

COMMITTEE REPORT

APPLICATION DETAILS

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| APPLICATION NO: | DM/21/00500/FPA |
| FULL APPLICATION DESCRIPTION: | Proposed refurbishment and modernisation of existing care facility, comprising 6no. apartments, 10no. resident bedrooms and 6no. staff accommodation rooms |
| NAME OF APPLICANT: | Mr G McKenna |
| ADDRESS: | Feryemount Nursing Home, North Street, Ferryhill, Co Durham |
| ELECTORAL DIVISION: | Ferryhill |
| CASE OFFICER: | Mark O'Sullivan, Senior Planning Officer, 03000 261056, mark.o'sullivan@durham.gov.uk |

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site relates to a former care home located within Ferryhill Town Centre. The site comprises a two storey building that faces south onto North Street and is set within mixed use surrounds. Neighbouring residential properties are present to the north, east and north west. To the immediate west is Ferryhill Library, and opposite to the south are Ferryhill Town Council Offices. Land to the north of the site drops away with adjacent dwellings in this direction at a lower ground level.
2. The former care home which first opened in 1972 has stood vacant for a number of years, albeit retains its authorised use for planning purposes to provide residential and personal care under the C2 (residential institution) use classification (C2 use allows for residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres). There is no limitation on the age groups of residents who may occupy the site under this classification.
3. The application site is owned by Durham County Council and is subject to sale dependant on the outcome of the current planning application.

The Proposal

4. The proposed buyer seeks planning permission to refurbish the existing building, whilst maintaining its C2 use classification as a care home for young people. The refurbishment works comprise a complete renovation of the interior and exterior of the building to create 6no. apartments, 10no. resident bedrooms and 6no. staff accommodation rooms.

5. External works would involve the painting of brickwork a uniform navy blue colour with new external materials added in the form of timber and aluminium cladding. The existing roof is to be largely maintained, with the removal of some pitched roof features. Existing projecting bays would be replaced with a more contemporary design approach and some existing window openings increased in scale to allow for increased natural light into the restructured internal spaces. All PVC windows would be replaced with anthracite grey aluminium frames. To the rear, the existing single storey north west wing is to be demolished to introduce additional rear parking serving the facility and a larger garden space.
6. No change of use is proposed as part of the current application. In supporting documentation, the applicant explains how the intended use would be retained as C2 (residential care home). The proposed user group would comprise Children aged 8 – 17, with part of the facility being used specifically for teenage parents assessment and accommodation. The applicant reiterates that such use would not fall into the Secure Residential accommodation (C2A) use class, or the user group associated with that type of accommodation for which change of use consent would need to be secured. It is the intention that the facility will provide residential, therapeutic and educational services to children and teenage parents, along with support. The facility will be fully managed by on-site residential staff on a 24/7 shift basis.
7. The application has been referred to the Planning Committee by Cllr Atkinson on behalf of a number of local residents. Despite having been advised by Planning Officers that the application only relates to refurbishment works and would not involve any change of use, concerns are expressed over the impacts of the future use in terms of antisocial behaviour and the impact on the town's residents in terms of health, safety and wellbeing.

PLANNING HISTORY

8. Planning approval was granted in March 1993 for refurbishment works to the premises (ref: 7/1993/0052/CM). In February 1999 consent was granted for the display of externally illuminated signage at the site (ref: 7/1998/0380/DM). Finally, in July 2016 an application was received to change the use of the site to create 22no. apartments (ref: DM/16/02386/FPA). This application was later withdrawn.

PLANNING POLICY

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. In accordance with Paragraph 213 of the National Planning Policy Framework, the following elements of the NPPF are considered relevant to this proposal.
10. *NPPF Part 6 - Building a strong, competitive economy.* Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for

development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.

11. *NPPF Part 7 – Ensuring the vitality of town centres.* Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.
12. *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.
13. *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.
14. *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.
15. *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.
16. *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.
17. *NPPF Part 16 Conserving and enhancing the historic environment.* Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

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

NATIONAL PLANNING PRACTICE GUIDANCE:

18. 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;

determining a planning application; flood risk; healthy and safe communities; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; natural environment; noise; public rights of way and local green space; planning obligations; use of planning conditions; and; water supply, wastewater and water quality.

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

LOCAL PLAN POLICY:

The County Durham Plan

19. *Policy 9 (Retail hierarchy and town centre development)* seeks to support new town centre development across all of the county's centres that will improve choice and bring about regeneration and environmental improvements.
20. *Policy 15 (Addressing housing need)* seeks to support the provision of specialist housing for older people, vulnerable adults and people with disabilities subject to specific criteria.
21. *Policy 21 (Delivering sustainable transport)* requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.
22. *Policy 29 (Sustainable Design)* details general design principles for all development stating that new development should contribute positively to an areas' character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
23. *Policy 31 (Amenity and pollution)* sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
24. *Policy 41 (Biodiversity and Geodiversity)* states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.
25. *Policy 44 (Historic environment)* requires development to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting. Development proposals should contribute positively to the built and historic environment and should seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets whilst improving access where appropriate.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

26. *Ferryhill Town Council* – No comments received.
27. *Highway Authority* – No objections raised.

INTERNAL CONSULTEE RESPONSES:

28. *Design* – No objections. Details of materials and samples for consideration should be conditioned.
29. *Environmental Health (Noise)* – No objections, subject to condition controlling noise mitigation measures and the submission of a Construction Management Plan.
30. *Police Architectural Liaison Officer (PALO)* – No objections. Advice is given regarding 'Secured by Design Homes 2019 and Sheltered Accommodation Guidance.
31. *Ecology* – No objections, subject to condition requiring the submission of a bat method statement, to be agreed in writing by the Local Planning Authority prior to any works commencing on site.
32. *Children and Adult Services* – No comments received.

PUBLIC RESPONSES:

33. The application has been publicised by way of site notice and notification letters to neighbouring residents. 16no. letters of objection/comment have been received, with a summary of the key areas of concern as follows:
 - Clarification over the intended use of the site and potential for a future change of use to Class C2A;
 - Fear of crime/safety/wellbeing;
 - Impact of renovation works on neighbouring property including the safe removal of hazardous materials;
 - Poor design;
 - Ecological impact;
 - Loss of privacy resulting from overlooking of neighbouring property;
 - Noise and disturbance resulting from future site use;
 - Lack of community consultation;
 - Highways impacts resulting from increased use of the site and shared access, with clarification requested over staff numbers and the possibility of painting yellow lines along the access road serving the site;

- Location of refuse facilities;
 - Clarification over means of enclosure;
34. A number of other concerns have been received which cannot be considered as material to the determination of this application. These are listed separately within the 'other matters' section of the officers report.
 35. Town Cllr J Makepeace objects to the application in terms of the intended use of the facility and resulting fear of crime/anti-social behaviour.
 36. 2no. letters of support have been received in response to the application (including one from Town Councillor Kate Graham). It is argued that the proposals will bring the vacant building back into use, enhancing and upgrading the Town Centre, whilst providing employment opportunity and investment/spending to the area. Furthermore, plans would provide a valuable service which gives future residents opportunity to develop physical, intellectual, emotional and social skills.
 37. Cllr Brian Avery has offered full support to the application.

PLANNING CONSIDERATIONS AND ASSESSMENT

38. 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, design/impact on heritage assets, privacy/amenity, highways and ecological impacts.

The Principle of the Development

39. The application is to be determined in accordance with relevant policies set out within the County Durham Plan (CDP) and the NPPF. Paragraph 11C of the NPPF requires applications for development proposals that accord with an up to date development plan to be approved without delay.
40. Feryemount is a former care home falling within the C2 use classification and is located within the heart of Ferryhill Town Centre. The site presently stands vacant and is in an increasing poor state of repair, and potentially attracting antisocial behaviour.
41. Part 11 of the NPPF seeks to ensure that planning decisions promote an effective use of land in meeting the need for homes and other uses, whilst safeguarding and improving the environment and ensuring safe and healthy living conditions.
42. Part 7 of the NPPF seeks to ensure that planning decisions support the role that town centres play at the heart of local communities, taking a positive approach to their growth, management and adaptation. This would link with Part 6 of the NPPF which seeks to ensure that planning decisions create conditions in which businesses can invest, expand and adapt.
43. Planning permission is sought for external alterations to the premises which would modernise the existing facility and facilitate its future occupation. This is a prominent site in a sustainable and accessible location within a mixed, town centre setting and

its reuse as a care facility is authorised for planning purposes and does not require separate planning permission.

44. The refurbishment and reuse of this facility would create employment opportunity both directly and indirectly as well as increased use of nearby town centre facilities. Furthermore, it is evident that failure to secure consent for these refurbishment and modernisation works would likely result in the applicant looking elsewhere, and the continued vacancy of this Council owned site into the future.
45. Proposals would therefore be consistent with the overarching principles of Parts 6, 7 and 11 of the NPPF. In accordance with paragraph 11C of the NPPF, there are no policy objections to the principle of the proposed refurbishment works subject to the following material planning considerations.

Design/Impact on heritage assets:

46. Part 12 of the NPPF and CDP policy 29 seek to ensure good design in new developments. New development should be appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement. It should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities; and also create buildings and spaces that are adaptable to changing social, technological, economic and environmental conditions and include appropriate and proportionate measures to reduce vulnerability, increase resilience and ensure public safety and security.
47. The application site is located within Ferryhill Town Centre and within the setting of numerous heritage assets. The site lies to the north and within the setting of 3no. Grade II listed War Memorials, and the Town Hall which is visible on the second edition OS map circa 1898 and may be considered a non-designated heritage asset.
48. NPPF Part 16 requires Local Planning Authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. The LPA should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal. Furthermore, in determining applications, LPA's should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
49. CDP Policy 44 requires new development to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting. Development proposals should contribute positively to the built and historic environment and should seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets whilst improving access where appropriate.
50. The former care home presently stands vacant, showing signs of deterioration and vandalism. The existing building is considered to be bland and makes a limited contribution to the appearance of the street scene. It is therefore considered to have a neutral impact on the setting of the identified designated and non-designated heritage assets.

51. The intended refurbishment of the building is welcomed in design terms and would result in a building of contemporary character and appearance with more visual presence. Whilst the resulting impact may therefore be greater, the overall design quality should offset this increase in prominence. Whilst the painting of the external brickwork does not give rise to issues in principle, it will be important to ensure that the colour tone is suitably muted. To this end, details of materials and samples for consideration should therefore be conditioned. Subject to the above, no objections would be raised in the context of Parts 12 and 16 of the NPPF and CDP Policies 29 and 44.

Privacy/Amenity

52. CDP Policy 31 seeks to support proposals only where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment. The proposal will also need to demonstrate that future occupiers of the proposed development will have acceptable living and/or working conditions. Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated whilst ensuring that any existing business and/or community facilities do not have any unreasonable restrictions placed upon them as a result.
53. Proposed refurbishment works would see the main building structure left largely intact albeit for the demolition of a single storey wing in the rear, north west corner of the site. Some local concerns have been raised over the impact of these demolition works in terms of disturbance to neighbouring property and danger of asbestos in the building.
54. The views of Environmental Health Officers have been sought who confirm that there are sensitive receptors in close proximity to the facility which could be impacted by way of noise and dust from the refurbishment and demolition works. Furthermore, future residents of the site may be impacted on by noise from traffic due to the change in glazing proposed.
55. Proposed works would be subject to the submission and prior approval of a site Construction Management Plan (CMP). The CMP would consider the potential environmental impacts (noise, vibration, dust, & light) that the development may have upon any nearby sensitive receptors and detail mitigation proposed. With regards the presence of asbestos within the building, such matters can also be controlled through the submission and approval of a CMP which would need to be strictly adhered to.
56. The proposals also include the increase in size of some existing window openings, and the creation of new openings in order to improve light into the refurbished interior spaces. Given that new glazing is to be installed and the nature of the surrounding town centre environment, it is also recommended that approval be granted subject to a condition ensuring minimum noise levels are achieved through the implementation of mitigation measures. These measures would need to be installed prior to the beneficial occupation of the development and permanently retained thereafter.
57. The proposed works to facilitate the future occupation of the care facility do not represent new residential development, as such. Therefore, limited regard can be given to the Councils Residential Amenity Standards SPD which provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed. Notwithstanding this, all future occupants would benefit from shared living/day room facilities, communal gardens and educational areas, with individual single bed apartments ranging in scale from 50m² to 70m².

58. Given the siting of the building and separation to neighbouring uses, the works would not give rise to new overlooking/loss of privacy or overshadowing issues. The nearest residential properties to the north are located some 17.5m away (Windleaves and Devesoir – both bungalows). New window openings are proposed at the first floor level of the rear northern elevation facing Devesoir serving a proposed bedroom. Below this, at the ground floor level, existing openings are to be retained in this section of north facing elevation.
59. Given that the land falls away to the north of the site, Devesoir is positioned at a lower ground level (approximately 5.5m below the GF level of the care home). As a result, the aforementioned windows in the northern elevation would not directly overlook those facing south at the neighbouring property, with the first floor north facing windows having an unobscured line of sight above the ridge line of this neighbour.
60. Windleaves (the other bungalow), would be located to the north of the proposed parking area (following demolition of the existing wing), albeit this area would be screened behind new boundary enclosures and also positioned at a lower ground level.
61. External alterations to the easternmost elevation would see the majority of existing window openings blocked up. Those remaining openings will be altered in scale or slightly repositioned (in the case of a first floor window towards the rear of the site). These windows would serve staff bedrooms and a day room at the ground floor level, and an apartment at the first floor. None of these windows would present amenity issues or concerns in relation to the blank gable elevation or detached garage of no.23 North Street adjacent, and it is noted that the existing building already presents a far greater number of window openings towards this property.
62. Given the nature of use and separation to other neighbouring uses (a library to the immediate west and Town Hall and Clinic to the south), no amenity/privacy objections are raised.
63. In terms of boundary treatment, the submitted plans indicate that the majority of existing enclosures are to be retained to the rear of the site. The existing 1.8m high close boarded fence which encloses the private rear garden areas is to be extended with new fencing along the eastern boundary of the site, within the existing low level rail fence line to provide improved screening and security of this private garden area. In addition, the existing retaining wall which separates the proposed rear parking area from bungalows to the north is to include a 1m high fence on top, further screening direct views of properties at a lower level to the north. An enclosed private garden and bin store would also be created to the south of this parking area (again 1.8m high close boarded enclosures). To the south, the existing low level wall is to be extended along the frontage of the site.
64. Having regard to the above, it is considered that the proposed works can be carried out within the existing development footprint in a manner that achieves a satisfactory relationship with neighbouring properties. Subject to the recommendations of the Environmental Health Officer regarding noise levels and submission of a CMP, the application is considered to satisfy the provision of CDP Policy 31.

Highways

65. NPPF Part 9 seeks to ensure that development 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. CDP Policy 21 seeks to ensure that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestion or air pollution and that severe congestion can be overcome by appropriate transport improvements. New developments should provide for appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users.
66. Local objections have been received over the perceived highways impacts resulting from increased use of the site and shared access, with clarification requested over staff numbers and the possibility of painting yellow lines along the access road serving the site to prevent the parking of vehicles.
67. The current application seeks consent only for the proposed refurbishment works including the demolition of an existing building to the rear of the site to create additional off-street parking to serve the facility. The traffic movements associated with the use of the current site would be similar to that when the site was previously in use as a Class C2 care facility. Concerns relating to the painting of yellow lines cannot be considered in the context of the current submission.
68. Improved parking provision within the site curtilage is welcomed, with it confirmed in supporting documentation that the site will employ 6-8 staff, with no residents owning private vehicles. Given this is an existing care facility located within a town centre, immediately adjacent to public transportation hubs, there is no objection from the highways authority. Proposals would satisfy the provisions of Part 9 of the NPPF and CDP Policy 21.

Ecology

69. Part 15 of the NPPF ensures that when determining planning applications, Local Planning Authorities seek to conserve and enhance biodiversity. CDP Policy 41 seeks to ensure new development minimizes impacts on biodiversity by retaining and enhancing existing diversity assets and features. Proposals for new development should not be supported where it would result in significant harm to biodiversity or geodiversity.
70. The application is submitted alongside a Preliminary Roost Assessment for Bats and Birds (March 21) and a Bat Emergence Survey (May 21). Ecology officers note the lack of presence of protected species during the survey. It is however considered that due to the very late spring (which has delayed emergence/normal seasonal activity of the species), together with the historical presence of a roost onsite (as noted by the report author), that a bat method statement be produced, and agreed with the Local Planning Authority prior to any works commencing on site. Such detail can be controlled via condition. Subject to the above, no ecological objections are raised, with proposals to satisfy the provisions of Part 15 of the NPPF and CDP policy 41.

Other matters

Clarification over the intended use of the site and potential for change of use to Class C2A;

71. The application seeks consent solely for the external alterations to the premises and not any change of use. The existing C2 use of the facility is to be retained as controlled by the terms of asset transfer, and the applicant is fully aware that any change of use would require a new planning consent. Written assurances have been provided by the applicant that the C2 use will remain.

Fear of crime, health, safety and wellbeing

72. 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'.
73. 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.
74. A number of objections have been received in response to the application, focusing specifically upon the nature of use proposed.
75. Officers have attempted to make it clear to interested parties that the application seeks consent only for the refurbishment works, with no change of use proposed. The site was formerly a C2 care facility and would remain under C2 use even though the current proposals seek to accommodate younger persons. As there would be no change of use involved, there would be nothing to stop the site being used for the use specified without the need for any further planning consent.
76. Notwithstanding this, and in supporting documentation, the applicant confirms that they intend to work with local residents to address any concerns they may have, as they understand the importance of integrating the facility into the local community. Assurances are given by the applicant that the future use of the site will remain as C2 and that it is reasonable for the LPA to condition this detail. The site would be staffed 24/7 and future residents would not fall into the C2A use classification for which further site security would be expected. Users of the facility would be encouraged to interact with their surrounds as well as benefitting from enclosed private amenity space surrounding the site. There is no evidence to suggest that the future occupation of the site for the proposes specified would give rise to antisocial behaviour.
77. The views of Durham Constabulary have also been sought who do not object to the proposals given they seek consent only for external refurbishment works. It has been suggested that consideration be given to enclosing the site for future security of residents, and the applicant is to be reminded of this detail by informative, with enclosure details having been submitted as part of the current application.

78. In conclusion on this issue, it is not considered that the refurbishment works subject of this application will result in any crime and disorder impacts.

Lack of community consultation

79. The application has been publicised by way of site notice and notification letters to all immediate neighbouring residents, which exceeds the minimum legal notification requirements. Whilst it may have been preferable for the applicant to engage with the local community prior to submitting the application, there is no requirement for the applicant to do this as part of the planning process.

Non material considerations

80. The following areas of concern as raised by objectors to the application cannot be considered as material planning considerations relevant to the proposed refurbishment works:
- The need for additional facilities of this nature in the town given the number of existing facilities nearby;
 - The background and intentions of the applicant;
 - Existing levels of antisocial behaviour within the settlement;
 - The location of the care home within the town centre, and in a settlement containing vulnerable residents and other care facilities. Such a location would not be the conducive environment for future users of the site.
 - Intended hours of operation of the facility;

CONCLUSIONS

81. Planning permission is sought to carry out internal and external refurbishment and demolition works to the existing Feryemount care facility located within Ferryhill Town Centre. Works would support the future occupation of the facility for continued Class C2 use and would not concern a change of use of the facility. Consideration is given to the principle, of the works proposed and the resulting impact on neighbouring amenity and design/heritage impacts. Furthermore, highways and ecological impacts. A number of concerns have been raised by local residents and the points raised are taken into careful consideration, where material to the application. Proposals are considered to satisfy the provisions of Parts 6, 7, 8, 9, 11, 12, 15 and 16 of the NPPF and policies 9, 15, 21, 29, 31, 41 and 44 of the County Durham plan. Subject to the following conditions, the application is recommended for approval.

RECOMMENDATION

Recommendation that the application is:

APPROVED subject to the following conditions

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

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

2. The development hereby approved shall be carried out in strict accordance with the following approved plans:
210001-ZZ-DR-00-50-P1 (Location Plan), received 16 February 2021
210001-ZZ-DR-20-51-P1 (Proposed site plan), received 16 February 2021

210001-00-DR-A-20-01-P1 (Ground floor plan), received 16 February 2021
210001-00-DR-A-20-01-P1 (First floor plan), received 16 February 2021
210001-RL-DR-A-20-01-P1 (Roof level), received 16 February 2021
210001-ZZ-DR-A-20-10-P1 (North and south elevations), received 16 February 2021
210001-ZZ-DR-A-20-11-P1 (East and west elevations), received 16 February 2021
210001-ZZ-DR-A-20-12-P1 (East courtyard elevations), received 16 February 2021
210001-ZZ-DR-A-20-13-P1 (West courtyard elevations), received 16 February 2021
Boundaries Plan, received 23 April 2021

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 9, 15, 19, 21, 29, 31, 41 and 44 of the County Durham Plan and Parts 5, 6, 7, 8, 9, 11, 12 and 16 of the NPPF.

3. Notwithstanding any details of materials submitted with the application no construction work shall commence until samples of the external walling, roofing, fascia, doors, windows and rainwater goods have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with paragraph 189 of the NPPF.

4. Prior to the commencement of any part of the development or any works of demolition, a scheme of noise mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The aim of the scheme shall be to protect future occupiers from road traffic/commercial noise and should ensure the following noise levels are achieved:
 - 35dB LAeq 16hr bedrooms and living room during the day-time (0700 - 2300)
 - 30 dB LAeq 8hr in all bedrooms during the night time (2300 - 0700)
 - 45 dB LAmax in bedrooms during the night-time
 - 55dB LAeq 16hr in outdoor living areas

Any noise mitigation measures required shall be installed prior to the beneficial occupation of the development and shall be permanently retained thereafter.

Reason: In the interest of amenity in accordance with Policy 31 of the County Durham Plan.

5. Prior to the commencement of any part of the development or any works of demolition, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The Construction Management Plan shall be prepared by a competent person and shall consider the potential environmental impacts (noise, vibration, dust, & light) that the development may have upon any nearby sensitive receptors and shall detail mitigation proposed, as a minimum this should include, but not necessarily be restricted to, the following:

1. A Dust Action Plan including measures to control the emission of dust and dirt during construction taking into account relevant guidance such as the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014.
2. Details of methods and means of noise reduction
3. Designation, layout and design of construction access and egress points;
4. Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;

5. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials
6. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
7. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
8. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
9. Detail of measures for liaison with the local community and procedures to deal with any complaints received.

The management strategy shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

The approved Construction Management Plan shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

Reason: In the interest of amenity in accordance with Policy 31 of the County Durham Plan.

6. Prior to the commencement of any part of the development or any works of demolition, a bat method statement shall be submitted to and approved in writing with the Local Planning Authority. Works shall be carried out in accordance with the approved document thereafter.

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

7. 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 Policy 31 of the County Durham 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 a mutually agreed extended determination period. All pre-commencement conditions have been agreed in writing with the applicant.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents

National Planning Policy Framework

The County Durham Plan (CDP)

Statutory consultation responses

Internal consultation responses

External consultation responses



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Planning Services

Proposed refurbishment and modernisation of existing care facility, comprising 6no. apartments, 10no. bedrooms and 6no. staff accommodation rooms

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| Comments | |
| Date 22 June 2021 | |