



Area Planning Committee (Central and East)

Date Friday 11 June 2021
Time 9.30 am
Venue Council Chamber, County Hall, Durham

Business

Part A

Items which are open to the Public and Press

1. Apologies for Absence
2. Substitute Members
3. Minutes of the meeting held on 13 April 2021 (Pages 3 - 14)
4. Declarations of Interest, if any
5. Applications to be determined by the Area Planning Committee (Central and East)
 - a) DM/21/01325/FPA - The Manse, Linden Villas, Coxhoe, Durham, DH6 4DX (Pages 15 - 28)
Temporary change of use from dwelling (use class C3) to children's home (use class C2).
 - b) DM/21/01145/FPA - 9 Cedar Drive, Durham, DH1 3TF (Pages 29 - 42)
Two storey side extension, single storey rear extension and widening of driveway.
6. Such other business as, in the opinion of the Chair of the meeting, is of sufficient urgency to warrant consideration

Helen Lynch

Head of Legal and Democratic Services

County Hall
Durham
3 June 2021

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

Councillor D Freeman (Chair)
Councillor S Deinali (Vice-Chair)

Councillors D Brown, I Cochrane, J Cosslett, J Elmer,
L Holmes, N Jones, C Kay, D McKenna, R Manchester,
C Marshall, E Mavin, K Shaw and P Taylor

DURHAM COUNTY COUNCIL

AREA PLANNING COMMITTEE (CENTRAL AND EAST)

At a Meeting of **Area Planning Committee (Central and East)** held remotely via Microsoft Teams on **Tuesday 13 April 2021 at 9.30 am**

Present:

Councillor J Clark (Chair)

Members of the Committee:

Councillors D Brown, B Coult, M Davinson, S Iveson, R Manchester, J Robinson and J Shuttleworth

Also Present:

Councillors J Blakey and S Dunn

The Chair noted the death of His Royal Highness The Prince Philip, Duke of Edinburgh and, as a mark of respect, led the Committee in a minute's silence.

1 Apologies for Absence

Apologies for absence were received from Councillors I Cochrane, K Corrigan, D Freeman, K Hawley, A Laing and P Taylor.

2 Substitute Members

No notification of Substitute Members had been received.

3 Minutes

The minutes of the meeting held on 9 March 2021 were confirmed as a correct record by the Committee and would be signed by the Chair.

4 Declarations of Interest

There were no Declarations of Interest submitted.

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

a DM/20/03213/FPA - 15 The Avenue, Coxhoe, Durham, DH6 4AD

The Planning Officer, Jennifer Jennings, 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 application was for a proposed new residential dwelling and was recommended for approval subject to conditions.

The Planning Officer noted slides relating to the application site location and photographs of various views of the site. Members were asked to note the central location within the village, that the application site was off a back lane and was separate from the terraced properties and yards of The Avenue. It was added that while there was built development along the back lane, there was established garden use for the areas of land to the rear of The Avenue. The Planning Officer referred Committee to photographs showing various views of the site, including the garage to the front of the site and the views of 78 and 69 Petterson Dale from within the application site. Members were asked to note the variation in respect of extensions to the rear of The Avenue and views of The Avenue from within Petterson Dale.

The Planning Officer referred to proposed site layout plans showing the position of the proposed dwelling along with garage and hardstanding area. It was noted the dwelling would be set 12 metres back from the lane, and would have a footprint of 144 square metres, compared to a total site area of 386 square metres. Members were asked to note proposed floorplans, with two bedrooms to the upper floor, with five rooflights, and the remaining bedroom on the ground floor. In reference to the proposed elevations, it was explained that the maximum ridge height from the back lane was 5.3 metres, six metres from the rear garden as land levels changed across the site, and with eave height being three metres.

In relation to consultation, the Planning Officer noted Coxhoe Parish Council had objected to the application, citing concerns relating to highway safety, no need for housing development in the area and overdevelopment of the site. It was added the Highways Section had no objections to the application. Members were asked to note that Environment, Health and Consumer Protection (Contaminated Land) had considered the Phase 1 report submitted with the application to be satisfactory, however, there would be a requirement by condition for further reports.

In respect of public consultation, the Planning Officer noted three letters of objection from the public and Local Member, Councillor S Dunn. She explained the concerns raised were set out within the report and included: parking and highway issues including impact upon the nearby junction; that the approval of the scheme would set a precedent; that there was no requirement for additional housing, with a number of already approved schemes within the area; the impact upon privacy and loss of light for neighbouring properties; and that the proposed dwelling was out of character with the area, being mostly garden land.

The Planning Officer noted the relevant planning considerations relating to the application and explained the proposals represented a sustainable form of development, well located within the village and compatible with surrounding residential uses in accordance with parts of Policy 6 of the County Durham Plan (CDP). She added that, in terms of the character and impact on the character and appearance of the area, there was some conflicts with Policy 6(d) as the proposed dwelling would be larger than surrounding buildings contained within the garden area. She noted that the proposals would result in development being pushed further north within the site. The Planning Officer explained that while there was conflict, it was considered that those impacts would be quite localised, and that in the wider context, and set against two-storey terraced properties, the proposals would not appear excessively intrusive.

She noted the Committee report set out in detail the impact on residential amenity, with suitable distance standards being achievable in respect of those properties with a direct line of sight to the proposed dwelling. She noted 69 Petterson Dale showed a distance of 13.4 metres from the proposed dwelling, however, as the dwelling was offset and at an oblique angle, the issues of direct overlook were not considered to be problematic in this case.

The Planning Officer noted there had been concern raised as regards the upstairs accommodation, however, detail of the upper floor roof lights showed they were set high within the roof, with 1.8 metres from floor level to the bottom of the window, and therefore provided minimum opportunity for outlook and were intended more to provide natural light for the roof space. She added it was felt the proposed dwelling was of a suitable height and would not have an overbearing impact on the nearest residents or result in loss of light.

The Planning Officer noted that there was sufficient parking available on site for both the new property and the existing property, 15 The Avenue, and a condition would require that parking was retained in perpetuity for 15 The Avenue. She reiterated there had been no concerns raised over highway safety, particularly with the junction with The Avenue.

The Planning Officer explained that while there was some conflict with Policy 6 of the CDP, within the wider planning balance it was felt that the proposals were considered acceptable through the provision of a dwelling in a highly sustainable location, with ready and safe highways access, and that would not be detrimental to surrounding residential amenity. She concluded by noting the proposals were recommended for approval subject to the conditions as set out within the Committee report.

The Chair thanked the Planning Officer and asked Clare Llewelyn, Clerk to Coxhoe Parish Council to speak on behalf of the Parish Council in objection to the application.

The Clerk, C Llewelyn thanked the Chair and Committee and noted she was presenting the objections on behalf Coxhoe Parish Council. She explained that the Parish Council had concerns in relation to traffic and highway safety, noting that area of the village could be fairly busy especially with the nearby Post Office on the Front Street. She added that Parish Councillors believed the proposed property would overlook other properties, did not wish to see development at the back of houses in that area, and believed that the proposals would represent overdevelopment in that area of the village.

The Chair thanked the Clerk and asked Councillor S Dunn, Local Member to speak in relation to the application.

Councillor S Dunn thanked the Chair and Committee and explained he was also a Member of the Coxhoe Parish Council, however, while he was present when the Parish had considered the application he did not take part in that consideration and he did not predetermine his ability to comment at Planning Committee.

Councillor S Dunn noted he welcomed the changes made by the applicant in respect of the change from rear windows to roof lights to restrict overlooking. He added that while the provision of two off-street parking spaces for 15 The Avenue sounded very reasonable, he felt there would be no sustainable ability to enforce that those spaces would be available for 15 The Avenue in perpetuity, especially if the existing and new properties were to end up in different ownership. He referred to paragraph eight of the report and noted the precedent the application would set for development in the back street for further additional backland development was not sustainable for the residential environment of the area or for the additional parking the development would generate on the back street and The Avenue itself. Councillor S Dunn noted that conditions on the ground had not changed since 2005, which had led to the previous application being rejected. He added that he felt the current application was still contrary to National Planning Policy Framework (NPPF) Part Two.

With reference to paragraph 38(d) of the report, Councillor S Dunn noted the location for the proposed property was totally inconsistent with the setting and could potentially lead to inappropriate in-fill development all along that particular back street, overdevelopment of the area and impact on the transport infrastructure. He added there therefore in his view it would be inconsistent with County Durham Plan (CDP) Policy 29. He noted that while there were other properties in the back street, they were shed and garages. He noted that Committee Members were aware of how narrow the back street was from the photographs within the Officer's presentation, adding that all of those properties had bins, and needed services and access.

Councillor S Dunn noted Members may have noticed from the plans shown several rectangles at the bottom of the terrace and explained that these were five town houses which had recently been built out from an extant planning application. He noted that the parking from those properties, which had been considered to have acceptable and reasonable parking for that planning application, was overspilling on to The Avenue and the issue was being investigated by the Durham County Council Highways and Durham Constabulary as it was causing an obstruction. He added there was a bus stop located in between those properties and 15 The Avenue. He added there was the Post Office on the opposite site of the road, as mentioned by the Parish Clerk, together with a local shop which all generate parking on the other side, a busy part of The Avenue.

Councillor S Dunn noted the height difference between the proposed property and the properties below on Petterson Dale, adding that made the development inappropriate in his view. He added that in reference to paragraph 38(e) of the Committee report, he did not feel that there was capacity for visitor parking at the properties and he noted that the incremental effect of the proposed development, on top of the town houses and the precedent it sets in terms of parking capacity for the area would lead to a breach of CDP Policy 21 in respect of parking.

Councillor S Dunn referred to paragraph 57 of the report and noted he did not agree with the Officers' assessment that there would be no unacceptable impact on the area by approving the application and therefore it was in conflict with CDP Policy 30. He concluded by noting that, in the circumstances, he would ask Members consider the rejection of the application.

The Chair thanked Councillor S Dunn and asked the Planning Officer and the Highways Development Manager, John Mcgargill to comment on the issues raised.

The Highways Development Manager noted two issues had been raised, one by the Parish Council in relation to highways safety, and one from Councillor S Dunn in relation to parking. He reminded Members that at the development site currently there was space for four vehicles to park, an existing double garage, and a hardstanding area adjacent to the garage where up to four vehicles could park, a total of six vehicles. He added that the new development would accommodate two parking spaces for 15 The Avenue, together with two parking spaces in a double garage and two parking spaces on a forecourt to the garage. The Highways Development Manager noted that on balance there was no increase in demand for parking from the new development and that therefore no increase in vehicular movements, the existing vehicular movements would be replaced by the new vehicular movements. He explained when looking at such developments, Highways carry out a risk assessment and consider whether the risk would be contrary to policy in terms of road safety and the NPPF. He noted risk looked at the likelihood of an event taking place and what the outcome of that would be. He explained that the likelihood of a collision taking place in the area, where there had not been one previously, was extremely low and the outcome, should a low speed collision take place, would be minor. The Highways Development Manager noted that the risk to road safety was negligible and he reiterated that Highways had no concerns in respect of road safety or in terms of any increase in parking demand.

The Planning Officer noted the previous refusal of an application for the site was a decision from 16 years ago, based on the old Local Plan. She added that those refusal reasons were assessed as part of the current application and it was not felt, against the current NPPF, that it would be sustainable to maintain that refusal and therefore the whole application was assessed afresh. She explained that based upon the presumption in favour of sustainable development, it was sufficient to swing the balance towards approval for this particular case. She added that Officers had carefully assessed the height differences in terms of the land and the impacts of the bungalow in that location. She noted that it was felt that it was very unlikely to have any negative visual intrusive impact on the residents at Petterson Dale. The Planning Officer referred to the application plot and noted the access was via a narrow lane and that if every plot was to be converted, she could understand there would be implications, however, that the particular plot because of its specific location and size, a lot wider than the other plots and being located beside the lane with much easier access to the main adopted highway, meant the particular merits of the case were such that it appeared acceptable for the erection of a dwelling on site.

The Planning Officer noted a condition included in the recommendation was for parking for 15 The Avenue to be retained in perpetuity and therefore dealt with the issue in terms of the property being sold, the condition associated with the new dwelling would have to be adhered to.

She added that any change would require a planning application and it was not likely that removal of the parking spaces would be accepted for that particular dwelling.

The Chair thanked the Officers and asked the agent for the applicant, Mr P Baxter to speak in support of the application.

Mr P Baxter thanked the Chair and Committee for the opportunity to speak and noted he was speaking on behalf his client, Mr Ryder, who lived in Coxhoe and had done so for most of his life. He explained that the Officer's report covered all the issues, however, he thought it may be useful to cover some of the concerns raised and let Committee Members know how Mr Ryder had looked to overcome the issues raised by his neighbours. He added that neighbours were rightly concerned as regards issues such as loss of light, privacy and overshadowing of their properties and this was why Mr Ryder had been keen to amend the proposed plans on several occasions to ensure his neighbours would not be adversely uncompromised.

Mr P Baxter noted the size of the bungalow had been reduced significantly and windows had been removed to ensure there would be no overlooking, loss of privacy or overshadowing to neighbouring properties. He noted the concerns of the Parish Council in respect of traffic and highways issues, however, he referred to the response from the Council's Highway Development Manager to Committee and reiterated that Officers were satisfied with the proposals in terms of access and parking and therefore he would urge the Committee to take the comments from Highways into consideration.

Mr P Baxter noted the Planning Officer had responded to the concern raised by Councillor S Dunn in respect of the retention of parking for 15 The Avenue, to be dealt with as a condition and be included on the deeds of the property.

In respect of a precedent being set, Mr P Baxter explained that Mr Ryder wished to move into the bungalow himself, a more accessible property as he grew older, so that he could remain in the village he loved. It was added that Mr Ryder would certainly not be looking to apply for any further development in the area, and if further proposals were submitted, they could be looked at by Committee further down the line. Mr P Baxter asked that the proposals were looked at on their own merit and not what may or may not come in the future.

Mr Baxter noted it was also important to Mr Ryder that the bungalow, if allowed, was a sustainable development with low carbon solutions to help reduce the impact on the environment.

He added that if the Committee were minded to grant permission, Mr Ryder intended to build his bungalow from sustainable materials, and he would invest in energy saving solutions such as solar panels and air-source heat pump systems. Mr P Baxter thanked Members again for allowing him the opportunity to speak in respect of the application and he asked that Committee carefully consider the issues involved, look at the Officer recommendation for approval and he respectfully asked that permission be granted. He asked the Chair to note he would be available to answer any questions as appropriate.

The Chair thanked Mr P Baxter and asked the Committee for their comments and questions.

Councillor J Shuttleworth asked if the slide showing the site layout plan could be shown on screen. He noted that looking at the site plan he felt granting permission would set a precedent, with everyone in that street wanting to do the same. He added that the refusal in 2005 was clearly for that reason and allowing development others in the area would wish to develop their areas similarly. He noted he felt it would detract from the appearance of the whole area, adding that if the application site was in the middle of a field it may not be an issue, however, in the location it was then people would be encouraged to look to develop their land similarly. Councillor J Shuttleworth reiterated that granting permission would set a precedent and that he felt it detract from the appearance of the rear street.

Councillor B Coult noted she felt similarly to Councillor J Shuttleworth in that the proposals would set a precedent, not only in that area, but the village. She noted similar styles of garden in the area and therefore felt if sanctioned the approval would set a precedent. She added she accepted the comments from the Planning Officer that the area of land in question was slightly bigger, however, she noted there was a strong potential for the Council to become inundated with applications for buildings to go on those plots. She added that another concern she had, should the application be approved, was that the narrow lane would present difficulties for large heavy goods vehicles making deliveries and she felt it would have significant impact upon residents, noting such development took a period of time to be completed.

In respect of the issue of precedent, the Solicitor – Planning and Development, Clare Cuskin explained that precedent would not normally be taken as a material planning consideration unless that it was felt it would have additional impacts such as it would lead to an unacceptable impact upon the character and appearance of the area or lead to unacceptable residential amenity standards. She noted that precedent alone would not be a material planning consideration that she would recommend the Committee use as the basis for a reason for refusal.

Councillor M Davinson noted he felt the Committee were in a difficult position and that one could see with some foresight what the situation was and how it could get worse, for example people buying two of the gardens and seeking permission for a dwelling on the larger plot. He added, however, that he was struggling to see how the application could be refused, as many of the worries and concerns raised were on highways grounds and the Highway Development Manager had explained that the replacement of parking provision would mean there would be no greater amount of vehicle movements to and from the back street. Councillor M Davinson noted that, unless the Committee were to say they fundamentally disagreed with the Highway Development Manager and set out reasons why there would be issues in respect of highways, then he would struggle to see how Members could turn down the application. He noted he would reserve judgment and allow other Members of the Committee the opportunity to explore any possible reasons for refusal, adding he could not come up with any.

Councillor J Shuttleworth referred to the details of the 2005 application and asked if it was not prudent to defer the application in order to allow Members to have sight of that report. The Chair noted she did not agree with Councillor J Shuttleworth in respect of deferral, as it had already been mentioned by the Planning Officer that there had been changes in policy since that time and asked if Officers could give a further explanation.

The Planning Officer noted the decision was made in 2005 and the details of the refusal related to highways issues that Officers no longer felt stood in the current circumstance, with sufficient parking available and no concerns as regards access. She added that reference was made within the refusal to backland development, however, as Officers felt that there was safe and ready access with sufficient parking, and access was not via another garden or property, then it would be difficult to argue on that basis. She noted Officers felt that the proposal sufficiently met residential amenity standards. The Planning Officer explained that 2005 application had been an outline application, only relating to the layout on site and means of access, with no details on the appearance of the dwelling and one of the refusal reasons had suggested that it would impact negatively upon the design of the dwelling to try and fit it within the site and meet residential standards. She noted the current application indicated that a house could be located on the site, was of a suitable height, would not have an overbearing impact or create loss of light, and was capable of meeting privacy standards. She noted the 2005 refusal decision was available to view and the issues considered were set out within the Committee report adding that a fresh assessment had been taken, based on the current planning framework and, on that basis, consider the current application could be supported.

In respect of the issues raised regarding the 2005 refusal, the Solicitor – Planning and Development noted that the Committee had an application before them today which the Authority was required by law to determine in accordance with the development plan as it stands, together with any material planning considerations. She added that the 2005 application had been determined under a completely different planning regime, with the CDP and NPPF now being in place. She explained that Planning Officer had assessed the current application in accordance with the most up-to-date version of the development plan and any other material considerations and therefore she felt she would struggle to get to the position where she could advise Members that the 2005 decision was in any way relevant to the determination of the current application.

Councillor M Davinson noted the proposals were for a property to be built between other properties, along a back street and explained he did not see any details relating to a construction management plan (CMP) within the proposed conditions. He asked why there had not been inclusion of such details and added that, in locations similar to that proposed, he felt that there was a need for less working hours than the standard hours, so that residents close by were not disturbed by works commencing at 7.30am. The Chair asked if Councillor M Davinson would wish to see a CMP added as a condition and amended to have a later construction start time than the standard times included by the Council. Councillor M Davinson noted for that for development in a back lane in such a built up area he felt a start time of 8.00am was preferable to a 7.30am start.

The Planning Officer noted it was perfectly reasonable to include a condition within any permission to look for details of a CMP and to restrict the working hours. She added Officers could work with Environmental Health as regards their views in terms of acceptability and therefore if Members were minded to approve the application a condition could be included.

Councillor M Davinson moved that the application be approved, subject to a condition requiring a CMP. He added he did not feel it would be a perfect scheme for residents, and Councillor S Dunn may be in attendance at future Committees in objection to similar applications, however, he did not think the Committee had been able to find any way to refuse the application.

Councillor B Coult seconded the proposal for approval, noting she still had some of the concerns she had raised, however Members had not been able to find a way to refuse the application.

The Chair noted that any future application would be considered as robustly as the Committee had considered the application today.

The Solicitor – Planning and Development, noted she would take a vote by roll call, a motion having been proposed by Councillor M Davinson and seconded by Councillor B Coult for the approval of the application subject to an additional condition relating to the hours of working and construction management.

Upon a vote being taken it was:

RESOLVED

That the application be **APPROVED** subject to the conditions as set out within the report and additional conditions requiring submission of Construction Management Plan and construction hours (amended to 8.00am start time).

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/21/01325/FPA
FULL APPLICATION DESCRIPTION:	Temporary change of use from dwelling (use class C3) to children's home (use class C2).
NAME OF APPLICANT:	Durham County Council
ADDRESS:	The Manse Linden Villas Coxhoe Durham DH6 4DX
ELECTORAL DIVISION:	Coxhoe
CASE OFFICER:	Lisa Morina Planning Officer Telephone: 03000 264877 Lisa.morina@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. This site in question comprises a two storey semi-detached property which sits on Cornforth Lane and is surrounded on all sides by residential dwellings. It benefits from vehicular access and is served by a private garden to the front and rear.

Proposal:

2. Planning permission is sought for the temporary change of use of the property from a dwelling to a children's home to accommodate 2 young people between the ages of 12 and 17 for a temporary period of two years.
3. The application is referred to the Committee at the request of Cllr Blakey who considers the potential impact of the development in terms of anti-social behaviour and the fear of crime to be such that the application should be considered by the committee.

PLANNING HISTORY

4. There is no relevant planning history on the site

NATIONAL POLICY

5. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
6. 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.
7. 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.
8. 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 and that the needs of groups with specific housing requirements are addressed.
9. NPPF Part 6 Building a Strong, Competitive Economy - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
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 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.

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

NATIONAL PLANNING PRACTICE GUIDANCE:

13. 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.

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

LOCAL PLAN POLICY:

The following policies of the County Durham Plan are considered relevant to the application:

14. Policy 18 (Children's Homes) states that new 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.
15. 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 to have regard to Parking and Accessibility Supplementary Planning Document.
16. Policy 29 (Sustainable Design requires) all development proposals to achieve well designed buildings and places having regard to SPD and sets out 18 elements for development to be considered acceptable, including: positive contribution to areas character, identity etc.
17. 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 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 locating of 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.

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:

18. Highway Authority offers no objection to the application noting that sufficient on-site parking provision is provided.
19. Durham Constabulary Architectural Liaison Officer offers no objection to the application noting that the proposed number of children is in line with what is typically recommended to best replicate a family home and make it easier to match young children who will be living together.

INTERNAL CONSULTEE RESPONSES:

20. DCC Environmental Health Section notes that whilst the source of noise and disturbance could be greater from the proposed use than it could be from a C3 residential dwelling, the information submitted in support of the application demonstrates that it complies with the thresholds stated within the TANS and as such is unlikely to lead to an adverse impact.
21. DCC Spatial Policy has not responded.

PUBLIC RESPONSES:

22. The application has been advertised by means of site notice and by notification letters to surrounding occupiers. 11 letters of objection have been raising the following concerns:

Residential Amenity

- Whilst in some cases objections acknowledged that the County Council were required to find alternative accommodation for vulnerable young people, it was felt that the introduction of a care home in this location would be unsuitable given it would have a significant adverse impact upon the amenity of local residents, [most of whom are either elderly or are families with young children] that it would result in an increase in noise and disturbance, an increase in crime and the fear of crime and reduced personal safety. Objections cite instances when the property was used to house a single child and the detrimental impact that occurred for local residents during this time when the occupant was violent, aggressive and displayed considerable anti-social behaviour with some objections citing a need for police intervention on several occasions.
- There is also concern that the introduction of children or young adults with difficult behaviours may become a bad influence, adversely affecting the children of existing families.
- Concern has also been raised at the precise nature of the inhabitants and that nearby residents would in reality be living near a young offender's institution.
- The belief is that the proposal would result in a significant adverse impact upon the quality of life for residents.

Parking, Access and Highway Safety

- Parking provision to the front of the property is limited and the carers do not use the existing car park which reduces the available on street provision for other residents.

Publicity and Public Consultation

- Insufficient consultation has been carried out which excluded the local school with the aim of avoiding local interest.
- No consideration for the neighbours living nearby and the proposal appears to not take into consideration the views of the area.

Operational concerns regarding the management of the facility

- Several objections raised questions in relation to how the facility would be managed and the nature of the occupants. Concerns centred around the extent to which neighbours would be consulted if a person with a high risk moves to the property? Queries around the procedure for making a formal complaint or raising concerns about incidents that have impacted local children?

Other Matters

- The owner of the property has a holiday let at Co-operative Terrace in Coxhoe which has been used as a home also. The police are always called to that property and the neighbours have hell because of this.
- The owners have stated their mortgage has been paid off and they will move back in 2022.

APPLICANT'S STATEMENT:

23. The Manse has previously been accessed by a small number of Durham children and young people. During these short periods, young people were supported by non-DCC staff and plans were being progressed to register the home with Ofsted and to seek a change of planning use.
24. Durham County Council's Children and Young People's Service will now be responsible for the day to day running of the proposed new temporary children's home, which will care for no more than two young people, at any one time.
25. The home will be managed by a qualified and skilled Registered Manager who will be the point of contact for any concerns relating to the home. A broader staffing team consisting of experienced Residential Workers, will provide a caring role to the young person / young people living in the home.
26. The home will be staffed 24/7 by two experienced, qualified residential workers who will closely monitor young people's behaviours and the behaviours of others. The level of supervision is similar to that of a family home, with two parents.
27. It is important that the home integrates with the local community and that positive working relationships are developed with neighbours. We will be considerate to our neighbours and will support and encourage our young people to do the same.
28. The home will work closely with Durham Police, to ensure that young people are safe within the community that they live in. Community Police Officers develop a close working relationship with our homes and the young people that live there, supporting residential staff to develop strategies which support both the young people and the wider community
29. Children living in the home have moved from their family homes, they have not moved from custodial provision's, such as secure homes or young offender's institutes, therefore we would not expect crime statistics to be impacted as a result of this small home.

30. Additional off-street parking measures have been developed at the property and staff will be discouraged from parking on the road, directly to the front of the property.

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=P8X9C0GDL8J00>

PLANNING CONSIDERATIONS AND ASSESSMENT

31. 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 principle of development including consideration of its impact in terms of the fear of crime and social cohesion, the impact upon residential amenity, parking, access and highway safety the character of the area.

Principle of Development

32. Consent is sought for the change of use of the property from a residential dwelling to a children's care home for a temporary period of 2 years to provide full time care for 2 young people between the ages of 12 and 17.
33. Policy 18 of the County Durham Plan relates to children's homes and 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:
- a. the applicant is able to demonstrate that the development will address any gaps in service provision to the satisfaction of the Local Planning Authority;
 - b. 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;
 - c. 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;
 - d. 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 County Council Constabulary, the council's Children and Young People's Services and other appropriate agencies;
 - e. it is unlikely to cause unacceptable individual or cumulative impact on residential amenity, fear of crime or community cohesion;
 - f. appropriate measures will 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 can be achieved.
34. Text supporting policy 18 confirms 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 are put in place to ensure the welfare of the children. This will include consideration of any crime or safety concerns in the area, in consultation with Durham Constabulary, Children and Young People's Services and any other appropriate agencies.

35. The application site is an established residential property located within the settlement boundary of Coxhoe set on a main road adjacent to a bus stop. The area is predominantly residential in character although it is noted that there are a variety of services available towards the centre of Coxhoe which are within walking distance. It is therefore considered to be a sustainable location offering good access to shops and services. In this regard the development is considered to accord with the requirements of criterion b) of Policy 18 of the CDP which requires new children's homes to offer a positive and safe environment for the occupants of the premises ensuring that there is appropriate access to local services and community facilities.
36. Criteria a) of policy 18 of the CDP requires new development to demonstrate an established need for the facility. The Council has undertaken an assessment of existing children's home provision as detailed in the Council's document; 'Sufficiency Strategy for Children Looked After and Care Leavers 2020-2023'. That exercise has identified gaps in current service provision within this area of care and a requirement throughout the County for small scale children's homes of the type proposed at The Manse. In this regard it is understood that the application property represents an important element in meeting that demand and is specifically referenced at page 16 of the strategy. In light of the above it is considered that sufficient information has been provided to demonstrate that the development would meet policy 18 a) of the CDP in that there is a clearly established need for the facility.
37. Concerns have been raised over the precise nature of the facility and as such the applicant has confirmed that the facility would accommodate no more than 2 children at any one time and that this reflects a best practice care model that is designed to ensure that the Home provides a nurturing environment that is described as welcoming, supportive, safe, inclusive, valued, delivers consistent routines and boundaries, meets young people's basic and complex needs in a person centred approach. Durham County Council Police Architectural Liaison Officer has been consulted and raises no objection to the application noting that the proposed number of children is in line with what is typically recommended to best replicate a family home, and make it easier to match young children who will be living to together. In this regard the development is considered to accord with the requirements of criteria c) of policy 18 of the CDP.

Residential Amenity

38. Policy 18 e) of the CDP states that new children's homes will only be permitted where it is unlikely to cause unacceptable individual or cumulative impact on residential amenity, fear of crime or community cohesion. This is considered to present an approach consistent with paragraph 180 of the NPPF which 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.
39. Several objections have been received regarding the potential for noise generated by the development to have a significant adverse impact upon residential amenity of surrounding occupiers, particularly those occupying the attached semi-detached dwelling at Linden House. Reference has been made within those objections to an unacceptable level of noise generated by the previous occupation of the property by a private care firm who used it to provide supervised accommodation for a single occupant.

Concerns also refer to a period when the property was occupied as a holiday let and that this generated an unacceptable degree of disturbance for adjacent residents. In response to the previous occupation it is understood that the property was used temporarily to accommodate a single child but that this subsequently ceased, and the dwelling is currently unoccupied pending consideration of this application.

40. The impact of the development upon residential amenity is a key material consideration in determination of this application with particular regard to the requirements of policy 18 e) of the CDP and paragraph 180 of the NPPF. Whilst the likely level of noise generated by the proposal is difficult to quantify due to the varying needs of individual users, it is nevertheless noted that the number of proposed children that the facility would accommodate is limited at no more than 2, and that this could be secured through planning condition. Although the previous use of the property is understood to have generated noise complaints measures were undertaken at this time to mitigate impacts such as reorientation of the internal living arrangements, (removing noise generating activity from rooms sharing a party wall with the adjoining property) and imposing limitations on when music could be played. Notwithstanding this, it is important to note that as part of the current proposal the facility would be managed and operated by Durham County Council's Children's and Young Peoples Services which successfully manages a number of similar facilities throughout the County. In addition, it is understood the facility would be registered with OFSTED and covered by other legislative requirements in this regard. With this in mind, and noting the limited number of children to be accommodated and that it is not within the remit of the planning system to manage the operational running of the care home, it is not considered appropriate to include any requirement for the submission and agreement of a management plan via planning condition in this instance.
41. Whilst the source of noise and disturbance could be considered greater from the proposed use than might normally be generated by occupation as a C3 dwelling, it should be noted that a dwelling could accommodate similar, or greater number, of occupants and this in itself could have a level of detrimental impact to residential amenity. The Council's Environmental Health Section has been consulted and whilst noting that the noise generated by the development might exceed that of a typical family home, the information supporting the application demonstrates that it would comply with the thresholds stated within the Council's Technical Advice Note in relation to noise, and as such is unlikely to lead to an adverse impact in this regard.
42. The applicant has noted the concerns of residents in this regard and sought to provide assurances that the facility would be robustly managed by a qualified and skilled Registered Manager who will be the point of contact for any concerns relating to the home supported by a broader staffing team would include experienced Residential Workers that will closely monitor young people's behaviours and the behaviours of others. In this respect it is considered that the level of supervision would be similar to that of a family home, with two parents.
43. Notwithstanding the above the applicant seeks planning permission for a period of 2 years only, after which the use would revert back to a C3 dwelling and any impact in that regard would be temporary.

44. The Council's Children and Young People's Services Section would operate the facility and has confirmed that the home would be managed by an appropriately qualified member of staff. The application set out in principle how the care home would function, including staffing levels and qualification levels for the staff employed. Whilst it is noted that this would need to be agreed by as part of the registration process and that it is not within the remit of the planning system to seek to control the day to day functioning of the care home, it is considered appropriate to include a planning condition which restricts the use of the property to a children's care home for no more than 2 young persons between the ages of 12 and 17, and for no other purpose falling within Class C2 of the Town and Country Use Classes Order 1987. This is considered necessary as occupation of the property for other uses falling within Class C2 (for example a nursing home or hostel) would likely create significantly greater residential amenity impacts than that currently proposed.
45. Residents have raised objection to the application citing concerns regarding crime and the fear of crime as a result of the development. In addition, concern has also been raised at the impact the development would have in terms of social cohesion which they believe would unbalance a community which is characterised by both the elderly and families with young children.
46. Policy 18 e) states that new development will only be permitted where it is unlikely to cause unacceptable individual or cumulative impact on fear of crime or community cohesion. Part 8 of the NPPF relates to the promotion of healthy and safe communities, states within paragraph 91 that planning 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. Paragraph 92 further states that in order to provide social, recreational and cultural facilities and services to meet community needs, planning decisions should take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community.
47. Whilst it is acknowledged that residents hold fears that crime in the area would increase as a result of the proposals, there is no evidence to underpin this. Significantly, it is noted that there is no objection from the Durham Constabulary Architectural Liaison Officer. As 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 considered that a refusal reason framed around this issue would not be capable of being sustained. Issues of crime and the fear of crime are material considerations in determination of the application but given there is no objection to the application from the Police Architectural Liaison Officer, it is not considered that there would be any material increase in crime as a result of the proposals and as such this should be afforded limited weight in the determination of this application. This approach was reflected in a recent appeal decision elsewhere in the County in relation to a 7 bedroom children's home where the inspector (in allowing an appeal against the Council's decision to refuse the application) concluded that there was no substantive evidence to demonstrate that there would be a reasonable evidential basis for the fears expressed by local residents and that in the absence of firm evidence that the appeal scheme would materially increase the risk of, or fear of, crime they did not find that the proposed development in that instance, would have a detrimental impact on the living conditions of local residents.

48. Nevertheless, the applicant has acknowledged the concerns of residents and provided supporting information which details how the facility would be managed as described above. In relation to social cohesion the introduction of two children to the area in a modest semi-detached dwelling is unlikely to result in any unacceptable impact to existing social cohesion and the information supporting the application details measures to aid integration in this regard.
49. In light of the above, it is considered that the development would accord with the requirements of policies 18 e) and 31 of the CDP and paragraph 180 of the NPPF.

Impact on Highway Safety

50. Policy 21 of the CDP 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 must also have regard to Parking and Accessibility Supplementary Planning Document. In addition, policy 18 f) of the CDP states that new children's homes will only be permitted where highway access, parking and servicing can be achieved. Both policy 18 and 21 display a broad level of accord with the aims of paragraph 108 of the NPPF which requires new development to provide safe and suitable access to the site can be achieved for all users.
51. Several objections have been received from residents and Coxhoe Parish Council regarding parking and highway safety, particularly that an increase in vehicle movements to and from the development and an increase in on street parking would have a negative impact on highway safety in an area which is already prone to heavy congestion. The Highways Authority has been consulted and raises no objection to the application noting that sufficient parking provision is available to the rear of the site that would adequately service demand. To provide assurances the applicant has confirmed that staff will be discouraged from parking on street and only use the on-site provision.
52. In light of the above it is considered that the development would accord with the requirements of policies 18 (criteria f) and g)) and 21 of the CDP and paragraph 108 of the NPPF in that there would be no adverse impact in terms of highway safety and access by emergency vehicles would be achievable.

Character and Appearance of the Locality

53. In respect of the visual amenity of the area, there are no significant changes to the external appearance of the property and as such the character of the streetscene would not be significantly impacted upon. The property is proposed to accommodate a maximum of two children which is considered appropriate and would replicate the existing family surroundings retaining a typical domestic setting. Consequently, it is considered that the character of the area would not be significantly affected by the development in accordance with the requirements of policy 29 of the CDP

54. The proposal would retain the existing private gardens to the front and side of the property and these would be available for use by the children residing at the property. As such it is considered that sufficient external space would be provided to meet the needs of the occupants in accordance with policy 18 g) of the CDP.

Other Issues

55. Objections have been received which cite concerns that the development would devalue properties in the surrounding area and that the current owner would make considerable financial gains as a result of the development. However, such matters are not material planning considerations to which weight can be afforded in determination of this application.

56. Concern has also been raised at the extent to which the planning authority has publicised the application in that it has been unjustly limited and a nearby school was not formally consulted. However, it is noted that the application has been publicised by means of site notice and notification letter sent to nearby properties and that this exceeds the minimum required by the Town and Country Planning (Development Management Procedure) (England) Order 2015.

57. Objection has been raised by residents citing concern that planning permission was not sought prior to the use of the property to house a single child for a short period last year. Whilst it is clearly disappointing that the use initially commenced without planning permission, this is understood to have since ceased and was not undertaken by the current applicant. At present the property is unoccupied pending the determination of this application.

CONCLUSION

58. Taking all the above into consideration and having regard to the representations received from interested parties, it is considered that the principle of the development is acceptable and the development meets the criteria set out in policy 18 of the CDP. With regard to residential amenity the use could be satisfactorily accommodated by reason of its limited scale and any impact in this regard could be appropriately mitigated through the imposition of planning conditions. In addition, the development would not result in any unacceptable adverse impact upon the balance or social cohesion of the existing community, an increase in crime or the fear of crime, noise, disturbance or highway safety in accordance with the aims of policies 18, 21 and 31 of the CDP or parts 8, 9 and 15 of the NPPF.

59. Whilst objections raised by the local Cllr, nearby residents and Coxhoe Parish Council with regard to the impact upon the balance of the community, residential amenity, highway safety and how the application was publicised were carefully considered, they were not considered sufficient to sustain refusal of planning permission for the reasons detailed in this report.

RECOMMENDATION

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.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 18, 29 and 31 of the County Durham Plan and parts 8, 12 and 15 of the NPPF.

3. The property shall be used only as a children's care home to accommodate 2 young persons between the ages of 12 and 17 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. The applicant shall notify the Local Planning Authority in writing within 7 days of the first use of the care home, confirming the date of first use. From the date specified the use as a children's care home hereby permitted shall be discontinued on or before the day 24 months from the first use of the care home.

Reason: In the interests of residential amenity and to allow the impacts of the development in this regard to be monitored and reviewed after 24 months in accordance with Policy 18 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

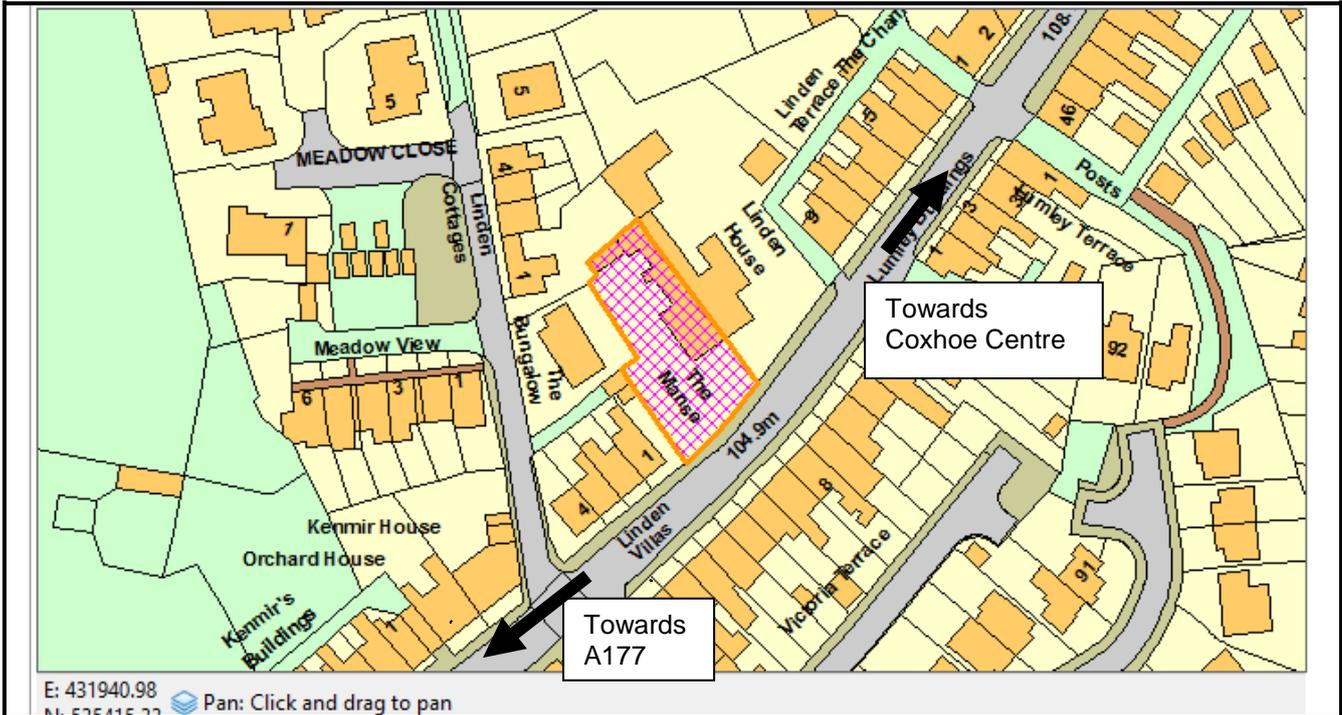
Submitted application form, plans, supporting documents and subsequent information provided by the applicant

The National Planning Policy Framework (2018)

National Planning Practice Guidance Notes

County Durham Plan

Statutory, internal and public consultation responses



<p>Planning Services</p>	<p>Temporary change of use from dwelling (use class C3) to children's home (use class C2) at The Manse Linden Villas, Coxhoe, Durham, DH6 4DX. Application Reference DM/21/01325/FPA</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p>Date: June 2021</p>	<p>Scale NTS</p>

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/21/01145/FPA
Full Application Description:	Two storey side extension, single storey rear extension and widening of driveway
Name of Applicant:	Ms Gabrielle Moore
Address:	9 Cedar Drive, Durham, DH1 3TF
Electoral Division:	Neville's Cross
Case Officer:	George Spurgeon (Planning Officer) Tel: 03000 261 959 Email: george.spurgeon@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The Site

1. The application site comprises the residential dwelling 9 Cedar Drive, Durham. The dwelling is a semi-detached property finished in a cream coloured render, with bay windows at ground and first floor level, a garage to the side and a hipped roof finished in dark grey concrete tiles. The property benefits from a single driveway to the front and a garden area to the rear; bordered by a combination of fencing and hedging.
2. Cedar Drive is a cul-de-sac consisting of 22 residential dwellings accessed from St. Oswald's Drive. The street contains a combination of detached and semi-detached dwellings. The ten properties closest to the entrance on the eastern side are all semi-detached and commonly feature the use of different coloured renders, with all but the host property having extended out to the side at first floor level. 11 Cedar Drive was granted planning permission for identical extensions last year. The land level slopes from the north up towards the south.

The Proposal

3. The application seeks planning permission to demolish the existing garage and replace it with a two-storey side extension that would be flush with the rear elevation of the dwelling and project forward of the front elevation by 600 millimetres, similar to the front elevations of number 3, 11 and 15 Cedar Drive. A single storey rear extension with a projection of 2.3 metres is also proposed, which would extend beyond the side elevation of the dwelling and join the side extension. The existing bedroom 3, as shown on the floor plans, would be replaced by a shower room, with the existing lounge being converted to a bedroom and the garage being replaced by a lounge. The extensions would provide space to allow the creation of three additional bedrooms, taking the total to six.
4. The side extension is proposed to feature a hipped roof matching the angle of the roof of the main house, with the rear extension featuring a lean-to style sloping roof. The extensions would be finished in materials matching the existing house.
5. Planning permission is not sought to change the use of the property from a C3 dwellinghouse to a C4 House in Multiple Occupation (HMO), as this can be achieved at present under permitted development and so therefore does not require planning permission. An Article 4 direction came into effect on 17 September 2016 withdrawing permitted development rights from C3 (dwellinghouse) to C4 (HMO) from a large part of Durham City, however the application site falls outside of this Article 4 direction area. The Council is proposing an Article 4 Direction for Belmont, Carrville and the Mount Oswald Area. The proposals were subject to consultation between 15th January and the 26th February. The Council are still in the process of reviewing and preparing responses to comments made as part of the consultation. Therefore, at this stage, no decision has been taken in respect of the proposed Article 4 Direction. Should the proposed direction be confirmed, it would come into force on 14 January 2022. Therefore, for the purposes of this planning application, there is no Article 4 direction in place and so planning permission would not be required to convert the property into a C4 HMO.
6. The application is reported to the Planning Committee at the request of the City of Durham Parish Council who consider that the application should be considered by planning committee due to concerns over the impact on the character of the area and parking.

PLANNING HISTORY

7. None.

PLANNING POLICY

National Policy

8. 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 overriding message is 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 dependent.
9. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’. The following elements of the NPPF are considered relevant to this proposal;
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. Decision-makers 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.

Local Plan Policy:

12. The following policies of the County Durham Plan are considered relevant to the determination of this application.
13. *Policy 29 Sustainable Design* details general design principles for all development stating that new development should contribute positively to an areas’ character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
14. *Policy 31 Amenity and Pollution* states that new 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 should be integrated effectively with any existing business and community facilities.
15. Residential Amenity Standards Supplementary Planning Document 2020 (Adopted Version) seeks to provide guidance on how best to design residential extensions.

Neighbourhood Plan:

The following policies of the Durham City Neighbourhood Plan are considered relevant to the determination of this application;

16. *Policy S1: Sustainable Development Requirements of all Development and Redevelopment Sites* Including all New Building, Renovations and Extensions seeks to sets out the economic, social and environmental criteria that development proposals will be required to meet.
17. *Policy H3 Our Neighbourhood Outside the Conservation Areas* states that development proposals should demonstrate an understanding of the area of the and its relationship to Our Neighbourhood as a whole.
18. *Policy D4 Building Housing to the Highest Standards* seeks to ensure that all new housing, extensions and other alterations to existing housing must be of a high quality design relating to the character and appearance of the local area, aesthetic qualities, external and internal form and layout, functionality, adaptability, resilience and the improvement of energy efficiency and the reduction of carbon dioxide emissions.
19. *Policy T1 Sustainable Transport Accessibility and Design* seeks to ensure that development proposals will be required to demonstrate best practice in respect of sustainable transport accessibility and design.
20. *Policy T2 Residential Car Parking* seeks to ensure that proposed development would be served by sufficient car parking spaces.

CONSULTATION AND PUBLICITY RESPONSES

Internal Consultee Responses:

21. Highway Authority raises no objections to the application.
22. The City of Durham Parish Council object to the application on the grounds that it would have a negative impact on the character and appearance of the area, the driveway is of an insufficient length, there is no provision for an EV charging point, the Controlled Parking Zone will need to be extended to cover the site, and that no details of facilities for recycling or central heating have been provided.

Public Responses:

23. The application has been publicised by way of notification letters sent to neighbouring properties. 18 objections have been received, including from Councillor Liz Brown and the City of Durham Trust, raising the following concerns:

- Converting the property into a HMO will change the character of the street through the loss of a family home, to the detriment of the range and variety of local housing stock, resulting in a disproportionate number of HMO's within the area;
- Student properties often remain empty for long periods,
- Students cause additional noise and disturbance, often leave bins overflowing,
- Additional six students would generate additional traffic and parking problems,
- There is no need for further student houses,
- No information has been submitted to demonstrate that the security of the building and neighbouring properties has been addressed,
- Widening of drive would result in the loss of some of the front garden,
- The extension approved last year at 11 Cedar Drive showed a garage on the floor plans, but this has not been implemented,
- Disruption during construction works in the form of the road being dirtied and vans parking on the pavement,
- The Article 4 direction needs to be introduced as soon as possible,
- Not all of the residents of Cedar Drive received a neighbour notification letter,
- The application should be dealt with by a different planning officer.

Applicants Statement:

24. The plans for 9 Cedar Drive were drawn very carefully to reflect the extensions done elsewhere in the street, hence I am very surprised that this has been called to a committee meeting. There is nothing extra requested, no extra dimensions or extra rooms compared with other approved extensions. The driveway will be altered slightly to allow parking for 2 cars which is more than most houses on Cedar Drive

PLANNING CONSIDERATION AND ASSESSMENT

25. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with Paragraph 212 of the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to the principle of development, residential amenity, the impact on the character and appearance of the area and highway safety.

Principle of Development

26. As previously stated, the applicant intends to utilise permitted development rights to change the use of the property from a C3 dwellinghouse to a C4 HMO and so this application does not seek planning permission for the change of use. Therefore, Policy 16 of the County Durham Plan (CDP) is not applicable in this instance and if this application were to be refused, the applicant could still convert the property into a HMO, provided that the property would be occupied by between three and 6 unrelated individuals prior to the introduction of an Article 4 direction. The application seeks planning permission solely for the extensions, which would increase the number of bedrooms from three to six, and the application has been considered on this basis.

Residential Amenity

27. Paragraph 127 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, CDP 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. 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. The Council's adopted Residential Amenity Standards SPD also provides guidance on extensions to household dwellings.

28. The SPD advises that rear extensions are usually highly visible from neighbouring properties and that sunlight and daylight are important factors in securing a good quality living environment. The rear extension is proposed to project out from the rear elevation of the property by 2.3 metres with a ridge height of 3.2 metres and a width extending up to the boundary with 11 Cedar Drive, which is located on a slightly higher land level and had an identical rear extension approved last year. The closest window within the rear extension of 11 Cedar Drive to the boundary with the host property serves a kitchen/dining room. The host property is located to the north of number 11 and so the proposed extension would not restrict the amount of light that can currently enter the rear windows of this neighbouring property. Furthermore, as the rear of the proposed extension would match the projection of the extension approved at number 11, along with a relatively low eaves height of 2.5 metres, the proposed extension would not adversely affect the occupants of number 11 in terms of visual dominance or having an overbearing impact. It should be noted that a ground floor rear extension of this height with a projection of under 3 metres would usually fall under permitted development, although in this instance as the extension is proposed to extend beyond the side elevation of the original dwelling and join the side extension planning permission would be required.

29. No windows are proposed to be installed within either side elevation and so the extension would not result in a loss of privacy for the neighbouring residents. Given the siting of the other adjacent neighbouring property 7 Cedar Drive to the north, which already sits approximately 1.5 metres further back at first floor level, the rear extension would not result in a loss of light or overshadowing, nor would it have an overbearing impact given its limited projection and single storey height.
30. The two-storey side extension would not extend beyond the rear elevation of the host property and so would not overshadow or have an overbearing impact on the windows within the rear elevation of number 7. The slight forward projection at first floor level would extend the property to be slightly further forward than the front elevation of number 7, but due to the minimal projection the front first-floor window above the garage would not be adversely affected in terms of overshadowing or loss of outlook. There are no habitable room windows within the south facing side elevation of number 7 that would be affected by this extension.
31. The Parish Council raise concerns over the increase in the number of bedrooms within the property to six, however the bedrooms are all of a size that meet nationally described space standards, with the smallest bedroom (labelled as number 3) having a floor space of over 9m², above the minimum standard of 7.5m².
32. One objection to this application has been raised regarding disruption during the construction phase citing similar issues with No. 11. Consequently, a condition (number 4) relating to details of a construction management plan (CMP) has been included to protect the amenity of neighbouring residents throughout the construction phase. The details have been taken from the approved CMP for the extensions to 11 Cedar Drive and whilst some disruption during construction is inevitable, the mitigation measures listed in the condition would sufficiently minimise any disruption in this regard, which itself would be temporary.
33. The proposed extensions are not considered to harm the amenity of neighbouring residents through loss of light, overshadowing, visual intrusion, or having an overbearing impact, and would therefore accord with CDP Policy 29 and 31 and paragraph 180 of the NPPF.

Impact upon the Character and Appearance of the Area

34. Paragraph 124 of the NPPF advises that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development, creating better places in which to live and work. Policy 29 of the CDP requires development to contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.

35. Furthermore, Policy S1 of the Durham City Neighbourhood Plan (DCNP) require development to harmonise with its context, in terms of scale, layout, density, massing, height, materials, colour, and hard and soft landscaping. DCNP Policy H3 also requires development to sustain and make a positive contribution to the character and distinctiveness of the area, use high quality design which contributes to the quality and character of the area, have a scale, density, massing, form, and layout, appropriate to the context and setting of the area; and use materials and finishes appropriate to the context and setting of the area. In addition, DCNP Policy D4 requires extensions and other alterations to existing housing to be of high quality design relating to: the character and appearance of the local area; b) aesthetic qualities; c) external and internal form and layout; d) functionality; e) adaptability and f) resilience; and g) the improvement of energy efficiency and the reduction of carbon dioxide emissions.
36. With regards to two storey side extensions, the Council's SPD advises that the key principles are to ensure the extension is subordinate to the main dwelling and that it would not result in the creation of a terraced effect. The proposed side extension would have a width of 3.4 metres, compared to the existing garage having a width of 3.1 metres, and would project forward of the front elevation of the dwelling by 600 millimetres. The extension would feature a hipped roof matching the height and shape of the roof of the main house.
37. Although the extension would not be set back from the front of the property or feature a lower ridge as advised by the SPD, in this instance, a small gap would be left between the side wall of the extension and the boundary with number 7 to allow external access to the rear garden. In addition, number 7 already benefits from a two-storey side extension with a front facing gable end and the hipped roof shape proposed in this application, along with the gap between the boundary, would help to avoid the creation of a terraced effect. Furthermore, the extension is similar to the two storey side extension to 3 and 15 Cedar Drive, which also match the height of the host property and project slightly beyond the front elevation, and identical to the extension approved at 11 Cedar Drive last year. Given the above, a setback and lower ridge height are not considered necessary in this instance. Therefore, when viewed in context with the other similar extensions within the street, the two-storey side extension is considered to be proportionate to the main house. The extensions are proposed to be finished in materials to match the existing house so would appear as sympathetic additions to the dwelling.
38. The SPD advises that two storey front extensions will be assessed on their merits taking into consideration the scale and character of the existing property and the surrounding area. There are examples of similar two-storey side extensions to properties on the east side of Cedar Drive, some of which also project forward of the front elevation, and the extension has been designed to reflect these. Therefore, the extension is considered to harmonise with its surroundings and positively contribute to the character and appearance of the area.
39. Although the widening of the driveway would result in the loss of some of the front garden, a large portion of the garden area would remain, and in any event an extended driveway could be achieved under permitted development. A condition (number 5) has been recommended to ensure the extended driveway is constructed from permeable paving or alternatively that a channel drain is installed to prevent surface water from discharging onto the highway.

40. Criterion e) of DCNP Policy D4 requires extensions to existing dwellings to be adaptable and it is considered that the internal layout of the extensions proposed could be altered in future, as there is scope to convert the ground floor bedrooms into main living areas in the future without requiring any further consent.
41. The design, scale and materials of the proposed extensions are considered to be sympathetic to the main dwelling and the character and appearance of the area and are therefore considered to accord with CDP Policy 29 and DCNP Policy S1, H3 and D4.

Highway Safety

42. DCNP Policy T1 seeks to avoid development that would result in adverse transport related impacts where practicable and where necessary to provide mitigation in the form of contributions to access to sustainable means of transport. DCNP Policy T2 states that where electric vehicle charging provision is required by the County Durham Parking and Accessibility Standards 2019, the facilities must not hinder the movement of pedestrians or disabled people, and should respect the character of the area; and that where a proposed development will generate a significant increase in demand for on street parking that requires new or amended parking controls these can be funded through developer contributions.
43. The Councils adopted Parking and Accessibility Standards requires a double width driveway to be 5.5 metres long and 4.7 metres wide. The document states that a proportion of the total parking provision in new developments (residential and non-residential) will be allocated to EV charging points but does not require extensions to existing residential properties to provide electric vehicle charging points. The application proposes to widen the existing driveway to a width of 4.9 metres and a length of 5.4 metres. Although the driveway is 100 millimetres short of the above standard length of 5.5 metres, in this instance this is not considered to result in an adverse impact on highway safety. With the extended driveway, the property is considered to have sufficient in-curtilage space to park two cars, which is sufficient to serve a property of this size. A condition (number 6) has been recommended to require the extended driveway to be in place prior to the first occupation of the proposed extensions. Therefore, the proposals are not considered to generate a significant increase in demand for on street parking and so no developer contributions are considered to be necessary to make the development acceptable.
44. Highways Officers have been consulted and raised no objections to the proposals, considering the amount of in-curtilage car parking spaces to be sufficient. It is also noted that the property is located within 2 miles of the City Centre, with bus links nearby providing a public transport option for access to the range of local amenities available here. The proposal is therefore considered to accord with DCNP Policy T1 and T2.

45. Objections have been received raising concerns over the lack of suitable in-curtilage parking for a property in use as a C4 HMO leading to an increase in on-street parking, which, due to the narrow width of the road, could lead to difficulties in manoeuvring and driveways being blocked. However, as discussed above officers consider that the property benefits from a sufficient amount of in-curtilage car parking space and it must be reiterated that planning permission is not required to change the use of the property to a C4 HMO, which allows up to six occupants, so this cannot be controlled by the Council or attached weight in determination of this planning application.

In Response to Objectors Concerns

46. The Parish Council consider the application to be contrary to CDP Policy 29 (c) as they consider that the additional numbers of residents will require an upgrade to the heating system, of which no details have been provided, to achieve reductions in carbon emissions. However, this part of the policy relates to larger proposals whereas this application seeks planning permission for extensions to an existing dwelling. Therefore, due to the nature of the proposals it is not considered necessary for the application to be supported by information regarding the efficiency of the existing heating system.

47. The Parish Council also consider the application to be contrary to CDP Policy 29 (d) as they consider that further details are required in relation to the provision of appropriate storage space and segregation facilities for recyclable and non-recyclable waste, given that the proposed floor plans show there to be six bedrooms. However, the floor plans show there to be a large kitchen/dining room which is considered to provide a sufficient amount of space to be able to store recyclable and non-recyclable waste.

48. The Local Planning Authority is required to notify all adjoining landowners and, in this instance, a wider range of notification was carried out to include additional properties within close proximity to the application site. It is noted that objections have been received from residents who were not sent a notification letter and their comments have been taken into account and are considered in this report.

CONCLUSION

49. The proposed extensions are considered to be of a reasonable scale that would not adversely affect the amenity of neighbouring residents, in terms of loss of light, overshadowing, visual intrusion, or having an overbearing impact. The proposed extensions are also considered to be of a good design that is sympathetic to the host property and given the similar extensions already on the street would have a positive impact upon the character and appearance of the surrounding area.

50. The property contains two in-curtilage car parking spaces which is considered to be sufficient to meet appropriate requirements and it is noted that the property is served by nearby public transport links to the city centre. Highways officers have raised no objections to the proposal as a consequence and it is not considered to adversely affect highway safety.

51. Planning permission is not required to change the use of the property from a C3 dwellinghouse to a C4 HMO, therefore the Council has no control over this. Any potential impacts specifically as a result of the change of use cannot be considered or afforded weight in determination of this planning application.

52. The proposal is considered to be in accordance with Policies 29 and 31 of the County Durham Plan, Policy S1, H3, D4, T1 and T2 of the Durham City Neighbourhood Plan, Parts 4 and 12 of the National Planning Policy Framework and the SPD and as such is therefore recommended for approval.

RECOMMENDATION

That the application be **APPROVED** for the following reason(s)

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.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy(ies) 29 and 31 of the County Durham Plan, Policy S1, H3, D4, T1 and T2 of the Durham City Neighbourhood Plan and Parts 4 and 12 of the National Planning Policy Framework.

3. Notwithstanding the details shown on the submitted application, the external building materials to be used shall match the existing building.

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

4. The following mitigation measures shall be employed at all times and retained for the duration of the construction works.

- o No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 8000 to 1800 on Monday to Friday and 8000 to 1400 on Saturday.
- o No internal works audible outside the site boundary shall take place on the site other than between the hours of 8000 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

- o 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.
- o Deliveries which need to be unloaded onto the ground will be unloaded onto the front driveway and garden. Heavy materials, such as bricks, will be unloaded onto the front lawn and lighter materials, such as timber, will be unloaded onto the driveway where they will be transported to and stored in the rear garden.
- o No equipment shall be placed on the adopted highway.
- o Upon completion of the development any damage to existing services shall be repaired.

General Controls & Monitoring

- o The site manager shall train all workers on site regarding traffic management and for Health and Safety.
- o A copy of the deliveries plan and emergency contact details for the site manager, contractor and site owner shall be displayed on site at all times.
- o The road shall be cleaned at the end of each working day.
- o Site operatives shall park on the driveway where available and on the road outside of the site when the driveway is occupied. Any cars belonging to site operatives or visitors parked on the road outside the site shall be parked so as not to block any other road users from passing and to not block the driveway of any neighbouring properties. Vehicles shall be moved to allow other road users to pass if required.

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.

5. The driveway shall be constructed entirely out of permeable paving or if an impermeable material is to be used a channel drain shall be installed along the full width of the entrance to the driveway adjacent to the public footpath and retained thereafter.

Reason: To prevent surface water discharging onto the highway.

6. The double width driveway shown on proposed site plan 2177/05 must be in place prior to the first occupation of the proposed extensions and retained thereafter.

Reason: To ensure the property is served by a sufficient amount of in-curtilage car parking in accordance with the Council's Parking and Accessibility Standards 2019 and Policy T1 and T2 of the Durham City Neighbourhood Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority 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.

BACKGROUND PAPERS

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

The National Planning Policy Framework (2018)

National Planning Practice Guidance Notes

County Durham Plan (2020)

Residential Amenity Standards Supplementary Planning Document 2020 (Adopted Version)

County Durham Parking and Accessibility Standards (2019)

City of Durham Neighbourhood Plan 2021 (referendum version)

Statutory, internal and public consultation responses



 Durham County Council	Location	Two storey side extension, single storey rear extension and widening of driveway Not Set	
	Comments	Not Set	
<small>This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Durham County Council, Licence No. 100046058 (2016)</small>	Date	11 May 2021	Scale
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