



Area Planning Committee (Central and East)

Date Tuesday 9 April 2024
Time 9.30 am
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of the meeting held on 13 February 2024 (Pages 3 - 14)
4. Declarations of Interest, if any
5. Applications to be determined by the Area Planning Committee (Central and East)

- a) DM/23/02164/FPA - Croxdale And Hett Working Mens Club And Institute, Front Street East, Croxdale, Durham, DH6 5HX (Pages 15 - 40)

Change of use and extension to rear of the former workingmen's club (Sui-Generis) to assisted living accommodation (C2) for 16 to 18 year olds.

- b) DM/23/02538/FPA - 90 Gilesgate, Durham, DH1 1HY (Pages 41 - 54)

Convert existing attic space to bedroom with en-suite, including new staircase from 2nd floor, replacement skylights and alterations to existing bedrooms. Convert outbuilding to office space including alteration to the external walls and roof.

- c) DM/23/02539/LB - 90 Gilesgate, Durham, DH1 1HY (Pages 55 - 66)

Convert existing attic space to bedroom with en-suite, including new staircase from 2nd floor, replacement skylights and alterations to existing bedrooms. Convert outbuilding to office space including alteration to the external walls and roof.

6. Such other business as, in the opinion of the Chair of the meeting, is of sufficient urgency to warrant consideration

Helen Bradley
Head of Legal and Democratic Services

County Hall
Durham
28 March 2024

To: **The Members of the Area Planning Committee (Central and East)**

Councillor D Freeman (Chair)
Councillor D Oliver (Vice-Chair)

Councillors A Bell, L Brown, I Cochrane, J Cosslett, S Deinali,
J Elmer, P Jopling, C Kay, D McKenna, R Manchester,
K Robson, K Shaw and A Surtees

DURHAM COUNTY COUNCIL

AREA PLANNING COMMITTEE (CENTRAL AND EAST)

At a Meeting of **Area Planning Committee (Central and East)** held in **Council Chamber, County Hall, Durham** on **Tuesday, 13 February 2024** at **9.30 am**

Present:

Councillor D Freeman (Chair)

Members of the Committee:

Councillors A Bell, L Brown, I Cochrane, J Cosslett, S Deinali, J Elmer, P Jopling, C Kay, D McKenna, R Manchester, K Robson, K Shaw and A Surtees

Also Present:

Councillors R Crute and T Duffy

1 Apologies for Absence

Apologies for absence were received from Councillor D Oliver.

2 Substitute Members

There were no Substitute Members.

3 Minutes

The minutes of the meeting held on 9 January 2024 were confirmed as a correct record by the Committee and signed by the Chair.

4 Declarations of Interest

There were no Declarations of Interest.

5 Applications to be determined by the Area Planning Committee (Central and East)

a DM/23/03610/OUT - Rodridge Farm, Station Town, Wingate, TS28 5HG

The Senior Planning Officer, Lisa Morina gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Senior Planning Officer advised that some Members of the Committee had visited the site and were familiar with the location and setting. The application was for an outline consent for residential development of up to 9 no. dwellings (all matters reserved) (resubmission) and was recommended for refusal, with reasons as set out in the report.

The Senior Planning Officer noted that there had been a previous outline permission granted for nine properties, granted in 2018, however, that permission had since lapsed. She noted that in the intervening period the County Durham Plan (CDP) had been adopted and a new application had been submitted. She explained that it was felt the application was contrary to CDP Policy 10, and therefore was recommended for refusal. She noted the current application was in outline, with proposed access shown and an indicative site layout, though that would be for agreement at the reserved matters stage.

In respect of statutory and internal consultees, the Senior Planning Officer noted that the Highways Section had noted some concerns with the proposed access, and the Contaminated Land Section had noted some pre-commencement conditions that would be required. She added that Spatial Policy had noted the application was contrary to CDP Policy 10 and the Tree Officer had noted that further information was required. She explained that the Landscape Section had noted concerns in respect of impact upon the landscape, and the Ecology Section had noted a requirement for a payment in relation to the Habitats Regulation Assessment (HRA) at the coast and towards Biodiversity Net Gain (BNG). She noted that the Affordable Housing Team also noted that a payment would be required. It was added that there had been no objections from members of the public and eight letters of support had been received. The Senior Planning Officer noted that the application had been called-in to Committee by one of the Local Members, Councillor R Crute who was also in attendance to speak. It was added that one letter had been received noting some concerns as regards light to a neighbouring property.

The Senior Planning Officer noted that the application represented development in the countryside which was not well related to either of the nearby settlements of Hutton Henry and Station Town and was in an unsustainable location with limited public transport and, as no specific exemption had been demonstrated, was contrary to CDP Policies 6 and 10. She noted that the applicant had noted a number of benefits to the scheme, such as boosting housing numbers, reuse of a brownfield site and economic benefits in terms of the construction phase, however, on balance Officer did not feel they were sufficient to outweigh the policy concerns and therefore the application was recommended for refusal.

The Chair thanked the Senior Planning Officer and asked Councillor R Crute, Local Member to speak in respect of the application.

Councillor R Crute thanked the Chair and Committee and noted he was at the meeting to highlighted benefits of the proposals in terms of both economic benefits and in bringing back into use a brownfield, former warehouse, site. He noted that eight letters of support was very positive, given the rural location and noted there had been no letters in objection. In order to help Members understand the history of the site, Councillor R Crute explained that the previous permission was for up to nine houses, and that a 30,000 square foot warehouse had been demolished in order to make way for those properties. He added that at this point the COVID-19 pandemic hit and the 'world had stood still'. He noted that the demolition of the warehouse had been to the applicant's expense and explained that the applicant was a local man, a local businessman, he was not a speculative developer.

Councillor R Crute noted that the area was desperate for jobs and the proposals would help in terms of local tradespeople getting work, as well as helping to address housing need. He added that the development was on a brownfield site, not greenbelt, and such development was encouraged by national policy, and he noted a Government announcement today around promoting the housing sector and the redevelopment of brownfield sites. He noted that the report stated that the location was not sustainable, however, the location had not changed since the 2018 application, which was deemed sustainable when that permission had been granted. He noted that within the applicant's statement it was highlighted that the site was within walking distance of the local bus stop and services ran to both Hutton Henry and Station Town. He reiterated that as the application site had not changed location and as the villages of Hutton Henry and Station Town had not changed location, he could not see how the application could be considered unsustainable or not well-related. Councillor R Crute noted that rural areas had limited bus services, however, the previous Planning Officer's assessment was that the location was sustainable.

Councillor R Crute noted that Members on the site visit would have noted that the proposed properties would be near to other properties and bus stop and footpaths. He noted that paragraph 76 of the Officer's Report referred to the application being 2018, rather than 2019, and noted that at that time the application was considered as a development outside the settlement boundaries and as the saved policies from the Easington District Local Plan were considered out of date and at that time there was, as he understood, six years' worth of housing supply. He noted therefore it was for Members to decide whether they had been misled. He added that the CDP no longer had settlement boundaries, and in 2019 the impact of the development on the location had been considered and housing supply had not been an issue. He noted he did not feel the current situation was different from that in 2019 in terms of the location and sustainability.

Councillor R Crute acknowledged the warehouse had been removed, however that was a benefit to the area, and he felt that the applicant should not be penalised for carrying out that aspect of the previous permission. He added that punishing the applicant for the removal of the warehouse would be perverse. He noted that the National Planning Policy Framework (NPPF) suggested that sustainable development go ahead without delay and therefore, as the proposals were sustainable and provided benefit to the community and County Durham, he asked that Members support the application.

The Chair thanked Councillor R Crute and asked C Pipe, Agent for the applicant, to speak in support of the application.

C Pipe explained she would speak as regards the refusal reasons the Officer had set out. She noted that the proposed development was the same as that approved in 2019, now with the CDP refusal reasons in terms of sustainability, how well related the site was to settlements, and the impact upon the character of the area. She explained that in terms of sustainability, there were footpaths and nearby bus stops which had regular services to both Station Town and Hutton Henry. She noted that the location was sustainable, as it was when the previously application had been approved. C Pipe referred to a decision by the Planning Inspector relating to an application at Esh Winning, where a site with a bus stop opposite was approved as it was deemed to be in a sustainable location, with access to sustainable modes of transport linking to shops and facilities. She added that the view that the application site was sustainable was also shared by a planning Barrister, who's opinion was sought in relation to the application.

C Pipe noted that the current application was considered to be well related to nearby settlements, with the village sign for Station Town being visible from the site.

She added that in respect of the 2019 application, comments from Officers had been to note the application would not present significant visual harm. She asked why there had been a change of opinion since that time. She concluded by noting that the application was the same as the one approved in 2019, represented sustainable development, presented less than significant harm visually and was on a brownfield site, and asked Members approve the application.

The Chair thanked C Pipe and asked the Senior Planning Officer to respond to the points raised by the speakers.

The Senior Planning Officer noted that the introduction of the CDP was the key factor in this application. She added that while it was for up to nine dwellings, as was the previously approved application, the warehouse building was no longer in place. She noted the previous application that was approved was also in outline, with no details in terms of final design or layout having been submitted. She added that planning judgement was subjective, however, when looking at the application against the CDP, Officers did not feel the application site was in a sustainable location. She noted the 2018 application had an addition factor in its favour, the benefit of the removal of the warehouse, reiterating that element no longer being present in the current application.

The Lawyer (Planning and Highways), N Carter noted that the applicant's Agent had suggested that Members give significant weight to the previous approval in 2018/19. He noted that Officers suggested that the previous approval be given limited weight as there had been a significant change in policy, named the adoption of the CDP, as well as the previous application having a benefit in terms of the demolition of the warehouse, which the current application did not have. He added that the previous application had also not been implemented. He reiterated that the refusal recommendation from Officers was as the current application was judged to be different from the previously approved application, with the Planners judging the current application to not be well related to the nearby settlement and not in a sustainable location.

The Chair thanked the Officers and asked the Committee for their comments and questions.

Councillor A Surtees asked for clarification, if the 2019 was approved in part as a result of the warehouse demolition, were Officers now saying as a result of the demolition any development of houses would represent a greater impact on that resulting open space.

The Lawyer (Planning and Highways) noted that the previous application, where the warehouse had been considered unsightly, that demolition element had helped tip the balance in when weighing up benefits as per the NPPF. However, now that the warehouse had been demolished it could not be considered as a benefit in terms of the current application.

Councillor S Deinali noted she was Local Member for the Blackhalls division and knew the area very well. For context, she explained that the site was between Hutton Henry and Station Town, and the road was one frequently used by pedestrians, especially for children walking to the local schools. She added there was a lot of other development in the area, and that the walking routes were safe and lit. In terms of sustainability, Councillor S Deinali noted that shops and services would not be sustainable in the more rural areas if there was not some level of development to ensure there was a demand for such services. She asked if the CDP was actually saying that if there was not already an existing building to replace in the countryside, then development could not go ahead? She added the local bus did serve Hutton Henry and Station Town, with onward links to the nearby town of Peterlee. She noted the comments in respect of broadband viability, however, she felt that the more residents there were in an area, the more viable such provision became. She concluded by noting she felt the application should be supported, as it was a sustainable location and there were benefits to the local economy.

Councillor A Bell noted he had attended the site visit and had read the report, noting the 2019 permission had included demolition of the warehouse. He asked if the demolition had counted as the development having started, then stopped as the COVID-19 pandemic had hit. He added that on the site visit he had noted the close proximity of the bus stop to the site entrance and asked, if permission was granted, if the bus stop would need to be moved. He noted there were no objections from local residents, and he was sure that any objections from Highways could be overcome, given the applicant owned the adjacent land. He concluded by noting he respected the Officers' views and the reference to policy, however, he felt the application should be supported and moved approval of the application.

Councillor P Jopling agreed with the comments from Councillor A Bell and added she felt the access was good, that it was use of a brownfield site, and while she understood the recommendation for refusal in the context of the change in policy following the adoption of the CDP, she felt there had been a set of unfortunate circumstances, and that the applicant had clearly intended to move ahead with development, hence the demolition of the warehouse. She noted she did not feel it was correct to say the application site was not well related to the nearby settlements, it was right next to one of the settlements.

She added that there were clearly transport links with the bus service and noted it was not surprising that the previous application had not been implemented given COVID-19 and increasing costs linked to inflation. She noted that she felt the demolition of the warehouse was a positive and that there were enough reasons to approve the application.

The Chair noted the previous application had been an outline application and did not include reserved matters and asked for confirmation from the Officers.

The Senior Planning Officer confirmed that was the case, adding that as there had been pre-commencement conditions, the demolition of the warehouse had been unauthorised. Councillor A Bell noted that if the demolition had been unauthorised, then Planning Enforcement should have served notice to the applicant. The Senior Planning Officer noted that Planners had not been aware at the time of demolition and were only made aware when the new application had been submitted. The Lawyer (Planning and Highways) noted that while it was clear the demolition was unauthorised, enforcement was only undertaken where it was expedient to do so. He added that the demolition had been deemed acceptable in principle, as per the 2019 outline approval.

Councillor J Elmer noted he had listened to the debate and felt it difficult to reconcile the Officers' comments and the application as set out. He understood the apparent unfairness when looking at the previously approved outline permission, however, he did not see why no reserved matters application had not been forthcoming in the intervening period, even during COVID-19 the application would have been a paper exercise.

Councillor J Elmer noted previous development on a former Council depot site, and that it had been noted that such would not set a precedent, however, it did show that similar development could be allowed and was possible. He noted the bus stop was right next to the proposed site, with it being usual to argue a site was sustainable with a bus stop within 400 metres, being much closer in this case. He noted he had not heard as regards the frequency of the bus service, however, that was not the only issue. He added there was consideration needed in terms of access to services and the broader sustainability of the local area. He noted CDP Policy 10 related to impact on the countryside, and he noted that when on the site visit, he could see the site occupied an elevated position, which was quite open and clearly visible within the countryside. He noted that CDP Policy 10 always provided an opportunity to block development in the countryside, and that if the Council did not block via that policy, then there could be a precedent for development in the countryside, even if on a brownfield site, leading to less and less distinction between countryside and development.

However, he added that the application was an outline application and that he felt any application at the reserved matters stage should recognise that nine dwellings represented an over-densification of the site, in terms of separation distances, and that reference should also be made as regards how the visual impact of the development on the countryside could be mitigated.

Councillor A Surtees noted the points raised by Councillor J Elmer and noted a similar application at High Hesleden that had been agreed, with it having been felt in that case that the benefits of the development in terms of the economy and sustainability outweighed any negative impact. She noted the approval of the former Council depot site, with objections having been made by the public, however the application before Members being recommended for refusal with no objections from the public. She added the application site was brownfield, had a previous approval, and she felt that it was unfair to hold the demolition of the warehouse against the application, as it had been felt as a benefit in terms of the originally approved application. She noted she felt that a development of nine properties on the site would be preferable to a former industrial site that was left after the demolition of the warehouse. She noted there was a shortage of housing and noted that if the applicant was required to pay s106 contributions towards homes, ecology and the coast she could not agree with the Officers' recommendation, and she would support approval.

The Chair noted the current proposals represented an outline planning permission, with Officers being able at the reserved matters stage to comment on the number of proposed properties and any mitigation that may be required in terms of visual impact. The Senior Planning Officer confirmed that an acceptable scheme would need to be submitted at any reserved matters stage, else Officers would refuse the application.

The Chair noted that Councillor A Bell had moved approval, Councillor S Deinali indicated she would second the motion for approval.

Councillor L Brown asked as regards highways issues, namely the proximity of the bus stop to the proposed access and visibility splays. The Principal DM Engineer, D Battensby noted that there were a number of issues, one being the close proximity of the bus stop to the access, and therefore a s278 agreement would be required in terms of the bus stop and footways. In respect of visibility splays, that issue had been highlighted previously in respect of the 2019 approval, with it not seeming possible to achieve the requirements within the red line boundary of the application site. He added that if the applicant owned the adjacent land, it may be possible to include a condition in terms of a proper access be achievable.

The Lawyer (Planning and Highways) noted the motion for approval and asked Members to clarify whether they felt the application was acceptable in terms of policy, or whether they were saying that the application was in conflict with policy, however, they were taking a different view in terms of weighing up benefits against harm, contrary to the Officer's position set out in paragraph 152 of the report. He also asked, if Members were minded to approve the application, that delegation was given to Officers to add a suitable suite of conditions and s106 legal agreement in terms of the matters discussed, affordable homes, biodiversity net gain and the heritage coast and s39 agreement in relation to onsite monitoring in respect to biodiversity.

Councillor A Bell referred to paragraph 152 of the report, noting he felt the benefits of bringing previously developed land back into use, the economic benefits of construction and housing supply meant the application did comply with policy. Councillor S Deinali added she felt the application would also help support the sustainability of the area, including the safety of residents and promoting the local economy.

The Senior Planning Officer noted that there would need to be a number of conditions, including pre-commencement conditions that would require further information from the applicant, as well as issue to be resolved at the reserved matters stage including: drainage; tree reports; landscaping details; materials; working hours; broadband information; and removal of permitted development rights in perpetuity. Councillor J Elmer asked if that would include visual mitigation measures. The Senior Planning Officer noted that would be within any landscape condition, and would depend upon the number, scale and design of the dwellings proposed at the reserved matters stage. She added that EV charging would also be a condition at that stage. Councillor L Brown noted that solar panels should also be included at that point. The Senior Planning Officer noted that there would a list of conditions relating to CDP Policy 29, with the full list to be delegated to Officers.

The Chair noted Councillor A Bell had moved that the application be approved, he had been seconded by Councillor S Deinali and upon a vote being taken it was:

RESOLVED:

That the application be **APPROVED**, with delegated authority to Officers in relation to an appropriate suite of conditions and legal agreements.

b DM/23/03850/TEL - Land West of 8A Church Close, Peterlee, SR8 5QT

The Planning Officer, David Richards gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Senior Planning Officer advised that some Members of the Committee had visited the site and were familiar with the location and setting. The application was for the installation of mast and associated apparatus, and the recommendation was that prior notification was required, and that such prior notification be refused, for the reasons as set out in the report.

The Planning Officer noted the aerial photos showed the nearby leisure centre and area of high landscape value (AHLV). He noted there had been 32 letters of objection, including from the local MP Graham Morris. He added that in terms of prior notification, the applicant was required to demonstrate that existing sites had been exhausted, and Officer had not felt that was the case. He concluded by noting the mast was 20 metres, a significant height which would be unduly prominent in the area.

The Chair thanked the Planning Officer and asked Councillor T Duffy, Local Member, to speak in respect of the application.

Councillor T Duffy thanked the Chair and Committee and the Officer for his report and presentation. He noted the many objections from local residents and the MP as set out by the Officer. He explained that he was not denying that there was a need for such masts for communication, however, the proposed site was not suitable, with better locations nearby, such as on the leisure centre building or police station. He noted the issues that has been raised locally in terms of parking charges at the community hospital that had led to displaced parking, and any granting of permission for the 20-metre-high mast would be a further impact upon those local residents.

The Chair thanked Councillor T Duffy and asked local residents who were in objection to the application to speak.

R Scott noted he was a local resident, and also a Town Councillor, however he was speaking in his capacity as resident. He explained he lived in the area just off O'Neill Drive adjacent to Castle Eden Dene and while the area was within the town centre, it retained a more rural feel. He explained that a mast of 20 metres in height would be out of character with the area, especially on the entrance into the estate, impacting upon all that lived there.

He noted there was a statement in terms of every effort being taken to camouflage the mast, however, at that height it would be significantly higher than all the surrounding trees and would be incongruous. He added there were far better suited areas in the more commercial areas nearby. He noted the applicant had noted that it would take 'too long' to secure alternative land, however, he felt that it was simply a matter of money, with NPPF Paragraph 121(c) stating that '*For a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure...*'. He noted several examples nationally where this had been cause to reject such masts and urged Members to concur with their Officer's recommendation for refusal.

P Wilding noted he too was a local resident and concurred with the comments from the Planning Officer and R Scott. He explained that the majority of the local residents felt the mast was far too large and also far too close to residential properties. He reiterated that Government advice was to reduce the size of masts where possible and to explore alternative sites, again with no evidence of such site being considered. He noted previously refused applications and that the proposed mast was too close to properties. He noted Peterlee was a new town, deliberately designed without overhead power lines and large masts and poles. He noted that the land was in the ownership of the Council and noted that the Council could recommend to asset management to reject any siting of equipment.

The Chair thanked R Scott and P Wilding and asked the Committee for their comments and questions.

Councillor A Bell explained he had attended the site visit, and it had been very clear that it was the wrong location for the siting of such a large mast. He noted a smaller pole located further around from the site and suggested that could be an alternative the applicant may wish to seek. He moved the Officer's recommendation, that prior notification was required and that such prior notification be refused. The Principal Planning Officer, Jennifer Jennings noted that a key aspect was discounting alternative sites, and with a number of existing buildings in the area, Officer had not felt the applicant had gone through that process sufficiently to give justification for their preferred site.

Councillor J Elmer noted he too had attended the site visit it and agreed that a 20-metre-high mast was huge, and he was very concerned of the impact on local residents and has almost been against the application at that point. He added he did not think it was possible for such a mast to be located at the site and felt that the applicant had not considered other site and therefore he would second the motion proposed by Councillor A Bell.

Councillor L Brown noted that she had also attended the site visit and had similar thoughts to those of Councillor A Bell and J Elmer. She noted the reference to the proximity to the AHLV, and given the scale of the mast, she too would support the Officer's recommendation.

Councillor C Kay noted he had been involved in work relating to such monopoles for the last 20 years. He noted that while they were required, and required to be tall in order to operate on line-of-sight, the proposal would be visual incongruent. He noted in his local area, a similar pole had been incorporated on to Bishop Auckland College in order to better blend in, and he felt a similar solution would be beneficial for the people of Peterlee. The Principal Planning Officer noted each proposal for a mast would be judged upon its own merits, with the Bishop Auckland College site having been the developer's preferred site in that case.

She added that there was always a greater impact when in residential areas and reiterated that Officers felt in this case that there could be an opportunity for alternative locations to be considered. Councillor C Kay noted he could not disagree with the comments from the Officers.

Councillor P Jopling explained she had attended the site and felt it really was the wrong place, too close to the nearby nursery and not worth any potential risk to the children in her opinion. She noted the site was also very close to residential properties and felt the Officer's recommendation was the correct call. She noted she too felt there were other better suited areas, such as the leisure centre, albeit likely more expensive adding she felt that may have been a deciding factor in terms of the application.

The Lawyer (Planning and Highways) asked Councillor J Elmer if he had made up his mind as regards the application prior to Committee. Councillor J Elmer noted he had not made up his mind in advance and would have been happy to have been persuaded at Committee that the application was acceptable, however, he had not been convinced and supported the Officer's recommendation.

The Chair noted Councillor A Bell had moved that the application be approved, he had been seconded by Councillor J Elmer and upon a vote being taken it was:

RESOLVED:

That prior notification was required and **REFUSED** for the reasons as set out within the Committee Report.

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/23/02164/FPA
FULL APPLICATION DESCRIPTION:	Change of use and extension to rear of the former workingmen's club (Sui-Generis) to assisted living accommodation (C2) for 16 to 18 year olds
NAME OF APPLICANT:	Mr Peter Lee
ADDRESS:	Croxdale And Hett Working Mens Club And Institute Front Street East Croxdale Durham DH6 5HX
ELECTORAL DIVISION:	Coxhoe
CASE OFFICER:	Michelle Hurton Planning Officer Michelle.hurton@durham.gov.uk 03000 261398

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site consists of a two-storey mid terraced property constructed from stone formerly known as the Croxdale And Hett Workingmen's Club And Institute (WMC) located on Front Street East, one of the main thoroughfares going through Croxdale leading to Tudhoe and Spennymoor. The WMC has been vacant for some time and no longer operates as a social club.
2. The building is unlisted and is not included within any designated conservation area. It is however, considered to be a non-designated heritage asset being a C19 building, constructed sometime between c.1869 and c.1898. The site first appears on ordnance survey at the same time as the Grade II listed terraces (colliery houses for the Weardale Iron and Coal Company) that are directly across the road to the west.

The Proposal

3. The proposals seek permission for a change of use and extension to rear of the former working men's club (Sui-Generis) to become an assisted living accommodation (C2) for 16 to 18 year olds. Works to facilitate the conversion are largely internal with some minor external works to the front of the building to remove existing adverts associated with the WMC. To the rear, a modest sized extension is proposed, along with amendments to the location of the boundary wall, to provide 5 car parking spaces.

4. The application is reported to planning committee at the request of County Councillor Blakey on highway safety grounds, safeguarding, neighbourhood impact and impact on amenity.

PLANNING HISTORY

5. DM/20/03152/FPA Conversion of working men's club to create 3 no. terraced dwellings Approved 21st June 2021

PLANNING POLICY

NATIONAL POLICY

National Planning Policy Framework

6. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
7. 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.
8. 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.
9. 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.
10. 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.
11. 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.

12. 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.
13. 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.
14. 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.
15. 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.
16. 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:

17. 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; air quality; historic environment; design process and tools; 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; light pollution; natural environment; neighbourhood planning; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; 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

18. The following policies of the County Durham Plan (CDP) are considered relevant to this proposal:
19. Policy 6 (Development on Unallocated Sites) supports development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.
20. Policy 15 (Addressing Housing Need) establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure mix of affordable housing, the requirements of developments to meet the needs of older people and people with disabilities and the circumstances in which the specialist housing will be supported.
21. Policy 18 (Children's Homes) will only be permitted where there is a gap in service provision; the site offers a positive, safe environment with access to services and community facilities; the scale will allow the occupants to be appropriately matched regarding welfare; the occupants will not be placed at risk, it is unlikely to result in unacceptable impact on residential amenity, fear of crime or community cohesion; and appropriate measures for emergency access, outside space, highways access, parking and servicing can be achieved. Applications must be supported by information regarding management and safeguarding.
22. 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 the Parking and Accessibility Supplementary Planning Document and Strategic Cycling and Walking Deliver Plan.
23. Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure) supports such proposals provided that it can be demonstrated that there will be no significant adverse impacts or that the benefits outweigh the negative effects; it is located at an existing site, where it is technically and operationally feasible and does not result in visual clutter. If at a new site then existing sites must be explored and demonstrated as not feasible. Equipment must be sympathetically designed and camouflaged and must not result in visual clutter; and where applicable the proposal must not cause significant or irreparable interference with other electrical equipment, air traffic services or other instrumentation in the national interest.
24. Policy 29 (Sustainable Design) requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape

proposals. Provision for all new residential development to comply with Nationally Described Space Standards

25. 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.
26. Policy 44 (Historic Environment) seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.
27. The Council's Residential Amenity Design Guide (SPD) which provides detailed guidance in relation to extensions and other works to dwellinghouses to ensure that these do not have an adverse impact upon the host dwelling, the character of the wider area and residential amenity.
28. The Council's Parking and Accessibility (SPD) provides detailed guidance in relation to the Council's planned approach to specific parking and accessibility issues on development sites and how the Council proposes to resolve them.

<https://www.durham.gov.uk/media/34069/County-Durham-Plan-adopted-2020-/pdf/CountyDurhamPlanAdopted2020vDec2020.pdf?m=637424969331400000>

<https://www.durham.gov.uk/media/41575/Residential-Amenity-Standards-SPD-January-2023-/pdf/ResidentialAmenityStandardsSPDJanuary2023.pdf?m=638107754686670000>

<https://www.durham.gov.uk/media/43186/Parking-and-Accessibility-Supplementary-Planning-Document-2023/pdf/ParkingAndAccessibilitySupplementaryPlanningDocument2023.pdf?m=638324411438670000>

NEIGHBOURHOOD PLANNING POLICY

29. There is not a Neighbourhood Plan relevant to the determination of this application.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

30. The Highway Authority raises no objection to the application due to adequate parking provision proposed to the rear of the site and the extant use being a workingmen's club which would generate more trips than the proposed use.
31. The Coal Authority raise no objection as the change of use of the building falls within their exemptions list and the rear extension falls outside of the high risk area.

32. Durham Constabulary whilst not formally responding to the Council's consultation have nevertheless provided summary of a location assessment report. A summary of that assessment is provided elsewhere in this report.
33. Croxdale and Hett Parish Council objects due to the unbalanced community, limited information within the application in terms of the 24 hour support, there being no social activity in Croxdale for the age range, increase in anti-social behaviour, increase in traffic to the back road and there being no community engagement prior to submitting the application.

INTERNAL CONSULTEE RESPONSES:

34. Design and Conservation raise no objection, welcoming the reuse of the non-designated heritage asset and the re-design of the front of the building.
35. Environmental Health (Nuisance Action) requested additional information relating to how the applicants would manage the children away from the home. Upon receipt confirmed they had no objections to the proposals.
36. Environmental Health (Contaminated Land) raise no objection subject to conditions requiring a phase 2 site investigation, phase 3 remediation strategy report if required and phase 4 verification report.
37. DCC Procurement noted comments would be provided by Children and Young Peoples Services
38. Children and Young Peoples Services raise no objection noting the need for more supported living accommodation sites throughout the county.
39. Spatial Policy notes the policies required to assess the application.

PUBLIC RESPONSES:

40. The application was advertised by way of site notice and neighbour notification letters were sent to nearby properties. Forty-eight letters of objection and a petition has been received in response. Reasons for objection are summarised as:
41. Highways Safety Concerns including:
 - increased traffic in the area, leading to congestion and potential safety hazards.
 - Insufficient parking outside property.
 - Occupants needing to access services outside the area and being reliant on public transport/vehicles.
42. Impact on residential amenity including safeguarding issues.
 - Impact on community cohesion due to the transient nature of residents with no community connections,
 - increased noise and anti-social behaviour,
 - fear of crime,
 - unsafe for children to play in the recreation ground opposite due to occupants congregating within
 - nowhere for this age group to go,
 - the unique needs and activities of the age group may lead to disruptions affecting quality of life for nearby residents,

- fear of safety for local elderly residents and young children,
- residents left feeling vulnerable and uneasy due to number of young men in one place,
- the ongoing issues with the Croxdale Inn located along the street which has issues with anti-social behaviour, alcohol and substance abuse related problems and not being able to control what happens outside of the facility,
- the site will have no on site management, HMOs and hostels of this nature bring drug dealers and alcoholics who will commit crime.
- Lack of facilities and Services - there is no healthcare, education or other services,
- inappropriate location for homeless vulnerable young males due to lack of services,
- no police station within village to protect the vulnerable people.

43. Other concerns have been raised in relation to:

- there being similar type of accommodation within Croxdale,
- devaluation of properties therefore impacting residents being able to sell their homes,
- there are better locations to accommodate such facilities,
- how can the planning department accept and consider the application.

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/simpleSearchResults.do?action=firstPage>

APPLICANT'S STATEMENT:

44. The accommodation will be managed by Moving On, which is a registered charity that was first established as a project called Durham Night Stop in the late 1980's with the objective of breaking the cycle of youth homelessness in County Durham. The charity's vision is to enable the young people they support to be able to live independently and sustainably in the community by offering a safe home and a fresh start.
45. We note that a number of objections have been received around issues such as crime, anti-social behaviour and general disturbance to the local community. However, no documentary evidence has been provided to support the assertions made that the proposed use will lead to such issues and it should be acknowledged that no objections to the proposals have been received from Durham Constabulary or Environmental Health. The objections are entirely unfounded, particularly having regard to the type of individuals the charity will support and the robust management measures that will be in place. The charity work with young people who are assessed as 'low need support' and the proposed accommodation at the former Croxdale & Hett WMC will not work with young people exiting the criminal justice system and will not accept referrals for young people who have a history of violence, anti-social behaviour, carrying weapons or arson. The young people that they work with are most often leaving the care system either from residential care or fostering settings but can also be accommodated as a result of family breakdown. The most common issue Moving On help to manage is poor mental health, with anxiety and depression being the most prevalent. The charity employs a specialist mental health worker to help support this group. The young people are very vulnerable and need support to help them live independently and Moving On therefore seek to help them with their journey towards education, work and a more sustainable lifestyle.

46. Moving On currently manage 150 properties across County Durham and are OFSTED registered, as well as holding a number of other accreditations. The proposed home at the application site will provide accommodation for 16-18 year olds and will be staffed 24 hours per day, 365 days per year and will provide self-contained units where young people can learn how to manage themselves, or work with staff if they need more support. These units will be supported by communal kitchens, training rooms and living facilities downstairs. Referrals will come exclusively from Durham County Council Children and Young Peoples Services for local young people who, through no fault of their own, have had to use the care system either through fostering or residential care homes. The focus of the service is helping to grow the skills and confidence of vulnerable young people often in poor mental health.
47. The Council's Sufficiency & Commissioning Strategy identifies that the use of supported accommodation arrangements for young people aged 16 & 17 has more than doubled compared to pre-pandemic levels and this demand is likely to increase, with a key objective of the strategy being to develop and broaden the residential homes offer and to maximise opportunities with external providers where there is a case to do so. The application proposals will therefore meet a clear need to deliver high quality accommodation to support young people with low to medium needs in line with the Durham First approach delivered by a well-established and highly experienced operator within the County and the clear benefits of delivering such accommodation managed by a highly experienced and OFSTED registered charity should be afforded significant weight in the assessment of the application.
48. Moving On will also have robust management policies and procedures in place, which, along with the low crime levels in the locality, will ensure that the property provides a safe and secure environment for future residents, which is also accessible to the range of educational, employment and community uses and related services that the young people will need to access. Moreover, it has been clearly demonstrated that the proposed development will not give rise to unacceptable impacts on the local community in terms of anti-social behaviour, fear of crime or general amenity considerations and will not undermine the safe operation of the local highway network and it is important to acknowledge that no objections to the proposals have been received from the relevant consultees.
49. The proposals will also support the active re-use of a longstanding vacant property and the sensitive design approach that has been adopted will lead to enhancements to the appearance of the property with resultant benefits for the appearance of the streetscene.
50. It is therefore evident that the application proposals represent an entirely appropriate form of development in this location that would fully accord with the adopted Development Plan in force for the area and it is respectfully requested that Members grant planning permission to ensure that this much needed provision can be delivered.

PLANNING CONSIDERATIONS AND ASSESSMENT

51. As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004 the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
52. The NPPF is a material planning consideration in this regard. The County Durham Plan is 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

225 that the weight to be afforded to existing Local Plans depends upon the degree of consistency with the NPPF.

53. The County Durham Plan was adopted in October 2020, therefore, is considered to represent an up-to-date Local Plan for the area. Consequently, consideration of the development should be led by the plan if the decision is to be defensible.
54. In this context, it is considered that the main planning considerations relate to the principle of development, the impact upon the character and appearance of the area, residential amenity including crime and the fear of crime, highway safety and other material considerations matters.

Principle of the Development

55. Planning permission is sought for the change of use of the existing vacant workingmen's club (current use class Sui-Generis) to a residential institution (supported living accommodation C2 use) which would have the capacity to accommodate a maximum of ten young people between the ages of 16 to 18 years. As such, policies 6 (development on unallocated sites) and 18 (children's homes) of the County Durham Plan are the key policies relevant to the determination of this application.
56. At this point, officers wish to draw attention to a Written Ministerial Statement that was issued on 23rd May 2023 by Baroness Scott of Bybrook, the minister for Faith and Communities. The statement notes that 'the planning system should not be a barrier to providing homes for the most vulnerable children in society. When care is the best choice for a child, it is important that the care system provides stable, loving homes close to children's communities. These need to be the right homes, in the right places with access to good schools and community support. It is not acceptable that some children are living far from where they would call home (without a clear child protection reason for this), separated from the people they know and love. Local planning authorities should give due weight to and be supportive of applications, where appropriate, for all types of accommodation for looked after children in their area that reflect local needs and all parties in the development process should work together closely to facilitate the timely delivery of such vital accommodation for children across the country.'
57. Turning to the specific policies in the CDP, Policy 6 (Development on Unallocated Sites) states that the development of sites which are not allocated in the Plan or in a Neighbourhood Plan which are either (i) within the built-up area; or (ii) outside the built-up area (except where a settlement boundary has been defined in a neighbourhood plan) but well-related to a settlement, will be permitted provided the proposal accords with all relevant development plan policies and:
 - a. is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;
 - b. does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;
 - c. does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;
 - d. is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement;
 - e. will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;

- f. has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;
- g. does not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;
- h. minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;
- i. where relevant, makes as much use as possible of previously developed (brownfield) land; and
- j. where appropriate, it reflects priorities for urban regeneration.

- 58. The NPPF seeks to boost significantly the supply of housing, as well as using land that is physically well related to existing settlements. Section 11 (Making effective use of land) seeks to promote an effective use of land in meeting the need for homes and strives to make as much use as possible of previously developed land. However, Section 8 (Promoting health and safe communities) paragraph 97 states that to provide the social, recreational and cultural facilities and services that community's need, planning decisions should guard against the unnecessary loss of valued facilities and services which is particularly important to this proposal.
- 59. The application site falls within the built-up area of Croxdale and was formerly occupied as the Croxdale and Hett Workingmen's Club (WMC) which has been vacant for a number of years. The use of the property to provide a form of residential accommodation is considered acceptable in principle in accordance with part a) of policy 6, noting that the dominant use within the immediate vicinity of the application site is residential. However, further assessment of the impacts of this type of residential institution on surrounding residential uses is provided later in the report.
- 60. Criteria b and c are not considered relevant to this proposal as the development is within the built up area, not amounting to ribbon or inappropriate backland development, and would not result in the loss of open land. In terms of criteria d and e, these are considered in more detail elsewhere in this report, noting that there are no significant external alterations proposed to the building.
- 61. The site is located within a sustainable location close to shops and services in the nearby village of Tudhoe and within walking distance of a bus route with regular services to Durham City, Tudhoe, Spennymoor and other villages. As such the proposal would accord with criteria f of Policy 6.
- 62. During the submission of the previous application to convert the site into 3no terraced properties, evidence that the WMC was no longer financially viable was requested. The previous application did specify that the WMC had been closed for a number of years, however, to demonstrate compliance with criteria g) at that time, additional evidence was requested in the form of any trading accounts and confirmation of when the WMC closed. Additional information was submitted by the agent detailing that the WMC was failing to meet its required level of sustainability and was unviable. At the time, it was acknowledged that trading accounts would have been helpful to demonstrate this, but based on the supplementary information provided together with no objections from members of the public concerning the loss of the facility, the assertion that the WMC was no longer viable was not disputed at the time of the previous application and officers see no reason to dispute it now.
- 63. The proposal is not considered to conflict with requirements set out in criteria h to j.

64. Assessed against policy 6, the change of use to a residential institution would find general support in principle. However policy 18 in relation to children's homes is also key to the assessment of suitability of the principle of the proposal in this location.
65. Policy 18 (Childrens Homes) states that in order to promote the creation of sustainable, inclusive and mixed communities, applications for children's care homes, will only be permitted where they accord with a number of criteria listed under a-g, including there being a need for such uses and the suitability of the location.
66. The supporting text associated with policy 18 states at paragraph 5.179: *"The children and young people living in children's homes are among the most vulnerable in society. Whilst children's homes have traditionally been for children under 16, provision for young people beyond the age of 16 years old would also be determined against this policy or Policy 15 (Addressing Housing Needs). Many have special educational needs or disabilities, including social, educational and mental health difficulties and many are victims of abuse or neglect. It is therefore vital that we do everything possible to provide consistent high quality provision for children and young people to improve their experience of being looked after in care, helping them to overcome their previous experiences, and setting them up for futures which allow them to achieve their potential."*
67. Criterion a) of Policy 18 requires that the applicant is able to demonstrate that the development will address any gaps in service provision to the satisfaction of the Local Planning Authority.
68. Durham County Council has a duty, as stated in section 22G of the Children Act 1989, to take steps to secure, as far as reasonably practicable, sufficient accommodation for looked after children within their local authority area.
69. The applicant has advised that Moving On works with local young people who are not yet able to live independently in the community without support, working with young people who are assessed as 'low need support'. Their vision is to break the cycle of youth homelessness in County Durham. The overarching vision for this development is to provide a place of safety, a home for County Durham young people ages 16 – 17 who are still legally children and require the support of professional staff, a community and a place to call home to build their confidence and skills before moving on to single supported accommodation within the community when they are old enough and able enough to do so.
70. The Council's Children's and Young Peoples Services (CYPS) was directly consulted for their views on the scheme. They confirm that whilst there is limited information included within the application, from discussions with the applicant, they understand that the proposal is to develop a supported accommodation service that will be staffed 24/7 for 8-10 bed units in line with CYPS sufficiency requirements and it is noted that the Council's CYPS Team are currently working with Moving On at their other sites within County Durham. They further state that there is an ongoing need for CYPS to source suitable supported accommodation solutions as there has been an increase in usage of 187% since the Covid 19 pandemic within the area. The provider has indicated that they would adopt the Durham First approach at the application facility and as such the Council's CYPS Team offer no objection to the proposal. However, they do note that the applicant would be required to register their services with OFSTED and meet all appropriate regulatory requirements, to which the applicant has confirmed agreement to do this.

71. It is considered therefore, that the proposal would accord with part a) of CDP Policy 18 in that the development would meet an identified need for accommodation of this type within the County.
72. Criterion b) requires that sites offer a positive and safe environment for the occupants of the premises ensuring that there is appropriate access to local services and community facilities;
73. There have been some concerns raised from local residents that the site is located within an area with no education, community facilities and other services. Based on this, there is concern with the lack of facilities, this has the potential to result in an elevation in crime levels, with anti-social behaviour including drug related offences and assault to occur within the village from the 10no young male occupants.
74. Concerns have also been raised in relation to the management of the site noting that the scheme will have no on site management and be facilitated remotely.
75. The application site is a vacant workingmen's club located within the settlement of Croxdale. The immediate vicinity is predominantly residential in nature, comprising of rows of terraced housing to the north, west and south of the site, with allotment gardens located to the east.
76. Given the application site is within an existing residential area, the site lends itself to providing a safe and suitable environment for future occupants being framed by other similar uses and benefitting from a good level of access to local shops, services, transport links and other community facilities. Directly opposite the club on the opposite side of the road is a bus stop with onward connections to the wider area including Durham City, which has a variety of uses, shops, cafes, employment, education etc.
77. Both the applicant and CYPS have advised that the site is ideally located for the occupants of the supported living accommodation being on a direct bus route to all local colleges. They have also confirmed that the site would be fully staffed on a 24/7 basis, 365 days per year and provide self-contained units where the young people can learn how to manage themselves, or work with staff if they need support. The accommodation is to house both male and female occupants.
78. In light of the above, it is considered that the development would provide a positive and safe environment for the occupants with access to local services and community facilities in accordance with the requirements of criterion b) of policy 18 of the CDP.
79. Criterion c) requires that the size/scale of the children's home will allow the occupants to be appropriately matched with regard for each child's welfare and taking into account their individual circumstances;
80. The proposed home is intended to accommodate a maximum of 10 young people between the ages of 16 and 18. The self-contained units are supported by communal kitchens, training rooms and living facilities. The young people referrals will come exclusively from Durham County Council's CYPS for local young people, therefore each child's welfare and individual circumstances would be taken into consideration by the local authority.
81. To ensure the occupants welfare is taken into account throughout the lifetime of the development, the number of occupants and age could be restricted via planning condition. Subject to this condition, the proposal is considered to suitably comply with part c) of policy 18.

82. Under criterion d), there is a requirement that the occupants would not be placed at risk having regard to the latest crime and safety statistics in the area and that this has been agreed in advance with Durham Constabulary, the council's Children and Young People's Services and other appropriate agencies;
83. Concerns have been raised by residents that the introduction of the proposed use to the area would potentially bring an increase in crime and anti social behaviour to the area and concerns were raised with regards safeguarding.
84. Whilst the Durham Police have not formally responded to the application, they have nevertheless submitted the results of a locality risk assessment.
85. The locality risk assessment provides information that would require action by the Children's Homes to safeguard young people or that would affect the suitability of having a Children's Home in this area. The locality risk assessment notes that the site is in close proximity to a nearby temporary 'halfway house' which has issues of ASB and that locally there is intelligence of drug misuse including dealing. Local crime statistics available for the area demonstrate that the area experiences relatively low levels of crime. Whilst these crime statistics have not been provided by Durham Constabulary direct, they are nevertheless compiled from police data and are publicly available online. Consequently, they are considered a robust crime dataset for the purposes of assessing the proposal against Policy 18 of the County Durham Plan. The evidence that while there are crimes within close proximity to the application site, they are not considered significant to warrant refusal of the application. It is unlikely that when leaving the facility in the exercise of day-to-day activities, occupants would come into contact with crime and antisocial behaviour, that would place them at risk, therefore, the development would be in compliance with policy 18 d) of the CDP.
86. Criterion e) of policy 18 requires that proposals should be unlikely to cause unacceptable individual or cumulative impact on residential amenity, fear of crime or community cohesion;
87. This part of the policy aligns paragraph 96 in Part 8 of the NPPF which states that planning policies and decisions should aim to achieve healthy, inclusive and safe places and beautiful buildings 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. Paragraph 135 in Part 12 of the NPPF states that planning decisions should ensure that developments 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.
88. Objections have been received by a significant number of local residents raising concerns in relation to the fear of crime which they consider would increase as a result of the proposed use. In some cases this concern cites the operation of a similar facility within the local area. Concerns have also been raised by residents that the introduction of the proposed use to the area would potentially impact on community cohesion, particularly for a village with a sizeable elderly population. There is concern that the occupants would not integrate well with the community and there would be an increase in crime and anti social behaviour.
89. As already noted, the locality risk assessment notes that there is already a non-permanent establishment within close proximity to the application site. Whilst the respondent has raised concern in relation to this establishment, they nevertheless do not raise an objection to the proposed development being introduced into the area.

90. Planning policies and decisions must reflect relevant international obligations and statutory requirements. Relevant here is Section 17 of the Crime and Disorder Act 1998 which places a duty on the local authority in the exercise of its functions to have due regard to the likely effect of the exercise of those functions on, and the need to do all it reasonably can to prevent crime and disorder in its area and the misuse of drugs, alcohol and other substances. This means the local planning authority must consider crime and the fear of crime as a material planning consideration.
91. The fear of crime is capable of being a material planning consideration, as is clear from the *West Midlands Probation Committee v SSE and Walsall MBC (1997) JPL 323* judgement which notes:
 - the fear of crime must be objectively justified.
 - the fear of crime must have some reasonable basis; and
 - the fear of crime must relate to the use - in planning terms - of the land in question rather than assumptions "not supported by evidence as to the character of future occupiers" (*Smith v FSS [2005] EWCA Civ 859*).
92. Concerns have been raised in relation to the transient nature of the occupants and their backgrounds. Whilst the people who would occupy the site is not a material planning consideration which can be taken into consideration during the assessment of this application, the transient nature of the occupants is material and whilst it is noted that occupants would likely change depending on their age and need for the supported accommodation, this is unlikely to have any adverse impact capable of sustaining refusal of the planning application.
93. In relation to the fear of crime this needs to be objectively justified, have some reasonable basis and must relate to the use of the land, in planning terms, and not be based on assumptions alone. The approach in criterion e) of policy 18 is consistent with Paragraph 135f) of the NPPF which states that planning 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.
94. Fear of crime can have a detrimental impact upon residential amenity and an individual's quality of life. However, it is not a forgone conclusion that supported living accommodation for children and young people aged between 16 and 18 years of age would inevitably result in an increase in crime, where the fear of crime is considered a material consideration this must be supported by robust evidence, and each application must be considered on its own merits and specific circumstances, avoiding generalisations.
95. Fear of crime was considered for a change of use of a C3 dwellinghouse to a C2 (residential accommodation with care) at Lilac House, South View, Hunwick. The application was refused and upheld at appeal (APP/X1355/A/14/2219717) where the Planning Inspector referenced the fear of crime as being a material planning consideration due to the information submitted by the police which evidence crime statistics relating to a comparable home located in a nearby village.
96. In this case, residents have cited concerns over similar accommodations located within the area which are known to create anti-social behaviour. Notwithstanding this, as explained above, as no robust evidence has been submitted by residents to support these claims and given that the local planning authority has not received an objection from the police, it is considered that the fear of crime cannot be afforded any significant

weight in the assessment of this application to the extent that a refusal is justified on these grounds.

97. As a further point, it is noted that the applicant has clarified in the planning statement that their organisation deal with 'low need support' occupants and that the accommodation would not be intended for young people exiting the criminal justice system, nor is it their intention to accept referrals for young people who have a history of violence etc. Although it would not be possible to control specific occupants as part of any planning approval, it is acknowledged that the applicants have set out in general terms how the residential unit is to operate and a condition can be applied to any approval to ensure appropriate and specific management measures are employed at the site to prevent issues of anti-social behaviour taking place which would impact on fear of crime in the area.
98. In light of the above, it is considered that the proposed development is unlikely to result in an increase in the fear of crime, and therefore, the development would comply with criterion e) of policy 18.
99. Policy 18 criterion f) states that appropriate measures need to be in place to ensure access for emergency vehicles and safety measures such as fire escapes; and g) satisfactory outside space, highway access, parking and servicing should be achieved.
100. In respect of parts f) and g), 5no off-street parking spaces would be provided at the rear of the site. Access to the property would be via the front or rear of the site with adequate room for emergency vehicles to access the site. Given this, it is considered that emergency vehicles would be able to access the property safely as they would any other existing property within the street or as its current use as a Sui-Generis workingmen's club.
101. In respect of fire escapes, the floor plans indicate ready access and egress from the premises in the event of an emergency, but it is noted that details of fire escapes are a requirement for building regulations and therefore it is considered that these would be suitably addressed as part of this process.
102. Outdoor amenity space of approximately 130sqm (not including the proper parking provision) is proposed within the rear yard area of the property, the rear boundary wall will be demolished to allow access to the parking provision. This is considered to be an acceptable area of outdoor space given that the occupants would be able to utilise open space outside of the premises. It is therefore considered that criteria f and g of policy 18 would be complied with.
103. Policy 18 further states that planning applications for children's homes must be accompanied by information regarding the management of the home, together with an assessment to ensure that necessary safeguards can be achieved to ensure the welfare of the looked after children. This will include consideration of any crime or safety concerns in the area, in consultation with Durham Constabulary, DCC Children and Young People's Services and any other appropriate agencies.
104. Whilst a management plan has been submitted in support of the application, it is more of a generic document detailing how Moving On operates, its vision, core values and is therefore not a specific management plan for the development site. However, further information on this can be controlled via a planning condition should approval be granted requesting that the specific details on how the premises would be managed on a daily basis are submitted prior to occupation of the development.

105. For completeness and as some of the occupants would reach age 18 and be classed as an adult, the proposals are also considered against Policy 15 (Addressing Housing Need - Specialist Housing) which states that the council will support the provision of specialist housing for older people, vulnerable adults and people with disabilities where:
106. Criterion i) of this policy requires that the development should be in an appropriate location with reference to the needs of the client.
107. As noted, the application site is located within a well-established residential area within proximity to local services and public transport which can aid in encouraging independent living for residents of the proposed accommodation. However, suitability of location in the context of policy 18 is also of relevant with a specific focus upon whether or not residents would be placed at risk having regard to the latest crime and safety statistics in the area and this has been considered in more detail at paragraphs 75-78 above.
108. Criterion j) requires that the accommodation must be designed to meet the particular requirements of residents.
109. The proposed development has been designed in such a way to accommodate the particular requirements of the residents. The individual en-suite bedrooms are all of a size which would exceed the Nationally Described Space Standards (NDSS) requirements for bedrooms providing a safe space for the residents to live independently with an appropriate level of support.
110. Criteria k requires appropriate measures to be in place to ensure access for emergency vehicles and safety measures such as fire escapes; and l) satisfactory outside space, highway access, parking and servicing can be achieved. As commented in paragraphs 93-95 these criteria are considered met by the proposals.
111. Taking all the above into consideration, it is considered that the proposal would comply with the criteria listed in policies 6, 15 and 18 of the CDP and subject to other considerations below, the proposals are considered acceptable in principle.

Impact on residential amenity

112. Part 15, paragraph 191 of the NPPF advises that planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
113. Aligned with this, policy 31 states 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. The proposal will also need to demonstrate that future occupiers of the proposed development will have acceptable living 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.
114. In addition, criterion e) of Policy 29 states that all development proposals will be required to provide high standards of amenity and privacy and minimise the impact of development upon the occupants of existing adjacent and nearby properties.

115. The scheme proposes 10no self-contained units, with the units ranging in size from approximately 15.2sqm to 23.7sqm, which is considered to provide suitable living space and in excess of the minimum space standards for individual bedrooms as set out in the Nationally Described Space Standards. There are also shared spaces incorporating a kitchen, day lounge and dining room areas at approximately 48.8sqm. Whilst the nationally described space standards do not cover supported living accommodation, they are a good starting point to ensure there is adequate internal amenity space for the occupants. Given the proposed internal arrangements, and sizes of rooms proposed, it is considered that the proposed development would comply with Policy 29e) of the CDP.
116. The application has received significant public interest from neighbouring residents who raise a number of issues and concerns particularly in relation to crime, fear of crime and impact on residential amenity in terms of community cohesion, noise and disturbance.
117. As previously noted, the property is proposed to accommodate a maximum of ten young people aged between 16 and 18. It is understood that the facility would be Ofsted registered although limited information has been provided in relation to how the facility would be managed. Information regarding Moving On's mission and vision has been provided however, this provides little understanding of what the day to day management would look like.
118. Repeated concerns have been raised by residents in objection to the application citing the precise nature of the likely behavioural issues which the occupants based at the property may display, and what the implications of this would be on existing residents and the surrounding area when the occupants are away from the home. There is a noted reference to residents feeling distress and anxiety over the potential introduction of disturbance and anti-social behaviour in the area resulting from the development, and the impact that this would have on community cohesion and the fear of crime.
119. Residents have also raised objections citing concerns regarding the potential for increased noise and disturbance. However, any impact in this regard as a result of the proposed use would be difficult to quantify over and above that created by the previous use given as a workingmen's club, particularly as this would depend on the individuals themselves.
120. A detailed assessment has already been provided in the previous section of this report, with discussion around existing crime levels in the area and issues surrounding fear of crime. The supporting information with the application has clarified that the operators would work closely with the CYPS with the intention for any future occupants to not have a background of criminal or anti social behaviour. It is acknowledged that these specific attributes of future occupants cannot be controlled as part of any planning approval, however, a detailed management plan would be required to be submitted should approval be granted for the scheme to ensure appropriate measures are in place to protect amenities of existing residents through prevention of potential anti social behaviour problems.
121. The Council's Environmental Health officer (EHO) was consulted for their views on the scheme and commented that the information submitted demonstrates that the application complies with the thresholds stated within the TANS. Given this the development is unlikely to lead to an adverse impact.
122. They further comment that the development is located in a suburban location surrounded by residential properties with commercial buildings nearby and the source of noise could be greater given that the development would house multiple occupants.

123. The EHO noted that the development intends to provide ten beds and be supervised 7 days a week, 365 days per year. However, it may be difficult to quantify the potential noise impact with the proposed development as there are no specific guidance or thresholds associated with developments of this nature. Therefore, they requested that additional information be submitted in relation to how residents would be supervised away from the home.
124. Additional information was received by the applicant including their missing young person's policy 2023, overnight stay guidance 2023 and response to the EHO's queries confirming that the children will not have a history of any criminal activity and that the home will not be working with the criminal justice system. The children will be expected to be in full time education or training during the day and during their spare time they will be able to socialise with their peers, develop activities and friendships and take part in activities organised by carers, similar to any other teenager of this age group. Organised evening and weekend activities will be a central part of the delivery model, aiming to build self-confidence, resilience and a sense of community in the young people. The children will be subject to an evening curfew and be expected to be home by the agreed time, if not, there are sanctions in place.
125. Moving On clarified that they have a strict approach to anti-social behaviour where the Board of Trustees have controls in place ensuring instances of ASB are rare and where they happen are predominantly one-off incidents which are corrected by the support team. The EHO agreed with the information submitted, noting that based on the age range and needs of the residents, the approach described would be a reasonable and practical requirement within the management of the home.
126. The EHO has confirmed that they have assessed the environmental impacts which are relevant to the development in relation to their potential to cause a statutory nuisance, as defined by the Environmental Protection Act 1990 and are satisfied, based on the information submitted with the application, that the development is unlikely to cause a statutory nuisance.
127. On this basis no objections are raised and the EHO confirms that the development is unlikely to lead to an adverse impact or statutory nuisance.
128. The concerns raised by the residents in the area are noted and have been considered, however given the details associated with the proposals and in light of the comments from Environmental Health it is not considered that a refusal reason could be sustained on the basis of impacts on residential amenity. The proposed development would therefore be in accordance with the requirements of policies 18e) and 31 of the CDP and paragraph 96 and 135 of the NPPF.

Impact on Character and Appearance of the Area

129. Part 12 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creating better places in which to live and work, therefore helping to make development acceptable to communities.
130. In broad accordance with Part 12 of the NPPF, Policy 29 (Sustainable Design) of the CDP seeks to ensure that all development proposals achieve well designed buildings and places having regard to supplementary planning documents and other local guidance documents where relevant, and contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create

and reinforce locally distinctive and sustainable communities; create buildings and spaces that are adaptable to changing social, technological, economic and environmental conditions. Furthermore, criteria d, of policy 6 requires development to be appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement.

131. Objections have been raised in relation to the impact the proposed development would have on the character of the area.
132. The Design and Conservation officer commented on the scheme noting that this application takes a similar approach in relation to the proposed external alterations to that of the previously approved application to convert and extend the Workingmen's Club into residential dwellings, approved in 2020.
133. The building is an unlisted C19 building, considered to be a non-designated heritage asset, albeit not included within a designated conservation area, constructed sometime between c.1869 and c.1898. The building first appears on the ordnance survey at the same time as the Grade II listed terraces (colliery houses for the Weardale Iron and Coal Company) that are directly across the road to the west. These are dated in the listing as c.1875, therefore, it is logical to assume that the WMC building dates from around the same time, which is reinforced by its construction as an integral part of the range of stone-built properties of simple character. Further significance of the building derives from its evidential value as part of the collection of C19 buildings directly associated with the local industrial heritage of the area, and from its social interest being the social club for working miners and their families.
134. The building has however been insensitively altered over time with original openings, the entrance modified, and off-shots added to the rear. The building is vacant and currently unused and in a semi-derelict state. Given this, the proposed reuse of the building is welcomed. While the loss of its original function would be regrettable, the proposed residential conversion would provide a sustainable re use moving forwards and a use commensurate with the surrounding buildings.
135. The re-design of the street frontage elevation has been handled sensitively. While the visual appreciation of its use as a WMC would be removed, the proposal reflects the character of the adjacent terraced housing, and the listed properties opposite. Original openings would be restored and unsightly modern fixtures and fittings such as the advertisement boards, illuminated signage, and intrusive modern aluminium entrance way, would be removed. A further benefit would be the removal of the existing inappropriate uPVC and aluminium windows which would be replaced with traditional timber windows, likewise the doors. The above in combination would have a beneficial impact on the character and appearance of the building and the wider C19 terrace.
136. With regard to the rear, the proposed extensions are small in scale and limited in impact, reading subordinately and following the linear terraced form. These would be generally unseen, causing no adverse impact to the significance of the terrace or in the setting of the listed terraces to the west. The rear boundary wall is to be demolished to provide access to the proposed parking provision and rebuilt creating a new boundary enclosure to the outside external area by reusing the existing boundary wall material, which is welcomed.
137. It is therefore considered that the proposed external changes are considered acceptable in respect of policies 6d, 29 and 44 of the CDP and parts 12 and 16 of the NPPF.

Impact on Highway Safety

138. CDP Policy 21 states that any vehicular traffic generated by new development following the implementation of sustainable transport measures, must be able to be safely accommodated on the local and strategic highway network; that car parking at residential developments should ensure that a sufficient level is provided for both occupants and visitors to minimise potential harm to amenity from footway parking, and that appropriate provision for electric vehicle charging, including charge points and laying of cables, should be made on both residential and non-residential development where parking is provided. In turn criteria e. of policy 6 requires development to not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity.
139. Objections have been raised with regards to the lack of parking available at the site for the number of occupants, then the addition of staff parking and that the nature of the use would create significant problems with people visiting the facility given that access is via an unadopted rear lane with no parking to the front of the site. Concern is also raised that the additional number of vehicles generated by the use of the premises as supported accommodation would lead to congestion.
140. The views of the Highway Authority have been sought and it is noted that the existing, lawful and extant use of the site as a drinking establishment could attract high numbers of vehicles to and from the site under the existing consent, including larger vehicles such as Drey Waggon, deliveries etc.
141. While there would inevitably be vehicle movements associated with the proposed use, there would be a new provision of 5 parking spaces whereas the existing use currently does not have any. The front of the property has bollards in place to prevent indiscriminate parking, and the junction from the rear lane where parking would be located, out onto the A167, is also protected by bollards to maintain sight lines.
142. On this basis, it is not considered that the proposal would be prejudicial to road safety or have a severe cumulative impact on the local highway network.
143. From a Highways perspective, this proposal would be acceptable subject to the provision of the 5 parking spaces as shown on the proposed plans.
144. The site is located within a sustainable location with public bus stops located within a reasonable walking distance of the site for access to regular public transport options. It is also considered that due to the fairly sustainable location the proposed use of the building as a C2 Residential Care unit would not create a significant detrimental impact on highway safety concerns in accordance with relevant local plan policy and the NPPF. The 5no. parking spaces to be provided are welcomed for off road parking.
145. The proposed change of use as a C2 Facility with 10 rooms has however requirements for cycle storage. At least 4 cycle spaces should be provided at the site for staff and residents, the submitted proposed site plan indicates that cycle storage would be provided within the outside storage shed which could be conditioned as part of any planning approval to be retained in perpetuity.
146. Therefore, it is considered that the proposed change of use would not result in a detrimental impact upon road safety or cause a severe cumulative impact to the surrounding road network. As such, the proposed scheme accords with policies 6e and 21 of the CDP and Part 9 of the NPPF.

Other Matters

147. Policy 27 of the CDP requires new residential development to be served by a high-speed broadband connection unless it can be demonstrated that this is not appropriate. The development would be located in a residential area. Similar, requirement in terms of broadband connectivity and broadband connectivity would be delivered in this wider context. As such it does not appear that there would be any significant constraints to delivering the connectivity in accordance with the requirements of policy 27 of the CDP. However, that said, a pre-commencement condition would be attached to any approval granted for specific details to be submitted and agreed in writing by the Local Planning Authority.
148. Policy 29 of the CDP criteria c) and d) require that developments should seek to minimise greenhouse gas emission by seeking to achieve zero carbon buildings and provide renewable and low carbon energy generation and should minimise the use of non-renewable and unsustainable resources. The proposed site plan identifies that both dwellings will have car charging points installed. However, further details will be required and therefore a pre-commencement condition would be attached to any approval granted in this regard.
149. Concerns were raised that the applicants did not consult with the surrounding area in relation to their proposal for supported living accommodation within the C2 use. Whilst applicants are encouraged to engage with the local community prior to the submission of a planning application at present this is not a statutory requirement for this type of application. Upon receipt of the application the Local Planning Authority undertook appropriate publicity as detailed within the Development Management Procedure Order.
150. Objections have been received which cite concerns that the development would devalue properties in the surrounding area. However, such matters are not material planning considerations to which weight can be afforded in determination of this application.

Public Sector Equality Duty

151. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic.
152. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

CONCLUSION

153. The council has a duty, as stated in section 22G of the Children Act 1989, to take steps to secure, as far as reasonably practicable, sufficient accommodation for looked after children within their local authority area. Where a child cannot remain safely at home and comes into the care of the Local Authority, the council becomes the 'corporate parent' for that child. The term 'corporate parent' means the collective responsibility of the council, elected members, employees and partner agencies, for providing the best possible care and safeguarding support for the children and young people who are looked after and supported by the council.

154. The applicant has demonstrated that the facility would meet an identified need within the County and the proposal is therefore considered acceptable in principle. For the reasons detailed within this report the development is considered to accord with policies 6, 15, 18, 21, 29, 31 and 44 of the CDP subject to the conditions, in as much as it would not have any detrimental impact upon residential amenity, the character and appearance of the area, highway safety, social cohesion, crime and the fear of crime.
155. Whilst significant objections have been raised by residents they were not considered sufficient to sustain refusal of planning permission for the reasons detailed in the report.

RECOMMENDATION

That the application be **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.

Plan	Drawing No.	Date Received
Site Location Plan		20/07/23
Proposed Ground Floor Plan	PA4	20/07/23
Proposed Front and Rear Elevations	PA6	20/07/23
Proposed and Existing Rear Plans	PA8	22/03/24
Proposed First Floor Plan	PA5 Rev. 1	21/03/24
Proposed and Existing Site Plan	PA7	20/07/23

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 6, 16, 21, 29 and 31 of the County Durham Plan and Parts 2, 4, 8, 9, 12 and 15 of the National Planning Policy Framework.

3. The property shall be used only as home to provide supported living accommodation to accommodate no more than 10no young persons aged between 16 and 18 years of age and for no other purpose falling within Class C2 of the Town and Country Planning (Use Classes) Order 1987.

Reason: In the interests of residential amenity in accordance with policy 18 of the County Durham Plan.

4. Notwithstanding any details of materials submitted with the application no development shall commence until details of the make, colour and texture of all walling and roofing materials 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 Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

5. Notwithstanding the details submitted within the application the development shall not be occupied until a detailed strategy of precise management methods, approaches and techniques for the operation of the site has been submitted to and agreed in writing by the Local Planning Authority. The strategy shall include measures of CCTV coverage, 24-hour security or warden presence, warden schemes or other management operations.

Thereafter the development shall be implemented in accordance with the agreed details, with adherence to the agreed management scheme in perpetuity.

Reason: In the interests of reducing the potential for harm to residential amenity, anti-social behaviour or the fear of such behaviour within the community having regards Policies 29 and 31 of the County Durham Plan

6. The cycle storage provision shown on the existing and proposed site plan reference PA7 received 20th July 2023 shall be available for use prior to the first use of the property as a supported living accommodation (Use Class C2) and shall thereafter be retained for use at all times whilst the property is occupied as such.

Reason: To promote sustainable modes of transport in accordance with policies 6 and 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

7. Prior to commencement of the development hereby approved, a scheme detailing the precise means of broadband connection to the site shall be submitted to and agreed in writing by the local planning. Thereafter, the development shall be carried out in accordance with the agreed detail.

Reason: To ensure a high quality of development is achieved and to comply with the requirements of policy 27 of the County Durham Plan

8. Prior to commencement of development hereby approved, details of a scheme to minimise greenhouse gas emissions, with the aim of achieving as close as possible a zero carbon building, shall be submitted and approved in writing by the Local Planning Authority. The scheme shall include, but not be limited to, provision of renewable and low carbon energy generation and electric car charging points. The renewable and low carbon energy measures shall be installed in accordance with the approved details thereafter.

Reason: To comply with requirements to minimise greenhouse gas emissions in line with details set out in policy 29c and d) of the CDP

9. In undertaking the development that is hereby approved:

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 0730 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: To protect the residential amenity of existing and future residents from the development in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to approve 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. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

BACKGROUND PAPERS

Submitted application form, plans, supporting documents and subsequent information provided by the applicant.

Statutory, internal, and public consultation responses

The National Planning Policy Framework (2023)

National Planning Practice Guidance Notes

County Durham Plan (2020)

Durham County Council Residential Amenity Standards SPD (2022)

Durham County Council Parking and Accessibility SPD (2023)



Planning Services

DM/23/02164/FPA Change of use and extension to rear of the former working mens club (Sui-Generis) to supported living accommodation (C2) for 16 to 18 year olds at Croxdale And Hett Working Mens Club And Institute Front Street East Croxdale Durham DH6 5HX

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Date 09 April 2024

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No: DM/23/02538/FPA

SITE LOCATION: 90 Gilesgate Durham DH1 1HY

FULL AND LISTED BUILDING APPLICATION DESCRIPTION: Convert existing attic space to bedroom with en-suite, including new staircase from 2nd floor, replacement skylights and alterations to existing bedrooms. Convert outbuilding to office space including alteration to the external walls and roof.

Name of Applicant: Justin Taylor

Electoral Division: Elvet and Gilesgate

Case Officer: Clare Walton Planning Officer 03000 261060
clare.walton@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

Site

1. The application site is a prominent, white painted, 3 storey Georgian townhouse which is Grade II listed and fronts directly onto the north side of the green at Gilesgate Durham and is also set within the Durham City Centre Conservation area. Gilesgate is one of the City's principle historic streets and makes a positive contribution to the surrounding Conservation Area. The site includes a detached outbuilding which spans the boundary with the adjacent property.
2. The application site is framed predominantly by residential properties to the north east and west. To the west there is an attached unlisted 2 storey brick faced dwelling and to the east is a lane (West View) which gives access to dwellings to the north.

The Proposal:

3. Full Planning Permission is sought to convert existing attic space to a bedroom with en-suite, including a new staircase from 2nd floor, replacement skylights and alterations to existing bedrooms. Conversion of an existing outbuilding to office space including alteration to the external walls and roof is also proposed.

4. This application should be read in conjunction with Listed Building application Ref: DM/23/02539/LB.
5. The conversion of the existing outbuilding to office retains the footprint of the existing building into one main space with a small shower room and kitchenette. The space will be used to predominantly support home working as well as additional space connected to the garden. Alteration to the roof is proposed replacing the current flat roof arrangement with a dual pitch either side of a small flat area.
6. The proposal also includes the conversion of the existing attic to create an additional bedroom with ensuite, a new staircase is required and to accommodate this the 2nd floor layout would be altered. The space occupied by the existing 2 bedrooms and small bathroom will be reconfigured to provide one bedroom with ensuite, a larger bathroom and the stairs to the attic floor.
7. This application is a re submission of a previous scheme that was refused due to concerns over the scale and size of the proposed extension to the outbuilding and the design of a proposed dormer window and their impact upon the setting of the listed building and the conservation area. The revisions reflected in the current application reduce the size, scale and massing of the outbuilding significantly and the box glass dormer window has been removed and replaced with velux windows. Whilst the original submission proposed the use of Envirobuild 'granite' cladding this has since been amended with the external materials of the alterations to the outbuilding proposed to be finished in Hardwood timber cladding stained black.
8. The revised application has been called to be determined by the planning committee at the request of Durham City Parish Council who considers the proposal to still be contrary to policy 44 of the County Durham Plan due to its inappropriate use of materials and cladding of the outbuilding which would lead to substantial harm to the designated heritage asset which would not be outweighed by public benefits contrary to the aims of policy 44 of the CDP and paragraphs 199 and 202 of the NPPF.

PLANNING HISTORY

9. 4/95/00344/LB Installation of replacement window to utility room Approved 4th July 1995

4/95/00748/LB Alterations to provide new window to gable and new rear boundary wall Approved 27th March 1996

4/95/00751/LB Replacement of garage doors Approved 3rd January 1996

4/04/00486/LB External alterations involving replacement of existing modern windows with timber sash windows and restoration of plaster to gable elevation Approved 22nd June 2004

DM/23/00911/LB Loft conversion including a glass dormer window in centre of roof, with 3x conservation velux windows. Convert and extend the existing garage to a 1.5 storey garden room, with 2x dormer windows Refused 14th June 2023
Specifically, this planning application was refused on the grounds of its excessive scale and inappropriate design resulting in substantial harm to the existing fabric

and setting of Grade II Listed Building and associated curtilage which was contrary to policy 44 of the CDP, H2 of the DCNP, Part 16 of the NPPF and Sections 66 and 72 of the Town and Country Planning (Listed Building and Conservation Areas Act (1990). Its significant detrimental impact upon the residential amenity of neighbouring properties through loss of privacy, overbearing and overshadowing, contrary to Policies 29 and 31 of the County Durham Plan and the Council's Residential Design Guide SPD and Part 15 of the NPPF and insufficient information to demonstrate that the development would not be harmful to protected species (in this case bats) contrary to policy 43 of the CDP and Part 15 of the NPPF.

DM/23/00993/FPA Loft conversion including a glass dormer window in centre of roof, with 3x conservation velux windows. Convert and extend the existing garage to a 1.5 storey garden room, with 2x dormer windows Refused 14th June 2023.

Specifically, the Listed Building Application was refused on the grounds that the development would fail to preserve the Grade II Listed Building contrary to the requirements of Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 and would lead to substantial harm to the designated heritage asset which would not be outweighed by public benefits contrary to the aims of policy 44 of the CDP and paragraphs 199 and 202 of the NPPF.

PLANNING POLICY

National Policy

10. 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. Decisionmakers at every level should seek to approve applications for sustainable development where possible.
11. 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.
12. 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.
13. 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.

County Durham Plan –

14. The following policies of the County Durham Plan are considered relevant to the determination of this application.
15. Policy 29 - Sustainable Design - requires all development proposals to achieve well designed buildings and places having regard to supplementary planning documents and other local guidance documents where relevant, and contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
16. Policy 31- Amenity and Pollution - 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. 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.
17. 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
18. Policy 44 - Historic Environment - seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets.
19. The Council's Residential Amenity Standards Supplementary Planning Document January 2023 provides detailed guidance in relation to extensions and other works to dwellinghouses to ensure that these do not have an adverse impact upon the host dwelling, the character of the wider area and residential amenity.

<https://www.durham.gov.uk/media/34069/County-Durham-Plan-adopted-2020-/pdf/CountyDurhamPlanAdopted2020vDec2020.pdf?m=63742496933140000>

Neighbourhood Plan

20. Policy H2 of the City of Durham Neighbourhood Plan: Expects development within the City Centre Conservation Area to sustain and enhance its special interest and significance identified within the conservation area character appraisal taking account of sustaining and enhancing the historic and architectural qualities of buildings, continuous street frontages, patterns, boundary treatments, floorscape and roofscapes, avoiding loss or harm of an element that makes a positive contribution to its individual significance and surrounding area, using appropriate scale, density, massing, form, layout and materials, using high quality design sympathetic to the character and context, its significance and distinctiveness.

CONSULTATION AND PUBLICITY RESPONSES

Statutory Consultee Responses:

21. Highway Authority raises no objections to the application based on the proposed 'home office' use of the outbuilding should be ancillary to occupancy of the associated dwelling.
22. Durham City Parish Council objects to application and raises concerns that the unique Victorian Washhouse is a significant and rare asset within Gilesgate area and indeed the whole of Durham, whilst its original use is not certain it is understood to have been part of a blacksmith forge or wash house. Whilst they welcome the reduced scale to the outbuilding within the application the proposed use of Envirobuild Pioneer 'Granite' cladding in black creates a material and texture is incongruous with the existing brick and slate appearance of the outbuilding, and is starkly contrasting, rather than sympathetic to, the Listed building.
23. The black Envirobuild cladding is a new material to the property and does not match the existing building in terms of its style. Indeed, is hostile to the original, valued building and in stark contrast to anything else in the nearby environment. Parts of this proposed extension would be visible from other parts of the conservation area.
24. They go on to add that they have concerns in regard to the use of building and its potential to become a self-contained flat, holiday accommodation or otherwise.
25. However, the Parish Council welcomes the amendments to the original proposals insofar as the internal alterations of the main dwelling are concerned. The previously requested obtrusive and destructive dormer windows are now to be replaced by roof lights and this will allow the old beams to remain with full integrity.

Internal Consultee Responses

26. Tree Officer raises no objections advising that the proposal would not remove any substantial trees within the property's curtilage and that those trees which are located within the rear do not warrant tree preservation orders. Any proposed extension with retained trees must adhere to NHBC guidelines Chapter 4.2 Building near Trees.
27. Ecology Section has assessed the bat report and confirm that it is considered to be sufficient to support the application agreeing with its conclusion that the building is deemed to be of negligible suitability and therefore no further survey is required.
28. Design and Conservation Section has advises that the revised proposal would preserve the character, appearance, and significance of the surrounding Conservation Area and Listed Building in accordance with the requirements of NPPF Section 16, CDP Policy 44, and NP Policy H2.
29. They confirm that the revised design of the extension proposal to the historic outbuilding is considered to have overcome the previous harm identified to the

curtilage listed structure, however the use of Envirobuild "granite" cladding specified is a concern as this is a composite material, amended details have been submitted changing this material to timber cladding and it is considered that would be acceptable.

30. The proposed substitution of the previous glazed box dormer for a skylight would be a far more sympathetic intervention read in conjunction with the existing roof-lights and causing no harm. Specification details would however be required and could be secured via planning condition. Importantly the submitted plan identifies that no structural alterations to roof trusses would be required. All other internal alterations to the listed building are considered acceptable and they offer no objection to those elements of the scheme.

Public Responses

31. The application has been advertised by means of site notice and by notification letter sent to neighbouring residents.

32. 4 letters of objection have been received in response to both the Full Planning Application and Listed Building Application. These include comments from the City of Durham Trust and the Gilesgate Residents Association and raise the following concerns:

- the use of Envirobuild 'Granite' cladding is unacceptable and not in keeping with the characteristic features of the original building.
- The amount of the original roof remaining on the east elevation is barely adequate to retain the building's unique characteristics.
- Installation of a shower in an office conversion opens a route to potential change of use.
- Reduction of the flat roof height by 20 cm makes much better aesthetic sense of the cupola by providing a clear reason for its existence, as viewed from the West View Road.
- The outbuilding could be used for additional accommodation/bedrooms/rental
- Parking & Access - significant issues with parking in the area, not helped at all by the lack of any enforcement measures on this side of Gilesgate bank/green the proposed conversion of the outbuilding would worsen the current situation.
- There is some concern that the purpose of the proposed rear conversion (and/or the attic conversion) is to facilitate use as a HMO.
- The composite roof cladding will create a particularly inappropriate contrast directly with the slate roof and the pitch sides destroy the geometry of the pyramidal roof due to their height. Similarly, the inline junction between the wall cladding and newly exposed brick is also awkward in appearance.
- Notwithstanding later modifications, the City of Durham Trust considers the outbuilding to be both of interest and as a remnant of previous uses to the rear of Gilesgate. It should be considered as one building despite its ownership division and is an important adjunct to, and part of the setting of, the listed building. It is therefore significant in its relationship to the character of the conservation area.
- Should alterations be approved then it should be ensured that it includes a condition covering repair of the roof and central vent.

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/simpleSearchResults.do?action=firstPage>

PLANNING CONSIDERATION AND ASSESSMENT

33. 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, it is considered that the main planning issues in this instance relate to the impact on the surrounding Conservation Area, development which affects a listed building and its setting, the impact upon residential amenity, ecology highway safety.

Impact of the proposal upon designated heritage assets

34. No. 90 Gilesgate is an imposing residential dwelling of c.1760 comprising of 3-storeys and 3-narrow bays, with a rear wing that is possibly Victorian. The front is rendered with rusticated quoins and includes a corniced doorcase and C19 sliding sash windows. The buildings significance in brief derives from its listed status, historic interest, architectural/aesthetic merits as a fine example of a Georgian townhouse. Further significance derives from its very positive contribution to the surrounding Durham City Conservation Area, adding to the high quality architecturally diverse historic streetscape of Gilesgate.
35. At the north end of the rear garden plot stands a one-storey rectangular shaped brick outbuilding with a hipped slate roof and upstanding lantern type vent, positioned on the dividing boundary line between the two properties No 89 (unlisted) and 90. The true age of the outbuilding is unknown, but it is identifiable on the detailed OS map c.1857, labelled as "WH" signifying a wash house, and it appears to be an early Victorian building. The outbuilding would be considered curtilage listed.
36. The garden is approximately 17m long and is screened from the lane by a low stone wall with woven panels above. The outbuilding was originally square with a slate roof and timber slated lantern vent in the centre and is noted on historic maps as a Wash House, this building ownership is split through the middle of this original building.
37. An unsympathetically flat roof extension was added to the building around the 1990's to convert to a double garage with access from West View. The building no longer has vehicle access with the previous gates having been removed. Currently, the outbuilding is being used as storage and office space in association with the occupation of No. 90 Gilesgate as a dwellinghouse (Use Class C3). The garage door has been removed and replaced with French doors and windows have been added. The external walls have been overclad in vertical timber cladding.
38. The conversion and alterations to the outbuilding would include a contemporary pitched roof to provide more internal head room, this would follow the slope of the existing roof with a flat roof upper section to keep the current peak and the cupola.
39. The materials of the original wash house will be retained with the brick exposed and repaired or replaced as required, the slatted lantern vent and slate roof would be repaired. It was originally proposed that the external wall/roof of the former extension to the outbuilding would be finished in Envirobuild Pioneer 'Granite' cladding, (which is a modern composite material), black aluminium windows/doors

and round profile upvc gutter and downpipes are proposed to tie in with the main house.

40. As noted, this application represents a revision and resubmission of a previously refused application. The revised design relating to the historic outbuilding is considered to have overcome the previous harm identified with the size, scale and massing having been significantly reduced and the form simplified to pay more regard to the original building. The alteration achieves a subservient relationship and does not overpower the original outbuilding that remains fully legible and recognisable as the main historic element. The extension presents itself as a contemporary intervention/addition with a clear dialogue set between old and new. In comparing the proposed extension to the existing flat roofed timber clad extension, it would replace it would be considered to result in an uplift in design and aesthetic quality with the significance of the outbuilding and its historic ancillary relationship with primary listed dwelling conserved.
41. The proposed substitution of the previous glazed box dormer for conservation skylights would be a far more sympathetic intervention read in conjunction with the existing roof-lights and causing no harm. However, specification details would be required.
42. The Council's Design and Conservation Section advises that the use of modern material and dark colour finishes is not opposed, the alternative use of traditional brick and slate to match the existing would blur the evolution of the built form and weaken the contemporary aesthetic seeking to be achieved. As noted, there was concern regarding the use of the Envirobuild "granite" cladding as this is a composite material and as consequence the applicant has amended this element of the proposal and a dark stained, hardwood timber cladding is proposed. The existing over cladding would be removed and the original brick work of the outbuilding restored that would be positive. However, given the curtilage listed status of the outbuilding a scope of repair works should be provided for review in this regard to be secured via planning condition attached to the Listed Building Permission.
43. Part 12 of the NPPF, Policy 29 of the County Durham Plan and Policy H2 of the Durham City Neighbourhood Plan seek to ensure good design in new developments which contribute positively to an area's character, identity, heritage significance, townscape and landscape features. Part 16 of the NPPF, Policy 44 of the County Durham Plan and Policy H2 of the Durham City Neighbourhood Plan require new development to enhance or preserve the built and historic environment, recognising that heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance. In addition, Section 66 of the Town and Country Planning (Listed Building and Conservation Areas) Act requires Local Planning Authorities to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest when determining planning applications and applications for works to a listed building. Similarly, Section 72 of the same Act requires an LPA to pay special attention to the desirability of preserving or enhancing the character of a conservation area when determining planning applications.
44. The Residential Amenity Standards SPD gives design advice on residential extensions, including those to the rear which are to be designed to safeguard amenity and to respect the character and appearance of the dwelling and locality.

45. Several objections, including an objection from the Durham Parish Council, have been received in regard to the materials and design of the outbuilding to the rear, revisions were received in relation to the materials and the Council's Design and Conservation Section was reconsulted. In responding they confirmed that the use of black timber cladding would be considered to a more traditional and natural material and was acceptable. The timber cladding would have a black paint finish and would assist to signify the proposal as an latter contemporary addition, whereas the alternative use of traditional brick and slate to match the existing, would in effect lessen the legibility between the two elements and the overall evolution of the built form.
46. In light of the above, taking into account Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered the proposal would satisfy the provisions of parts 12 and 16 of the NPPF, policies 29 and 44 of the County Durham Plan and policy H2 of the Durham City Neighbourhood Plan. The works are of appropriate scale and form in relation to the listed building and its curtilage and would not appear incongruous within the wider conservation area. The proposed materials are considered to have a positive impact upon the character and appearance of the Durham City Conservation Area through the introduction of timber cladding giving the extension to the outbuilding a more contemporary addition.
47. Concerns were received in regard to the outbuilding being seen from various parts of the conservation area and having a detrimental impact upon its character, however it is considered that the original roof form visible from outside the private rear garden would be conserved, with the outbuilding remaining legible and recognisable in this regard. From outside of the private rear garden the proposed extension would now be shielded from view by the side boundary treatment. Importantly it will now be of a subordinate ancillary scale in comparison to the adjacent terrace at West View c.1915, and there would no longer be co-visibility. In comparison the previous scheme was visually impactful in the context of the neighbouring residential terrace due to its competing height and resultant level of visibility and prominence. As such the revised design removes the previous adverse visual impact identified in views from the main street frontage along both side of Gilesgate when looking into the side access point, and from with the unadopted road to the rear (east) of West View.
48. Based on the above, it would be considered that the character, appearance, and significance of the surrounding conservation area would be preserved in accordance with the requirements of NPPF Section 16, CDP Policy 29, 44 and NP Policy H2.

Impact on Residential Amenity

49. Paragraph 130 of the NPPF advises that planning decisions should create places that have a high standard of amenity for existing and future users. In line with this, Policy 31 of the County Durham Plan (CDP) states 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. 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.

50. In addition, criterion e) of Policy 29 states that proposals for alterations and extensions to residential property, and development associated with the incidental enjoyment of a dwelling, should ensure the development is sympathetic to the existing building(s) and the character and appearance of the area in terms of design, scale, layout, roof design and materials.
51. The Council's Residential Amenity SPD sets out general criteria for additions to residential properties. Paragraph 2.27 of the SPD states that; Domestic garages and outbuildings should generally follow the same guidelines as those for extensions and should be of a high quality of design especially where they are proposed in a prominent location. Garages should be subordinate to the house and unobtrusively sited in relation to existing houses and the street scene. They should not restrict access to neighbouring properties, drives or garages, or have a detrimental impact on the windows of neighbouring properties.
52. The planning application proposes to replace 2 side Velux windows with a smaller Velux (55cm by 78cm) and the centre with a double Velux at (155cm x140cm) in the main house. In terms of overlooking and privacy, the replacement of the skylights within the roof slope would follow the existing arrangement and have no adverse impact in this regard. Whilst it is acknowledged that the larger Velux window could allow for some views to neighbouring properties this in itself is not considered to amount to any unacceptable loss of privacy, and some overlooking of garden areas are a common arrangement within a residential area of this type. In addition, it is noted that the adjacent property contains a dormer window in a similar location which enjoys a similar relationship with the application property, therefore it is considered that any loss of privacy or overlooking would not be significantly impacted in accordance with policies 29 and 31 of the CDP and the Council's Residential Amenity Standards SPD.
53. Works to convert the existing outbuilding would retain the current footprint and be configured into one main space. This space would predominantly support home working, as well as providing additional social space but to be used ancillary to the current use of the property as a dwellinghouse (Use Class C3). The structure would remain single storey and it is not considered that the development would result in any loss of light, loss of privacy or overshadowing to neighbouring properties.
54. The proposed works are not therefore considered to harm the amenity of neighbouring residents in accord with CDP Policy 29 and 31 and paragraph 180 of the NPPF.

Ecology and Protected Species

55. Part 15 of the NPPF seeks to ensure that proposals show regard to the protection and enhancement of internationally and nationally important sites and species; contributing and enhancing the natural and local environment by ensuring there is no net loss of biodiversity.
56. Given the nature of the proposed works and the impact on existing features the application was supported by a Bat Risk Assessment which concluded that the risk to protected species was low. The Council's Ecologist concurred with that

conclusion and offered no objection confirming that no further surveys were required. Accordingly, it is considered that the development accords with Policy 43 of the CDP and Part 15 of the NPPF in this respect.

Impact on Highway Safety

57. Policy 21 of the CDP states that any vehicular traffic generated by new development...can be safely accommodated on the local and strategic road network and does not cause an unacceptable increase in congestion or air pollution. Similarly, paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on safety, of the residual cumulative impacts on the road network would be severe.
58. It is acknowledged that the outbuilding has undergone previous alterations and is now used as storage and office space with no vehicle access. The Highway Authority confirm that the proposed development does not raise any concern over highway safety.
59. It is noted that concerns have been raised over increase in traffic and parking demand due to speculation the building could be used for additional accommodation and/or holiday letting by interested parties. However, it is not considered the proposal would have any adverse impact in this regard noting comments from the Highway Authority. In so far as any future use is concerned the application does not include any proposed change of use. The specific concern relates to use as a HMO which would be controlled via the properties position within the Article 4 Direction Area removing this permitted development provision. As such this cannot be afforded weight in the determination of this planning application. In light of the above, it is considered that the proposals would accord with Policy 21 of the County Durham Plan and part 9 of the NPPF in this respect.

Other Matters

60. Comments have been raised in relation to the applicant's potential future aspirations for the property. However, the current application relates to the stated works and no material change in use of the property is proposed. Should the application wish to make further alterations to the property or materially change its use to that of a HMO, this would require planning permission. In addition, various objections have been received from neighbouring properties that the dwelling is currently up for sale. However, again this is not considered to be a material consideration to which weight can be afforded in determination of this application.
61. Comments in relation to the restoration of the cupola were received and that the restoration must replicate existing materials and be done in consultation and collaboration with the adjoining owner. As mentioned above a scope of works associated with the listed building application would be required and submitted for approval for any repair work. However, any works to a party wall is a civil matter between the parties involved and not a material planning consideration in the determination of this application.

CONCLUSION

62. The proposals relates to the conversion of the existing attic space to bedroom with ensuite, including new staircase from 2nd floor, replacement skylights and alterations to existing bedrooms and conversion of outbuilding to office space including alteration to the external walls and roof. The property is Grade II listed and situated within Durham City Conservation area. Gilesgate and the outbuilding to the rear which is curtilage listed. it is considered that the character, appearance and significance of the conservation area and the important historic architectural features of the listed building would be preserved in accordance with the requirements of NPPF Section 16, CDP Policy 44, NP Policy H2 and Sections 66 and 72 of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990.
63. In addition, it is considered that the development would accord with the requirements of policies 29, 31, 41 and 43 of the CDP and Parts 8, 9, 12 and 15 of the NPPF in that it would have no unacceptable impact upon residential amenity, ecology or highway safety.
64. Whilst the comments and objections received from interested parties are noted, for the reasons detailed within this report the matters raised are not considered sufficient to sustain refusal of the application.

Public Sector Equality Duty

65. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic.
66. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

RECOMMENDATION

That the planning application be **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 approved plans List in Part 3 – Approved Plans

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Parts 12, 15 and 16 of the NPPF

and in particular Policies 29, 31 and 44, of the County Durham Plan

ADDITIONAL MATTERS

Party Wall Act

If the plans deposited involve the carrying out of building work along or close to the boundary, you are advised that under the Party Wall Act 1996 you have a duty to give notice to the adjoining owner of your intentions before commencing this work.

BACKGROUND PAPERS

Submitted Application Forms,
Plans and supporting documents
National Planning Policy Framework
The County Durham Plan (CDP)
Durham City Neighbourhood Plan
Durham County Council Parking Standards adopted 2023
Statutory consultation responses
Internal consultation responses
External consultation responses



Planning Services

DM/23/02538/FPA

Convert existing attic space to bedroom with en-suite, including new staircase from 2nd floor, replacement skylights and alterations to existing bedrooms. Convert outbuilding to office space including alteration to the external walls and roof. 90 Gilesgate Durham
DH1 1HY

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Date 9 April

Scale NTS



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No: DM/23/02539/LB

SITE LOCATION: 90 Gilesgate Durham DH1 1HY

FULL AND LISTED BUILDING APPLICATION DESCRIPTION: Convert existing attic space to bedroom with en-suite, including new staircase from 2nd floor, replacement skylights and alterations to existing bedrooms. Convert outbuilding to office space including alteration to the external walls and roof.

Name of Applicant: Justin Taylor

Electoral Division: Elvet and Gilesgate

Case Officer: Clare Walton Planning Officer 03000 261060
clare.walton@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

Site

1. The application site is a prominent, white painted, 3 storey Georgian townhouse which is Grade II listed and fronts directly onto the north side of the green at Gilesgate Durham and is also set within the Durham City Centre Conservation area. Gilesgate is one of the City's principle historic streets and makes a positive contribution to the surrounding Conservation Area. The site includes a detached outbuilding which spans the boundary with the adjacent property.
2. The application site is framed predominantly by residential properties to the north east and west. To the west there is an attached unlisted 2 storey brick faced dwelling and to the east is a lane (West View) which gives access to dwellings to the north.

The Proposal:

3. Listed Building Consent is sought to convert the existing attic space to a bedroom with en-suite, including a new staircase from 2nd floor, replacement skylights and alterations to existing bedrooms. Conversion of an existing outbuilding to office space including alteration to the external walls and roof is also proposed.

4. This application should be read in conjunction with Full Planning Application Ref: DM/23/02538/FPA.
5. The conversion of the existing outbuilding to office retains the footprint of the existing building into one main space with a small shower room and kitchenette. The space will be used to predominantly support home working as well as additional space connected to the garden. Alteration to the roof is proposed replacing the current flat roof arrangement with a dual pitch either side of a small flat area.
6. The proposal also includes the conversion of the existing attic to create an additional bedroom with ensuite, a new staircase is required and to accommodate this the 2nd floor layout would be altered. The space occupied by the existing 2 bedrooms and small bathroom will be reconfigured to provide one bedroom with en suite, a larger bathroom and the stairs to the attic floor.
7. This application is a re submission of a previous scheme that was refused due to concerns over the scale and size of the proposed extension to the outbuilding and the design of a proposed dormer window and their impact upon the setting of the listed building and the conservation area. The revisions reflected in the current application reduce the size, scale and massing of the outbuilding significantly and the box glass dormer window has been removed and replaced with velux windows. Whilst the original submission proposed the use of Envirobuild 'granite' cladding this has since been amended with the external materials of the alterations to the outbuilding proposed to be finished in Hardwood timber cladding stained black.
8. The revised application has been called to be determined by the planning committee at the request of Durham City Parish Council who considers the proposal to still be contrary to policy 44 of the County Durham Plan due to its inappropriate use of materials and cladding of the outbuilding which would lead to substantial harm to the designated heritage asset which would not be outweighed by public benefits contrary to the aims of policy 44 of the CDP and paragraphs 199 and 202 of the NPPF.

PLANNING HISTORY

9. 4/95/00344/LB Installation of replacement window to utility room Approved 4th July 1995

4/95/00748/LB Alterations to provide new window to gable and new rear boundary wall Approved 27th March 1996

4/95/00751/LB Replacement of garage doors Approved 3rd January 1996

4/04/00486/LB External alterations involving replacement of existing modern windows with timber sash windows and restoration of plaster to gable elevation Approved 22nd June 2004

DM/23/00911/LB Loft conversion including a glass dormer window in centre of roof, with 3x conservation velux windows. Convert and extend the existing garage to a 1.5 storey garden room, with 2x dormer windows Refused 14th June 2023
Specifically, this planning application was refused on the grounds of its excessive scale and inappropriate design resulting in substantial harm to the existing fabric and setting of Grade II Listed Building and associated curtilage which was contrary to

policy 44 of the CDP, H2 of the DCNP, Part 16 of the NPPF and Sections 66 and 72 of the Town and Country Planning (Listed Building and Conservation Areas Act (1990). Its significant detrimental impact upon the residential amenity of neighbouring properties through loss of privacy, overbearing and overshadowing, contrary to Policies 29 and 31 of the County Durham Plan and the Council's Residential Design Guide SPD and Part 15 of the NPPF and insufficient information to demonstrate that the development would not be harmful to protected species (in this case bats) contrary to policy 43 of the CDP and Part 15 of the NPPF.

DM/23/00993/FPA Loft conversion including a glass dormer window in centre of roof, with 3x conservation velux windows. Convert and extend the existing garage to a 1.5 storey garden room, with 2x dormer windows Refused 14th June 2023.

Specifically, the Listed Building Application was refused on the grounds that the development would fail to preserve the Grade II Listed Building contrary to the requirements of Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 and would lead to substantial harm to the designated heritage asset which would not be outweighed by public benefits contrary to the aims of policy 44 of the CDP and paragraphs 199 and 202 of the NPPF.

PLANNING POLICY

National Policy

10. 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. Decisionmakers at every level should seek to approve applications for sustainable development where possible.
11. 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.

[National Planning Policy Framework - Guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/policies/national-planning-policy-framework)

County Durham Plan –

12. The following policies of the County Durham Plan are considered relevant to the determination of this application.
13. Policy 44 - Historic Environment - seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets.

Neighbourhood Plan

14. Policy H2 of the City of Durham Neighbourhood Plan: Expects development within the City Centre Conservation Area to sustain and enhance its special interest and significance identified within the conservation area character appraisal taking account of sustaining and enhancing the historic and architectural qualities of buildings, continuous street frontages, patterns, boundary treatments, floorscape and roofscapes, avoiding loss or harm of an element that makes a positive contribution to its individual significance and surrounding area, using appropriate scale, density, massing, form, layout and materials, using high quality design sympathetic to the character and context, its significance and distinctiveness.

CONSULTATION AND PUBLICITY RESPONSES

Statutory Consultee Responses:

15. Durham City Parish Council objects to application and raises concerns that the unique Victorian Washhouse is a significant and rare asset within Gilesgate area and indeed the whole of Durham, whilst its original use is not certain it is understood to have been part of a blacksmith forge or wash house. Whilst they welcome the reduced scale to the outbuilding within the application the proposed use of Envirobuild Pioneer 'Granite' cladding in black creates a material and texture is incongruous with the existing brick and slate appearance of the outbuilding, and is starkly contrasting, rather than sympathetic to, the Listed building.
16. The black Envirobuild cladding is a new material to the property and does not match the existing building in terms of its style. Indeed, is hostile to the original, valued building and in stark contrast to anything else in the nearby environment. Parts of this proposed extension would be visible from other parts of the conservation area.
17. They go on to add that they have concerns in regard to the use of building and its potential to become a self-contained flat, holiday accommodation or otherwise.
18. However, the Parish Council welcomes the amendments to the original proposals insofar as the internal alterations of the main dwelling are concerned. The previously requested obtrusive and destructive dormer windows are now to be replaced by roof lights and this will allow the old beams to remain with full integrity.

Internal Consultee Responses

19. Design and Conservation Section has advised that the revised proposal would preserve the character, appearance, and significance of the surrounding Conservation Area and Listed Building in accordance with the requirements of NPPF Section 16 and CDP Policy 44.
20. They confirm that the revised design of the extension proposal to the historic outbuilding is considered to have overcome the previous harm identified to the curtilage listed structure, however the use of Envirobuild "granite" cladding specified

is a concern as this is a composite material, amended details have been submitted changing this material to timber cladding and it is considered that would be acceptable.

21. The proposed substitution of the previous glazed box dormer for a skylight would be a far more sympathetic intervention read in conjunction with the existing roof-lights and causing no harm. Specification details would however be required and could be secured via planning condition. Importantly the submitted plan identifies that no structural alterations to roof trusses would be required. All other internal alterations to the listed building are considered acceptable and they offer no objection to those elements of the scheme.

Public Responses

22. The application has been advertised by means of site notice and by notification letter sent to neighbouring residents.
23. 4 letters of objection have been received in response to both the Full Planning Application and Listed Building Application. These include comments from the City of Durham Trust and the Gilesgate Residents Association and raise the following concerns:
 - the use of Envirobuild 'Granite' cladding is unacceptable and not in keeping with the characteristic features of the original building.
 - The amount of the original roof remaining on the east elevation is barely adequate to retain the building's unique characteristics.
 - Installation of a shower in an office conversion opens a route to potential change of use.
 - Reduction of the flat roof height by 20 cm makes much better aesthetic sense of the cupola by providing a clear reason for its existence, as viewed from the West View Road.
 - The outbuilding could be used for additional accommodation/bedrooms/rental
 - Parking & Access - significant issues with parking in the area, not helped at all by the lack of any enforcement measures on this side of Gilesgate bank/green the proposed conversion of the outbuilding would worsen the current situation.
 - There is some concern that the purpose of the proposed rear conversion (and/or the attic conversion) is to facilitate use as a HMO.
 - The composite roof cladding will create a particularly inappropriate contrast directly with the slate roof and the pitch sides destroy the geometry of the pyramidal roof due to their height. Similarly, the inline junction between the wall cladding and newly exposed brick is also awkward in appearance.
 - Notwithstanding later modifications, the City of Durham Trust considers the outbuilding to be both of interest and as a remnant of previous uses to the rear of Gilesgate. It should be considered as one building despite its ownership division and is an important adjunct to, and part of the setting of, the listed building. It is therefore significant in its relationship to the character of the conservation area.
 - Should alterations be approved then it should be ensured that it includes a condition covering repair of the roof and central vent.

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/simpleSearchResults.do?action=firstPage>

PLANNING CONSIDERATION AND ASSESSMENT

24. 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, it is considered that the main planning issues in this instance relate to the impact on the surrounding Conservation Area, development which affects a listed building and its setting, the impact upon residential amenity, ecology highway safety.
25. Local authorities have a duty to preserve or enhance the Conservation Area as requested by section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires Local Planning Authorities in the exercise of their planning function with respect to any buildings or other land in Conservation Areas to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

Impact of the proposal upon designated heritage assets

26. No. 90 Gilesgate is an imposing residential dwelling of c.1760 comprising of 3-storeys and 3-narrow bays, with a rear wing that is possibly Victorian. The front is rendered with rusticated quoins and includes a corniced doorcase and C19 sliding sash windows. The buildings significance in brief derives from its listed status, historic interest, architectural/aesthetic merits as a fine example of a Georgian townhouse. Further significance derives from its very positive contribution to the surrounding Durham City Conservation Area, adding to the high quality architecturally diverse historic streetscape of Gilesgate.
27. At the north end of the rear garden plot stands a one-storey rectangular shaped brick outbuilding with a hipped slate roof and upstanding lantern type vent, positioned on the dividing boundary line between the two properties No 89 (unlisted) and 90. The true age of the outbuilding is unknown, but it is identifiable on the detailed OS map c.1857, labelled as "WH" signifying a wash house, and it appears to be an early Victorian building. The outbuilding would be considered curtilage listed.
28. The garden is approximately 17m long and is screened from the lane by a low stone wall with woven panels above. The outbuilding was originally square with a slate roof and timber slated lantern vent in the centre and is noted on historic maps as a Wash House, this building ownership is split through the middle of this original building.
29. An unsympathetically flat roof extension was added to the building around the 1990's to convert to a double garage with access from West View. The building no longer has vehicle access with the previous gates having been removed. Currently, the outbuilding is being used as storage and office space in association with the occupation of No. 90 Gilesgate as a dwellinghouse (Use Class C3). The garage door has been removed and replaced with French doors and windows have been added. The external walls have been overclad in vertical timber cladding.
30. The conversion and alterations to the outbuilding would include a contemporary pitched roof to provide more internal head room, this would follow the slope of the existing roof with a flat roof upper section to keep the current peak and the cupola.

31. The materials of the original wash house would be retained with the brick exposed and repaired or replaced as required, the slatted lantern vent and slate roof would be repaired. It was originally proposed that the external wall/roof of the former extension to the outbuilding would be finished in Envirobuild Pioneer 'Granite' cladding, (which is a modern composite material), black aluminium windows/doors and round profile upvc gutter and downpipes are proposed to tie in with the main house.
32. As noted, this application represents a revision and resubmission of a previously refused application. The revised design relating to the historic outbuilding is considered to have overcome the previous harm identified with the size, scale and massing having been significantly reduced and the form simplified to pay more regard to the original building. The alteration achieves a subservient relationship and does not overpower the original outbuilding that remains fully legible and recognisable as the main historic element. The extension presents itself as a contemporary intervention/addition with a clear dialogue set between old and new. In comparing the proposed extension to the existing flat roofed timber clad extension, it would replace it would be considered to result in an uplift in design and aesthetic quality with the significance of the outbuilding and its historic ancillary relationship with primary listed dwelling conserved.
33. The proposed substitution of the previous glazed box dormer for conservation skylights would be a far more sympathetic intervention read in conjunction with the existing roof-lights and causing no harm. However, specification details would be required.
34. The Council's Design and Conservation Section advises that the use of modern material and dark colour finishes is not opposed, the alternative use of traditional brick and slate to match the existing would blur the evolution of the built form and weaken the contemporary aesthetic seeking to be achieved. As noted, there was concern regarding the use of the Envirobuild "granite" cladding as this is a composite material and as consequence the applicant has amended this element of the proposal and a dark stained, hardwood timber cladding is proposed. The existing over cladding would be removed and the original brick work of the outbuilding restored that would be positive. However, given the curtilage listed status of the outbuilding a scope of repair works should be provided for review in this regard to be secured via planning condition attached to the Listed Building Permission.
35. Part 16 of the NPPF and Policy 44 of the County Durham Plan require new development to enhance or preserve the built and historic environment, recognising that heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance. In addition, Section 66 of the Town and Country Planning (Listed Building and Conservation Areas) Act requires Local Planning Authorities to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest when determining planning applications and applications for works to a listed building.
36. Several objections, including an objection from the Durham Parish Council, have been received in regard to the materials and design of the outbuilding to the rear, revisions were received in relation to the materials and the Council's Design and Conservation Section was reconsulted. In responding they confirmed that the use of black timber cladding would be considered to a more traditional and natural material and was acceptable. The timber cladding would have a black paint finish and would assist to signify the proposal as a latter contemporary addition, whereas the

alternative use of traditional brick and slate to match the existing, would in effect lessen the legibility between the two elements and the overall evolution of the built form.

37. In light of the above, taking into account Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered the proposal would satisfy the provisions of part 16 of the NPPF and policy 44 of the County Durham Plan. The works are of appropriate scale and form in relation to the listed building and its curtilage and would not appear incongruous within the wider conservation area. The proposed materials are considered to have a positive impact upon the character and appearance of the Durham City Conservation Area through the introduction of timber cladding giving the extension to the outbuilding a more contemporary addition.
38. Concerns were received in regard to the outbuilding being seen from various parts of the conservation area and having a detrimental impact upon its character, however it is considered that the original roof form visible from outside the private rear garden would be conserved, with the outbuilding remaining legible and recognisable in this regard. From outside of the private rear garden the proposed extension would now be shielded from view by the side boundary treatment. Importantly it will now be of a subordinate ancillary scale in comparison to the adjacent terrace at West View c.1915, and there would no longer be co-visibility. In comparison the previous scheme was visually impactful in the context of the neighbouring residential terrace due to its competing height and resultant level of visibility and prominence. As such the revised design removes the previous adverse visual impact identified in views from the main street frontage along both side of Gilesgate when looking into the side access point, and from with the unadopted road to the rear (east) of West View.
39. Based on the above, it would be considered that the character, appearance, and significance of the surrounding conservation area would be preserved in accordance with the requirements of Section 66 of the TCP Listed Buildings and Conservation Areas Act, NPPF Section 16 and CDP 44.

Other Matters

40. Comments have been raised in relation to the applicant's potential future aspirations for the property. However, the current application relates to the stated works and no material change in use of the property is proposed. Should the application wish to make further alterations to the property or materially change its use to that of a HMO, this would require planning permission. In addition, various objections have been received from neighbouring properties that the dwelling is currently up for sale. However, again this is not considered to be a material consideration to which weight can be afforded in determination of this application. These concerns have been considered through the associated planning application.
41. Comments in relation to the restoration of the cupola were received and that the restoration must replicate existing materials and be done in consultation and collaboration with the adjoining owner. As mentioned above a scope of works associated with the listed building application would be required and submitted for approval for any repair work. However, any works to a party wall is a civil matter between the parties involved and not a material planning consideration in the determination of this application.

CONCLUSION

42. The proposals relates to the conversion of the existing attic space to bedroom with ensuite, including new staircase from 2nd floor, replacement skylights and alterations to existing bedrooms and conversion of outbuilding to office space including alteration to the external walls and roof. The property is Grade II listed and situated within Durham City Conservation area. Gilesgate and the outbuilding to the rear which is curtilage listed. it is considered that the character, appearance and significance of the conservation area and the important historic architectural features of the listed building would be preserved in accordance with the requirements of NPPF Section 16, CDP Policy 44 and Section 66 of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990.
43. Whilst the comments and objections received from interested parties are noted, for the reasons detailed within this report the matters raised are not considered sufficient to sustain refusal of the application.

Public Sector Equality Duty

44. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic.
45. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

RECOMMENDATION

That the listed building consent application be **APPROVED** subject to the following conditions

1. The works to which this consent relates must be begun not later than the expiration of three years beginning with the date on which the consent is granted.

Reason: Required to be imposed pursuant to Section 18 of the Planning (Listed Building and Conservation Areas) 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 List in Part 3 – Approved Plans

Reason: To define the consent and ensure that a satisfactory form of development is Obtained

3. Before works commence joinery details for the installation of the velux windows to the main dwelling shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In the interests of the visual amenity of the surrounding areas in accordance with Policies 29 and 44 of the County Durham Plan and Parts 12 and 16 of the National Planning Policy Framework.

4. Before works commence a scope of repair works shall be submitted to and agreed in writing by the LPA providing precise detail of the removal of the cladding to the outbuilding, the repair or replacement of existing brickwork and the restoration of the cupola, thereafter the development will be carried out in accordance with the agreed detail.

Reason: In the interests of the visual amenity of the surrounding areas in accordance with Policies 29 and 44 of the County Durham Plan and Parts 12 and 16 of the National Planning Policy Framework.

ADDITIONAL MATTERS

Party Wall Act

If the plans deposited involve the carrying out of building work along or close to the boundary, you are advised that under the Party Wall Act 1996 you have a duty to give notice to the adjoining owner of your intentions before commencing this work.

BACKGROUND PAPERS

Submitted Application Forms,
Plans and supporting documents
National Planning Policy Framework
The County Durham Plan (CDP)
Durham City Neighbourhood Plan
Durham County Council Parking Standards adopted 2023
Statutory consultation responses
Internal consultation responses
External consultation responses



Planning Services

DM/23/02539/LB

Convert existing attic space to bedroom with en-suite, including new staircase from 2nd floor, replacement skylights and alterations to existing bedrooms. Convert outbuilding to office space including alteration to the external walls and roof. 90 Gilesgate Durham DH1 1HY

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Date 9 April

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