

## **DURHAM COUNTY COUNCIL**

At a Meeting of **Area Planning Committee (South and West)** held in County Hall, Durham - County Hall, Durham on **Tuesday 22 June 2021 at 9.30 am**

### **Present:**

**Councillor G Richardson (Chair)**

### **Members of the Committee:**

Councillors A Savory (Vice-Chair), E Adam, J Atkinson, V Andrews, J Cairns, L Brown, M McKeon, D Oliver, S Quinn, M Stead, A Sterling, P Taylor and A Reed (substitute for S Zair)

### **Also Present:**

Councillor Brian Avery

#### **1 Apologies**

Apologies for absence were received from Councillors D Boyes and S Zair.

#### **2 Substitute Members**

Councillor A Reed was present as substitute for Councillor S Zair.

#### **3 Declarations of Interest**

Councillor A Reed declared a prejudicial interest in item no. 5b) as Local Member and objector to the proposal and confirmed that she would speak on the item and withdraw from the rest of the debate and deliberations.

#### **4 Minutes**

The minutes of the meeting held on 22 April 2021 were agreed as a correct record and signed by the Chair.

##### **a DM/21/00198/FPA - Land East of Home Farm, Sedgfield, TS21 2EJ**

The Committee considered a report of the Planning Officer with regards to the retention and use of existing outbuildings and land for the non-

commercial breeding and keeping of dogs at Land East of Home Farm, Sedgefield (for copy see file of minutes).

The South and West Planning Team Leader gave a detailed presentation which included site location plans, aerial photographs and photographs of the site.

Councillor D Brown, Local Member and Member of Sedgefield Town Council, addressed the Committee in objection to the proposal. He referred to the 43 objections that had been raised and confirmed that 27 of them were from people in the local area.

This was a retrospective application that had received a number of complaints over a considerable amount of time, the first had been received in 2019. At this time he had contacted the Applicant who was also Member of Sedgefield Town Council, who had assured him that he was following the correct procedures and after informing the complainant, he considered the matter closed. Councillor Brown had found out some time later that he had been misinformed which had in turn led him to misinform local residents.

Councillor Brown advised that had a site visit been undertaken, Members would have seen that the photographs were not an accurate representation of the premises. The most frequent complaints were noise from dogs barking and the generator, the burning of animal waste, drainage from contaminated waste and the suitability of exercise for the animals and cited grounds for refusal relating to the following;

- NPPF 15
- CDP Policies 10, 19, 35, 39
- Sedgefield Local Plan G 1b, E1

In response to a question from Councillor L Brown, the Planning Team Leader confirmed that the nearest residential property was 90m from the premises with a road in between, that was embanked. He also confirmed that the generator was used for the provision of electric on site.

Councillor Adam referred to the report from the Environmental Health Officer which advised that the development was unlikely to cause a statutory nuisance, which was contradictory to the noise reports. With regards to the condition to restrict the hours the generator could operate to daytime only, Councillor Adam was concerned whether this would affect the welfare of the animals and lead them to become more distressed and more likely to make noise. The Planning Team Leader advised that a noise assessment had been requested by the Environmental Health Officer and in conclusion had found the level of noise below what was expected. The generator was diesel

powered and had been mitigated with a condition to create housing in order to minimise the projection of noise.

Councillor McKeon confirmed that she sympathised with those who had complained about the noise as there was a similar site in Coxhoe. From experience she advised that some weeks could be noisier than others and suggested that dogs barking was something that could not be controlled, regardless of monitoring. She was disappointed when retrospective applications were put to the Committee as she felt that it removed the ability for residents' concerns to be properly considered.

Councillor Atkinson agreed with her comments on retrospective planning applications and was also disappointed that the Applicant had misled a Local Councillor. He sympathised with residents with regards to the noise and burning of animal waste and was not convinced the premises was suitable for animals.

Councillor Cairns asked for confirmation of the number of occasions the premises had been visited since 2019 and asked whether conditions would be monitored. The Planning Team Leader advised that the first visit had been made by Planning Enforcement and there had been several visits since. The Applicant was advised to put forward a planning application and he advised that no noise complaints had been put forward until the application had been submitted, the only complaints prior to this had been with regards to the outbuildings. In addition, when planning officers had visited the site they had observed no issue with dogs barking and neither had environmental health officers.

The Planning Team Leader advised that he was unable to comment on the condition of the animals, but there were conditions attached and enforcement action would be taken if further complaints were found to be in breach of them.

The Chair advised that it was difficult to accurately measure noise from animals on a particular day as there could be changes, even due to the direction of the wind.

A motion to refuse the application by Councillor Cairns, seconded by Councillor McKeon, on the grounds of noise, the incorrect disposal of waste and the retrospective nature of the application.

The Solicitor addressed the Committee to advised that the retrospective nature of the application was not a legitimate reason for refusal and there were conditions to mitigate waste disposal. The Planning Team Leader advised that the Applicant had obtained a contract to have waste stored in a sealed bin to be disposed of.

On the issue of noise, the Solicitor advised that although there was no exact measure for dogs barking, a full report had concluded that it would not have an unacceptable impact on amenity and he advised that it would be difficult to sustain those grounds on appeal.

Councillor Cairns queried the timeline of the conditions and the Planning Team Leader advised that they would begin immediately with one condition for an acoustic screen having a three month installation period.

The Solicitor reiterated that the retrospective nature of the application and the disposal of waste were not legitimate reasons to refuse the application and it would be difficult to defend the decision to refuse the application on the grounds of noise alone, based on the mitigation in the conditions attached.

Councillor Stead asked for clarification on where the contaminated water was going to and asked whether a condition for the installation of electricity and mains water could be added. The Planning Team Leader advised that he was unaware of the washing facilities but with regards to the disposal of contaminated water, the premises had formerly been stables and like many others in the County, there was no mains water connection or foul water drainage. Water would be led into a soakaway and then into the ground into an area with no flood risk and no nearby watercourse. Furthermore, the ammonia concentrate would be low, hence there was no reports of water pollution.

The Planning Team Leader advised that with regards to the conditions of the animals, the RSPCA had investigated and confirmed that there was no requirement for the Applicant to have a licence as they raced dogs for a hobby. With regards to the accusation of neglect, these dogs had to be in good shape to race which was in the owners best interest if they were going to be successful. Finally, to insist on mains water and electric was outside of the planning remit.

Councillor Atkinson summed up the reasons for refusal as not being substantial enough to refuse the application.

Following advice from the Solicitor, Councillor McKeon commented that should the application go to appeal and be upheld, the Committee would have missed an opportunity to strengthen conditions.

Councillor L Brown asked the Planning Team Leader whether he believed the application to be contrary to Policy 31 of the CDP and the Planning Team Leader advised that following the assessment of the Environmental Health Officer, there would be no unacceptable noise impact with the conditions

attached. Councillor L Brown therefore moved the recommendation to approve the application as per the report.

Councillor Quinn suggested that this application was a clever use of a site that could otherwise be vacant and although the retrospective nature of the application was not acceptable, it was not a planning consideration. She seconded the recommendation to approve the application.

Councillor Sterling acknowledged that there had been no complaints received with regards to noise prior to the application being submitted and asked for the context of the 46 letters of objection. The Planning Team Leader advised that there was a mix of complaints about noise and other matters but he highlighted that there was a dual carriageway in between the site and residential properties and confirmed that it was not an otherwise tranquil area.

The Solicitor clarified the motion to refuse the application and it was lost.

### **Resolved**

That the application be APPROVED subject to the conditions outlined in the report.

### **b DM/21/01319/FPA - 8, 9 And 10 Newgate Centre, Bishop Auckland, DL14 7JQ**

The Committee considered a report of the Planning Officer with regards to external alterations including amendment to fenestrations and new plant to facilitate change to a job centre at 8, 9 and 10 Newgate Centre, Bishop Auckland (for copy see file of minutes).

The Planning Officer gave a detailed presentation which included site location plans, aerial photographs and photographs of the site.

With regards to paragraph 74 of the report the Planning Officer advised that there were 9400 clients per month to the job centre and not 940 as stated in the report. Since publication of the report an additional 15 letters of objection had been received and a second petition with over 600 signatures had also been received, which the Planning Officer read out to Members. The main objections were in relation to the closure of the access to the Newgate Centre and loss of footfall for businesses.

Councillor Reed, Local Member, objected to the application on the basis that to close the pedestrian link at the north end leading to Finkle Street would have a detrimental effect on businesses and services within the Newgate Centre and at Fore Bondgate. The Centre had been built in the 1980's as a

shopping centre with three pedestrian links that could also be used in the event of a fire. They were used to provide a connection point to and from the bus station, the shops at Fore Bondgate, the car park that included disabled parking bays, the town centre shops and market place.

The DWP had occupied office space in Vinovium House in a retail unit opposite the Town Hall, also a retail unit at the top Newgate Street and were now seeking to move to a shopping centre. This move would require traders to move out of refurbished retail units for DWP to make alterations to the building to extend the floor space and would close a vital pedestrian access.

Councillor Reed had safety concerns with regard to the new footpath proposed as it would be across the entrance and exit of a busy multistorey car park and roads from the bus station and Finkle Street.

Councillor Reed referred to a positive aspect in the report of increased footfall due to staff and clients at the job centre, however the 9400 clients per month or 60 clients per hour, were visiting for the sole purpose of discussing employment. She also referred to a recent report by the BBC which had confirmed that Civil Servants did not want to be forced to return to an office environment and suggested that the Government were looking at guidance for flexible and home working and which could result in a reduction in the footfall predicted.

Councillor Reed questioned the decision to close an essential, well used pedestrian link that provided direct access to shops and disabled parking bays. If the DWP were to be situated in the Newgate Centre the public could view the shopping centre as an office environment rather than a retail centre. Councillor Reed withdrew from the meeting.

The Chair asked for clarification on whether a right of way had been established through the access due to the period of time which had passed and the Planning Officer advised that this was a private building with no right to pass and repass. The Solicitor added that the adopted highway was up to the door of the northern access and the pedestrian rights were by permission only, with doors being locked every evening and opened again the following day. The Principal DM Engineer confirmed that there was no ability to claim a right of way under Section 31 of the Highways Act.

Bishop Auckland Town Councillor L Chappell, advised that on two separate occasions she had undertaken a head count of people entering the north entrance. The first of which on 22 May 2021, 294 people used the entrance in one hour, and on 28 May 2021 269 people used it in one hour.

In closing this well used entrance there was no doubt that it would have an adverse effect on businesses in the shopping centre and Fore Bondgate.

She advised that the closure of the entrance did not support NPPF Parts 7 or 16 and was contrary to the Durham County Plan, Policy 9.

Councillor Chappell referred to the comments by Acting Programme Manager for Bishop Auckland Town Centre Regeneration in which concerns were raised regarding the closure of the entrance, undermining the Council's proposals in the masterplan. She also echoed the comments regarding paragraph 37 of the report which stated the closure of the pedestrian link between Fore Bondgate and the Newgate Centre was likely to have a hugely detrimental impact on footfall to the area.

Councillor Chappell advised that there had always been an intention to have retail on the ground floor with office space above and if this application was approved there would be more office space than retail.

Referring to the 60 metres detour that shoppers would have to make if the entrance was closed, Councillor Chappell advised that there were over 10 short stay car parking spaces and 6 disabled parking bays outside the entrance and questioned their use should the access be closed. This was an entrance that had been used by the public for over 30 years without interruption and she queried whether the land could be deemed as a public as a right of way. There were sufficient policies in her opinion, that could overturn the decision and sufficient office space available to avoid removing three retail units and closing an entrance.

Finally Councillor Chappell advised that by closing the entrance there would be one less fire escape in the shopping centre and suggested that the Fire Authority should have been consulted on the matter.

Ms W Preston spoke on behalf of businesses of Fore Bondgate and in objection to the application on the basis that it would reduce footfall and she highlighted that some businesses had been missed and the site notice was illegible, deeming the consultation insufficient. This application conflicted with the local masterplan and she believed that a site visit should have been undertaken.

Ms L Knight advised that following her successful mobile business she opened a premises in 2019 in Fore Bondgate, one of the oldest streets in Bishop Auckland. There were a variety of retail spaces offering a variety of services, shoppers could spend all day shopping there. It had an 80% occupancy rate, compared to 50% in the Newgate Centre and Ms Knight considered that the closure of the entrance from Newgate Centre would have a detrimental effect on the flow of traffic into the street, further isolating

business and having a financial impact, at a time when business needed to recover from the impact of COVID-19.

With regards to disabled access, Ms Knight reiterated safety issues with the new footway which was over two lanes and a taxi rank. The future of Fore Bondgate coincided with the masterplan for Bishop Auckland, of which but in her opinion, businesses might not survive should this proposal be approved.

Ms C Pegg addressed the Committee on behalf of the Applicant and advised that the DWP had an urgent need to relocate from Vinovium House as the existing premises were no longer fit-for-purpose. Services were spread across multiple floors and the building was in a poor condition with significant investment required. DWP leased the building and therefore such a high level of investment would not be a good use of public money.

The COVID-19 pandemic had created a significant increase in demand for DWP services and a site search was undertaken to relocate both the job centre and medical assessment centre. The site search had identified units 8, 9 and 10 as the only suitable site in the town centre. The site had met size requirements, was easily accessible by public transport, and was spread across 2 floors, offering much improved accessibility for disabled staff and clients. The fit-out would provide a modern expected environment for staff and customers. The two current tenants in Units 8 and 9 would relocate to vacant units elsewhere within the Newgate shopping centre and were supportive of this.

Ms Pegg referred to the proposed air conditioning plant and advised that a noise assessment had concluded no adverse impact on the nearest residential properties and DWP had agreed to the proposed condition restricting hours of use to daytime only. This proposal included a new entrance on the George Street elevation to provide separate access to the medical centre and alterations were required to the Finkle Street elevation to remove the existing shopping centre entrance, provide a new staff entrance to the unit and slightly enlarge the service yard area. A new fire escape would also be created.

These works resulted in the removal of public access to the shopping centre from Finkle Street, however although the project team had explored alternative ground floor layout options, it was not possible to retain a public thoroughfare whilst meeting the space requirements. The loss of this link was balanced against and mitigated by a range of factors.

With regards to the link to Fore Bondgate, Ms Pegg advised that the principal concern raised in relation to the loss of the public entrance was the impact however the shopping centre manager had advised that the predominant flow of pedestrians through the shopping centre was east-west and vice

versa, which would remain unimpacted by this proposal. The detour route between the Fore Bondgate link and the George Street access to the shopping centre was only 60m, and the landlord had agreed to the proposed planning condition to improve this connection through new dropped crossings and the relocation of a street lamp to ensure disabled access.

Ms Pegg advised that during discussions with Councillor A Jackson, the landlord had agreed to provide new signage to promote access to and from Fore Bondgate which would be conditioned to any planning consent. The proposed occupation of 3 units by DWP represented a significant financial investment to the landlord and DWP's occupation and the relocation of the existing tenants meant that the ground floor would be 100% let. The asset manager of the shopping centre had confirmed that this would allow wider objectives to be realised, including investment in a new cinema and making land available for the relocated bus station.

The relocation of the job centre into the heart of Bishop Auckland would be of significant benefit to the town centre, local shops and businesses through the associated footfall generation with approximately 9400 clients visiting the job centre every month. The economic benefits would have a significant positive impact on the town centre and assist towards ensuring Bishop Auckland's long term vitality and viability, in accordance with local planning policies.

In summary, Ms Pegg advised that the closure of the Finkle Street public access was acceptable when balanced against the continued availability of and upgrades to the alternative route to Fore Bondgate. The significant economic benefits of the proposal from the footfall generated by the job centre and the financial investment into the shopping centre were also considered to weigh significantly in favour of granting permission.

The Planning Officer responded to some of the concerns raised by speakers and advised that the publicity met the minimum required standard, local businesses were informed immediately adjacent to the building and there were site notices on both Finchale Street and George Street.

There was a lot of work going on within Bishop Auckland to ensure the masterplan could move forward with its implementation and Fore Bondgate was one of the oldest streets, recognised in the masterplan which was trying to ensure its enhancement and link it as a tourist destination for Bishop Auckland.

Councillor Savory referred to the high number of objections and it was her opinion that Members should support local businesses following the COVID-19 pandemic. She believed that other premises could be sought by HMRC and she agreed that the proposal would make it more difficult for shoppers and bus users.

Councillor McKeon advised that as a bus user, the network in the north east was not fit for purpose and having visited Fore Bondgate, agreed that the stopping up of the footpath would make access more difficult for consumers and bus users. The application was in her opinion, contrary to the NPPF Sections 1 and 2 as it did not support local businesses. The access pre-dated the DWP and she believed the Council should support pedestrians.

Councillor L Brown was disappointed that the Committee were no longer going on site visits as she had recently visited Bishop Auckland to look at the alternative route proposed and she concluded that it would have an unacceptable impact on public safety according to NPPF 9.

Councillor Sterling stated that as a business owner she sympathised with those that would be affected on Fore Bondgate. It had already been challenging prior to COVID-19 but was now awful. She referred to the Planning Officer's presentation and asked her to confirm the source of the information which had predicted a decrease of 25% in profits for businesses on Fore Bondgate. She also wondered how the entrance could be kept open if the DWP relocated to this premises and finally, she noted the absence of a public right of way and asked if there was a process that could stop the landlord from closing the door.

The Planning Officer advised that the decrease in profits referred to had been from a statement made in a late representation from objectors. With regards to the closure of the existing access, she advised that DWP could occupy the space now and use the entrance as a staff entrance – it was not something that the Planning Authority would have control over, in fact it had been taped off when she had visited the site, due to COVID-19. She further confirmed that the DWP had been consulted on an alternative layout but they wanted an open office layout therefore splitting the use was not fit for purpose. In response to Councillor Sterling's comments that she was disappointed that an assessment on the impact on local businesses had not been carried out, the Planning Officer advised that the Regeneration Team had been consulted but no response was received.

Councillor Quinn confirmed that Bishop Auckland was a neighbouring division and due to the strong objections from local people, she wanted to formally object to the proposal. Although the works would enhance the building, she was concerned that if the DWP moved out it would be difficult to find a large enough business to take on such a large floor space. In her opinion, there were many other large buildings in Bishop Auckland that were in need of alterations and she suggested that the Applicant should look at alternative premises.

Councillor McKeon seconded the proposal to reject the application as looking at the layout again she could see why it was not possible for the access to be shared with customers from the job centre as they would need privacy. She did wonder why the DWP could not create an access and walkway that went along the side of their premises to keep the entrance to the shopping centre.

With regards to reasons for refusal, Councillor Quinn confirmed that the main impact was that on businesses on Fore Bondgate due to reduced footfall, however the Solicitor advised that the weight afforded to that particular impact was limited as there was nothing stopping the landlord from closing the access, coupled with the fact that the Planning Authority had no powers to prevent them from doing so.

Councillor Quinn replied that if the landlord was to close the entrance off, they would see a reduction in footfall. There had already been a huge impact on the town centre due to the retail park at Tindle Crescent and closing the entrance could lead Bishop Auckland to ruin.

In response to further comments from Councillor McKeon on the impact on local businesses due to the closure, the Solicitor advised that the current pattern of closure on an evening could be deviated from by the landlord, or closed permanently and reiterated that this reduced the weight that could be afforded as it was not something that could be controlled through the planning system.

Councillor McKeon maintained the objection on the basis of highway safety and loss of trade to local businesses.

The Principal DM Engineer advised that the application did not include the closure of the access, although it was incidental to the application. The access could be closed at any time and the applicants could occupy the building without any external changes and close the access with immediate effect. He advised that this was the fundamental aspect of whether an objection to the application would be successful and he did not believe that the alternative route proposed would be enough to convince a planning inspector that it there would be an unacceptable impact on highway safety.

Councillor Cairns advised that from experience the Newgate Centre would struggle with their customers and she advised the Agent that there were other options for the relocation of DWP. Bishop Auckland town centre was important to people who were struggling to understand how their town was going to exist.

Responding to the argument that the landlord could close the entrance at any time, Councillor Adam suggested that this would not happen as the owner would be aware of the impact this would have on businesses.

With regards to the retail sector, which the Council was trying to enhance in town centres, Councillor Adam advised that people should be encouraged to visit and closing the pedestrian access would have the opposite effect and push people away. This would create a real impact on local businesses and the proposed works would impact on people with mobility issues with those parking in disabled bays having to travel an additional 60 metres. In terms of highway safety, the proposed works would make the area more unsafe and it would certainly not enhance the retail sector, contrary to both national framework and the CDP.

Overall, Councillor Adam advised that the proposal would reduce footfall and impact businesses in the Newgate Centre and Fore Bondgate, and this led him towards rejection of the application.

Councillor Brown referred to the internal consultees and a lot of them were lamenting the access. She was very disappointed that regeneration had not responded as they could have responded to the reasons Members were leaning towards for rejection.

Councillor Atkinson advised that this town centre was crucial to Bishop Auckland and the objections put forward demonstrably outweighed the benefits of this application.

In response to Members, the Solicitor summed up the motion for refusal and advised that the application was not for a change of use, the DWP could move into the space immediately as there was no change of use required. The application was limited to external alterations and the installation of new plant, not whether there was an alternative location or a different layout to what was proposed. The Planning Officer had attempted to relocate the access that people were concerned about losing but the Applicant had advised that they were unable to do so. There was legally no restriction on the closure of the access, regardless of the likelihood, this was something that could temper the weight afforded to the retail impact identified.

With regards to the highway safety concerns, he had serious concerns on the sustainability of the reasons put forward by Councillor Quinn based on the advice given by the Principal DM Engineer and therefore he advised Members that this could open the Council up to costs if the Applicant were to appeal the decision.

Councillor Cairns left the meeting.

Councillor Adam queried whether antisocial behaviour would be a material planning consideration and the Solicitor advised that crime and disorder or fear of crime and disorder could be a material planning consideration

however the Planning Officer reminded the Committee that they were not considering a change of use as the use was permitted development.

Councillor Quinn advised that she stood by her decision to refuse the application on impact on the vitality of the retail centre and highway safety, seconded by Councillor McKeon.

### **Resolved**

That the application be REFUSED.

Councillor McKeon left the meeting and did not return.

Councillor Cairns returned to the meeting.

### **c DM/20/03233/FPA - Land East Of Ornella View, Mickleton, Barnard Castle, DL12 0JY**

The Committee considered a report of the Planning Officer with regards to the erection of a 4 bedroom detached dwelling at Land East of Ornella View, Mickleton, Barnard Castle (for copy see file of minutes).

The Planning Officer gave a detailed presentation which included site location plans, aerial photographs and photographs of the site.

Since the report had been published there had been two additional representations, one from Local Member, Councillor Henderson who did not object to the proposal and another objection regarding concerns for the standard of development suggesting that maintenance was required on a number of other properties owned by the Applicant.

Ms M Ferguson addressed the Committee on behalf of the Applicant and advised that the family originated from Mickleton and the proposed house was for them to live in and remain in following retirement. The family were dismayed by the objections from others in the village, but asked if Members would take note of the letters of support from local businesses.

The Councils planning policies supported small scale housing development in villages to make them more sustainable, supporting services, schools and shops. When the Applicant first wanted to apply for planning permission, he consulted with planning officers and submitted some design suggestions and was advised that the proposal would be acceptable in principle. The Applicant took on board the advice and recommendations of Planning and Design and Conservation officers.

Ms Ferguson advised that since submitting the application, the Design and Conservation Officer had taken great care in assessing the proposed development. Particular care had been taken in the assessment of the levels of the site and its surroundings and how they influenced the development, and its impact on the conservation area. None of the consultees had raised any objections to the scheme. The design of the proposed development was intended to reflect the agricultural history of the wider site and it would be built of traditional stone and slate with landscaping as required. The Planning Officer's conclusion was that the design was acceptable, would not be harmful to the conservation area and it complied with policies aimed at conserving historic environments.

Ms Ferguson referred to several objections regarding areas of protected open space in Mickleton, that were in former Teesdale Local Plan however this land was never a protected open space the site did not allow views out of the conservation area. The site was not isolated or in open countryside, it was situated within a village setting with other houses and buildings. A footpath ran from the main road to the west of the site, along Dale View housing estate, through a contractor's yard, and then along the rear of Belle Settle and Ornella View, all of which were clearly visible from it. It then ran along the rear of all the houses to the east of the site before running back onto the main road. A new house would be seen from the footpath, along with all of the other buildings and sites that were seen from it too. The houses to the south were over 50 metres away, so there would be no impact in terms of loss of light or privacy, even taking into consideration the difference in levels.

Councillor Brown noted that there was no mention of a construction plan and due to the fact the site was in a small village, she felt that it should.

Councillor Atkinson moved the recommendation to approve the application, seconded by Councillor Quinn.

### **Resolved**

That the application be APPROVED subject to the conditions outlined in the report.

### **d DM/21/00500/FPA - Feryemount Nursing Home, North Street, Ferryhill, Co Durham**

The Committee considered a report of the Senior Planning Officer with regards to refurbishment and modernisation of existing care facility, comprising 6no. apartments, 10no. resident bedrooms and 6no. staff accommodation rooms at Feryemount Nursing Home, North Street, Ferryhill, (for copy see file of minutes).

The Planning Officer gave a detailed presentation which included site location plans, aerial photographs and photographs of the site.

Local Member, Councillor Avery addressed the Committee in support of the application. He had lived in Ferryhill all of his life and represented the town at various levels in local government for 50 years. Feryemount had been built in 1972 to be the major care home in the town for the Council and had catered for 35 elderly people and 20/25 staff. It had served the community for many years until it closed in 2014 due to changes in care provisions. Since then it had stood empty being constantly vandalised by local youths.

Councillor Avery was delighted when eventually a sale looked possible after many false alarms. He had researched the application and found that similar projects had been very successful in Bishop Auckland and Chester-le-Street. There was obviously a need for these facilities and with the care package outlined by the Applicant he could see no reasons to not support the application.

Pregnant teenagers would have the best accommodation and care from care staff and be registered with local doctors and other facilities in Ferryhill. Any help the Council could give through the Area Action Partnership in Ferryhill would be supported. Councillor Avery was proud that this facility had chosen Ferryhill to locate and it was an ideal opportunity to help children through a very dramatic period in their life and give them a chance to succeed.

Mr C Kipling, spoke as the Agent on behalf of the Applicant and advised that in 2020 his client had instructed representatives to purchase the care home for redevelopment and the Council had advised during discussions that the property had to remain of class C2 use and it would not therefore require a change of use. There had been ongoing dialogue with the Planning Authority throughout the application and no objections had been raised by statutory consultees. He referred to a small number of public comments which mostly related to antisocial behaviour and criminal activity. A statement was released by the Applicant to confirm that residents would be children age 8-17 as well as teenage parents and their children. There would be employment and supplier opportunities for local businesses, as well as during the refurbishment.

The Applicant had advised that they wanted to work with local communities to alleviate any concerns from residents and integrate into the community. Mr Kipling advised that this was not a secure residential unit which would require a change of use and there was no evidence to assume there would be any antisocial behaviour. The home would be for children that required help and support who would be from a variety of backgrounds and it was not right to assume they would be difficult.

Following the Applicant's statement being submitted, only three further representations had been received, two in support and one in objection.

Mr Kipling advised that the application represented continued sustainable development for the refurbishment of an existing vacant building bringing significant investment to the area and was supported by Local Members. The applicant had met with Ferryhill Town Council to reassure them and he asked that the Committee approve the application.

In response to a question from Councillor Adam regarding traffic management and ensuring there was minimal disruption to the town centre during the refurbishment, the Senior Planning Officer advised that condition no. 5 required the submission of a management plan and any complaints about the works would be fully investigated and action taken if necessary.

Councillor Atkinson supported the application as it would bring an old, out of use building back into use and provide accommodation for vulnerable children. He moved the Officer's recommendation to approve and it was seconded by Councillor Quinn who confirmed that it was a fantastic facility to support young people in County Durham. She also suggested that the antisocial behaviour that had been an issue at this location would move on as there would be staff on duty.

**Resolved:**

That the application be APPROVED subject to the conditions outlined in the report.