



## Area Planning Committee (North)

**Date** Thursday 25 April 2019  
**Time** 1.00 pm  
**Venue** Council Chamber - County Hall, Durham

---

### Business

#### Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of the Meeting held on 28 March 2019 (Pages 3 - 6)
4. Declarations of Interest (if any)
5. Applications to be determined by the Area Planning Committee (North Durham)
  - a) DM/18/03865/FPA - Hedley House, 282 Park Road, South Moor, DH9 7ED (Pages 7 - 20)  
Change of Use of 12 self-contained flats (Use Class C3), within two three storey buildings, into a hostel (Use Class C2) incorporating 11 self-contained flats, and 1 office/crash pad facility for 16 to 21 year olds.
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

**Helen Lynch**  
Head of Legal and Democratic Services

County Hall  
Durham  
17 April 2019

To: **The Members of the Area Planning Committee (North)**

Councillor I Jewell (Chairman)

Councillor S Wilson (Vice-Chairman)

Councillors A Bainbridge, D Bell, L Boyd, D Boyes, A Hopgood,  
C Martin, O Milburn, J Robinson, A Shield, J Shuttleworth, T Tucker  
and S Zair

---

**Contact: Lucy Gladders**

**Tel: 03000 269 712**

---

**DURHAM COUNTY COUNCIL**  
**AREA PLANNING COMMITTEE (NORTH)**

At a Meeting of the **Area Planning Committee (North)** held in the Council Chamber - County Hall, Durham on **Thursday 28 March 2019 at 1.00 pm**

**Present:**

**Councillor I Jewell (Chairman)**

**Members of the Committee:**

Councillors D Bell, D Boyes, J Clare, A Hopgood, C Martin, A Shield, J Shuttleworth and T Tucker

The Chairman informed the meeting that, due to the number of speakers registered for each item, Agenda Item 5 (c) would be considered before Agenda Item 5 (a). Agenda Item 5 (b) had been withdrawn for consideration at the meeting.

**1 Apologies for Absence**

Apologies for absence were received from Councillors A Bainbridge, Boyd, J Robinson, S Wilson and S Zair.

**2 Substitute Members**

Councillor Clare as substitute Member for Councillor J Robinson.

**3 Minutes**

The Minutes of the meeting held on 28 February 2019 were confirmed as a correct record and signed by the Chairman.

**4 Declarations of Interest**

There were no Declarations of Interest.

**5 Applications to be determined by the Area Planning Committee (North Durham)**

**a DM/18/03860/OUT - Land to the east of 3 Whitehill Hall Gardens, Chester-le-Street**

The Committee considered a report of the Planning Officer regarding an application for the erection of 2 dwellings (outline) on land to the east of 3 Whitehill Hall Gardens, Chester le Street (for copy see file of Minutes).

L Ollivere, Planning Officer gave a detailed presentation on the application which included a location plan, aerial photograph and site photographs. The Planning Officer informed the Committee that local residents had advised they were unable to attend the meeting due to work commitments. Members of the Committee had visited the site the previous day and were familiar with the location and setting.

A Mowbray, local resident addressed the Committee to object to the application. The proposed development would lead to a loss of privacy to his property which was located on the other side of the wall from the proposed development. The proposed development would also lead to an increase in traffic in the area with a lack of parking provision.

E Dunn, local resident addressed the Committee to object to the application. She had lived in the area for three years and the proposed development would lead to a loss of privacy at her property, which currently was not overlooked to the front or back. The development would lead to a loss of the private and secluded character of the street. There was no on street visitor parking available and the development would lead to an increase in traffic and visitors.

J Ridgeon, agent for the applicant addressed the Committee. Any concerns which remained could be addressed at the detailed design stage of the application, and there were no technical constraints for the application to be refused. The proposed two dwellings could be accommodated with amenity distances, the separation distances would be over 21 metres. The development could take place while affording protection to the garden wall. The development would lead to a housing density of 28 dwellings per hectare which was not over-development. Mr Ridgeon asked that the Committee approve the application.

Councillor Martin informed the Committee that he had listened to points made by the supporter of the application but considered that the change of character to the area which this development would result in had not been addressed.

Councillor Hopgood informed the Committee that she had listened to the representations put forward. She considered that the proposed development would have an adverse effect on the character of the street and believed that open spaces should be protected. The proposed development was not acceptable and Councillor Hopgood **moved** that the application be refused.

Councillor Boyes considered there was no issue with the proposed separation distances for the proposed development. However, it failed to meet NPPF 12 which related to achieving well-designed places and NPPF 15 and 16 which related to conserving and enhancing the natural environment and conserving and enhancing the historic environment. Councillor Boyes **seconded** refusal of the application.

Councillor D Bell informed the Committee that he had attended the site visit and considered that the proposed development would spoil the character of the area.

Upon a vote being taken it was

**Resolved:**

That the application be refused for the reasons stated in the report.

**b DM/19/00105/FPA - Former Annfield Plain Community Centre, Fairview Terrace, Greencroft, Stanley**

The Committee considered a report of the Senior Planning Officer regarding an application for the demolition of an existing community building, erection of 19 residential dwellings, creation of a new access and associated works at the former Annfield Plain Community Centre, Fairview Terrace, Greencroft, Stanley (for copy see file of Minutes).

A Dobie, Principal Planning Officer gave a detailed presentation on the application which included a location plan, aerial photograph, site photographs, proposed site layout and proposed elevations.

A Willis, agent for the applicant was present at the meeting but elected not to speak. He was, however, available to answer questions.

Councillor Shield informed the Committee that he was familiar with the area and could see no problems with the application, which was on a brownfield site and was sustainable. Councillor Shield referred to the proposed s106 agreement and asked whether this was yet in place. C Cuskin, Planning and Development Solicitor replied that the Council was in receipt of a draft s106 Agreement from the applicant but that any s106 Agreement would only be approved once planning permission was granted.

Councillor Shield **moved** approval of the application.

Councillor Shuttleworth considered that it was sad that a community facility such as this was closing and would be demolished. However, he could see no problem with the proposed development and **seconded** approval of the application.

Councillor Clare, while supporting approval of the application, asked whether any features of the existing building might be incorporated into the design of the new development. Mr Willis, agent for the applicant replied that this had been discussed at pre-planning discussions, but unfortunately it had not proven to be possible to incorporate such features into the new development. The Principal Planning Officer added that the brick wall on the south and west boundaries of the site would be retained, and this was included as Condition 9 of the proposed planning permission.

Councillor Hopgood asked how many bedrooms the proposed dwellings would be. Mr Willis replied that 11 two-bedroomed houses were proposed and 8 three-bedroomed properties. Councillor Hopgood informed the Committee that she had no objection to the development in principle but asked about parking availability on the development. The Principal Planning Officer informed Councillor Hopgood that the development proposed 31 car parking spaces within the curtilage of the properties, as well as visitor spaces.

Upon a vote being taken it was

**Resolved:**

That the application be approved subject to:

- A s106 legal agreement that includes securing the tenure of all the approved dwellings to meet the definition of 'affordable housing' set out in the NPPF, and
- A s106 legal agreement that includes securing the payment for £1311 to directly mitigate the healthcare implications of the development

and the Conditions contained in the report.

**6 Appeal Update**

The Committee noted a report of the Principal Planning Officer which provided details of a recent appeal decision in relation to the following:

- An enforcement notice to the material change of use of 10 Queen Street, Grange Villa, Chester-le-Street to a guest house, and
- An appeal against refusal of planning permission for the construction of four dwellings on Land East of The Byre, Cornsay Lane, Cornsay.

The Planning Officer advised that both appeals had been dismissed by the Planning Inspector.

## Planning Services

# COMMITTEE REPORT

---

### APPLICATION DETAILS

---

<b>APPLICATION NO:</b>	DM/18/03865/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Change of Use of 12 self-contained flats (Use Class C3), within two three storey buildings, into a hostel (Use Class C2) incorporating 11 self-contained flats, and 1 office/crash pad facility for 16 to 21 year olds.
<b>NAME OF APPLICANT:</b>	Changing Lives
<b>ADDRESS:</b>	Hedley House 282 Park Road South Moor DH9 7ED
<b>ELECTORAL DIVISION:</b>	Craghead and South Moor
<b>CASE OFFICER:</b>	Steve France Senior Planning Officer Telephone: 03000 264871 <a href="mailto:steve.france@durham.gov.uk">steve.france@durham.gov.uk</a>

---

### DESCRIPTION OF THE SITE AND PROPOSALS

---

#### The Site

1. The application relates to Hedley House, a modern three storey block of residential apartments that face onto the main street, Park Road, in South Moor. South Moor is now part of the extended settlement of Stanley. The significant facilities and services offered by the main centre of Stanley are around 1km from the site (as the crow flies). This main town offers a supermarket, bus station, leisure centre, Council Offices and a range of social and commercial facilities.
2. Hedley House is in a mixed-use area, that includes a restricted offer of retail services, residential properties and other uses – the adjacent commercial buildings include a dance academy, a dog grooming business, a white goods repair shop and a plastering business.
3. In terms of the urban form, surrounding dwellings include Victorian stone- and brick-built terracing and commercial buildings, modern bungalow developments for older residents, small modern housing developments of detached and semi-detached one and two storey dwellings, and two post war dwellings immediately to the south of Hedley House, one of which is a part-time manned Police Station. Greenland Community Primary School is 200m south of the site, with the Memorial Park 75m beyond that. Buildings fronting Park Road are one, two and three storeys in height. The pavement in front of the site and the adjacent commercial buildings is particularly wide, at 6.8 metres.

4. The existing modern building is brick built, three storeys in height and attached to the gable end of the adjacent building to the north. The block has two communal front entrances and two at the rear. The rear accesses are ramped from a lower access/service area shared with the terraced dwellings of Holyoake Terrace, with enclosed bin stores and defined parking set out specifically for Hedley House. The development is set back from the pavement on the front elevation by small landscaped areas which separate living room windows from the pavement, with the front boundary marked by a wall with fence inserts and a hedge behind. The landscaping wraps around the south gable end of the building and the rear.

## The Proposal

5. The application proposes a change of use of the building into a hostel incorporating 11 self-contained flats, and 1 office/crash pad facility for 16 to 21-year olds, to be run by the north-east based charity Changing Lives. The Office would be manned 24 hours a day. The proposal is supported by a Management Service Delivery Information Document that sets out the detailed operation of the building and the use.
6. Derived from this is a 'headline' management plan that separates out those parts of the aforementioned document that are within the control of the planning assessment, and further gives detailed definitions of the user group the facility is aimed at, and those who it is not, because of their needs or history. The facility would exclude: those with a lack of engagement with support agencies, a lengthy history of violence, previous arson or sex offences, is active in addiction of drugs or alcohol, or has previous evictions for anti-social behaviour – dealing substances, threats to harm, violence.
7. The 'headline' management plan also requires that the facility will be staffed 24 hours a day, has staff controlled door security systems, operates CCTV systems, allows community representation on the facility Steering Group, and details the other responsible regulatory agencies involved in the management and monitoring of the facility, including Durham County Council Children and Young People's Services (CYPS) Emergency Duty Team, Durham County Council Housing Solutions and Durham Constabulary.
8. This application is reported to Committee as a 'major' development given number of residential units involved.

---

## **PLANNING HISTORY**

---

9. The existing building was let for 12 residential flats within the C3 use class by Coast and Castles Housing Association.

---

## **PLANNING POLICY**

---

### **NATIONAL POLICY**

10. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The NPPF was updated in July 2018. The overriding message remains that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.



11. In accordance with paragraph 48 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.
12. The following elements of the NPPF are considered relevant to this proposal;
13. *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.
14. *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.
15. *NPPF Part 8 - Promoting healthy and safe communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. It should promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other. Developments should be safe and accessible, '*so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion*'.
16. *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.
17. *NPPF Part 12 - Achieving well-designed places.* Planning policies and decisions should ensure that developments achieve a range of aims including, '*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*'.

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

18. The National Planning Practice Guidance (NPPG) both supports the core government guidance set out in the NPPF, and represents detailed advice, both technical and procedural, having material weight in its own right. The advice is set out in a number of topic headings and is subject to change to reflect the up to date advice of Ministers and Government and is subject to continual review.
19. *Health and wellbeing* - seeks to ensure opportunities for healthy lifestyles have been considered in decision making along with the potential for pollution and other environmental hazards, which might lead to an adverse impact on human health.

## LOCAL PLAN POLICY:

20. The following is a summary of those saved policies in the Derwentside District Local Plan 1997 (saved policies) relevant to the consideration of this application:
21. *Policy GDP1 – General Development Principles* – outlines the requirements that new development proposals should meet, requiring high standards of design, protection of landscape and historic features, protection of open land with amenity value, respecting residential privacy and amenity, deterring crime and consideration of drainage.
22. *Policy TR2 – Development and Highway Safety* – relates to the provision of safe vehicular access/exit, adequate provision for service vehicle manoeuvring, access for emergency vehicles and access to the public transport network.

## RELEVANT EMERGING POLICY:

23. Paragraph 48 of the NPPF states that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. An 'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' stage CDP was subject to consultation in summer 2018. On the 16th January 2019, Cabinet approved the 'Pre-Submission Draft' CDP for consultation. However, the CDP is not sufficiently advanced to be afforded any weight in the decision-making process at the present time.

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

---

## CONSULTATION AND PUBLICITY RESPONSES

---

### STATUTORY RESPONSES:

24. **Highways** – advise that there is adequate parking provision in accordance with the Councils Parking Standards for the proposed planning Class C2 use which requires 1 parking space per 5 members of staff. It is noted that the site is also conveniently located next to a bus stop for journeys by public transport, the Front Street is also well protected with double yellow parking restrictions.

### EXTERNAL RESPONSES:

25. **Durham Constabulary Crime and Community Issues** – acknowledge the concerns expressed by some residents but note that the Police recognise the need for this type of supported accommodation. They advise that the Neighbourhood Policing Team have been involved in the consultation process and are supportive of the proposal.

### INTERNAL CONSULTEE RESPONSES:

26. **Spatial Policy** – draw attention to Policy GDP1 as the relevant Development Plan Policy, confirming that it can be afforded weight in the decision-making process.
27. They note further that the application suggests measures would be in place to ensure round the clock support at the facility, addressing potential amenity concerns for neighbours. In relation to potential benefits, the proposal may provide accommodation

for those who require support and assistance in a location that is close to local facilities and services.

28. **Durham County Council Housing Solutions** - advise that Hedley House will assist Durham County Council to fulfil its statutory Duty to Homeless people with a local connection to County Durham between the ages of 16 and 21 years who have been identified as single, homeless with low to medium support needs.
29. They note that in addition to young people aged between 16 and 21 open to CYPS (Children and Young People's Services) to include those who are assessed as child in need (CIN) or Care Leavers (CL).
30. The provision will provide the following to Young People:
- Immediate access to a safe room/sit-up room – those young people presenting as homeless with a priority need or reason to believe.
  - Accommodation with housing related support in order to maintain independence.
31. It is advised that all agencies involved with the young person will agree to sign up to and adhere to a multi-agency agreed care and support plan.
32. Housing Solutions note that without such accommodation young people could end up rough sleeping or sofa surfing. In addition, this type of accommodation provides young people with the life skills to go onto holding their own successful tenancy, as well as securing employment, Education and Training.
33. The accommodation will have 24hr onsite support with 10 individual flats and 1 crash pad opposite main office offering 24hr emergency access via telephone referrals from CYPS EDT or Housing Solutions Out of Hours Officer.
34. It is noted that the young person will receive a Licence agreement – this is based on an individual need and will be reviewed every month via the accommodation panel; to ensure appropriate move on options are considered and the accommodation is relevant to the needs of the young person. It is anticipated that the average placement length will be 6 – 9 months, subject to the needs of the young person.
35. Housing Solutions has worked with Changing Lives for a number of years and fully support the application. They are customer focussed and provide the young people with the skills they require at the same time as providing support to the wider community.

#### **PUBLIC CONSULTATION EXERCISE:**

36. Twenty-four consultation letters were sent to surrounding properties, site notices were posted at the front and side of the site and an advertisement was placed in the local press.
37. Twenty-seven letters of objection have been received from 25 dwellings. Five of the letters are from dwellings between 250m – 470m from the site. One further letter queried the detail of the description of the proposal.
38. There are three clear main elements of public concern: the effect of the proposed use on the local community, the appropriateness of the location for proposed residents in the scheme, and the extent of the Planning consultation exercise.
39. For the first issue, a number of written responses feel that the development is aimed at South Moor as a 'dumping ground' for problems with repeat planning applications of this type. The settlement is contended to have an existing set of problems with drink, drugs,

crime, anti-social behaviour and animal cruelty, particularly evidenced by specific recent Police activity in the immediate locale, in addition to regular Police presence, all of which causes distress to residents. One resident has written listing the 2018 crime statistics for the area. The area is described as run-down and suffering from a lack of investment and improvement. There are too many youths in South Moor, and they bring problems of drink, drugs and alcohol. There are no facilities for young people in South Moor. The existing Youth Club is aimed at youths up to 16 years in age and will not be available to the new residents.

40. One resident complains that South Moor is finally being improved, that there is new housing, improvements to existing housing, new shops and businesses, and improvements to the park, and that all this will be undermined by the proposal.
41. A significant element of the concern as to the effect of the proposed use on the local community is the fear of crime. Objectors describe a potential particular effect on a vulnerable, elderly, ill and infirm population that will suffer from an increase in anxiety, fear, stress and isolation if the application is approved, exacerbating existing problems of such in the area. Families with children and general householders will suffer too.
42. In terms of the appropriateness of the location for proposed new residents in the scheme, objectors are concerned that this is an inappropriate location for youths who may have mental, physical and behavioural problems, who may have been in trouble with the Police, who display dubious character flaws, who have drug and alcohol addiction problems, who will not have necessary facilities and support, or be subject to the 24 hour supervision, control and curfews they require, in an area of no amenities or job prospects. They will fall easy pray to local drug dealers and be susceptible themselves to the existing crime in the area.
43. It is contended that the applicants experience problems with their other facilities and that comparable operations in Chester-le-Street cause issues.
44. There is fear from some residents at the relationship to both the adjacent dance studio and the nearby primary school, with the primacy of the Council's Duty of Care responsibility for these children and families a focus for some objectors.
45. Also raised as of concern by one resident are traffic issues experienced by existing residents for on-street parking both outside the existing dance studio and in surrounding streets, with parking on pavements, parking of works vehicles, and highway visibility issues at junctions. A number of residents are concerned that care agencies visiting the facility will cause disruption and traffic problems.
46. Some correspondents have been frustrated and confused by the formal consultation process, the extent and format of which is challenged by many. There has been confusion with other meetings and consultations held before and during the planning process by others. Additional public meetings are requested by some.
47. Reference is made by a number of correspondents to a recent planning application for conversion of a school in the area to a hostel use (that application, at Greenland School was withdrawn before determination).
48. The potential for the proposed facility to devalue house prices in the area is a concern to many.

## **APPLICANT'S STATEMENT:**

49. Changing Lives have been providing support to vulnerable people in the North East of England since 1970 and have been supporting Durham residents since 2005.
50. The Hedley House project will support young people, from the ages of 16 to 21, from Durham who need a low to medium level support that will enable them to live, work, study and train independently in the County. These individuals may not have had the best start in life and will often be homeless, at a risk of homelessness or leaving the looked-after system. This makes this project an essential link for Durham to enable a sustainable transition into adulthood, for some of its most vulnerable young people.
51. Changing Lives are vastly experienced in managing services (often in areas of perceived disadvantage) which require a robust safeguarding environment and are confident that the proposed criteria, process, staff profile and programme of support will enable the project and its young persons to not only flourish but to also be seen as an asset to the community of South Moor.
52. Changing Lives promotes the positive emotional and behavioural development of all its residents and, when required, they work closely with the relevant services to minimise offending behaviour. This is achieved through delivering a wide range of support services, activities and programmes which are designed to improve health, behaviour and self-esteem and ensure that young people have all the necessary skills to move into employment, education and training. To name just a few, this includes counselling sessions, maintenance workshops, volunteering and art sessions.
53. Changing Lives would implement their Community Standard which provides transparency into the organisations operations and gives the local community an opportunity to contact the project 24 hours per day to discuss any issues. Through the Community Standard, Changing Lives will quickly and openly deal with any issues raised and appropriately respond to members of the community. Furthermore, a Quarterly Community Steering Group will be formed for local residents, project representatives and local agencies to manage and monitor community concerns and engagement.
54. Changing Lives has a proven track record of making positive contributions to areas and local communities in which they operate. This planning application has the support of Durham Constabulary and Durham County Council Housing Solutions. Changing Lives are hopeful that the application will also be supported by members of the Planning Committee to deliver this essential facility for County Durham residents.

*The above is not intended to list every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PJZTZLGDH0100>*

---

## **PLANNING CONSIDERATIONS AND ASSESSMENT**

---

### The Principle of the Development

55. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the proposed use of the building as a hostel and the fear of crime.

## The Development Plan

56. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Derwentside District Local Plan remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. The NPPF advises at Paragraph 213 that the weight to be afforded to existing Local Plans depends upon the degree of consistency with the NPPF.
57. The Local Plan was adopted in 1997 and was intended to cover the plan period until 2006. However, the Framework advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Policy GDP1 which seeks to both to protect the amenities of neighbouring occupiers and land users and to use design and location to deter crime and increase personal safety, is the most relevant and important policy for the proposed use of the site, and has resonance with parts 8 and 12 of the Framework in terms of both its general design implications, its protection of amenity and its requirements to deter crime and increase personal safety. This Policy leads determination of the application.

## The NPPF

58. In terms of the Framework, the 'most important policy for determining the application' is, as noted above, GDP1 which is considered to have a high degree of consistency with the advice in the NPPF and is not out of date. Consequently, paragraph 11 of the NPPF is not engaged. The relevant advice set out in the Framework, particularly at Parts 8 – Promoting healthy and safe communities and 12 – Achieving well-designed places, has been given special attention.

## The Use of the Building

59. Hedley House has been in a residential use as twelve flats managed by a Housing Association. The applicant contends that the level of occupation has gradually run down as a result of low demand for its specific use in this area.
60. The building and its curtilage have been designed as residential apartments and operated with on site car parking, screened bin stores, small surrounding planting / amenity spaces, all of which have been designed to give an appropriate level of residential amenity for the existing use, and these would be generally consistent for the proposed use.
61. As a change of use with no external building works, there are no additional adverse effects on privacy from the development to surrounding dwellings, gardens and public areas. The proposed incorporation of CCTV cameras should not affect surrounding residents as it is directed at the building's entrances. The residents of Hedley House on the ground floor level enjoy a level of privacy enhanced by the small front garden that separates the windows from the pavement in a similar arrangement to many of the Victorian dwellings in Park Road.
62. Where the change of use may result in noticeable external change is in the servicing of the building and the use of external spaces. From the Management Service Delivery Information provided in support of the application, it appears that if there is a need to house a new resident at unsociable hours, this will be the exception, rather than the norm, and this will therefore not be to a frequency that would represent an unreasonable intrusion onto general expectations of residential amenity.

63. Ultimately, the building has been designed for, and used as residential apartments, and the proposal is likewise for a residential apartment use. In this respect the proposals are acceptable. It is the changed nature of the residential use that both necessitates the need for planning permission and that has caused the majority concern. The implications of this are discussed below.

#### Amenity and The Fear of Crime

64. The Framework sets out at paragraph 127 that planning policies and decisions should *'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'*. Paragraph 91 advises that, *'Planning policies and decisions should aim to achieve healthy, inclusive and safe places which: ...are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion'*.

65. A useful lead in how to assess a concern was given by the Planning Inspector assessing a development elsewhere in County Durham for a Change of Use from a C3 (dwelling-house) to a C2 Use Class (residential accommodation with care) (Ref: 3/2013/0304 Lilac House, Hunwick, Crook, DL15 0JW, Appeal Ref: APP/X1355/A/14/2219717). That application was subject to objection from Durham Police, from the Council and from residents. The Inspector stated that, *'the courts have held that the fear of crime is only a material consideration where the use, by its very nature, would provide a reasonable basis for concern. It is not a foregone conclusion that the use of the land as a care home in the manner proposed would inevitably result in an increase in crime, and the fear and concern must therefore be supported by evidence'*.

66. 'Crime and security as a planning matter increased in profile after Section 17 of the Crime and Disorder Act 1998 required all local authorities to exercise their functions with due regard to their likely effect on crime and disorder, and to do all they reasonably can to prevent crime and disorder. The prevention of crime and the enhancement of community safety are matters that a local authority should consider when exercising its planning functions under Town and Country Planning legislation' (\*source: DCP.a). 'Generally, Inspectors have taken the view that, given appropriate management, the occupants of these properties (*Hostels and care in the community establishments*) should not cause significantly greater impact than normal homes. The view that providing such facilities actually provides a wider benefit is often also cited and weighs against local anxiety' (DCP.a).

67. Officers accept that the resident's fear of crime is real. The specific nature of the use, the operation proposed, and the nature of the residents' needs and occupancy may not be fully understood by some who have commented, potentially on the basis or relayed and partial or even erroneous information.

68. There are a number of relevant aspects of the proposals that lead Officers to their conclusion. Potential residents have been identified as single, homeless with low to medium support needs. This would preclude residents that require high levels of care and supervision because of behavioural or dependency needs. There is a 'right to decline' potentially unsuitable residents. Operated in this manner, this potentially addresses one of the significant concerns of objectors.

69. It is noted that Housing Solutions support the application on the basis that the development will assist Durham County Council to fulfil its statutory Duty to Homeless

people with a local connection to County Durham. The proposal therefore brings specific benefits and meets the needs of residents of County Durham. That the proposal will have a positive effect on the lives or potentially vulnerable local young people is of positive material weight in the planning balance.

70. Whilst it is not the role of the Planning system to duplicate other regulatory systems and control, nonetheless both Councillors and the public must have assurance that the facility, if granted consent will both operate in the manner indicated, and that it will not change or evolve into a different form. It is proposed this is achieved by agreement and conditioning of a headline Management Plan, based on elements of the submitted 'Management Service Delivery Information' document submitted in support of this application that are relevant to the planning process. Using the full document for a Planning Condition would extend the planning application's control and responsibility into areas that would be inappropriate (and that are subject to other controls). The presence of a Management Plan has been shown to be a significant component in addressing concerns on C2 and hostel residential uses. The absence of one was of concern to the Planning Inspector assessing the Lilac House case referred to above.
71. The Management Service Delivery Information indicates that the residents' needs, and therefore tenure, will be reviewed on a monthly basis. There will be 24 hour on-site staffing at the property. There will be a secure Door System and CCTV in operation. The applicants have additionally offered that local residents' representatives are invited to the Steering Group meetings that monitors the running and operation of the facility, where concerns and issues can be raised.
72. It is significant in Officer's assessment, and shows the due diligence of the applicant, that the Neighbourhood Policing Team indicate that they have been involved in the pre-planning application consultation process, and that they are supportive of the proposal. It is further significant that there has been no specific and direct evidence that the use of Hedley House as a hostel in the manner proposed would inevitably result in an increase in crime. Housing Solutions indicate that they have worked with the applicants for a number of years. Objectors' reference to the applicant have had 'problems' at another site in Birtley are not elaborated. Likewise passing reference to alleged issues at the YMCA in the centre of Chester-le-Street is not quantified as relevant evidence.
73. The Inspector at Lilac House did take note of the track record of the applicant and proposed care provider in that instance. Changing Lives is a national charity based in the North East that has been supporting vulnerable people for over 45 years.
74. In summing up Officers' conclusions on the aspect of the fear of crime, the use by its nature would not by its nature provide a reasonable basis for concern, and these concerns can be formally mitigated both by a proportionate level of control by a Management Plan, and by the reasonable expectations of other regulatory agencies and the applicants, taking into account their history. There is no underlying reason why the use proposed should lead to an increase in crime, and no evidence had been put forward to show why this would be the case.

#### Highway Safety

75. County Highways Engineers note the existence of the ten car parking spaces designated for the use of Hedley House, which meets the standards required for a C2 use, as proposed. They note further that the site is also conveniently located next to a bus stop for journeys by public transport, the Front Street is also well protected with double yellow parking restrictions.



76. The bus stops give good access to the shopping and leisure offer of nearby Stanley, which at around 1km distance could be considered in reasonable walking distance for the age of residents of the facility.
77. Concerns have been raised by residents at existing inappropriate use of the wide footpaths in front of Hedley House by the existing businesses and the dance school to the detriment of highway safety stating that this will be exacerbated by visitors to the new use. The existing illegal use of the pavement would be within the control of the Police, if reported. Given Hedley House has available existing parking provided, there is no reason to suspect that the use should generate parking on the pavement. If this did become a problem, referral to either the Police or the proposed Steering Group could be avenues to address it.
78. The proposals are acceptable in respect of the highways implications considered against policies TR2 and GDP1(h).

#### Other Issues

79. Members will be aware that arguments for property depreciation have no weight in the planning assessment.
80. The withdrawn application for, 'change of use from school to 109 bed supported care hostel with ancillary facilities' at Greenlands School, referred to by a number of objectors is of no relevance to the current proposals.
81. There has been criticism of the extent of the Planning consultation exercise, and confusion about other consultation exercises undertaken. The Planning consultation exercise sent direct mail to those dwellings and businesses directly adjacent or facing the site, and those sharing the service yard at the back of Hedley House. Site notices were posted to the front of the building and near the side vehicular access. A notice was posted in the local press. This meets the Council's and national consultation requirements. A pre-submission enquiry by the applicant to the Planning Section was only directed at establishing the existing use of the site.
82. The proposed use was subject to a consultation by Councillors and Housing Officers before the planning application was submitted. During the planning process there has been some confusion relating to an extension of this separate consultation process for a street omitted from that exercise. This was not part of the planning process.
83. There has been additional, uncontrolled and unauthored consultations with wider residents, apparently of South Moor and beyond which may have been instigated by residents/objectors to the application. This appears to have been a significant source of confusion and some distress to residents.

---

## **CONCLUSION**

---

84. The residential use of the the building and its implications for existing residential amenity is established.
85. A significant element of the assessment of the application has been residents' fear of crime that it has been contended will be attracted to or will emanate from the new use. Directed by the advice in the Framework, appeal decisions and the view of the courts, Officers concluded that the use would not inevitably result in an increase in crime, and objections have not provided evidence that the grant of planning permission would result

in crime from this or attracted to this specific proposal. A condition to secure the headline Management Plan to control appropriate elements of the facility within the planning process operation, without overlapping the regulatory powers of others can help mitigate this concern.

86. The highways implications of the new use are acceptable, and there are powers to control any parking that objectors fear could take place on the footpaths at the front of the site. The physical implications from the changed servicing of the different use proposed are not such that they affect existing residential amenity and privacy to a degree that is unreasonable.
87. The proposals are considered acceptable assessed against the 'most important policy' for determining the application – GDP1. The advice of the Framework and the weighting in the planning balance of objectors' concerns, informed by caselaw has been taken into account. The proposals are recommended for approval.

---

## **RECOMMENDATION**

---

95. That the application be APPROVED, subject to the conditions detailed below:

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 listed in Part 3 - Approved Plans: Site Location Plan, Proposed Layout Plans.  
*Reason:* To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy GDP1 and TR2 of the Derwentside District Local Plan 1997
3. The development must be operated only in full accordance with the submitted 'Hedley House Management Plan' (received 3.04.2019) and where appropriate, any updated applicant and regulatory organisation's contact details.  
*Reason:* In the interests of residential amenity, to address fears of crime and to ensure highway safety, meeting the requirements of Policies GDP1 and TR2 of the Derwentside District Local Plan 1997 (saved policies) and Parts 5, 8, 9 and 12 of the Framework.
4. Details of CCTV system to monitor the entrances to the building must be submitted to and approved in writing by the Local Planning Authority, implemented in full, and made operational prior to the commencement of the use hereby approved. The CCTV system must be kept operational at all times Hedley House is in residential occupation.  
*Reason:* In the interests of residential amenity, to address fears of crime and to ensure highway safety, meeting the requirements of Policies GDP1 and TR2 of the Derwentside District Local Plan 1997 (saved policies) and Parts 5, 8, 9 and 12 of the Framework.

---

## **STATEMENT OF PROACTIVE ENGAGEMENT**

---

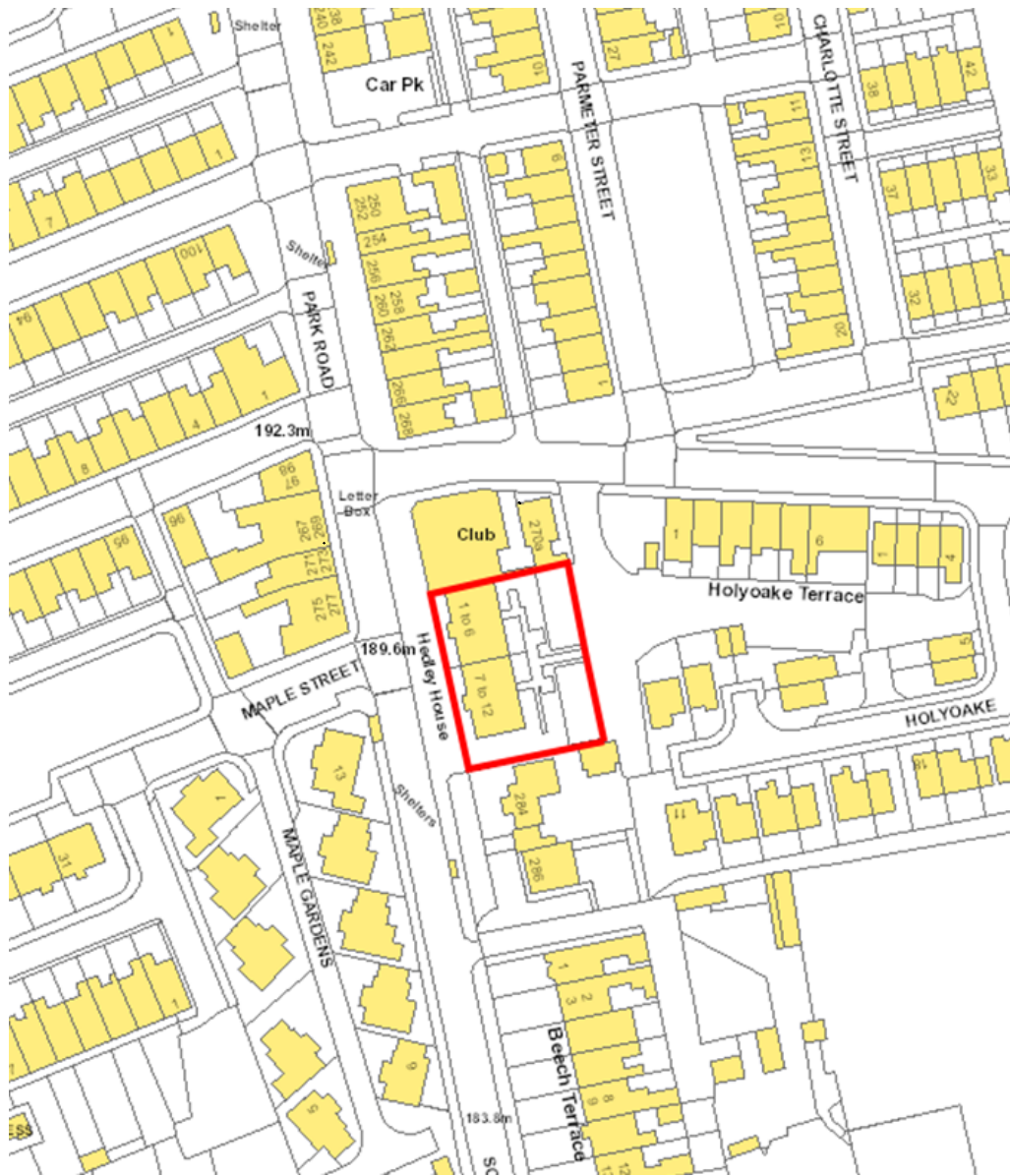
The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering 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**

---

The National Planning Policy Framework (revised 2018)  
National Planning Practice Guidance Notes  
Derwentside District Local Plan 1997 (saved policies)  
Statutory, internal and public consultation responses  
Submitted forms, plans and supporting documents  
\*DCP.a – Development Control Practice: 4.124 Crime and Disorder



**Planning Services**

Change of Use of 12 self-contained flats (Use Class C3), within two three storey buildings, into a hostel (Use Class C2) incorporating 11 self-contained flats, and 1 office/crash pad facility for 16 to 21 year olds.

Application Number DM/18/03865/FPA

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005

**Comments**

**Date** 25<sup>th</sup> April 2019

**Scale** NTS