

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION No:</b>	DM/19/01681/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Conversion of existing building and reconstruction of demolished building section for a care home facility for the elderly and ancillary parking and landscaping.
<b>NAME OF APPLICANT:</b>	Mr D al Mutawa
<b>ADDRESS:</b>	WeCare4 Ltd Former South Moor Greenlands Community Infant School
<b>ELECTORAL DIVISION:</b>	Craghead and South Moor
<b>CASE OFFICER:</b>	Louisa Ollivere Area Planning Officer Telephone: 03000 264878 <a href="mailto:louisa.ollivere@durham.gov.uk">louisa.ollivere@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application relates to the former South Moor Greenlands Community School which closed in 2013 and which was subsequently sold by the Council in 2016. The site comprises two separate groupings of buildings along the north and south boundaries of the site with a central yard area between. Both wings are characterised by large single storey red brick buildings with high and decorative rooflines interspersed with more modern single storey red brick additions with flat or hipped roofs. The eastern section of the southern wing has recently been demolished following fire damage earlier this year. The site slopes gently from north to the south. There are some areas of grass and trees to the north of the northern building. The site is enclosed with red brick walls with wrought iron railings above alongside safety fencing surrounding the demolished areas. Vehicular access is taken from the roadway to the west of the site. The northern wing faces onto the gable end of terraces and a grassed area. The southern wing faces onto a large area of green space, gardens and the gable end of a bungalow.
2. The site is within a predominantly residential area, although there is a M.O.T centre to the south east of the site. The site is within 50m of Park Road, the main thoroughfare in South Moor. South Moor is considered to be part of the extended settlement of Stanley. The significant facilities and services offered by the main centre of Stanley are around 1km from the site (as the crow flies). This main town offers supermarkets, a bus station, leisure centre and library, Council Offices and a range of social and commercial facilities.

3. In terms of the urban form, surrounding dwellings include Victorian brick-built terracing and 1950's former local authority bungalows.

## The Proposal

4. The application proposes a change of use of the buildings currently on site and rebuilding the demolished elements to their former state. This is to facilitate the creation of a care home and care facility offering 109 rooms for the elderly to be run by the newly formed Wecare4 Ltd which is described as a 'not for profit' company based in London. In addition to guest rooms there are other associated facilities proposed such as a library, computer room, dining room, skype rooms, café, restaurant, hairdressers, business centre, laundry room, games room, day room, spa, clinic and offices and meeting rooms for staff. The proposal is estimated to provide 60 full time employees and 50 part time employees operating on a shift pattern over 24 hours with 20 staff on site at any one time. It is proposed to roll out the development over three phases however the use would not be open until the final phase is complete.
5. This application is reported to Committee as a 'major' development given number of residential units involved.

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## **PLANNING HISTORY**

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6. In 2018 an application was submitted for Change of use from D1 to offices and students' hall or residence. Under hostel or multi occupation of One Planet Society members. The application was returned invalid as insufficient information was supplied (DM/17/03789/FPA).
7. In July 2018 a planning application was received for a 109-bed hostel. This application was highly contentious with many objections received from local residents. Following a meeting with local Councillors and senior Management the applicant withdrew the application in August 2018 with the intention of exploring different ventures
8. In June 2019 a fire occurred at the premises which caused extensive damage.
9. The Council gave formal notice in 11/06/2019 2019 of the intention to partially demolish the buildings under the dangerous structures remit.
10. Partial demolition commenced by the site owner's contractor on 29/07/2019.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

11. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The NPPF was updated in July 2018. The overriding message remains that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
12. In accordance with paragraph 48 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of

consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.

13. The following elements of the NPPF are considered relevant to this proposal;
14. *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.
15. *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.
16. *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.
17. *NPPF Part 6 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
18. *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. It should enable and support healthy lifestyles, especially where this would address identified local health and well-being needs. Decisions should take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community and ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.
19. *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.
20. *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.

21. *NPPF Part 12 - Achieving well-designed places.* Planning policies and decisions should ensure that developments achieve a range of aims including that they, 'will function well and add to the overall quality of the area' and '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'.
22. *NPPF Part 14 – Meeting the challenge of climate change, flooding and coastal change -* The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
23. *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 pollution and land stability and remediating contaminated or other degraded land where appropriate.
24. *NPPF Part 16 - Conserving and Enhancing the Historic Environment -* Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

<https://www.gov.uk/guidance/national-planning-policy-framework>

#### **NATIONAL PLANNING PRACTICE GUIDANCE:**

25. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; Design, Healthy and safe communities, Historic Environment, Housing needs of different groups, Housing for older and disabled people, Land affected by contamination and the Natural Environment.

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

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

26. The following is a summary of those saved policies in the Derwentside District Local Plan 1997 (saved policies) relevant to the consideration of this application:
27. *Policy GDP1 – General Development Principles* – outlines the requirements that new development proposals should meet, requiring high standards of design, protection of landscape and historic features, protection of open land with amenity value, respecting residential privacy and amenity, deterring crime and consideration of drainage.
28. *Policy HO17 – Sub division and adaptation of existing buildings to residential use* – conversions and divisions should respect the character of the existing building and the

locality, not affect the amenity of neighbouring occupiers, provide an element of useable amenity space and that the concentration of such uses should would not affect the character of an area.

29. *Policy TR2 – Development and Highway Safety* – relates to the provision of safe vehicular access/exit, adequate provision for service vehicle manoeuvring, access for emergency vehicles and access to the public transport network.

#### **EMERGING PLAN:**

The County Durham plan

30. 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.

*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

31. *Highways* – The Officer consider the site is well connected to the main street and is only a short walking distance from public transport options. It is noted that this part of South Moor is a well-connected walkable neighbourhood with good footway links which is street lit with wide residential streets. In terms of highways traffic generation, the Officer acknowledges that the site operated as a school and the vehicle trips associated with schools are in the peak hour which can cause a high demand for on street for parking. It is pointed out that parking problems particularly occur when parents are waiting to pick up and drop off. The Officer considers that this change of use to an elderly care home will generate much lower levels of traffic than that of a fully operational school.
32. In terms of car parking which is a key function on most streets, as a worst case scenario if 20 staff owned a vehicle and travelled to the site for a shift change-over of staff with the staff already present at the site the Officer calculates that this could result in five vehicles being parking on street on each side of the development whilst waiting to park at the site. It is noted that the streets of School Terrace, Rydal Avenue, Keswick Road and School Lane have light parking demand and are certainly wide enough at 7.3 metres to cope with the parking demand scenario described without causing any significant hazards or issues to other road users. Visitors to care facilities tend to occur at weekends and are out of traffic peak times again visitor parking would not be seen to cause a significant parking concern.

33. Having considered the impact for mobility impaired users on street and the footway comfort levels to the main street the Officer advises that improvements should be made to the existing footways as part of the offsite highway works. It is advised that the applicant needs to provide a suitable tactile pedestrian crossing scheme from the main access to link to front street, this would involve the installation of two lowered tactile pedestrian crossing points on the north side of Rydal Avenue. It is also advised that the existing triangular school warning sign should be replaced with a frail, blind or disabled pedestrians likely to cross road ahead.

34. In conclusion, the Officer advises that the residual cumulative impacts of development would not be deemed severe enough to warrant a highways refusal.

35. *Northumbrian Water* – No comments to make.

36. *Northern Gas Networks* – No objections.

37. *The Coal Authority* – Recommends a planning condition be imposed requiring site investigation works to be undertaken prior to the commencement of the development and that any identified required remedial works be undertaken prior to the commencement of the development.

38. *NEDL* – No comments received.

#### **EXTERNAL RESPONSES:**

39. *Alzheimer's Society* – No comments received

40. *Durham Constabulary PALO* – Views are awaited

41. *National Health Service* – Advise that a contribution of £22,890 is required to mitigate the development.

42. *Kevan Jones MP* – Objects to the application on grounds of lack of need, viability as a care home, impacts upon local roads in terms of traffic and parking, that the design of the school does not lend itself to being used as a care home.

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

43. *Spatial Policy* – Draw attention to Policy GDP1 as the relevant Development Plan Policy, confirming that it can be afforded weight in the decision-making process. The Officer also advises that Policy HO17 which provides guidance in relation to the sub-division and adaption of existing buildings to residential use can also be afforded weight in the consideration process. As the general aims are consistent with national policy the Officer advises that TR2 can be given some weight in the decision-making process when read in conjunction with the more up to date county standards and the advice of the Highways Team. The Officer notes that the former Greenlands School site is identified in the South Moor Inset Map as a redevelopment site. Policy SMI5 is supportive of community use of existing buildings in the event of the relocation of the school. The supporting text explains that being located at the heart of the residential area the site and/or buildings would be suitable for community use by local residents, if required for that purpose, it makes no reference to alternative uses such as care homes.

44. In terms of housing need, the Officer advises that the SHMA identifies a general need for specialist housing across the County and that this feeds through onto requirements for specialist housing for older person that is wheelchair accessible, to be provided as a

component of major new residential developments. It is pointed out however that the SHMA does not provide a detailed assessment of location for care homes.

45. With regard to amenity, reference is drawn to para 18 of the NPPF which requires new development to be integrated effectively with existing businesses and community facilities and that such businesses /facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.
46. The Officer considers that design to be poor in terms of layout and as the scheme lacks adequate and well-designed communal areas and bedrooms appear small and cramped in. It is advised that the design of specialist housing schemes is key to ensuring that they are health-promoting and work well for people with dementia and similar conditions.
47. They note further that the application suggests measures would be in place to ensure round the clock support at the facility, addressing potential amenity concerns for neighbours. In relation to potential benefits, the proposal may provide accommodation for those who require support and assistance in a location that is close to local facilities and services.
48. *Durham County Council Care Homes, Adult and Health Services* - Advise that the current capacity data for care home beds in the Stanley area suggests that there is currently no clear requirement for the suggested bed numbers.
49. *Design and Conservation Officer* – Considers that it is positive that the proposed development will retain the surviving elements of the existing former school building with the addition of infill buildings. It is advised that the applicant should ensure the height of any new elements sits below the height of the existing buildings. The Officer advises that contemporary buildings which take reference from but do not replicate the existing buildings will ensure the remaining elements of the existing building are recognisable within the new development.
50. Whilst it was previously established that the existing building was considered a non-designed heritage asset, at that point, the buildings were relatively intact and made a positive contribution to the streetscape. Since the building has suffered fire damage and has been partly demolished. Officers are of the opinion that this has reduced the overall significance of the buildings.
51. *Environmental Health (Nuisance)* – Raise no concerns in terms of statutory nuisance or residential amenity.
52. *Environmental Health (Contaminated Land)* – Advise that the site is located in a coalfield high risk development area and there is the potential for Made Ground/contamination on site and therefore request a condition to address contaminated land.
53. *Ecology Officer*: Advises that that site was surveyed in 2011 and 2015 with no roosts recorded and therefore requires no further ecology work be undertaken.

## **PUBLIC CONSULTATION EXERCISE:**

54. Consultation letters were sent to 1275 surrounding properties, a site notice was posted at the site and an advertisement was placed in the local press.

55. Thirty-eight letters of objection have been received from residents of neighbouring dwellings and one from Stanley Town Council, their concerns are summarised as follows:

- The business may fail and end up being converted to something else such as a hostel, possible alternative motives.
- The application is very similar to the previous application for a care home.
- A similar application by the same company was refused by a neighbouring Authority.
- The company is advertising its operation without any known permissions being in place for care homes.
- Background of applicant and links to the previous applicant for the hostel application.
- The company has only been in operation a very short amount of time.
- There is a lack of parking to serve the staff, visitors and doctor's etc.
- Congestion on street will prevent access for residents and emergency services and cause highways safety issues.
- There is a lack of need for such a facility, the Council has closed care homes.
- The accommodation and ancillary services detailed are not suitable for a care home.
- The rooms are too small to cope with the requirements of care.
- Noise from traffic and persons 24/7 and impacts to health.
- New build or general housing would be more appropriate.
- Local house prices will be compromised.
- Issues with asbestos in existing building and structural stability.
- Police are already stretched by ASB problems in the area.
- The proposal will bring in strangers to the area- impacts to community cohesion.
- Inaccuracies and lack of detail in application documents.
- Lack of consultation by developer.
- The previous application was refused.
- Lack of facilities in the area to serve the use.
- There are bats in the current buildings.
- This is not an appropriate place for a care home/unsustainable location.

## **APPLICANT'S STATEMENT:**

56. WeCare4 has inspiration to develop properties and software into the healthcare sector. Currently its team of management has had a number of meetings with reputable healthcare operators which are interested in working with our firm into that development plan.

57. Further investment has been made into building an internet base application to provide an effective solution for the growing demands of the healthcare industry.

58. Our intention is to develop a quality facility that we would be proud of and add to the local community a service that is much needed.

*The above is not intended to list every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?keyVal=PS7CUJGDJOG00&activeTab=summary>*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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## The Principle of the Development

59. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to acceptability the living environment proposed, the model of care offered and general amenity; whether the proposal is an effective use of land; design and historic environment implications; housing supply and need; economic growth; locational and general sustainability; ecology impacts; land safety and stability and highways safety impacts.

## The Development Plan

60. 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 Derwentside District Local Plan remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. The NPPF advises at Paragraph 213 that the weight to be afforded to existing Local Plans depends upon the degree of consistency with the NPPF.

61. The Local Plan was adopted in 1997 and was intended to cover the plan period until 2006. However, the Framework advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Policy GDP1 and Policy HO17 which seek to both to protect the amenities of existing and future neighbouring occupiers and land users and to achieve a high standard of design are the most relevant and important policies for the proposed use of the site and have resonance with part 12 of the Framework in terms of both its general design implications and its protection of amenity. This Policy leads determination of the application. Whilst policy SM15 of the DLP supports the redevelopment of the school site this is only in relation to community uses and it is silent in respect of other uses and therefore this policy is not given much weight.

## The NPPF

62. In terms of the Framework, the 'most important policies for determining the application' is, as noted above, GDP1 and HO17 which are considered to have a high degree of consistency with the advice in the NPPF and is not out of date. Consequently, paragraph 11 of the NPPF is not engaged.

## Living Environment and the model of care (amenity and functional design)

63. Policies HO17 and GDP1 of the DLP requires proposals to not adversely affect the amenities of future occupants and/or neighbouring occupiers and HO17 requires developments to have an adequate, accessible and useable amount of amenity space. Paragraph 128 of the NPPF requires developments to function well and 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.

64. Paragraph 170 of the NPPF requires decisions to prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution. Paragraph 180 of the NPPF requires mitigation of adverse impacts from noise from new development. Paragraph 182 requires decisions to ensure that new development is integrated

effectively with existing businesses and community facilities by ensuring mitigation if adverse impacts are likely.

65. In terms of the amenity of existing neighbouring residents, the development should not impact on neighbouring light, outlook or property. Local residents have raised concerns in regard to noise from the 24/7 operation of the site however no such concerns have been raised by Environmental Health. It is anticipated that the noise from vehicles and persons leaving/entering the site would not be significant given the car park is enclosed by the care home building and as typical care home shift patterns would not involve people finishing or commencing work late in the evening. It is also borne in mind that the property was previously a school premises and local residents would have experienced noise and disturbance from comings and goings at the beginning and end of the day and noise from children playing during break times.
66. It is however the amenity of future residents that is of greater concern in this instance, which is also a concern of the local residents. The ethos of care in the community extends to residential care homes and the independence of residents should be maintained as far as possible within a dignified care package. Achieving this goes beyond operational management and Officers are of the view that design and the consequent living environment should be at the heart of such an ethos and relates directly to the model of care.
67. It is considered that the proposal in its current form would not provide an acceptable living environment or model of care for its residents. It is considered that the development would not function well as a care home for several reasons.
68. This is a substantial care home and the proposed buildings and required parking would occupy a large proportion of the site. Consequently, the grounds around and within it are constrained and limit the opportunities for enjoying the external environment. The proposed courtyard lawn and allotments would not be proportionate in size in terms of the number of residents and would have privacy implications for residents whose rooms face onto these areas. The proximity of the site boundaries to the other parts of the building would not provide comfortable outdoor spaces and residents would feel a sense of containment. Therefore, the proposal would not provide an external environment of acceptable usability thereby having a detrimental effect on its resident's amenity and quality of life.
69. Whilst the development has a good amount of shared indoor amenity space and a good range of facilities it performs poorly in terms of private space. The residents' private rooms are very limited in size as are some communal areas such as corridors and there appears to be limited access between floor levels. The limited room sizes would be difficult to provide care within or for service users to meet visitors in private, and would not appear to easily accommodate wheelchair users, or provide adequate space for furniture and storage of personal belongings.
70. The high level of the windows on the ground floor and low level of the windows on the first floor would provide poor outlook and light for the rooms. The lack of windows would in corridors would provide poor natural light and ventilation.
71. All of these factors would not create a place that is safe, inclusive or accessible and would not assist the health and well-being of the future residents and would result in a poor standard of amenity for future users.
72. In terms of noise the NPPF requires decisions to prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution. Paragraph 180 of the NPPF requires mitigation of

adverse impacts from noise from new development. Paragraph 182 requires decisions to ensure that new development is integrated effectively with existing businesses and community facilities by ensuring mitigation if adverse impacts are likely.

73. Whilst there is an M.O.T garage in close proximity. the noise from its operation has not been raised as a concern by Environmental Health therefore there is no need for mitigation.

74. To conclude on this issue the proposal would not provide an external or internal environment of acceptable usability or good amenity and would therefore have a detrimental effect on its residents' quality of life. The design of the scheme would not provide an acceptable living environment or model of care thereby running counter to the Framework and PPG Housing for older and disabled people 2019.

#### Promoting healthy and safe communities

75. Paragraph 91 of the NPPF advises that decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime or disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

76. It is noted that local residents do not feel that it would be appropriate to introduce elderly residents into an area with anti-social behaviour issues, or strangers to the area in terms of community cohesion. Officers accept that local residents' fear of crime is real, and that crime prevention is a material planning consideration which is usually achieved through the design and layout of new developments and ensuring a mix of land uses. The views of the Police Authority in relation to these matters whilst not yet available will be reported to the Planning Committee when available. In terms of community cohesion this is not considered to be a significant issue as geographical location is usually one of the main determining factors of choosing a location of a care home therefore a good proportion of residents would be expected to be from the local area.

77. Paragraph 92 of NPPF recognises the need for planning decisions to ensure an integrated approach when considering the location of new housing and to plan positively for the provision and use of community facilities and local services. This is a material consideration as opposed to a specific policy requirement, however it provides the justification for seeking mitigation, in respect of essential services including GP provision, where a deficit would result or be exacerbated by the proposal. Section 11 of the NPPF offers support of effective use of land with paragraph 122 citing the availability and capacity of infrastructure and services as reason to support developments.

78. The NHS have advised that a financial contribution of £22,890 is justified in terms of the current capacity issues in the area. The applicant has confirmed that they are willing to contribute the full amount, therefore the application gains support from the NPPF in this respect.

#### General Design Impacts on the character and appearance of the area

79. Derwentside Local Plan Policy GDP1 requires development to be of a high standard of design and both GDP1 and HO17 require development to be in keeping with the character and appearance of the area. Section 12 of the NPPF requires developments to add to the overall quality of the area and be visually attractive and sympathetic to local character and history.

80. The new buildings would replicate the architectural style and materials of the existing buildings and would be of a height greater than the current buildings. The overly complicated and high design of these elements prevent the remaining elements of the

original school building being recognised. This proposal is therefore considered to be poor design and would not add to the overall quality of the area or be sympathetic to local character and history. Therefore the application would be contrary to the above local and national policies.

#### Impacts upon non-designated heritage asset

81. Paragraph 197 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be considered in determining the application. Where an application directly or indirectly affects non-designated heritage assets a balanced judgment is required having regard to the scale of any harm or loss and the significance of the heritage asset.
82. The specific historic and aesthetic significance of the former school buildings has been reduced following the recent fire and subsequent demolition. It is positive that the proposed development will retain the surviving elements of the existing former school buildings however it is agreed with the Design and Conservation Officer that the proposed additional infill buildings would harm the remaining significance of the original building as their scale and height would restrict views of the original buildings and due to their overly complicated design.
83. In accordance with para 197 of the NPPF this harm to the significance (albeit reduced) of this non-designated heritage asset weighs against this development.

#### Housing Supply and Need

84. The Government's imperative for the planning system is the delivery of housing, led by their advice in the NPPF. This sets out targets for identification of housing sites for local authorities. With a requirement for a 5-year supply, Durham County Council currently has a 6-year identified supply which reduces the weight to be afforded to the boost to general housing supply in terms of the release of general housing stock back to the market as people enter the care home.
85. Local residents have objected to the proposal as they feel that there is not a need for such a facility in their community.
86. In terms of elderly housing need, Paragraph 122 of the NPPF advises that decisions should support development that makes efficient use of land, taking into account the identified need for different types of housing. Spatial Policy Officers advise that the SHMA identifies a general need for specialist housing across the County and that this feeds through onto requirements for specialist housing for older person that is wheelchair accessible, to be provided as a component of major new residential developments. Significant weight can be afforded to this evidence which is up to date and has been tested for viability. It is pointed out however that the SHMA does not provide a detailed assessment of location for care homes. The Care Homes, Adult and Health Services Section have advised that the current capacity data for care home beds in the Stanley area suggests that there is currently no clear requirement for the suggested bed numbers therefore despite there being a general County wide need there is not a local need in this location. Whilst people have a choice of which home they go into, such decisions may be based on its geographical location as much as they might have to do with the home's CQC rating therefore very limited positive weight can be given respect of the provision of elderly persons housing in the Stanley area.

## Building a strong, competitive economy

87. Paragraph 80 of the NPPF advises that significant weight should be placed on the need to support economic growth and productivity. Therefore, material weight is given in the planning process to the economic benefits that would accrue from both the development process and the lifetime of the proposals. The application sets out potential benefits of the provision of 60 Full time and 50 part time permanent jobs temporary provision and/or maintenance of construction jobs and increase from new residents spending in the local economy. These claims are accepted, and positive material weight is accrued.

## Site sustainability

88. Paragraph 108 of the NPPF advises that when assessing site for development that appropriate opportunities to promote sustainable transport options can be taken up. Planning Practice Guidance says that inclusive design can help older and disabled people live more independently and reduce health and social care costs. This includes considerations around transport infrastructure and the ease and comfort of movement on foot and with mobility aids between homes, services and town centres. This supports the Framework requirements within paragraph 110 for developments to address the needs of people with disabilities and reduced mobility in relation to all modes of transport.
89. The application indicates that residents of the proposed care home would include both residents living independently and those approaching the last two years or so of their lives and/or living with dementia. This does not equate to immobility and the residents are likely to have very different individual needs. Whilst it is accepted that the nature of residents would make it extremely unlikely that many would be able to leave the care home unaccompanied, that does not however mean that those who could should not be able to.
90. There are a limited number of shops and services in the area as highlighted by local residents. The nearest shops and bus stops to the site are located approximately 100m away at Park Road which is within relatively easy walking distance or that which could be covered by someone in a wheel chair. There are also regular bus services to Stanley Town Centre which has supermarkets, a leisure centre and library, Council Offices and a range of social and commercial facilities. Thus, residents of the care home would not be reliant on private motorised transport for shopping trips and the like.
91. Whilst residents of the home could be visited by school and community groups from outside, that does not replace the need for people to feel as though they are a valued part of local society by getting out into the local community. It is accepted that the importance of simple pleasures such as a short walk around the local area are extremely valuable to those in the very latter stages of their lives and/or living with dementia. Residents of the care home might wish to take a short, gentle stroll 'around the block'. The surrounding pavements along School Lane and Rydal Avenue are sufficient width for a resident to walk alongside a carer or to provide for wheelchair access although Highways Officers have advised that additional crossings will need to be incorporated. These off-site works can be required via condition. In this regard, the proposal would meet the needs of its residents in terms of comfort of movement.
92. Turning to travel considerations in relation to care home staff and visitors. There are several bus services that run along Park Road and there are stops within an acceptable walking distance of the site. The services are reasonably frequent and would not put staff and visitors from using the bus services. Furthermore, staff shift times are not yet

set and could be tailored to accord with the availability of public transport. This is a matter that could be addressed by condition.

93. Officers are therefore satisfied that the availability of public transport would be sufficient to provide an alternative to the use of the car to get to and from the site for staff and visitors. Whilst it might not completely replace it, it would be acceptable in meeting the Framework requirement to ensure that appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location.

94. To conclude on this issue, there is no harm in relation to the accessibility of the site for staff and visitors and Officers are satisfied that residents would be able to lead as independent a life as possible. Thus, the proposal accords with the Framework in this respect.

#### General Sustainability and climate change credentials

95. With regards to embedded sustainability paragraph 110 of the NPPF requires development to be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

96. With regards to electric and ultra-low emission vehicles, EV charging infrastructure or passive infrastructure such as physical conduits to support future charging points can be ensured on site via condition. Other measures to embed sustainability and minimise carbon from construction and in use emissions will be required under building regulations.

#### Ecology

97. With regards to ecology, paragraph 170 of the NPPF advises that decisions should protect and enhance biodiversity. Derwentside Local Plan Policy GDP1 seeks to ensure the safeguarding of protected species. Whilst objectors have raised concerns over possible bats within the buildings the County Ecologist is satisfied that there are no protected species or other wildlife on site that require protection.

#### Ground Conditions

98. Paragraph 170 of the NPPF advises that new development should not be put at risk from or be adversely affected by unacceptable levels of soil pollution and land stability amongst other issues.

99. The site has the potential for contamination being a brownfield site and the end users in this instance would be sensitive. Local residents have raised particular concerns in relation to asbestos. The site is also within an area at high risk of coal mining legacy issues. The Coal Authority and the Contaminated Land Officer has requested a condition to ensure that appropriate remediation works are identified and undertaken before the development commences. These works can be ensured via condition.

100. With such conditions the proposal would meet the requirements of Part 15 of the Framework.

#### Highways Safety considerations

101. Derwentside Local Plan Policy TR2 requires development to have safe access and parking. The NPPF advises that in assessing specific applications for development, it should be ensured that safe and suitable access to the site can be achieved for all

users; and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 109 of the NPPF advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

102. The application is to provide 24 car parking spaces in total at the site as part of these change of use proposals with a one-way traffic system which is suitable for emergency vehicles to access and egress the site from School Terrace. The applicant has stated that there must be one member of staff for every 5 residents and they will be on a 3-shift basis so the 60 full and 50 part time staff will be split into three shifts with no more than 20 employees on site at any one time.
103. Local residents have raised concerns in relation to traffic generation and the lack of parking on site and potential highway safety implications from overspill parking onto local streets.
104. In terms of highways traffic generation, the Highways Officer has considered that the site previously operated as a school and the vehicle trips associated with schools are in the peak hour which can cause a high demand for on street parking. Furthermore, the Officer is aware that parking problems particularly occur when parents are waiting to pick up and drop off. Officers advise that this change of use to an elderly care home will generate much lower levels of traffic than that of a fully operational school.
105. In terms of car parking which is a key function on most streets as a worst case scenario if 20 staff owned a vehicle and travelled to the site for a shift change-over of staff with the staff already present at the site it is anticipated that this could result in five vehicles being parking on street on each side of the development whilst waiting to park at the site. The streets of School Terrace, Rydal Avenue, Keswick Road and School Lane have light parking demand and Highways Officers advise that they are certainly wide enough at 7.3 metres to cope with the parking demand scenario described without causing any significant hazards or issues to other road users. It is noted that visitors to care facilities tend to occur at weekends and are out of traffic peak times again visitor parking would not be seen to cause a significant parking concern.
106. With regard to the impact for mobility impaired users on street and the footway comfort levels to the main street. Highways Officers advise that improvements should be made to the existing footways as part of the offsite highway works. These would include a suitable tactile pedestrian crossing scheme from the main access to link to front street, this would involve the installation of two lowered tactical pedestrian crossing points on the north side of Rydal Avenue. It is advised that the existing triangular school warning sign should be replaced with a frail (or blind or disabled) pedestrians likely to cross road ahead.
107. With such improvements, which can be made subject of condition, there would not be an unacceptable impact on highway safety, and the residual cumulative impacts on the road network would not be severe. Therefore, the proposal would accord with both Local and National Plan Policy in this respect.

#### Other Issues

108. Several issues have been raised by objectors that are not material planning consideration, including the background and associations of the applicant and business, decisions made by other LPA's and other sites, the motives of the applicant,

loss of property value, misrepresentation of the proposal and the suitability of the site for other developments.

109. Whilst concerns over the possibility of the building later changing to another use are noted this could be prevented by planning condition.
110. It is noted that the area suffers from anti-social behaviour issues however it is not considered that the development would increase these problems.
111. It is noted that residents are disappointed with the lack of community engagement by the developer, however the LPA were unable to encourage the applicant to do so as no pre-application enquiry was submitted in relation to this development.
112. Objectors refer to the previous planning application being refused however the previous planning application for the hostel on the site was withdrawn (DM/18/02117/FPA).

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## **CONCLUSION**

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113. Policies GDP1 and HO17 accord with part 12 of the Framework therefore these policies lead determination of the application and paragraph 11 of the NPPF is not engaged.
114. Whilst policy SM15 of the DLP supports the redevelopment of the school site this is only in relation to community uses and it is silent in respect of other uses and therefore this policy is not given much weight.
115. Neighbouring amenity would not be affected however the proposal would not provide an acceptable living environment or model of care for its residents nor would it function well as a care home contrary to Policies HO17 and GDP1 of the DLP and paragraph 127 of the NPPF.
116. The proposal would be acceptable in terms of community cohesion, and the applicant is willing to provide the required financial contribution to address capacity issues in the area therefore the proposal would accord with developer paragraphs 91 and 122 of the NPPF.
117. The proposal would result in harm to the significance of a non-designated heritage which weighs against the proposal.
118. The development is considered to be poor design and would not add to the overall quality of the area or be sympathetic to local character and history contrary to Derwentside Local Plan Policy GDP1 and HO17 and Section 12 of the NPPF.
119. Some limited weight can be afforded to the boost to general housing supply in terms of the release of housing stock back to the market as people enter the care home.
120. In terms of elderly housing need, whilst there is a county wide need for elderly homes provision the proposal fails to gain support from para 122 of the NPPF as there is not an identified local need in this location.
121. The proposal would accord with Paragraph 80 of the NPPF as it would support economic growth and productivity.
122. The development is sustainably located in accordance with paragraph 108 of the NPPF.

123. Conditions can ensure that the development embeds sustainability into the design in accordance with paragraph 110 of the NPPF.
124. The proposal would protect and enhance biodiversity in accordance with DLP GDP1 and paragraph 170 of the NPPF.
125. With conditions the development would not be put at risk from or be adversely affected by unacceptable levels of soil pollution and land stability in accordance with Paragraph 170 of the NPPF.
126. Conditions could ensure that the development would not be put at risk from or be adversely affected by unacceptable levels of soil pollution and land stability in accordance with Paragraph 170 of the NPPF.
127. The development would have safe access and parking and there would not be significant impacts from the development on the transport network and there would not be an unacceptable impact on highway safety in accordance with DLP policy TR2 and section 9 of the NPPF.
128. The proposal conflicts with the 'most important policies' for determining the application – GDP1 and HO17 therefore paragraph 12 of the NPPF advises that permission should not normally be granted. The advice of other Derwentside Local Plan Policies, the Framework and material considerations, including objections from local residents do not support the application. Therefore, the proposals are recommended for refusal.

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## **RECOMMENDATION**

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95. That the application be REFUSED for the following reasons:

1. The development does not make effective use of the land as there is a lack of local need for this type of housing and as the development would not secure a well-designed and attractive healthy place. The proposal is therefore contrary to paragraph 122 of the Framework and Derwentside Local Plan Policy GDP1.
2. The development would not achieve a well-designed place and would not function well as a care home. It would not create a place that is safe, inclusive and accessible and which promotes health and well-being, with a high standard of amenity for future users. This is due to the limited outdoor space, the limited room and corridor sizes and limited access between floor levels, levels or light and outlook. The proposal is therefore contrary to paragraph 127 of the NPPF and Policy GDP1 of the Derwentside Local Plan.
3. The development would not add to the overall quality of the area, nor would it be sympathetic to the local character and history. Furthermore, the significance of the existing buildings which are non-designated heritage assets, would be reduced due to the scale, height and visual appearance of the modern additions. The proposal is therefore contrary to Derwentside Local Plan Policies GDP1,HO17 and Section 12 and paragraphs 127 and 197 of the NPPF.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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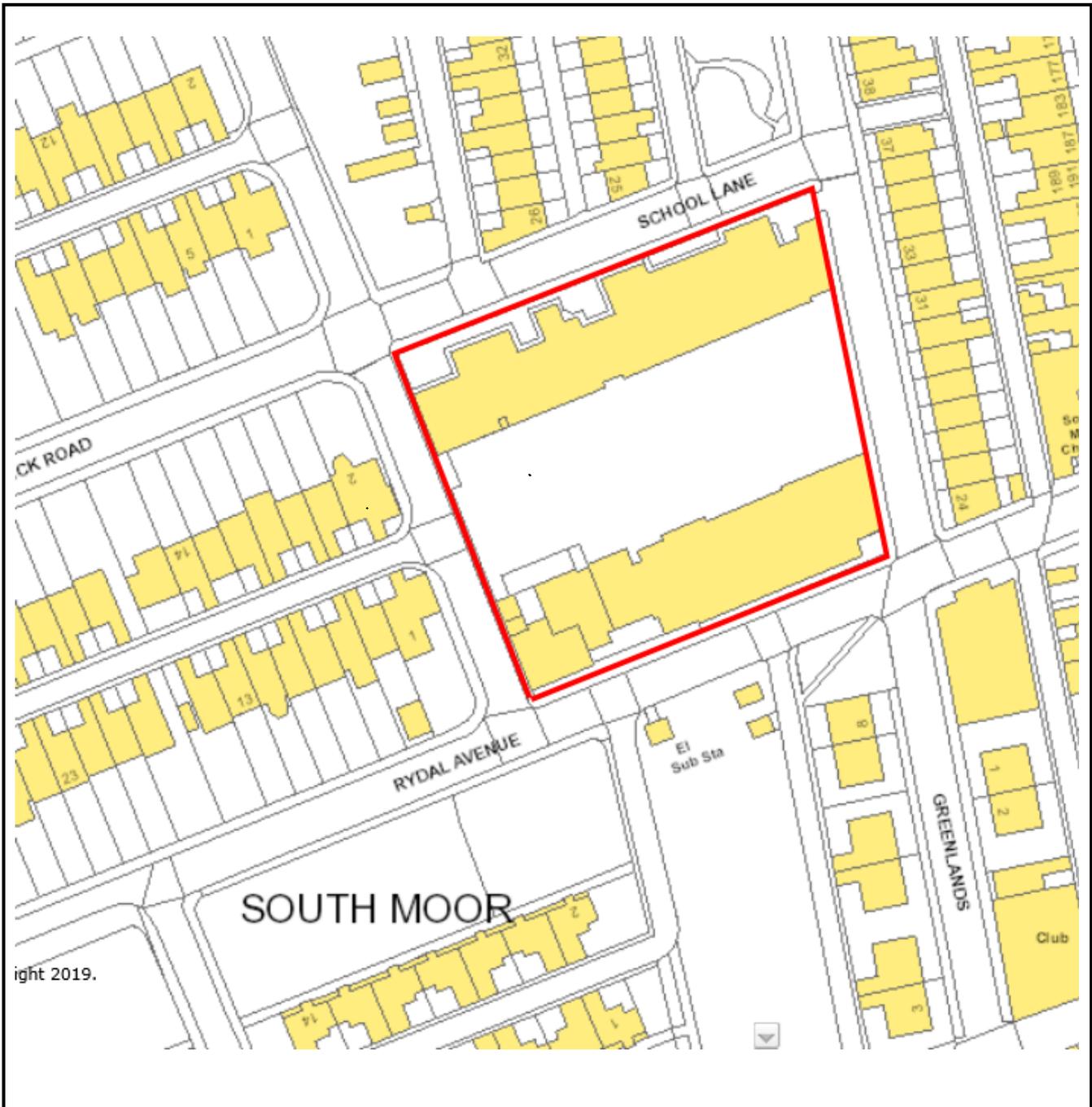
The Local Planning Authority in arriving at its decision to refuse the application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. The delivery has not been possible in this instance. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

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## **BACKGROUND PAPERS**

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The National Planning Policy Framework (revised 2018)  
National Planning Practice Guidance Notes  
Derwentside District Local Plan 1997 (saved policies)  
Statutory, internal and public consultation responses  
Submitted forms, plans and supporting documents



<p><b>Planning Services</b></p>	<p>Conversion of existing building and reconstruction of demolished building section for a Care Home facility for the elderly and ancillary parking and landscaping</p> <p>Application Number DM/19/01681/FPA</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</b> 28th November 2019      <b>Scale</b> NTS</p>