

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION No:</b>	DM/19/02500/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Change of use and extension to form 18no. 1 bed assisted living residential units with shared facilities
<b>NAME OF APPLICANT:</b>	Allure Developments Ltd
<b>ADDRESS:</b>	The North Eastern Hotel, Clarence Street, Spennymoor, Co Durham
<b>ELECTORAL DIVISION:</b>	Spennymoor
<b>CASE OFFICER:</b>	Mark O'Sullivan, Senior Planning Officer, 03000 261056, mark.o'sullivan@durham.gov.uk

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### DESCRIPTION OF THE SITE AND PROPOSALS

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1. The application relates to the former North Eastern Hotel located to the south west of Spennymoor Town Centre. The use of the building as a Public House ceased several years ago and although the two storey building remains structurally sound, externally the appearance of the property and wider site is poor.
2. The site occupies a prominent location at the western entrance to the Town Centre, immediately to the south of the road junction between the C152, Whitworth Terrace and High Street. Clarence House (a residential care home) is located to the south east of the site beyond a public footway, with a public car park serving Clarence Street to the south west. 'The Railway' Public House is located to the west of the site with residential properties situated to the south and west beyond these intervening site uses.
3. 'Allure Developments' are seeking planning permission for the conversion and refurbishment of the former Public House to create an assisted living residential development (use class C2) comprising 18no. single person en-suite bedrooms (9no. on each floor) with communal living and cooking facilities, on-site staff facilities and communal garden area. The property would be leased to the County Council which under the Homeless Reduction Act in 2018, has a greater duty to intervene at an earlier stage of homelessness and to provide temporary accommodation across the County. Changing Lives has entered into a contract to provide a homeless support service for the County and would operate and manage the proposed facility.
4. The intended use of the building would be for single adults (male and female) aged 18+ from County Durham with low-medium support needs with the facility to be staffed 24 hours per day, 365 days a year. All units would be for single occupancy only and an assessment of users would be completed prior to taking up residency at the premises. In the event that there was any change in the circumstances of residents that would result in them being considered high risk, these individuals would be accommodated elsewhere.

5. The proposed use would involve the refurbishment of the existing premises and provision of a two storey extension within a section of the existing yard to the south east of the building. A landscaped garden area (some 186m<sup>2</sup>) would be created adjacent to the extension which would be bordered by a replacement boundary brick wall and fence. This would be fronted to the south west by a limited amount of on-site parking provided in the form of 3no. staff parking bays to be accessed directly from Clarence Street.
6. The applicant has provided a briefing note in support of their application detailing the role of Changing Lives and a summary of this is included within the 'applicants statement' section of this report for reference. Of particular note is confirmation that the proposal would provide supported accommodation to individuals but not in the form of a bail hostel, care facility, drug and alcohol rehabilitation centre, needle exchange or prescribing service, permanent accommodation or B&B style accommodation.
7. The application is being reported to the Planning Committee at the request of Spennymoor Town Council in response to public concerns raised over the categories of residents that will be placed in the accommodation. The Town Council seek reassurances from the developer regarding this matter.

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## **PLANNING HISTORY**

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8. Planning permission was granted in October 2014 for the change of use of the former Public House to create a ground floor retail unit with 8no. residential apartments (ref: DM/14/02460/FPA). A subsequent variation of condition application (ref: DM/14/03564/VOC) was approved January 2015 to remove condition 7 of the 2014 approval relating to a restriction on the use of the associated parking area. However, it is understood that the approved scheme was never implemented.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

9. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
10. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
11. *NPPF Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three

overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.

12. *NPPF Part 4 Decision-making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
13. *NPPF Part 5 Delivering a Sufficient Supply of Homes* - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
14. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
15. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
16. *NPPF Part 11 Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
17. *NPPF Part 12 Achieving Well-Designed Places* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
18. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.
19. *NPPF Part 16 Conserving and enhancing the Historic Environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and

should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

#### **LOCAL PLAN POLICY:**

20. The development plan is the Sedgefield Borough Local Plan saved policies:
21. *Policy E15 – Safeguarding of woodlands, trees and hedgerows* – expects development proposals to retain areas of woodland, important groups of trees, copses and hedgerow wherever possible, replacing any trees which are lost.
22. *Policy E22 Reuse of buildings forming part of the Boroughs heritage* – seeks to promote the repair and re-use of buildings and structures which form part of the heritage of the borough or which significantly contribute to the environmental quality of the locality.
23. *Policy H18 – Acceptable uses within housing areas* – identifies residential institutions as an acceptable use within a housing area where it would comply with other plan policies, would not significantly harm the living conditions for nearby residents and where they are appropriate in scale to the character of the housing area.
24. *Policy H19 - Provision of a range of house types and sizes including affordable housing* – seeks to support proposals which would provide an appropriate variety of house types and sizes, including the provision of affordable housing where a need is demonstrated.
25. *H22 – Sheltered accommodation, residential care and nursing homes* – Permission will normally be granted for sheltered accommodation, residential care homes and nursing homes within Spennymoor where the scheme would provide satisfactory vehicular access and parking, servicing and amenity areas, and where the development does not adversely affect the amenity of nearby residents.
26. *Policy D1 - General principles for the layout and design of new developments* - requires the layout and design of all new developments to take account of the site's relationship to the adjacent land uses and activities.
27. *Policy D3 - Design for access* - seeks to ensure new development makes satisfactory provision for all road users and pedestrians.
28. *Policy D9 – Art in the environment* – seeks to encourage the incorporation of artistic elements in development schemes.

#### **RELEVANT EMERGING POLICY:**

The County Durham Plan

29. Paragraph 48 of the NPPF states that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. Following consultation at 'Issues & Options', 'Preferred Options' and 'Pre Submission Draft' stages, the CDP was approved for submission by the Council on 19 June 2019. The CDP was submitted to the Planning Inspectorate on 27 June 2019. A timetable for the Examination in Public (EiP) of the CDP has been devised with the Hearings set to commence in October 2019. Although the CDP is now at a relatively

advanced stage of preparation, it is considered that it is not sufficiently advanced to be afforded any weight in the decision-making process at the present time.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

30. *Spennymoor Town Council* – Has requested the application be called-in to the planning committee in view of the nature of the proposed use to allow for greater public involvement in the determination process.
31. *Highway Authority* – No objections, subject to condition.
32. *NWL* – No objections.

### **INTERNAL CONSULTEE RESPONSES:**

33. *Contaminated Land* – No adverse comments to make. No requirement for a contaminated land condition.
34. *Noise* – No objections.
35. *Spatial Policy* – Proposals can be assessed against saved policy H22 of the SBLP and therefore the application should fall to be determined in accordance with paragraph 11 of the NPPF. There are no policy objections to the principle of redeveloping this site for a specialist form of housing. Proposals would add diversity to housing tenure in Spennymoor and contribute towards creating a socially inclusive community whilst making efficient use of a previously-developed site in an existing urban area
36. *Durham Constabulary* – Raise no objections to the proposals. The Police have carefully considered the application and have been involved in the development of these proposals for some time.
37. *Ecology* – Raise no objections subject to the conditioning of the Recommendations detailed in Section 10 of the Bat Survey Report, including but not restricted to – sensitive timing of works to avoid impacts on breeding birds in the areas where their presence has been noted; inclusion of at least two integrated bat boxes into the completed building, as detailed in the report; production of a sensitive lighting strategy with respect to bat boxes and flight paths.
38. *Design and Conservation* – The proposed refurbishment of the building is welcomed. The building will be brought back into use and the proposed works will improve the overall appearance of a prominent gateway into Spennymoor Town Centre. Possible opportunity to revise fenestration around WC windows.
39. *Drainage* – Additional information is required relating to existing and proposed drainage layout plans, identifying surface water outfalls and information to confirm discharge rates.
40. *Care homes, adult and health services* – No comments received.
41. *County Durham and Durham Fire and Rescue Brigade* – No comments received.
42. *Houses in Multiple Occupancy* – No comments received.

43. *Regeneration* – No comments received.

**PRE-APPLICATION CONSULTATION:**

44. Prior to the submission of the application a public consultation exercise in the form of a 'drop in' session for local residents and businesses was held on Thursday 11 July 2019 between 0900 and 1700 at Spennymoor Leisure Centre. This was hosted by Durham County Council, Changing Lives and Allure Developments with Durham Constabulary also present. This drop-in session provided an opportunity for any questions and concerns to be raised about the proposals and was attended by over 100 people.

**PUBLIC RESPONSES:**

45. The application has been publicised by way of site notices and extensive neighbour notification. 57no. letters of objection have been received in response to this exercise with a summary of the main concerns raised as follows:

This is an inappropriate location for such a use, within the town centre and close to local Pubs, Care Homes, Schools and school routes, public parks, residential properties and Spennymoor Leisure Centre. The focus should be on more available sites elsewhere in less sensitive locations with this particular site converted to a more appropriate use.

Approval for such use in this location would act as a deterrent to future growth, tourism and investment in the town resulting in a negative impact on the character of the area.

Such use would result in unacceptable pressure on existing services within the settlement.

Users of the site would be alcohol dependant, recovering addicts, homeless, ex-military and sex offenders resulting in personal safety concerns for local residents. Such users would exacerbate existing crime and antisocial behaviour levels in the settlement where there is already a lack of police presence;

Alleged issues at another Changing Lives site at Plawsworth (Chester le Street).

Those using the site will have no previous relationship or affinity with the town resulting in a lack of respect.

Perceived distress to neighbouring elderly residents at the adjacent care home who will overlook the site through facing windows.

Noise concerns resulting from future users of the site and building works associated with the development.

Highway and pedestrian safety concerns resulting from insufficient parking provision for users and staff and the lack of space or manoeuvring for loading and unloading of vehicles around the site.

The proposed location of bin stores adjacent to highway will pose a health risk to local residents.

Lack of neighbour and press notification by the LPA. Furthermore, the community drop-in session was poorly advertised and carried out at an inflexible time which focused only on those available during the day.

Reduction in property values.

Cllr Ian Geldard has written to the LPA stating that these proposals will fully renovate this building and return it to its former aesthetic glory, ridding the town of the existing eyesore. Notwithstanding this, the substantial local concern must be heard and the applicants given an opportunity to answer these concerns before the Planning Committee.

In addition, 1no. letter of support has been received from a local resident explaining that this facility will provide much needed assistance to those who need help providing it is managed correctly.

#### **APPLICANTS STATEMENT:**

46. Allure Developments have completed a number of high-quality conversion developments within County Durham which have in turn been put forward for various quality awards including LABC and DCC Environment Awards. Being highly commended for some and winning the regional award for one of our projects with the LABC.
47. Mr K Everitt of Allure Developments Ltd working with Create Architecture Ltd, initially started discussions with the Council in 2014 to propose a suitable redevelopment of the former North Eastern Public House. Immediately after purchase we have worked to secure the building through its optimal viable use, initially through discussions with national retailers and secured a planning permission in 2014 which has subsequently lapsed. This scheme was unable to be delivered as the retail market subsequently changed and retail tenants could no longer be secured, meaning the scheme was no longer viable. Following this there has been an ongoing dialogue between Allure and DCC with a view to achieve a viable scheme which in turn secures the regeneration and long term viability of the former North Eastern.
48. Durham County Council Housing Solutions commissioned a support tender in 2018 which will be delivered throughout the county with the aim of assessing and supporting service users, with Changing Lives winning this. The scheme has been worked up through extensive pre-application consultations, involving the proposed service provider, Durham County Council Housing officers, planning officers, The Police, the design team and ourselves, to ensure that we had addressed all potential issues and to ensure that the proposed scheme as submitted presents the best option for the development.
49. Prior to the application and through the consultation process there was a general concern as to the user group / proposed use of project once complete, with 'Local Members' visiting other properties managed by the end user, (Changing Lives) and attending pre-application discussions to address any concerns. A comprehensive public consultation was carried out by way of public meeting, hosted by Durham County Council, Changing Lives, the Police and ourselves (Allure Developments.) This was well attended and in general other than some concerns and misunderstanding of whom the residents will be supported. We have continued to work with both Durham County Council and Changing Lives whom have provided a Briefing Note to clarify whom the user group will and will not be, as we have seen a

number of general public objections based on what would appear to be a misunderstanding of the user group.

50. As confirmed within the Briefing Note it may be useful to clarify and understand what the project is and what the project is NOT? The project is to provide Supported Accommodation – this is accommodation where service users are housed that aren't ready to live out in the community and need to be provided with some life skills so they can successfully live independently. This accommodation will be staffed 24/7 with the service users involved in community activities as well as getting them into training and/or employment.
51. What the project is NOT  
This will not be an Approved Premises (Bail Hostel);  
This will not be a Care facility (including mental health, Learning Disabled and Addiction service);  
This will not be a Drug and Alcohol Rehabilitation setting;  
This will not be a Needle Exchange or prescribing service (Methadone Clinic);  
This will not be permanent accommodation;  
This will not be a bed and breakfast style accommodation;
52. From a regeneration point, the proposal representing continued sustainable development whilst also providing further investment within this area, it is generally supported by Local Councillors and residents and comprises a significant investment in the regeneration and redevelopment of a currently vacant and prominent building. We understand the proposal to be compliant with the National Planning Policy Framework, Relevant Local Planning Policy, Relevant Supplementary Planning Documents and Development Strategies and would ask that the application is considered and approved.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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53. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues relate to the principle of development, scale/design, amenity and fear of crime/public safety, highways, arboricultural and ecological impacts.

The principle of the development:

54. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The statutory development plan comprises the Sedgefield Borough Local Plan (SBLP) (1996). A new county wide development plan is currently in preparation; however, no weight can be afforded to the 'Submission Version' of the County Durham Plan which will be Examined in Public (EiP) during October/November 2019.
55. Policy H22 (Sheltered Accommodation, Residential Care and Nursing Homes) is a saved policy within the SBLP and is permissive of this type of facility within the Spennymoor settlement subject to providing satisfactory vehicular access, parking,

servicing and amenity areas, the development does not adversely affect the amenity of nearby residents; and its location is such that noise and disturbance from existing surrounding uses would not be detrimental to residents. Sheltered accommodation should normally be located on level sites with easy access to shopping facilities, community facilities and public transport. The supporting reasons for the policy state that there is support for care in the community initiatives which seek to integrate those with particular needs within the local community. They should be planned to form part of the neighbourhood so that they become accepted and the residents are known in the community. They should have easy access to roads and public transport and to all the amenities of town life (shops, facilities, churches etc). Isolated premises are not likely to be suitable for this type of accommodation. The application site is in an edge of centre location with good access to the town centre and the shops, services and facilities contained within.

56. Given policy H22 remains a relevant, saved policy upon which these “assisted living units” within use class C2 can be considered, the application is to be assessed and determined in accordance with paragraph 11c of the NPPF which requires development proposals that accord with an up to date development plan to be approved without delay. Furthermore, as the application is proposing a scheme comprising entirely of “assisted living” accommodation within Use Class C2, the exception under paragraph 64b of the NPPF would apply in this instance and a requirement for the provision of affordable housing is not applicable on this occasion.
57. Part 5 of the NPPF clarifies the Government’s objective of significantly boosting the supply of homes, and that the needs of groups with specific housing requirements are addressed. Paragraph 61 sets the requirement for the size, type and tenure of housing needed for different groups in the community to be reflected in planning policies. The proposals would add diversity to the housing tenure in Spennymoor and contribute towards creating a socially inclusive community.
58. Section 11 (Making effective use of land) seeks to promote an effective use of land in meeting the need for homes and strives to make as much use as possible of previously-developed land. Para 118 expects planning decisions to give substantial weight to the value of using suitable brownfield land within settlements for homes and promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing. As the proposals seek to re-use an existing developed site within the main settlement, the application would glean support from these sections of the NPPF. It is further noted that permission was previously granted for residential development on this site in October 2014 under planning approval ref: DM/14/02460/FPA. Although this consent has since expired, no objections are raised over the principle of residential use in this location.
59. In view of the foregoing, there are no policy objections to the principle of developing this site for housing subject to the following material planning considerations.

Scale / Design:

60. Part 12 of the NPPF and saved policy D1 of the SBLP seek to ensure good design in new developments, having regard to a sites natural and built features and the relationship to adjacent land uses and activities. Development should be in keeping with the scale and form of adjacent dwellings and the local setting of the site. Saved policy E22 of the SBLP seeks to promote the repair and re-use of buildings and structures which form part of the heritage of the borough or which significantly contribute to the environmental quality of the locality. The application site is not located within a conservation area or area of special control although it is positioned

at a prominent gateway site into Spennymoor Town Centre nearby. Despite being vacant for some time and having fallen into disrepair, the North Eastern Hotel is also a distinctive building that can be regarded as a non-designated heritage asset and therefore the impact of the proposed development on the asset should be a primary consideration in the determination of the application. NPPF Part 16 seeks to ensure that identified heritage assets are conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

61. The existing structure is constructed of facing brickwork, which has previously been painted (cream and red) with different band courses and detailing at window head, first floor level and eaves which are prominent on all elevations except that looking onto the rear yard to the south east. The roofs are predominantly natural slate finish with a central flat lead lined mansard section. The current building largely retains its original form, albeit for a small number of minor alterations including the changing and blocking of the entrance doors on the bull nose end, now apparent as a 3-bay window.
62. The applicant has developed a design solution in partnership with the Council to retain as much of this original building form as possible. Notwithstanding this, a small extension is proposed to the southern elevation set back from the principal west facing elevation and of reduced height so as to retain subordination to the original building. The proposed vertical cladding and red facing brick detail of the extension would respond positively to the existing building and would not seek to replicate or interfere with the original form. Given its location on the site and the retention of the existing trees around the boundaries (most notably to the north), the extension would be generally screened from view in its most prominent viewpoint at the vehicular gateway to the town centre.
63. In addition to the extension, works include the introduction of cladding panels to the existing fenestration pattern on the building. This changes the existing expanses of glazing but does not alter the original openings which would still be recognised within the elevation. All windows are proposed to be replaced and such details can be controlled by condition. The windows to proposed en-suite areas are arranged to work with internal walls also, hence why these appear 'busier' than their surrounds. The applicant has also detailed ventilation from these areas which would not significantly impact the exterior of the building in visual terms.
64. The applicant has included an annotation on proposed plans stating that artwork will be included within the fenestration. Whilst discussions are still ongoing regarding this detail it is intended that this artwork would be displayed onto the glazed bull nose element in the form of vinyl printed copies of local artists work attached to the inside of the windows. Works would be reproduced with artists permission and add to the already implemented artwork scheme throughout Spennymoor. Such matters are considered to satisfy saved policy D9 of the SBLP which seeks to encourage the incorporation of artistic elements on development schemes and can be dealt with by condition, to be addressed once the applicant has further information.
65. The proposed refurbishment of this historic building and its subservient and complementary addition to the southern elevation is welcomed from a design perspective. The building will be brought back into use and the proposed works will improve the overall appearance of a prominent gateway into Spennymoor Town Centre consistent with the principles of Parts 12 and 16 of the NPPF and saved policies D1 and E22 of the SBLP.

## Amenity and Fear of Crime / Public Safety:

66. Saved policy D1 of the SBLP seeks to ensure a comprehensive and coordinated approach to new developments which take account of a sites natural and built features and the relationship to adjacent land uses and activities. Saved policy H22 of the SBLP seeks to support proposals for sheltered accommodation residential care and nursing homes where the living conditions are satisfactory for proposed occupants and their neighbours and where the development does not adversely affect the amenity of nearby residents.
67. The NPPF sets out at paragraph 127 that planning policies and decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'. Paragraph 91 advises that, 'Planning policies and decisions should aim to achieve healthy, inclusive and safe places which: ...are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion'.
68. Crime and security as a planning matter increased in profile after Section 17 of the Crime and Disorder Act 1998 required all local authorities to exercise their functions with due regard to their likely effect on crime and disorder, and to do all they reasonably can to prevent crime and disorder. The prevention of crime and the enhancement of community safety are matters that a local authority should consider when exercising its planning functions under Town and Country Planning legislation.
69. Generally, Inspectors have on appeal taken the view that, given appropriate management, the occupants of these properties (*Hostels and care in the community establishments*) should not cause significantly greater impact than normal homes. The view that providing such facilities actually provides a wider benefit is often also cited and weighs against local anxiety.
70. A number of objections/concerns have been received from local residents relating to uncertainties over future occupants of the site. Further to this Spennymoor Town Council seek assurances over the categories of residents that will be placed into the accommodation.
71. It is acknowledged from the level and nature of concerns expressed that the proposal does raise issues of fear of crime/personal safety for many local residents. However, it is also considered that some of the perceptions around the specific nature and operation of the proposed use, and occupancy are based on partial information or assumptions about the use that are not reflected in the submitted application. This identifies potential residents as single and homeless with low to medium support needs. This would preclude residents that require high levels of care and supervision because of behavioural or dependency needs.
72. Whilst it is not the role of the Planning system to duplicate other regulatory systems and controls, nonetheless both Councillors and the public must have some assurance that the facility, if granted consent will both operate in the manner indicated, and that it will not change or evolve into a different form.
73. Within supporting documentation submitted by the applicant it is explained how "the project will accommodate residents with low to medium support needs and any assessment of people will have been done prior to taking up residency in the North Eastern. Any change in circumstances of residents that will result in them being

considered high risk will require them to be accommodated elsewhere". This 'right to decline' potentially unsuitable residents, would help to address one of the significant concerns of objectors.

74. It is further explained that there will be on-site staff presence 24 hours a day 7 days a week and a programme of support will be provided to individuals who have moderate support needs and have found themselves in situations which have led to a period of being homeless. The project will work by focusing on an individual's strengths and ambitions to enable a sustainable pathway into Employment, Education or Training and the required skills to live independently. A secure Door Entry System is to be installed as part of the operational and security requirements of the facility that would be controlled by members of staff and a CCTV system will also be installed to the interior and exterior of the building allowing staff to effectively monitor the building. Such details are to be controlled by condition. In addition, the applicants have provided a supporting note summarized within the 'applicant's statement' section of this report that seeks to dispel incorrect assumptions over what activity will and more importantly will not be taking place at the site.
75. It is also significant in this case that the head lease on the property will be retained by the County Council and that the service would be provided by Changing Lives on behalf of its Housing Solutions team. The Council is working with Changing Lives across the County on a number of initiatives and has done so for a number of years. The Company is a long established national charity based in the north east that has been providing support for vulnerable people many years and there would be scope for regular review of the operation and to address any identified issues through this working relationship. The due diligence of the applicant, has also been shown through the involvement of Durham Constabulary in the preplanning application consultation process, and that they raise no objections to the proposals. Within the accompanying Design and Access Statement the applicant further confirms an intention to continue working with the Police in relation to access arrangements, mail delivery, external lighting, bin storage, defensible space etc.
76. In summing up the fear of crime aspects associated with the proposal, it is not considered that there is anything within the intended nature of the use that provides a reasonable basis for concern. Furthermore, any operational issues that might arise could be mitigated both by a proportionate level of control through the systems that would be in place as part of any operational Management Plan, and by other regulatory agencies. Subject therefore to a suitable condition requiring the agreement of a management plan that reflects the intended operational details outlined by the applicant in this report there is no underlying reason why the use proposed should lead to an increase in crime, and no evidence had been put forward to show why this would be the case.
77. With regards amenity, the application site is located on the edge of Spennymoor Town Centre in a mixed use environment. The site is bordered by a nursing home to the south east, Public House to the west, car park to the south west, and residential properties beyond. A busy highway network frames the site in 3 directions linked to the main vehicular thoroughfare through the town and town bypass. The Council's Environmental Health section raise no objections to the proposed use of the site as assisted living residential accommodation noting the presence of existing residential properties in the surrounding area which co-exist with the existing busy highways network and non-residential uses. The site previously operated as a public house and any noise resulting from the proposed site use is unlikely to be such that it would cause significant and detrimental impacts upon the amenities of neighbouring properties. It is further noted that any noise complaints which may arise from future

use can be controlled and monitored under separate environmental health legislation.

78. The proposed conversion of the existing building would utilize existing window openings whilst ensuring satisfactory separation to neighbouring uses is achieved without resulting in new directly facing window openings between neighbouring land uses. To the southeast the proposed two storey extension would project only partially into the yard space whilst maintaining satisfactory separation from the adjacent nursing home in this direction (in excess of 15m away). Windows in this southern elevation of the extension would serve only communal day rooms at the ground and first floor levels and an internal stairwell with no resulting privacy concerns arising. To the north and east, window openings would overlook the adjacent carriageway with the nearest sensitive uses located beyond this some distance away. No environmental health objections are raised regarding the proximity of the surrounding road network to the site and in-particular as to the suitability of facing windows and resulting noise impact on future residents.
79. Externally works include the clearance of the existing yard to create a communal garden/landscaped lawn area which would operate as private, domestic garden space maintained by tenants. The replacement of the existing boundary wall around the existing yard with a more sympathetic lower wall and fence boundary detail (2m maximum height) would ensure sufficient privacy to future occupants of the site and the surrounding neighbouring uses, again avoiding any direct overlooking between neighbouring sites.
80. With regards the refurbishment and construction phases, it is inevitable that some level of disturbance to neighbouring residents would result from site operations. However, this can be appropriately controlled in terms of sensitive site operations and working hours so as to ensure the limitation of noise emission from the site during more sensitive periods of the day.
81. In view of the foregoing, no privacy/amenity concerns are raised over the impact of the proposed development on proposed occupants of the site and existing neighbouring uses consistent with the principles of saved policies H19, H21, H22 and D1 of the SBLP. Likewise, the proposals are considered to satisfy the provisions of Part 8 of the NPPF with regards fear of crime/public safety.

#### Highways:

82. Saved policies H17 and D3 of the SBLP, and Part 4 of the NPPF require new development to achieve a safe and suitable access. NPPF paragraph 32 states development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are considered to be severe.
83. The submitted plans detail the creation of 3no. staff parking bays located to the south of the main building and extension within the existing yard area, fronting west onto Clarence Street. With regards staffing levels, the applicant has previously confirmed that there should only be 2no. staff on shift at any one time. On the basis that the proposed 6no. staff (total) could presumably operate on a 3 shift pattern, the proposed on-site car parking arrangement would be deemed to represent a reasonable level of on-site car parking provision. Aside of this, the proposed development is virtually car free with no other on-site parking provision included. Based on the proposed C2 assisted living use and the specific tenant group involved, demand for off-street car parking would not be deemed to be as onerous a requirement as alternative site uses. A public carpark immediately opposite the site to the west will by its very nature provide additional visitor parking should it be

required at any time. In addition, given the siting of the premises close to the adjacent town centre and residential areas, the site is well positioned in relation to public transportation options and nearby public parking areas in the town which could serve the site if need be.

84. No highway objections are therefore raised to the proposals, noting the sustainable location and intended use of the site. Subject to a condition restricting the use of the premises for the intended purpose in the interests of highway safety, the proposals are considered to be consistent with the principles of saved policies H17 and D3 of the Sedgefield Borough Local Plan and paragraph 32 of the NPPF.

Arboricultural impact:

85. Saved Policy E15 of the SBLP expects development proposals to retain areas of woodland, important groups of trees, copses and hedgerow wherever possible, replacing any trees which are lost. The application site is bordered to the north by mature vegetation on Council owned land, where adjacent to the C152 carriageway. Although none of these trees are protected, their retention is desirable given their role in screening the existing yard serving the site from the adjacent carriageway alongside this important gateway to the town centre. The proposed extension to the premises has been designed so as to avoid the root protection areas of these trees, with no resulting arboricultural objections raised. With no indication that the existing landscaping is to be impacted by the proposed development, the application is considered to satisfy the provisions of saved policy E15 of the SBLP.

Ecology:

86. Part 15 of the NPPF seeks to ensure that when determining planning applications, Local Planning Authorities seek to conserve and enhance biodiversity. The application is submitted alongside a Bat Survey report (Ecosurv, July 2019). No objections are raised over the content of this report subject to the conditioning of the recommendations detailed in Section 10 of the report, including but not restricted to – sensitive timing of works to avoid impacts on breeding birds in the areas where their presence has been noted; inclusion of at least two integrated bat boxes into the completed building, as detailed in the report; production of a sensitive lighting strategy with respect to bat boxes and flight paths. Subject to the above, there would be no perceived impact on protected species with the proposals considered to satisfy the provisions of Part 15 of the NPPF.

Other matters:

87. In addition to the material planning considerations detailed within this report, a range of other public comments have been raised which are referenced below.
88. *Approval in this location would act as a deterrent to future growth and investment in the town resulting in a negative impact on the character of the area and impact local tourism;*  
If managed correctly there would be no evidence to suggest this would be the case. The refurbishment of this important and historical site would improve the character of the town at this important gateway to the Town Centre and support future growth and investment opportunities in the town.
89. *Such use would result in unacceptable pressure on existing services within the settlement;*

Once again there is no evidence to suggest that this would be the case. The provision of an assisted living residential facility with 24 hours on-site support would likely reduce pressure on local service provision.

90. *Such users would only exacerbate existing crime and antisocial behaviour levels in the settlement where there is already a lack of police presence;*  
The Police have been involved with the development of this application for some time and at no time have raised objections to these proposals.
91. *Distress to neighbouring elderly residents at the adjacent care home who will overlook the site;*  
The care home to the southeast of the site is to be well screened from the North Eastern site by the construction of a new southern boundary wall and fence which will protect the amenities of future residents of the site and the adjacent care home, with the retention of the pedestrian footway separating the two sites to provide an additional buffer. No recorded objections have been received from residents or management of this care facility.
92. *Alleged issues at another Changing Lives site at Plawsworth (Chester le Street);*  
The Plawsworth site is a different project offering a different level of service care provision.
93. *Location of bin stores adjacent to highway will pose a health risk to local residents;*  
The provision of bin stores adjacent to the highway will allow ease of access for bin lorries. Should odour or vermin become an issue as a result, the Councils Environmental Health section can be notified, and issues tackled by way of separate Environmental Health legislation.
94. *Reduction in property values;*  
Reduction in property values cannot be considered as material planning consideration relevant to the determination of the application.

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## **CONCLUSIONS**

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95. The proposal would facilitate the refurbishment and conversion of this prominent non-designated heritage asset into 18no. 1 bed assisted living units with shared facilities falling under the C2 use class. The principle of residential use in this location has previously been accepted through historic planning consents and the intended re-use of this site would make efficient use of previously-developed land in an existing urban area. Proposals would add diversity to the housing tenure in Spennymoor and contribute towards the creation of a more socially inclusive community and the aims of sustainability in accordance with Policy H22 of the SBLP. The development would also assist Durham County Council to fulfil its statutory Duty to homeless people with a local connection to County Durham.
96. The proposed conversion works would retain many characteristics of the original building and the proposed extension to the southern elevation would provide additional floor space whilst remaining subordinate and respectful to the main building and its setting. Combined these works are considered to enhance the spatial character of the area, regenerating a key building within Spennymoor at the gateway to the Town Centre. These are all clear benefits of the proposal.
97. Consideration has been given to the nature and scale of the proposed development and resulting amenity, ecological and highways impacts with no overriding objections identified. The proposal has generated a significant level of public interest and the

material planning concerns raised have been considered. The application is required to be considered in the context of paragraph 11 of the NPPF, which states that development proposals that accord with up to date development plan policies be approved without delay. There have been no adverse impacts identified that would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies of the NPPF as a whole, or the other relevant policies of the Sedgefield Borough Local Plan. The application is considered to satisfy the provisions of Parts 2, 5, 8, 9, 11, 12, 15 and 16 of the NPPF and saved policies E15, E22, H18, H19, H22, D1, D3 and D9 of the SBLP. In view of the foregoing the application is recommended for planning approval.

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## **RECOMMENDATION**

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That the application be **APPROVED** subject to the following conditions:

### Time limit

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

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

### Approved Plans

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

20-02 P0 (Proposed plans), received 02 August 2019

20-11 P1 (Proposed elevations and 3D view), received 30 September 2019

90-01 P0 (Existing and proposed site plans including site location plan), received 25 September 2019

*Reason: For the avoidance of doubt and in the interests of proper planning.*

### Restrict use

Notwithstanding the provisions of the Town and Country Planning (Uses Classes) Order 1987 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Statutory Instrument revoking or re-enacting these Orders with or without modification) the premises shall be used as an assisted living residential facility falling within the C2 use class.

*Reason: Other uses within the same class or permitted changes of use are likely to raise other locational issues including those associated with increased car parking demand and amenity. As such the Local Planning Authority wish to control the use of the building in accordance with saved policies D1 and D3 of the SBLP and the NPPF.*

### Management Plan

The premises hereby approved shall be operated at all times in full accordance with a management plan, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the building for the intended residential use.

*Reason: In the interests of residential amenity, to address fears of crime, meeting the requirements of saved Policies D1 and H22 of the Sedgefield Borough Local Plan.*

### CCTV

Details of CCTV systems to monitor the entrances to the building shall be submitted to and approved in writing by the Local Planning Authority and implemented in full prior to the commencement of the use hereby approved. The CCTV system must be kept operational at all times the site is in residential occupation.

*Reason: In the interests of residential amenity, to address fears of crime, meeting the requirements of saved Policies D1 and H22 of the Sedgfield Borough Local Plan.*

#### Foul water drainage

No development shall commence until a scheme for the provision of foul water drainage works has been submitted to and approved in writing by the Local planning authority. The drainage shall be completed in accordance with the details and timetable agreed.

*Reason: To prevent pollution of the water environment in accordance with Part 14 of the NPPF.*

#### Surface water drainage

No development shall commence until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local planning authority. The drainage shall be completed in accordance with the details and timetable agreed.

*Reason: To prevent pollution of the water environment in accordance with Part 14 of the NPPF.*

#### Mitigation

No development shall take place unless in accordance with the mitigation detailed within Section 10 of the Bat Survey Report (Ecosurv, July 2019), including but not restricted to – sensitive timing of works to avoid impacts on breeding birds in the areas where their presence has been noted; inclusion of at least two integrated bat boxes into the completed building, as detailed in the report; production of a sensitive lighting strategy with respect to bat boxes and flight paths.

*Reason: To conserve protected species and their habitat in accordance with Part 15 of the NPPF.*

#### Windows

Notwithstanding the details submitted with the application, prior to the commencement of development full details including plans at a scale of 1:20 and cross sections, of the proposed windows shall be submitted to and approved in writing by the Local planning authority. The windows shall be installed in accordance with the approved details.

*Reason: In the interests of the appearance of the area and to comply with Policy D1 of the Sedgfield Borough Local Plan.*

#### Public art

The development hereby approved shall not commence by the undertaking of a material operation as defined by section 56(4)(a)-(d) of the Town and Country Planning Act 1990 until arrangements have been made to secure the provision of public art provision in accordance with a detailed scheme which has been submitted to and approved in writing by the Local planning authority. Works shall be implemented in accordance with the approved details prior to first occupation of the development hereby approved.

*Reason: In the interests of the amenity of the area in accordance with policy D1 of the Sedgfield Borough Local Plan.*

#### Construction

No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1400 on Saturday. No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday. No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays. For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

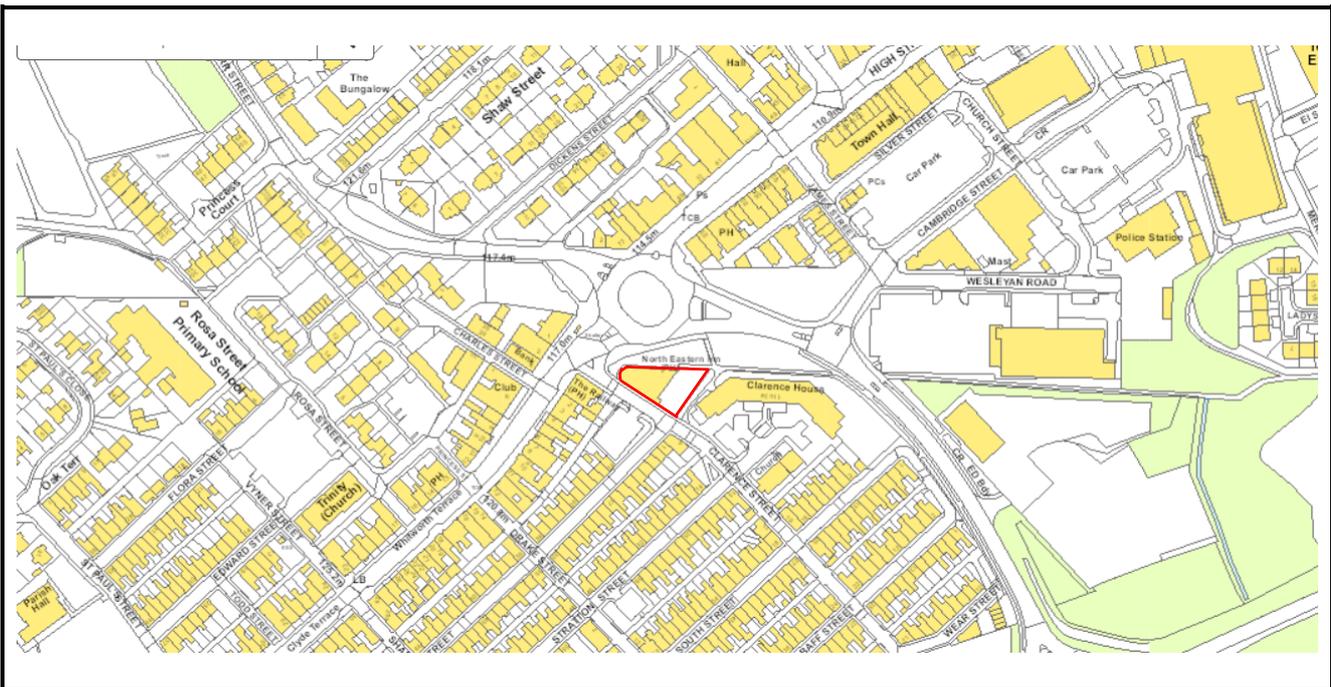
Reason: In the interests of the privacy/amenities of neighbouring occupiers and to comply with saved policies H17 and D1 of the Sedgfield Borough Local Plan.

## STATEMENT OF PROACTIVE ENGAGEMENT

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

## BACKGROUND PAPERS

- Submitted Application Forms, Plans and supporting documents
- National Planning Policy Framework
- Sedgfield Borough Local Plan
- Statutory response from the Highway Authority and NWL
- Internal responses from Contaminated Land, Environmental Health, Spatial Policy, the PALO, Ecology, Design and Conservation and Drainage



 <p><b>Planning Services</b></p>	<p>Change of use and extension to form 18no. 1 bed assisted living residential units with shared facilities</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p><b>Comments</b></p>	
	<p><b>Date 24 October 2019</b></p>	