection. Notwithstanding the above approved specification, none of the following activities shall take place within the segregated protection zones in the area of the trees:

- (a) The raising or lowering of levels in relation to the existing ground levels;
- (b) Cutting of roots, digging of trenches or removal of soil;
- (c) Erection of temporary buildings, roads or carrying out of any engineering operations;
- (d) Lighting of fires;
- (e) Driving of vehicles or storage of materials and equipment.

REASON - To ensure that a maximum level of protection in order to safeguard the well being of the trees on the site and in the interests of the visual amenities of the area.

26. B5 – Detailed Drawings (Accordance with Plan)

## **SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION**

The provision of the care home, nursing home as well as office and residential accommodation for the Brothers of St John is appropriate in this location. The proposal involves the loss of 1.23ha of open space however the restoration of an important heritage asset and the provision of a financial contribution to improve the quality and multifunctionality of other open spaces in the locality has been secured. Improved community access to the site, particularly to the Chapel will also be provided as part of the scheme. In this case the benefits are considered to outweigh the

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The proposed development respects the amenity and general character of the Abbey building and its setting. The new buildings have no significant impact in terms of loss of daylight or sunlight to neighbouring dwellings and maintain adequate levels of privacy. The layout of the proposed development has been amended and it is not considered to raise any issues in relation to car parking provision, highway safety or crime prevention. The proposal is considered to comply with the relevant policies in the development plan set out below and the National Planning Policy Framework:

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- CS19 Improving Transport Infrastructure and Creating a Sustainable Transport Network

**INFORMATIVE TO BE INCLUDED SHOULD PLANNING PERMISSION BE GRANTED**

**Highways**

The applicant is advised that works are required within the public highway, at existing and proposed accesses on Carmel Road North, and contact must be made with the Assistant Director : Highways, Design and Projects (contact Mr.A.Ward 01325 388743) to arrange for the works to be carried out or to obtain agreement under the Highways Act 1980 to execute the works.

The applicant is advised that contact must be made with the Assistant Director: Highways, Design and Projects (contact Ms.P.Goodwill 01325 388760) to discuss naming and numbering of the development.