



Area Planning Committee (South and West)

Date Thursday 12 December 2024
Time 10.00 am
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. Minutes of the Meeting held on 21 November 2024 (Pages 3 - 18)
5. Applications to be determined
 - a) DM/24/02385/FPA - 39B and Part of Garden Area of No. 40 Front Street North, Trimdon, Trimdon Station, TS29 6PG
(Pages 19 - 50)
Change of use from dwelling (use class C3) to children's home (use class C2) (amended red line boundary received) and retention of outbuilding in the rear garden area.
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

Helen Bradley
Director of Legal and Democratic Services

County Hall
Durham
4 December 2024

To: **The Members of the Area Planning Committee (South and West)**

Councillor J Quinn (Chair)

Councillor A Savory (Vice-Chair)

Councillors E Adam, V Andrews, J Atkinson, D Boyes, D Brown, L Brown, J Cairns, L Maddison, S Quinn, G Richardson, G Smith, M Stead, R Yorke and S Zair

Contact: Amanda Stephenson Tel: 03000 269703

DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, County Hall, Durham on **Thursday 21 November 2024 at 10.00 am**

Present:

Councillor J Quinn (Chair)

Members of the Committee:

Councillors A Savory (Vice-Chair), E Adam, V Andrews, J Atkinson, D Brown, L Brown, L Maddison, G Richardson, G Smith, M Stead and C Varty (Substitute)

Also Present:

Councillors R Bell and C Kay

1 Apologies for Absence

Apologies for absence were received from Councillors S Quinn and S Zair.

2 Substitute Members

Councillor C Varty substituted for Councillor S Quinn.

3 Declarations of Interest

Councillor J Quinn declared an interest in agenda item 5c) stating that he had immediate family who lived near the development and he had campaigned against the planning application in the past. He agreed to step down as Chair and leave the meeting. The Vice Chair Councillor A Savory would Chair the remainder of the meeting.

4 Minutes

The minutes of the meeting held on 17 October 2024 were agreed as a correct record and signed by the Chair.

5 Applications to be determined

a DM/23/01578/FPA - Farm Buildings At Low Houses, Woodside, Newbiggin, Barnard Castle, DL12 0UJ

The committee considered a report of the Planning Officer that was for a retrospective application for alterations and change of use of general purpose agricultural building to agricultural livestock building to include the keeping of pigs (amended description) at Farm Buildings At Low Houses, Woodside, Newbiggin, Barnard Castle, DL12 0UJ (for copy see file of minutes).

The Planning Officer gave a detailed presentation which included aerial images, site plan, elevations of the building and site photographs that showed the front and rear of the building and the position of the residential buildings. A site visit had taken place prior to the Committee meeting to enable Members to assess the impact of the proposed development and the relationship with their surroundings. The barn was in place and was the subject of a Prior Notification application under Part 6 of the GPDO June 2021 for the erection of an extension to an agricultural building which was to be used for general hay and farm machinery storage. Alterations had been made to the barn and it was understood that it had not be used for the purposes it was intended. It was currently being used to house pigs within 400 metres of a protected building (residential dwelling). The site lay within flood zone 3a and within the Nutrient Neutrality catchment area.

The application had received no objections from Middleton in Teesdale Parish Council, the Environmental Agency, the Highways Authority, the Lead Local Flood Authority and Natural England although they did require that a Habitat Regulations Assessment be completed. Environmental Health and Consumer Protection (Nuisance) had objected to the application as the proposals were considered likely to cause a statutory nuisance that no condition could mitigate. There were letters of objection from four individuals and from three individuals in support from occupiers of the nearby properties. Councillor T Henderson, local member had opposed the application.

Councillor R Bell, local member who was in support of the application had called it to committee. The application was considered contrary to Policy 31 and conflicted with Policy 10 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework as there would be unacceptable air/odour and noise pollution which could not be mitigated. It was officers' recommendation to refuse the application.

Councillor R Bell, local member addressed the committee in support of the application. Although the application was retrospective, he felt it should be considered on its own merits.

Councillor R Bell was concerned that objections were based on a desk top assessment for noise, smells, intrusive lights and insects. He advised that no intrusive lights would be used in the vicinity as why would a farmer illuminate the area and the pig waste would be removed from the farm. He had visited the farm twice; once on a hot summers day and once on an autumn windy day where there was minimal odour and noise when either the barn door was open or closed. He queried on what basis or what evidence there was for refusal on the grounds of noise as the main objector's property was next to a noisy main road with lorries carrying loads from the quarry. The farm was hit by winds from the southwest which carried away any odours from the houses.

Councillor R Bell stated that objection on the grounds of statutory nuisance was a red herring as a statutory nuisance was an issue that unreasonably interfered with a person's right to use or enjoy their property and where there was such interference was prohibited by statute or was such that it was prejudicial to health. The interference was required to be excessive, regular and constant therefore could not be relied upon. He thought this should be omitted as a site visit had not taken place by officers. In his opinion any smells would disappear before they reached the dwellings. There was support from close neighbours who were 180 metres to the north. He did not feel that a planning decision should be made on future residents of the properties. The properties were owned by Raby estates and any future tenants would have knowledge that there were pigs in the vicinity. There was a holiday cottage nearby that was evident there were no issues as the property was lettable and not affected by the pig operation. It was a lengthy report to which Mr Wood had complied expletively and had liaised with Environmental Health and Natural England to navigate the planning system. As there had been no site visit carried by officers he felt there were no grounds to refuse and hoped committee would overturn the officer's recommendation and approve the application.

Councillor J Quinn for clarity explained that a site visit had taken place but was not well attended by members.

Ms M Ferguson addressed the committee on behalf of Mrs Davies who was a resident of the nearby dwelling who objected to the application. She stated that 50% of her work was for farmers submitting planning applications. Mrs Davies was opposed to the development as her property was 170 metres to the north-east from the site and the storage of pigs had been harmful to her health. She noted that one neighbour had moved due to the impact. The development was in breach of planning control as the storage of pigs was contrary to the original planning approval in 2014 stating it was for storage purposes not livestock and livestock should not be kept within 400 metres of residential dwellings.

Ms M Ferguson informed committee that there was a phasing out of the Basic Payment Scheme subsidy payments made to farmers but this application showed the applicant had invested in the barn concluding that his intention was to use the barn for livestock all along. She advised that Mrs Davies had had no issues until the building was used for keeping pigs as her asthma had worsened and she had 11 visits to the doctors who stated she had an allergy to pigs. The odour has impacted her enjoyment of her property as she has not been able to enjoy her garden in the summer, she had to keep her windows closed, she had not been able to hang her washing outside or invite friends to her home. She stated that on bad days Mrs Davies had to leave the property altogether. The application was contrary to Policy 10 and she asked that the committee refuse the application.

Mr E Wood, Applicant addressed the committee in support of the application. He could not believe that the application had been called to committee as farmers had found it more difficult to make a living as market value did not match inflation. This difficulty was increased with subsidies from the government to farmers being phased out and farmers being told they needed to diversify. As the farm was in an Area of Outstanding Natural Beauty (AONB) it was difficult to diversify without affecting the look of the dales. He had cattle and sheep but needed a cash flow for part time workers and specialist projects like dry stone walling. Environmental Health had objected as it was likely to cause a statutory nuisance but with the closest property being 173 metres away the noise was inaudible. He had asked officers to carry out a site visit but they had not obliged. He had received an impromptu check by the Environment Agency who had no issues with the barn or the water or waste management. The holiday cottage was run by his mam and the pigs had not impacted on this business. He felt the objection from the objector was unfounded as other residents were supportive. It was a bit tight in the shed with 240 pigs and the ability to open the rest of the shed would give them more room. He confirmed that he would not increase the number of pigs he kept therefore the smell would not increase.

G Spurgeon, Principal Planning Officer clarified that whether the proposals caused a statutory nuisance was considered as part of the planning application process, but with the key test being whether the proposals would adversely impact on residential amenity and with this being a lower threshold than what may represent a statutory nuisance. He clarified that the applicant stated there were 240 pigs being stored in the original part of the building (granted permission in 2006 with no restrictions over its use). As such, the planning authority did not have any constraints to limit the number of pigs stored in this part of the building and could not prevent the applicant from adding more if the application were to be approved.

J Hayes, Principal Environment Protection Officer was concerned that the storage of pigs so close to residential dwellings would likely cause a statutory nuisance with noise and odour which would interfere with the amenities. There were 240 pigs close to the residential property and based on the shed could keep a greater number of pigs. The Principal Environment Protection Officer noted that the submitted Odour Modelling Report referenced pigs weighing 7-80kg, the current pigs on site were 7-30kg, with the odour being offensive to the closest property.

The Principal Environment Protection Officer had 26 years of experience in environmental health and had worked in farming and did not like objecting to the planning application but as the building was so close to residential dwellings, he had to object on the grounds it would likely cause a statutory nuisance.

The Principal Planning Officer clarified that Environmental Health had attended the site visit along with desk top surveys to determine their objection, as well as liaising with the Nuisance Action Team who had also attended to deal with complaints received from residents.

The Principal Environment Protection Officer stated that any application was subject to a desk top survey to look at pollution control even though the Environment Agency might have no issues in relation to the development being within a flood plain; whilst keeping a significant number of pigs would require a permit. A permit was not required at present therefore no enforcement action or regulation from the Environment Agency was available.

The Chair opened up the meeting for questions and debate.

Councillor E Adam had attended the site visit. He stated that there was a focus on noise and smell as being a factor for refusal referencing non-compliance to Policy 10 and 31. He thought that farms generally smelt. He asked if there had been any measurements taken in relation to odour and noise if they were likely to cause a statutory nuisance.

The applicant agreed that there would be an element of smell and odour when keeping animals and the spreading of biosolids. He commented that cows were smellier than pigs. However the pig slurry was removed from the farm and taken away to be used on arable land.

The Principal Environment Protection Officer confirmed that there had been no measurements taken in relation to noise or odour but a judgement made on visits to the farm regarding the complaints as the proximity of the barn to residential properties was unreasonably close.

Councillor E Adam was satisfied with the answer but believed that the odour would be created from the spreading on the fields. He asked what storage would be provided for slurry going forward.

The applicant confirmed he would liaise Natural England regarding the increase in nitrates by the pigs which was taken away from the farm and spread on arable land.

Councillor L Brown asked why it was the tenant making the application and not Raby estates.

The Principal Planning Officer could not answer why Raby estates had not made the application.

Councillor M Stead asked if the complaints had come from just one person or from different separate parties. He added that he did not like retrospective planning applications. He queried if the pigs were removed from the farm if the applicant could buy slurry from elsewhere to spread as he did not see the difference between making it himself or buying it from elsewhere.

The Principal Environment Protection Officer confirmed that there had been more than one complainant.

The applicant confirmed that although the slurry was taken from the farm, he could indeed buy slurry from elsewhere to spread on the land.

Councillor D Brown had noticed whilst attending the site visit that there was no major noise or smells within the vicinity of the barn. He noted that the drawings for the development had been created by S&A Fabrications which were a local firm with a national reputation in May 2021. He asked at that point if the applicant had had an idea of what he would store in the building. As the applicant was a tenant of Raby Estate he asked if he had consulted with the agent about his ideas.

L Ackermann, Legal Officer (Planning and Highways) stated that the planning committee were to look at the position now and not three years ago. An application had been submitted to erect a barn and at the time it could only be used for agriculture storage use and not for livestock. This was because the General Permitted Development Order did not permit the erection of buildings for livestock within 400 metres of the curtilage of a protected building i.e. a residential dwelling. The applicant had not applied to change the use of the building from agricultural storage to livestock. The use of the building for livestock prior to determination of the application by the committee was not permitted.

Councillor E Adam based on Councillor M Stead's comments asked how many residents of the properties had complained from 2022 to the present.

The Principal Environment Protection Officer confirmed that two residents from the nearby properties had complained over that time period.

Councillor L Brown asked what was the potential number of pigs that could be stored in the barn if approval was granted. She was glad that the slurry was spread elsewhere away from the farm.

The applicant stated that approximately 600 pigs could be kept in the barn.

The Principal Planning Officer reiterated that whilst there were only 240 pigs at present there were no mechanisms in place to control the number of pigs which could be kept in the barn which could impact further on the noise and odour in the area.

Councillor V Andrews asked if there were different levels of odour from July in the height of summer and November in winter.

The Principal Environment Protection Officer acknowledged that there were reasonable variations with odour that occurred within the management of the farm. He had attended the recent site visit and there was not a strong odour present nor much noise but he had based the likelihood of a statutory nuisance being caused on the worst case scenario.

Councillor J Atkinson sympathised with the objectors as all farms gave off odours and noise but potentially these could be gotten used to. He was not in favour of retrospective planning applications as the process had not been followed correctly that would have given the objector the right to object in the right way. He **moved** to agree with officer recommendation to refuse the application.

Councillor G Richardson mentioned that he was a farmer although did not keep pigs. He thought it was a cracking building that stored straw in one half and pigs in the other half. He felt the committee should not assume that the applicant had used the building retrospectively. The livestock were housed for 9 weeks before being removed. He had not smelt anything major whilst on the site visit and he believed the site had not just been cleaned for their arrival. He felt there was good husbandry with the pigs being fed automatically reducing the amount of noise when the pigs were hungry. It was a legitimate business where the applicant wanted to put the pigs into the other side of the barn for extra space but not increase the number of pigs. He felt that people who lived in the countryside should accept the countryside as was and not try to change it. He **moved** to disagree with the officer recommendation and approve the application.

Councillor E Adam **seconded** the application for approval as although he did not like retrospective planning applications it did happen. Although refusal was based on Policy 10 and Policy 31 there was not sufficient information that there would be an impact on the environment. He sympathised with the objector but he had found no issues of noise or odour whilst on the site visit. The bed and breakfast pigs were brought in as piglets making little noise and odour, fed up before being removed. This was a small diversification for the farm to be economical which would not have a significant impact on the houses as the wind would blow away most of the smell. There was already noise and air pollution from the nearby busy road.

Councillor L Brown **seconded** the application for refusal as there were no conditions in place to control the number of pigs which could be stored in the barn.

The Legal Officer (Planning and Highways) reminded the members that due to outstanding issues with regards to nutrient neutrality the committee could only be minded to approve the application. She requested that delegated authority be given by the committee to officers in order to approve any conditions required on the planning permission as given the recommendation by the Planning Officer was refusal no conditions had been suggested in the report. The Legal Officer asked the mover and seconder of the approval motion if they were happy to accept these terms.

Councillors G Richardson and E Adam agreed.

Upon a vote it was:

Resolved:

That the Committee were **MINDED TO APPROVE** the application, subject to Nutrient Neutrality issues being resolved and a suite of conditions to be delegated to Officers, in consultation with the Chair and Vice-Chair of the Committee.

b DM/23/01109/FPA - Land North Of Unit 13, Coundon Industrial Estate, Coundon, DL14 8NR

The committee considered a report of the Planning Officer which was a part retrospective application for the change of use of land as storage facility (Class B8) in association with scaffolding business, associated structures, fencing and hard surfacing on land North of Unit 13, Coundon Industrial Estate, Coundon, DL14 8NR (for copy see file of minutes).

The Planning Officer gave a detailed presentation which included the site location, the topography of the site, site photographs, the block plan for the existing site and the proposals for the expansion, the fence and racking details. A site visit had taken place prior to the Committee meeting to enable Members to assess the impact of the proposed development and the relationship with their surroundings. The site was to the north of Coundon Industrial Estate which was designated as a protected employment site. The business was already operating from the site and proposed to extend the racking and hard surfaced area for storage and parking. Planning permission had been granted in 2007 for an equestrian paddock and stable. The site was then divided into two parts and sold. There were no objections from Highways or Spatial Policy.

The Environmental Health and Consumer Protection raised concerns that the proposal was likely to cause a statutory nuisance due to the proximity to residential housing and the lack of a buffer zone. There was one letter of objection from the Durham Aged Miners group who owned the nearby properties. It was officers' recommendation to refuse the application.

Councillor C Kay, local member addressed the committee in support of the application. He was a Coundon lad and knew the site very well. His dad had worked on the site when it was a hive of activity. The area fell into disuse but over the years had turned a corner attracting businesses to the area. This site had been protected for commercial use only. Although Durham Aged Miners had submitted an objection there had been no objections highlighted by residents. The business employed 18 members of staff which was good for the local economy. The vans were loaded and unloaded in a 20 minute window in the afternoon to reduce any impact on residents. The expansion of the business would increase the reputation of the area and grow a business where it was supposed to be grown. He stated that businesses should be supported.

Mr M Lee, Agent addressed the committee in support of the application on behalf of the applicants who were two local brothers, born and raised in Coundon. The brothers had been made redundant and needed to act to provide for their young families so built a scaffolding business which provided employment for eighteen people in the local area. They required a secure and protected storage yard for their scaffolding equipment and vehicles. They regretted submitting a retrospective application as they were not aware of the planning policies but had worked with planning officers once they were aware. They had tried to reduce the impact of any noise and disturbance for residents and had agreed to re-arrange their site and investigate the installation of acoustic fencing/wraps.

The applicants had asked if a noise assessment would be required but were informed that their business would be lost in the existing background noise from the industrial estate therefore this was not prepared. The applicants were happy to work within conditioned working hours/management plan to prevent any potential Anti-Social noise from the yard.

The application site was located at Coundon Industrial Estate which was a protected employment site and had been declared as a buffer between residential dwellings and the Industrial Estate. In 2007 the Wear Valley Local Plan identified the land for employment which recognised this as a long term allocation. The land had been used as a paddock but was now needed for the Scaffolding Business which created a clear use of land which aligned with the NPPF. He hoped that members of the Planning Committee could provide support to the application. He also felt that Policy 10 was not relevant to the application as the development was not in the country.

The Principal Planning Officer agreed that reference to Policy 10 within the refusal reason would be omitted in the event of a refusal as it did not apply as the site was not in the countryside. He confirmed that the land was a protected employment site and there had previously been one single owner who had received permission to use the land as a paddock. The north of the site was sold off and in doing so removed the buffer between the employment site and residential dwellings which were within 10 metres of the site. Previously planning permission had been granted for a vehicular repair business on the wider site with the buildings themselves shown in the southern area and a car parking area to the northern area, which formed the current application site, which acted as a buffer. He added that had the applicants bought the southern part of land when it had been divided into two parts the recommendation may have been judged differently. Although the applicant had stated that they would load and unload their vans at specific times there were no mechanisms in place to control that. The application was to extend the hard standing area which could be used for alternative purposes within the B8 use class which could create a greater impact.

The Principal Environment Protection Officer had inherited the case from a colleague who had concerns in relation to the B8 use of the site and the noise which would impact residents who were within 10 metres of the site affecting their bedroom or living space. The scaffolding was up against a non-acoustic fence which would not reduce any noise generated from loading and unloading the vans with long steel pipes. There was a requirement for a buffer to separate the two zones.

Councillor L Brown stated that the Durham Aged Miners bungalows had been built in 1937 and the land had only been protected for Employment land twenty years ago. She found it difficult to determine why they would protect land so close to already established bungalows.

The Principal Planning Officer noted that a planning application had been refused for dwellings on this site as it had been allocated as employment land. The issue was in the way the land had been sold.

The application site was a smaller part of what was previously a larger plot and had the southern part of the site been purchased the applicant could have had carried out their activity away from the residential properties.

Councillor E Adam raised a query regarding the land being registered for B8 use and asked what the land could be used for.

The Principal Planning Officer responded that the land was a B8 class used for storage and in the use as a distribution centre. As the business loaded and unloaded metal scaffolding there was the issue of noise.

Councillor E Adam asked that if the land was for the use of storage or a distribution centre could this be used for the storage and packing of boxes.

The Principal Planning Officer confirmed that the land could be used for the storage and packing of boxes or storage of several items which could be noisy. The planning authority would be unaware unless they were informed.

Councillor E Adam asked if the operation of the business could be curtailed to certain times of the day and if the applicant had been given the opportunity to purchase the southern part of the land.

The applicant verified that they had wanted to buy all the land but the southern piece had already been sold when they were offered the northern piece to buy. He added that scaffolding was taken from site to site and was only unloaded and loaded on an afternoon never on a morning. The business operated between the hours of 7.30am and 4pm and their employees were allowed 30 minutes to load and offload the vans.

Councillor E Adam asked if the business operated from Monday to Friday.

The applicant confirmed they operated Monday to Friday and sometimes on Saturdays. He reassured the committee that if work was carried out on a Saturday vans were loaded the night before then unloaded at lunch time.

Councillor J Atkinson reiterated that the land was allocated for employment use therefore anyone operating in this area would no doubt make some form of noise. He did not like retrospective planning applications and asked what other uses the land was allocated for.

The Principal Planning Officer replied that the land could be used for B1, B2 and B8 use which could include office space. The wider issue was that in the use of the northern portion the buffer had been removed between the residential and employment land.

If the whole parcel of land had been purchased there would be an expectation that there would be a buffer between the two land uses as employment land should not go directly up to the boundary of residential land.

Councillor M Stead referred to google maps and had found a gate very close to the properties with a notice 'Twin Scaffolding' indicating the land had been used for scaffolding and would not make much difference to the residents. He pointed out that there was also a builder's merchant and auto cars within the industrial estate which would generate noise.

Councillor J Quinn pointed out that the application was retrospective and the 'twin scaffolding' was indeed the applicants business.

The applicant commented that if they lost the land there was nowhere suitable within Coundon they could store their scaffolding equipment. There would also be the loss of 18 jobs if the business had to close.

Councillor E Adam noticed on the site visit that the storage area was made of steel therefore steel on steel would have a significant noise impact. The request was to approve the extension of the storage area which although short lived could inhibit the resident's enjoying their homes. He was mindful that the applicant had agreed to install a sound barrier and asked if the storage area could be moved further away from the properties.

Councillor G Richardson had attended the site visit and had expected employment to be on employment land. He accepted that the cottages were close to the site but none of the residents had complained only a blanket objection received from Durham Aged Miners. He **moved** to go against the officer's recommendation and approve the application.

Councillor L Brown **seconded** the application for approval.

Councillor E Adam supported Councillor G Richardson but requested an additional condition for the applicants to change the position of the storage so equipment was away from the fence.

Councillor A Savory noted that the biggest factor was that the business employed 18 people.

The Legal Officer (Planning and Highways) having taken advice from the Planning Officer replied to Councillor E Adam that it had been determined that it would make no difference regarding noise if equipment was moved to a different area, given the narrow width of the application site. The Legal Officer explained that the application had been recommended for refusal and therefore conditions had not been added but the main ones proposed if the application was approved were conditions to grant permission on a personal basis, for the installation of an acoustic fence, and the hours of operation which would be included in a management plan. She asked that if there were any further conditions that these be delegated to officers and asked if the mover and seconder of the approval motion would be happy to accept these additions.

Councillors G Richardson and L Brown were happy with the conditions.

Mr Lee stated that the applicants agreed to the working hours and the installation of the acoustic fencing conditions.

Councillor L Brown asked for a condition to be added for the business to operate from 8am and not 7.30am.

The applicant did not agree to the later start as it would affect the finishing time when it got darker in winter. Although vans went out at 7.30am this tied in with noise generated by lorries on the busy main road.

Councillor L Brown retracted her request for the additional condition relating to the 8am start.

Councillor J Quinn also did not like retrospective planning applications but sometimes certain circumstances could not be avoided. He commended the applicants for working diligently with the council jumping through hoops to ensure things were done properly.

Councillor E Adam was not accepting of the argument regarding the changing of the layout but was mindful it was up to officers within the delegated powers to instil any additional conditions as required.

Upon a vote it was unanimous:

Resolved:

That the application be **APPROVED** subject to any conditions to be delegated to officers, in consultation with the Chair and Vice-Chair of the Committee.

Councillor J Quinn and Councillor M Stead left the meeting at 12.27pm

Councillor A Savory, Vice Chair (in the Chair)

c DM/21/03890/FPA - Land To The South Of Dean Road, Ferryhill, DL17 8ES

The committee considered a report of the Principal Planning Officer which was a detailed planning application for the erection of 53no. 2, 3 and 4 bedroom two storey dwellings with associated works on land to the South Of Dean Road, Ferryhill, DL17 8ES (for copy see file of minutes).

G Spurgeon, Principal Planning Officer gave a detailed presentation which included the site location, aerial photographs, site photographs, proposed layout to the site and the proposed house types. A site visit had taken place prior to the committee meeting to enable Members to assess the impact of the proposed development and the relationship with their surroundings. The proposal was for 53 dwellings which had been reduced from 62. An area was to be created for a children's play space and a SuDs basin. There was a formal path to connect the development to the main road near a bus stop and sustainable travel. There were no objections from the Highways Authority, Coal Authority or the Lead Local Flood Authority. There were five letters of objection and one letter neither objecting nor supporting the application received. The application was subject to financial contribution requests from education and the NHS. It was officers' recommendation to approve the application subject to conditions within the report.

There were no registered speakers therefore the Chair opened up the committee to questions and debate.

Councillor E Adam stated that the application seemed straight forward with access to sustainable transport. He requested that the applicant improve the muddy footpath that linked the development to the bus stop to allow better accessibility for wheelchair users with dolomite or tarmac. However he understood that it may not be in the applicant's ownership.

The Principal Planning Officer responded that there was already an existing established road linking the development to the bus stop within 400 metres which fell within the recommended distance. The grassed path was an informal route which was slightly more direct at 350 metres and may not be suitable for wheelchair users. Given that a route within the recommended 40m distance would be available and suitable for all users this would not be added as a condition to the application.

The applicant confirmed that the path was not under their control and would be difficult to repair. There was another route available on an existing established road.

Councillor L Brown asked what the speed limit was on the main road that accessed the development, whether the visibility was adequate, the junction could take the additional traffic and queried whether solar panels would also be installed on the properties.

D Battensby confirmed that the junction had been designed to highway standards appropriate for a junction with the A167 and incorporated a protected right turn with a pocket available in the middle of the road for turning traffic. In terms of capacity the main access road had been assessed as part of phase one of the development and the modelling took into account the traffic generation for all phases of the complete site. The visibility at the junction had been based on the 85% percentile speed and not the posted speed limit as vehicle speeds could vary from the 40mph speed limit.

Councillor L Brown commented that the application had received three red marks by the Internal Design Review Panel and asked how these had been resolved to warrant officers' approval.

The Principal Planning Officer explained that the red scores had been resolved as a hedgerow was now proposed to be planted along the eastern boundary of the site, and due to the presence of bus stops within 400m and frequency of bus services providing regular access to key destinations within the County.

The applicant stated that the installation of air source heat pumps had elevated the development well above the building regulations therefore the properties did not require solar panels as well. Air heat source pumps had been used across other sites successfully however users required educating on how they worked.

Councillor J Atkinson was happy to **move** the application for approval.

Councillor G Richardson was satisfied with the application and **seconded** the application for approval.

Councillor E Adam was also happy with the proposal and was in support of approving the application. He asked that the applicant considered a recourse regarding the path.

Councillor L Brown requested that a condition be added to the application for construction to have an 8am start.

The Principal Planning Officer agreed that the new start time could be added to the application.

The Legal Officer (Planning and Highways) asked Councillor J Atkinson as mover and Councillor G Richardson as seconder if they were happy with a construction management plan to be added to the conditions to include a start time of 8am.

Councillors J Atkinson and G Richardson agreed.

Upon a vote it was unanimous;

Resolved:

That the application be **APPROVED** subject to the completion of legal agreements and conditions as outlined in the report.



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/24/02385/FPA
Full Application Description:	Change of use from dwelling (use class C3) to children's home (use class C2) (amended red line boundary received) and retention of outbuilding in the rear garden area.
Name of Applicant:	Mr Kevin Frater - Willow Bloom Group Limited
Address:	39B And Part of Garden Area of No. 40 Front Street North Trimdon Trimdon Station TS29 6PG
Electoral Division:	Trimdon and Thornley
Case Officer:	Lisa Morina Senior Planning Officer Tel: 03000264877 Email: lisa.morina@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The Site

1. The application site is a stone built mid terraced two storey property located on Front Street North which is the main approach through Trimdon Station. Originally the building in question was in use as a Public House and consent was granted in 2019 which allowed the change of use of the property to dwellings, as well as new build dwellings to the rear which creates a small cul-de-sac now known as Garden Mews.
2. Land levels are flat at the site. Two off-street parking spaces are in existence at the side of the site (behind no. 39a). In addition, a detached outbuilding sits within the rear garden of part of this property and part of the garden area of no. 40, which is also within the ownership of the applicant and is currently in use as a residential dwelling.

3. The property is located within the Trimdon Village Conservation Area but is not within an area of high landscape value and there are no protected trees on the site. The site is also not within a flood risk zone or within a coal mining risk area.

The Proposal

4. The application seeks permission for change of use from a residential dwelling to a children's home which is proposed to accommodate a maximum of two young people between the ages of 6 – 17 years old who have emotional and behavioural difficulties.
5. There will be two members of staff on duty at all times who will also complete a 'sleep over' through the night to ensure two staff are available at all times if required. The normal shift pattern will be for both members of staff to arrive on shift for 10:00am and work through to 11:00pm. Both staff members would then complete a 'sleep over' and wake again at 07:00am, then work through until 11:00am. The start and finish times of the shifts allow for an hour 'handover' to take place each day between staff coming onto and leaving their shift.
6. There will also be a Registered Manager on duty each day normally between the hours of 09:00am to 5:00pm.
7. The application also includes the retention of the detached outbuilding which sits across the rear garden areas of both 39B and 40 area which will be used as an office/meeting space. No 40 will remain as a residential dwelling and the existing parking arrangements will remain as is. No new boundary treatment is proposed however the site is currently enclosed by 1.6m-1.8m high close boarded fencing and access is available from the parking spaces to the side.
8. The outbuilding is of wood construction in a quadrilateral shape with a flat roof construction which is 2.5m in height. Patio doors are located in the southern elevation only with all other elevations being blank.
9. The application is being reported to the South West Planning Committee at the request of Councillor Hovvels and Alan Strickland MP with regards to concerns regarding, parking, highway safety concerns, noise and disturbance and social cohesion.

RELEVANT PLANNING HISTORY

10. The following planning applications are relevant to the current application:

DM/17/03267/FPA - Conversion of PH and outbuildings to 3no. dwellings and 3no. dwellings to rear. Approved 13.11.2017.

PLANNING POLICY

National Policy

11. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
12. *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.
13. *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.
14. *NPPF Part 5 Delivering a Sufficient Supply of Homes* - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
15. *NPPF Part 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.
16. *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.
17. *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.

18. *NPPF Part 11 Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or 'brownfield' land.
19. *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.
20. *NPPF Part 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
21. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.
22. *NPPF Part 16 Conserving and Enhancing the Historic Environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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

National Planning Practice Guidance:

23. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to: determining a planning application; healthy and safe communities; light pollution; natural environment; noise and use of planning conditions)

Local Plan Policy:

The County Durham Plan (CDP)

24. *Policy 6 (Development on Unallocated Sites)* states the development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.
25. *Policy 15 (Addressing Housing Need)* establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure mix of affordable housing, the requirements of developments to meet the needs of older people and people with disabilities, and the circumstances in which the specialist housing will be supported.
26. *Policy 18 (Children's Homes)* will only be permitted where there is a gap in service provision; the site offers a positive, safe environment with access to services and community facilities; the scale will allow the occupants to be appropriately matched regarding welfare; the occupants will not be placed at risk, it is unlikely to result in unacceptable impact on residential amenity, fear of crime or community cohesion; and appropriate measures for emergency access, outside space, highways access, parking and servicing can be achieved. Applications must be supported by information regarding management and safeguarding.
27. *Policy 21 (Delivering Sustainable Transport)* requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.
28. *Policy 29 (Sustainable Design)* requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-

renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards.

29. *Policy 31 (Amenity and Pollution)* sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development.
30. *Policy 44 (Historic Environment)* seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.

Supplementary Planning Documents

31. Residential Amenity Standards SPD (2023) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.
32. Parking and Accessibility SPD (2023) – Provides guidance on parking requirements and standards.

<https://www.durham.gov.uk/cdp>

Neighbourhood Plan:

33. The application site is not located within an area where there is a Neighbourhood Plan to which regard is to be had.

The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at: <http://www.durham.gov.uk/article/3266/Development-Plan-for-County-Durham>

CONSULTATION AND PUBLICITY RESPONSES

Statutory Consultee Responses:

34. Trimdon Parish Council objects to the application and upon re-consultation as a result of the amendments received, confirmed they wished to maintain their objection for the following reasons:

- There is limited parking on Front Street North with the area regularly becoming congested, which results in parking on the Village Green and/or unsafe parking. With staff vehicles and regular visitors to the home, this would make already a difficult situation worse and unsafe.
- Access to properties behind the proposed home, exacerbated by the parking issues identified, would be further restricted given the access road is narrow. The access road being used for reversing or the turning round of vehicles, in an area with a number of families with young children, is an unnecessary risk.
- The Statement of Purpose makes clear that additional security measures, including CCTV, will be in place. Residents are concerned that their privacy will be compromised. Although many properties have CCTV, the extent of this is generally limited to a single camera.
- There is no Street lighting to the narrow access road which runs adjacent to the terrace and leads to the rear of the properties. Additional vehicles driving along a poorly lit access road is a concern for the safety of resident's children and those living in the home.

35. Highways Authority – No objection, the proposal meets the requirements of the DCC Parking & Accessibility SPD and there is not a significant negative impact on road safety, there are therefore no highway grounds on which to object that would sustain a refusal at appeal under NPPF paragraph 115.

Internal Consultee Responses:

36. Spatial Policy – Advice on policy requirements provided.
37. Environmental Health and Consumer Protection (Nuisance) – Historically, Children's homes can create some tension with residents, we'd typically have concerns about noise from the premises particularly late at night. However, the application has been accompanied by a Management Plan that details how the premises and the children will be managed, and what controls will be in place for the staff to manage any related noise arising from the premises negating any concerns.
38. Childrens and Young People's Services raise no objection to the proposal citing there is a need for children's homes in the area.

External Consultees

39. Police Architectural Liaison Officer (Durham Constabulary) – No significant concerns raised within the completed locality risk assessment.

Public Responses:

40. The application has been advertised by site notice and individual notification letters sent to neighbouring properties.

41. To date, 220 letters of objection, and 2 letters of representation have been received (multiple from some residents). These are summarised under the relevant headings below:

Objections/Representations

Principle

- Concern regarding the use of the outhouse in the garden area and does it have consent/provide sleeping facilities/toilet etc.
- Concern regarding who will occupy the property and there are no details of this.
- Concern regarding the nature of the proposed and that it could be used for any other use within Use Class C2.
- Query whether there is a need for a children's home.
- It is not acceptable to place a children's home in a small village with limited facilities for them which will soon cause them to become frustrated and bored
- Residents have previously not objected to the outbuilding until it was realised it was unauthorised.

Highway Issues

- Limited Parking Available which would make the surrounding area dangerous for residents.
- Suggestion of alternative parking at other properties not an appropriate solution
- Highway in this area is already congested.
- There is no streetlighting leading to the parking to the rear.
- Due to its position on a busy commuter road the areas designated for parking and servicing the business are totally inadequate to operate in a safe manner, without trespassing or obstructing other residents and road users.
- Concern regarding the other parking spaces at other properties being proposed and these being outside of the red line boundary and not being able to be controlled.
- Concern regarding the property being located on a main road when children may have problems which is a safety.
- concern.
- No traffic or parking survey report has been submitted.
- Assumption that handover is at a time when other people will not be around is questioned.
- Concern regarding the consultation response received from highways and that it has not fully considered the proposal.
- Concern regarding the change in the potential change of the NPPF and that this should be considered.
- Concern that there are Restrictive Covenants concerning the use of this private road.

Design

- Trimdon Village is a conservation area. The impact of this development would be unacceptable.

- The properties should be considered as listed buildings.
- The outbuilding is an unacceptable addition in the street and is too large.
- Concern regarding materials used for the outbuilding.

Residential Amenity

- Will the children in this home be supervised at all times and will they have fully qualified staff and security.
- The lack of privacy for the residents and the adjoining properties.
- Cars coming and going at all hours will disturb residents.
- The business will be running 24/7 365 days a year and it being a central terraced house this will be a major disturbance to the occupants of houses either side of the building who will get no quality of life.
- Risk to our local younger children, vulnerable people and adults.
- Fear of Crime and Anti-social behaviour
- Noise issues to garden area/dwelling with regards to alarms
- Overlooking issues due to Installation of CCTV
- Lack of garden space for children to play.
- Concern regarding community cohesion as the staff and the residents receiving care would be less likely to establish meaningful relationships with neighbours and other local residents.
- The proposal states that Police presence will be regularly there to minimise risk to public, staff and children themselves therefore, risks are anticipated.
- How will relationships be maintained.
- The property does not have a secure boundary at the front access which is shared by neighbouring properties.
- The application fails to give sufficient information regarding the use of the outbuilding.
- Impact of the outbuilding on nearby residents

Other Matters

- Concern that the building does not have building regulations/or has been built to appropriate building regulations.
- Concerns regarding the level of information provided.
- Sex Offender Register should be looked at.
- Concern over a lack of experience by the applicant in running children's homes.
- Due to the house being in the middle of a terrace the fire risk to neighbours due to unknown nature of residents.
- Concern over other properties that the owner owns will be given a similar use.
- Doctors, Dentists and schools will not be able to cope.
- The company applying for permission have invested nothing into the community.
- Concern regarding the location of bins, especially if commercial sized waste bins are required as the bin lorry does not enter the cul-de-sac.
- Is the home Ofsted registered?

- This property used to be commercial but is now residential and should not be changed back to commercial.
- Loss of a family home
- Devaluation of properties
- Lack of consultation
- The applicants have a moral obligation to informally consult the neighbouring residents before the change of use application was made public. Regardless of whatever view one takes it would be hard in general to disagree that moral integrity is one of the core values required when providing care and guidance for children of complex needs and should be embodied into the culture of any organisation providing this type of service.
- County Durham is being used as a dumping ground for other regions vulnerable people - Hillingdon Council in London are trying to force a young woman aged 23 and her child, to move to Horden away from her family & friends or be made homeless.
- The Labour MP for Willington complained to the Home Secretary Yvette Cooper, regarding London Councils transferring vulnerable people to County Durham taking much needed social housing and we should be looking after our own first.
- Multiple applications have been received.
- Concern regarding ownership issues and notice being served.
- Issues raised regarding prime minister's questions and the crisis for children's homes.
- Criticism has been received regarding the consultation responses received from the Highways Authority and the Environmental Health Team in that they have failed to fully assess the proposals for a variety of reasons.
- Concern regarding the safety of the outbuilding due to the materials used.

Elected Members

42. Councillor Hovvells provided the following information:

- The consultation exercise should be extended wider.
- Confirmed local residents have raised a number of concerns such as the access road and the traffic generated in the area, the road access going over a private road.
- Noise and disturbance
- Requested the application be heard at planning committee.

43. Alan Strickland MP Member of Parliament for Newton Aycliffe and Spennymoor has also requested the application be heard at Planning Committee, so residents' concerns can be properly considered. Concerns have been raised regarding:

- Parking provision
- Insufficient street lighting in the area.
- Impact on vulnerable people

The above is not intended to repeat 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/search.do?action=simple&searchType=Application>

Applicants Statement:

44. This planning application is submitted by Willow Bloom Group Limited for a change of status from C3 to C2. This application is for a proposed new Ofsted registered provision. Our robust management plan outlines that the home will provide care for up to 2 looked after children between the ages of 6 – 17.
45. All of the founders of Willow Bloom, with the exception of one, were born, raised and continue to live within County Durham. We are all passionate about the North East, and particularly County Durham, and we look forward to being in a position to provide high quality care for children and young people within the area through our commitment to the Durham First Approach.
46. Adopting the Durham First Approach, along with the home being for up to 2 children, would ensure our home provides care and support to children in our local community, as well as helping Durham County Council to work towards providing more 1-2 bedded homes within County Durham for our children that desperately need stability within an Ofsted registered care home.
47. The Responsible Individual for Willow Bloom has over 50 years of experience working alongside Children and Families and in particular Children and Young People Looked After and will work closely with our team, providing overall responsibility for the effective operations of the home. The home will be managed by a qualified Registered Manager, who will run the home and be the key point of contact for any concerns relating to the home. The staffing team will consist of experienced and trained staff, who will provide care and support for our children and young people 24 hours a day. The team 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.
48. Willow Bloom understand the need to integrate our home with the local community and to develop positive relationships with neighbours. We will be considerate to our neighbours and will support and encourage our young people to do the same.
49. The home will work closely with Durham Police to ensure we provide the best possible care to our young people and ensure that our young people are safe within the community. Our staff will work with police to develop a close working relationship with both our staff and young people. In addition, our staff will work with the police to develop strategies, which will support both the young people and the wider community.
50. 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.

51. The home has off-street parking at the property and staff will be encouraged to be respectful of neighbours. Additional parking is available at other properties.

PLANNING CONSIDERATION AND ASSESSMENT

52. 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.
53. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be considered in decision making, along with advice set out in the Planning Practice Guidance notes. Other material considerations include representations received.
54. In this context, it is considered that the main planning issues in this instance relate to the Principle of Development, Impact on Residential Amenity, Impact on Streetscene, Highway Safety Issues and Other Matters.

Principle of the Development

55. The application site is an existing residential dwelling and sits within the built-up area of Trimdon and whilst located on the main access road through Trimdon Village, it sits slightly back with unadopted access for cars to pass in front to other properties. A village green sits across the road from the site. Consent is sought to change the use of the property to a children's home falling within Use Class C2.
56. The property will accommodate up to 2 young people between the ages of 6 – 17 years old, there will also be 2 members of staff on duty each day who will conduct a sleep over. Shift change will occur between 10 - 11am.
57. At this point, officers wish to draw attention to a Written Ministerial Statement that was issued on 23rd May 2023 by Baroness Scott of Bybrook, the minister for Faith and Communities. The statement notes that 'the planning system should not be a barrier to providing homes for the most vulnerable children in society. When care is the best choice for a child, it is important that the care system provides stable, loving homes close to children's communities. These need to be the right homes, in the right places with access to good schools and community support. It is not acceptable that some children are living far from where they would call home (without a clear child protection reason for this), separated from the people they know and love. Local planning authorities should give due weight to and be supportive of applications, where appropriate, for all types of accommodation for looked after children in their area that reflect local needs and all parties in the development process should work together closely to facilitate the timely delivery of such vital accommodation for children across the country.'

58. In respect of the County Durham Plan, it is considered that both Policies 6 and 18 of the County Durham Plan are of relevance. Policy 6 (Development on Unallocated Sites) states that the development of sites which are not allocated in the Plan or in a Neighbourhood Plan which are either (i) within the built-up area; or (ii) outside the built-up area (except where a settlement boundary has been defined in a neighbourhood plan) but well-related to a settlement, will be permitted provided the proposal accords with all relevant development plan policies and:
- a. is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;
 - b. does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;
 - c. does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;
 - d. is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement;
 - e. will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;
 - f. has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;
 - g. does not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;
 - h. minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;
 - i. where relevant, makes as much use as possible of previously developed (brownfield) land; and
 - j. where appropriate, it reflects priorities for urban regeneration.
59. The application site is within the built-up area of Trimdon and in respect of criterion a, the site is within an existing residential area and as such it is considered that the use would be compatible with the surrounding residential uses, subject to further considerations below on residential amenity. Criteria b and c are not considered relevant to this proposal as the development would not result in the loss of open land or backland development. In respect of criterion d, whilst being a change of use, there are no proposed changes to the property itself however retrospective consent is also sought to retain an outbuilding in the rear garden area. Alongside this, CCTV is also proposed to be installed. The impact of these elements will be considered in more detail below in relation to impact on the character of the area, however no significant concerns are raised. In relation to the CCTV this would not be intrusive in appearance and is also not considered an atypical addition to residential properties. Criterion e on highway safety is considered in more detail elsewhere in this report however, again, it is not considered that there are any significant concerns.

60. Criterion f requires developments to have good access to sustainable modes of transport to services and facilities. It is noted that concerns have been raised with regards to the property being located within a small village with limited facilities where children may become bored and frustrated. Whilst it is noted the village is relatively small in size, it does benefit from a small number of shops and services. Further to this, the site is located within a sustainable location within 300-350m from the nearest bus stop with regular links between Peterlee and Middlesbrough on all days via the X22, and Durham and Hartlepool Monday to Saturday via the 59 service. Therefore, the site offers good access to bus services that would allow onward connections to a wider range of facilities and services, all within close walking distances. As such the proposal would be considered a sustainable location and accords with criterion f of CDP Policy 6. It is also considered that the level of services currently available, although limited, would not disadvantage future occupiers any more than a normal family with children occupying the site and would not be sufficient to sustain a refusal in this case.
61. The property is an existing dwelling and as such there would be no conflict with criterion g. Criteria h to j are not considered relevant to this proposal.
62. CDP Policy 18 (Childrens Homes) states that in order to promote the creation of sustainable, inclusive and mixed communities, applications for children's care homes, will only be permitted where they accord with a number of criteria listed under a-g including there being a need for such uses and the suitability of the location.
63. The supporting text associated with CDP Policy 18 states at paragraph 5.179: "The children and young people living in children's homes are among the most vulnerable in society. Whilst children's homes have traditionally been for children under 16, provision for young people beyond the age of 16 years old would also be determined against this policy or Policy 15 (Addressing Housing Needs), where they are 18 years and older." For the purposes of these proposals, it is not considered that CDP Policy 15 is of relevance as there would be no occupants over the age of 17 and none are expected to be registered disabled in this instance.
64. Objections have been raised regarding the need for a children's home and also that as a children's home would occupy a C2 use, other types of uses within C2 could then be brought forward without the need for planning permission. Also, concern is raised regarding who will occupy the site as no details are provided.
65. An assessment of each criterion, outlined in CDP Policy 18 is listed below:
 - 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;
66. Criterion a) of CDP Policy 18 requires new development to demonstrate an established need for the facility. Durham County Council has a duty, as stated in section 22G of the Children Act 1989, to take steps to secure, as far as

reasonably practicable, sufficient accommodation for looked after children within their local authority area.

67. The Council has undertaken an assessment of existing children's home provision as detailed in the Council's document; Sufficiency and Commissioning Strategy for Children Looked After and Care Leavers 2022-2024. 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 host property.
68. The Council's Children and Young People's Services (CYPS) team have been consulted for their views on the scheme. They confirmed that they have had discussions with the provider and whilst they are a new provider and don't have experience of running Ofsted regulated services, their Responsible Individual for the home has extensive experience of working with Looked After Children in Durham for many years and has worked for the Local Authority in this area therefore, the CYPS has confirmed that they are happy to work with the provider.
69. Smaller homes and specifically solo provision are required in Durham in line with the Council's current sufficiency strategy, as such up to 2 children is considered acceptable. Whilst Durham County Council have not worked with this provider before the provider has indicated that they are agreeable to the Durham First approach.
70. Queries have been raised from nearby residents whether or not the site and children's home will be Ofsted Registered. In line with discussions with CYPS it is understood that the care provider would be required to register with Ofsted and meet all regulatory requirements, however it should be noted that this operates separate to the planning process. In any case the applicants have confirmed they intend to meet with this regulatory requirement.
71. In this regard it is understood that the application represents an important element in meeting the demand identified in the Sufficiency Strategy mentioned above. In light of the above it is considered that sufficient information has been provided to demonstrate that the development would meet CDP Policy 18 a) in that there is a clearly established need for the facility.

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;
72. Given the application site is within an existing residential area the site would provide a safe and suitable environment for future occupants being framed by other similar uses and benefitting from a good level of access to local shops, services, primary school, transport links and other community facilities. As such criteria b is considered to be complied with.

- 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;
73. The proposed home is intended to accommodate a maximum of 2 children. Concern has been raised that Children's Homes policy suggests terraced properties are only acceptable for one child. The Council's CYPS team are not aware of this requirement however, it is considered that a maximum number of two children can be suitably accommodated on the site based on the number of bedrooms and space available. It is also noted that this could be restricted via planning condition to prevent any further increase in children. The proposal is therefore considered to suitably comply with Criterion c) of CDP Policy 18.
- 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 Constabulary, the council's Children and Young People's Services (CYPS) and other appropriate agencies;
74. Concern has been raised that the proposal will result in an increased presence and pressure on policing in the area, but it is noted that no concern has been raised as part of the objections as to the risk to occupants due to crime, which is the policy test in this case. Whilst some objectors noted potential risks to the children in relation to road safety due to the location of the property by a main road, this is not a relevant consideration under this part of the policy.
75. Durham Police and the Council's CYPS were both consulted for their views on the proposed scheme taking into account crime statistics in the area and have raised no concerns or objections. Notably, Durham Police undertook a locality risk assessment and raised no concerns with regards issues in the area that would place the children at risk. Alongside this, a detailed management plan of the site is proposed to ensure the safety of the young residents, and this has been assessed and considered appropriate. The proposal, therefore, is considered to be in accordance with CDP Policy 18 d).
- e. it is unlikely to cause unacceptable individual or cumulative impact on residential amenity, fear of crime or community cohesion;
76. The National Planning Policy Framework is a material planning consideration in planning decisions. Paragraph 96 in Part 8 of the NPPF states that planning policies and decisions should aim to achieve healthy, inclusive and safe places and beautiful buildings which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. Paragraph 135 in Part 12 of the NPPF states that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

77. Objections have been received by a significant number of local residents raising concerns in relation to crime/fear of crime and noise and disturbance issues which would occur given the fact the property is a terraced property and given the nature of the use. Also, concerns have been raised that the use of the outbuilding would be detrimental to neighbouring properties due to its size and position.
78. This will be discussed in more detail within the residential amenity section below however, it is not considered that the use of the property for up to 2 looked after children would result in an unacceptable individual or cumulative impact on residential amenity, fear of crime or community cohesion than the existing use of the property as a C3 residential dwelling which given the size of the property could similarly accommodate 2 children albeit in a family setting. There is therefore not considered to be a conflict with Criterion e of CDP Policy 18, although further discussion on this is provided below.
- 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.
79. In respect of Criteria f) and g), 2no off-street parking spaces would be provided at the side/rear of the site. Access to the property can be via the front or rear and while objections have been received in relation to parking provision and highway safety, it is not considered that a refusal reason could be sustained in this instance. Given this, it is considered that emergency access vehicles would be able to access the property safely as they would any other existing property within the street. Issues with regards to highway safety and parking will be discussed in more detail below in the Highway Safety Section.
80. Whilst concern has been raised regarding the size of the outdoor amenity space, it is considered acceptable as it would be for the existing use of the property as a residential family home. It is therefore considered that criteria f and g of CDP Policy 18 would be complied with.
81. CDP Policy 18 further states that planning applications for children's homes must be accompanied by information regarding the management of the home, together with an assessment to ensure that necessary safeguards can be achieved to ensure the welfare of the looked after children. This will include consideration of any crime or safety concerns in the area, in consultation with Durham Constabulary, DCC Children and Young People's Services and any other appropriate agencies.
82. A management plan has been submitted in support of the application which has been agreed by the Police and CYPS and as such is considered acceptable and will form part of the approved plans. A condition will also be added to ensure the management plan is complied with at all times.

83. Taking all the above into consideration and objections received, it is considered that the proposal would broadly comply with the criteria identified within CDP Policy 18 and as such, the principle of the proposal is considered acceptable, subject to further considerations below.

Impact on Residential Amenity

84. CDP Policy 18 e) 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 195 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. Paragraph 96 in Part 8 of the NPPF states that planning policies and decisions should aim to achieve healthy, inclusive and safe places and beautiful buildings which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.
85. The application has received significant objection from neighbouring residents who raise a number of issues and concerns particularly in relation to crime, fear of crime and impact on residential amenity in terms of community cohesion, noise and disturbance. Further objections focus on the way in which the property/children will be managed as well as the potential for loss of privacy through overlooking to neighbouring properties due to the addition of CCTV cameras. Safety concerns have also been raised along with concern regarding increased police presence.
86. 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 195 of the NPPF.
87. Planning policies and decisions must reflect relevant international obligations and statutory requirements. Relevant here is Section 17 of the Crime and Disorder Act 1998 which places a duty on the local authority in the exercise of its functions to have due regard to the likely effect of the exercise of those functions on, and the need to do all it reasonably can to prevent crime and disorder in its area and the misuse of drugs, alcohol and other substances. Whilst this is a qualified duty, crime and the fear of crime is capable of being a material planning consideration. A planning balance between the established need for the facility and these issues, therefore, needs to be considered.
88. In relation to the fear of crime this needs to be objectively justified, have some reasonable basis and must relate to the use of the land, in planning terms, and not be based on assumptions alone. The approach in criteria e) of Policy 18 is consistent with Paragraph 135f) of the NPPF which states that planning decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for

existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

89. Fear of crime can have a detrimental impact upon residential amenity and an individual's quality of life. However, it is not a forgone conclusion that a children's home for young people would inevitably result in an increase in crime, where the fear of crime is considered a material consideration this must be supported by robust evidence, and each application must be considered on its own merits and specific circumstances, avoiding generalisations.
90. As discussed above, Durham Constabulary have raised no objection to the proposal and raised no issues within their locality risk assessment.
91. Durham Constabulary acknowledge that they would anticipate community concerns in relation to police attending the address, however attendance is regularly carried out to ensure the safeguarding of the individuals within the address and to provide advice and support, rather than dealing with issues of crime.
92. They confirm that as a Neighbourhood Policing Team they regularly attend Children's care homes to engage with staff and children to provide support and advice as a positive intervention to reduce and prevent incidents from happening in the first place. Attendance at the site can therefore take place whether an incident has been reported or not, although it is acknowledged that police officers may also attend the address after an incident has been reported in order to carry out standard enquiries. This is understood to be a standard requirement of children's homes.
93. They conclude by stating that as a force they engage and work with all children's care homes throughout the force and depending on the number of children residing and their individual complexities, police involvement and demand can fluctuate significantly from time to time and between care homes.
94. In relation to issues associated with general noise and disturbance associated with the use of the dwelling, it is acknowledged that this would be difficult to quantify due to the varying needs of individual occupiers at the site, it is nevertheless noted that the number of children proposed to be accommodated would be limited to no more than two, and this would be secured by means of a planning condition should approval be granted.
95. Notwithstanding this, it is important to note the small scale of occupation proposed as well as the ratio of staff to children, which would be similar to what could be considered a traditional home environment. Two children within the house with two carers present at all times, would mean that there would be a high level of care and surveillance available, allowing any issues to be addressed promptly. In any case the dwelling could accommodate a large family with a smaller adult to child ratio without the need for planning permission, which in itself could have the potential to result in a similar impact on neighbouring residents from an increase in noise.

96. The Council's Environmental Health Section has been consulted and confirm that it is difficult to quantify the impact a children's home may have on a locality in terms of statutory nuisance. A statutory nuisance would equate to excessive and/or unreasonable use of a premises which directly interferes with the rightful peace and enjoyment of someone's property.
97. They go on to confirm that the submitted management plan states residents in the home will be supervised 24 hours per day. Fundamentally it is this management plan and the supervision of residents which will directly alleviate any impact on the locality in terms of statutory nuisance and anti-social behaviour. It is also considered that the dwelling should have sufficient soundproofing measures from when it was built to avoid noise concerns arising over and above a normal residential property.
98. The proposed premises is situated in a residential area and on balance the introduction of a small children's home is not unreasonable providing relevant guidance and good practice is adhered to. In their view in order to maintain a reasonable standard of amenity to nearby residents they would suggest adherence to the submitted management plan is secured by condition and that the number of residents is controlled by this means also.
99. They, therefore, conclude that subject to these conditions that the application would comply with the thresholds stated within the TANS. This would indicate that the development will not lead to an adverse impact and the application is unlikely to cause a statutory nuisance.
100. Residents have raised concerns over the potential for overlooking arising from the proposed installation of CCTV at the property. Whilst these concerns are noted, the operation of CCTV must be in compliance with separate legislation associated with the relevant data protection law which sets clear guidelines on the use of CCTV and impacts on neighbouring properties. In any case, there are permitted development rights associated with the installation of CCTV cameras on premises, subject to their use being for security purposes.
101. Concern is also raised regarding the outbuilding and its proposed use and the potential for this to have an unacceptable impact on the residential amenity of residents.
102. The applicants have confirmed that it is currently used as a home gym/office/family space and as part of this application, the space will be used as a breakroom/office/meeting space during working hours (approximately 9am – 5pm) and not as a bedroom/sleeping space. Given this, it is considered that the nature of the use would be acceptable and not result in significant noise issues over and above the existing use. Again, a condition can be added to ensure that the room is only used between usual office hours to prevent use late in the evening.
103. In terms of the scale of the outbuilding, due to its position, it will be partially visible to neighbouring properties, however, would not result in significant loss of light or overshadowing. Overlooking issues will also not occur given window

positions are located looking into the garden area of the host and suitable boundary treatment is located between the boundaries of both no. 39a and 40. Safety issues have been raised due to the closeness of the property to a neighbouring property and its flat roofed design however, it is not considered that this would be sufficient to warrant a refusal of an application in this regard.

104. CDP 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 96 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.
105. NPPF Paragraph 97 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.
106. It is acknowledged that residents hold fears that crime in the area would increase as a result of the proposals. 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. As stated above, issues of crime and the fear of crime are material considerations in the 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 is a sufficient evidence base on which it could be reasonably concluded that there would be a 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.
107. A similar approach is 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.
108. Given this, it is not considered that a refusal reason could be sustained or upheld at appeal on crime or fear of crime in this instance.
109. Concern has been raised that the staff and the residents receiving care would be less likely to establish meaningful relationships with neighbours and other local residents and how will relationships be maintained. In addition, how will the site be managed, and children controlled.

110. In relation to social cohesion the introduction of up to two children to the area 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. The management plan states that local residents will be offered the chance to share views and will be provided with relevant telephone numbers and email addresses. Residents would also be welcome to attend meetings with the management team, however these would take place at a neutral venue and not within the child's home. 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 96 of the NPPF.
111. A suitable level of detail has been provided about the running and management of the site within the management plan and whilst 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 that it would be appropriate to include conditions to exercise some control over the proposals. Members of staff will also be trained, and the site will also be registered with Ofsted.
112. In particular, a planning condition is considered warranted which restricts the use of the property to a children's care home for no more than two young persons 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 differing residential amenity impacts that would need to be assessed as part of a separate planning application.
113. In light of the above and subject to conditions, it is considered that the development would accord with the requirements of Policies 18 e) and 31 of the CDP and Parts 8 and 15 of the NPPF.

Impact on streetscene/conservation area/host property

114. Part 12 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creating better places in which to live and work, therefore helping to make development acceptable to communities.
115. In broad accordance with Part 12 of the NPPF, Policy 29 (Sustainable Design) of the CDP seeks to ensure that all development proposals achieve well designed buildings and places having regard to supplementary planning documents and other local guidance documents where relevant, and contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities; create buildings and spaces that are adaptable to changing social, technological, economic and environmental conditions. Furthermore, criterion d, of CDP Policy 6 requires development to be appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement.

116. Local Authorities have a duty to preserve or enhance the Conservation Area as required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 66 of the same Act requires a similar duty to have special regard to preserving Listed Buildings or their setting or any features of special architectural or historic interest which it possesses. This requires Local Planning Authorities in the exercise of their planning function with respect to any buildings or other land in Conservation Areas and Listed Buildings to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
117. Policy 44 of the CDP seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. This approach displays a broad level of accordance with the aims of Part 16 of the NPPF.
118. Concern has been raised regarding the installation of CCTV and the impact that the business use would have on the conservation area in which the property is located. In addition, concern is raised that an outbuilding has been installed in the rear garden area which may require planning permission and that it is located within a conservation area and unacceptably located. Concern has also been raised that the property should be considered as a listed building and that it was previously converted from commercial to residential and should not be turned back to a business type use.
119. Further information has been provided in respect of the outbuilding which is located both within the garden area of no. 39b and no. 40. Permitted development rights were removed as part of the conversion of the pub to dwellings and as such, the application has been amended to include the retention of the building. Residents have stated that they did not object to the outbuilding, on the assumption that it was lawful, but on the basis that it is unauthorised they consider it unacceptable in this location. Whilst the outbuilding is currently unauthorised this does not mean it is automatically unacceptable in planning terms and a full assessment of the building has now been carried out as part of this application as detailed below.
120. In respect of the CCTV, this is typical of residential properties and no concern is raised in this instance. The applicants will be reminded of their responsibilities under other legislation in respect of the position of CCTV.
121. The host property is unlisted and does not meet the criteria to be considered a non-designated heritage asset, however it does have a degree of local significance owing to its age and character and makes a positive contribution to the character and appearance of the surrounding conservation area.
122. The buildings true age is difficult to establish, and while it appears on the 1st edition OS map c.1860 it is likely to pre-date this age. It comprises of two storeys of a long linear plan form and traditional stone and slate construction. It was formerly the Red Lion Public House converted to residential use as three dwellings following approval in 2017.

123. The proposed change of use would involve no external alterations to the building (other than the installation of CCTV) the details of which will be secured via condition however it is understood this is likely to be one at the front door and one at the rear door given this, its character and appearance, and that of the conservation area, would be considered to both be preserved.
124. In respect of the detached outbuilding, it is currently in place and therefore the full impact can be assessed. Whilst large, it is constructed of timber boarding which is typical of sheds/outbuildings within rear garden areas and whilst it is located across two curtilages, these are both within the ownership of the applicant and consent is not required to alter the boundary lines.
125. It is set within the context of Garden Mews, a modern residential development, where it is shielded mostly by the surrounding boundary fence, and from outside the estate by existing built development. As such it is mainly unseen, with only glimpsed views along the main front street that is the conservation area's principal identity.
126. Further there is modern development to the rear of the main street following no discernible pattern. While the outbuilding is not of the quality normally encouraged within a conservation area location, given the above, its impact would be regarded as neutral causing no harm to its special interest of the conservation area.
127. In summary, as no harm to the special architectural or architectural interest, character or appearance of the conservation area is identified accordingly it would be considered that the application fulfils the requirements of NPPF Part 16 and CDP Policy 44.
128. Whilst objectors disagree with these findings and state that the outbuilding does have an impact especially on the surrounding neighbours due to its size, design and position However, officers are satisfied in this case that the outbuilding is appropriate in size and design and would not be harmful to the conservation area. In addition, the proposed use is considered acceptable and would be controlled by condition as discussed in detail in the residential amenity section. There would be no grounds to refuse this scheme on this element of the proposals.
129. The proposal, therefore, is considered acceptable in respect of Policies 6d, 29 and 44 of the CDP and Parts 12 and 16 of the NPPF.

Highway Safety

130. CDP Policy 21 states that any vehicular traffic generated by new development following the implementation of sustainable transport measures, must be able to be safely accommodated on the local and strategic highway network; that car parking at residential developments should ensure that a sufficient level is provided for both occupants and visitors to minimise potential harm to amenity from footway parking, and that appropriate provision for electric vehicle

charging, including charge points and laying of cables, should be made on both residential and non-residential development where parking is provided. In turn criterion e. of CDP Policy 6 requires development to not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity.

131. Concern has been raised that parking is already limited and congested at the site and on the surrounding streets and that an increase in vehicles will be dangerous. In addition, the suggestion of alternative parking at other properties is not considered an appropriate solution. A lack of streetlighting and narrow access to the rear of the properties has also been raised.
132. The views of the Highway Authority have been sought and they have confirmed that they need to consider applications from a road safety purpose. The road to the front and rear of the property are unadopted however these directly connect to adopted highway adjacent to the property.
133. The rear parking to the property is accessed from a private road which is as the existing situation for the residential dwelling (i.e. the existing use). Access between the public highway and the property is therefore considered to be acceptable. As access to the site is unadopted the Council is unable to insist on lighting being provided or have any control over this part of road.
134. The level of activity in terms of vehicle movements is unlikely to be significantly greater than that of a large family residing at the property with multiple vehicle users. The timing of such movements would also be in keeping with the normal daily activity to and from a dwelling relating to school runs, travel to work, in addition to shopping and recreation trips.
135. The volume of traffic generated by the proposal will have an insignificant impact on the highway network which has substantially more capacity than current traffic levels. The very small number of additional vehicle trips should have no material impact on road safety.
136. The DCC Parking & Accessibility standards requires 1 parking space per 3 bedrooms for a Class C2 establishment. The provision of two spaces is therefore in accordance with the requirements of the parking standards. It is not considered that a disabled parking space is required in this instance. A condition can be added for cycle parking and electric vehicle charging point to be provided.
137. It is acknowledged that there will be periods where there is likely to be a greater number of parked vehicles associated with the property than the spaces available. It can be determined that the potential is for a demand of three parked vehicles and up to five for an hour at handover time. That said, a residential dwelling of this size could also generate a similar parking demand.
138. It is noted in the Supporting Statement that there are three additional parking spaces available at nearby properties (no. 49 Front Street and no. 4 Coronation Terrace). Whilst these may be available and under the control of the applicant,

it would not be possible to secure these by condition or to guarantee their future availability, therefore they have not been materially considered as part of this site. Nevertheless, the use of these additional parking arrangements is welcomed to reduce the impact of any additional parking demand on the highway should it arise however it is acknowledged that this could cause issues at these properties which is another reason they have not been materially considered.

139. Notwithstanding the above, there is no change to the number of habitable rooms, the number of bedrooms remaining as four. The parking provision is the same as the existing situation with two in-curtilage parking spaces.
140. It is noted that the period of staff handover is between 10am and 11am. This would generally coincide with when on-street space would be available due to many adult car owners being at work.
141. Objectors consider this to be a generalised view however, site visits have been carried out to consider the parking arrangements at this time of the day. In general, it was found that sufficient parking would be readily available and proposed parking associated with the shift change could be accommodated within the immediate area without detriment to highway safety. As such officers concur with the highways officer view in this regard.
142. As parking standards are met, it is considered that the development would not be prejudicial to road safety or have an impact which could be considered severe as set out in the test in NPPF Paragraph 115. Given the position and nature of the application property the proposed development would ensure access for emergency vehicles in accordance with Policy 18 of the CDP.
143. Inconsiderate parking is not a matter for the planning system to address and as the road outside the front is public highway this does not prevent people parking on the highway.
144. Therefore, it is not considered that this proposal would result in a detrimental impact to road safety or a cause a severe cumulative impact to the surrounding road network and as such accords with Policies 6e and 21 of the County Durham Plan and Part 9 of the NPPF. A condition is proposed to ensure the outbuilding remains ancillary at all times and not for any use out with the children's care home, in order to ensure this does not generate additional traffic or parking demands.

Other Issues

145. Concern has been raised with regard to the extent of the consultation/publicity undertaken by the Local Planning Authority in relation to the current planning application. However, officers confirm the level of publicity on the application is wholly in line with statutory requirements. This consisted of the publication of a press notice along with the display of a site notice and neighbour notification letters to surrounding residents. This level of publicity exceeds the statutory

requirements outlined in associated legislation, as either a site notice or neighbour letters would normally suffice.

146. In addition, concern has also been raised regarding the number of re-consultations carried out and that it places more work on the planning department and brings into question the intentions of the applicant. As discussed above during the course of the application it was found that the outbuilding required planning approval and that the red line needed amending. This is not unusual during the processing of an application and a level of flexibility exists within the process to allow for amendments to ensure an appropriate form of development can be agreed.
147. Concern has also been raised that the correct notice has not been served on no. 40. Certificate B has been signed and notice served on all relevant owners. It is understood that no. 40 is owned by a property company and the registered managers of these are the applicant and that of the person that notice has been served on.
148. Further issues are raised over future ownership of the properties in that they may not stay within the same ownership and how the boundaries will be dealt with however, that would be a legal issue that would need to be agreed at the time of the sale of either property.
149. Concern has been raised that the outbuilding has not received/does not comply with building regulations and has not been constructed from appropriate materials. This is a separate process which does not impact on whether planning permission should be granted or not. An informative will be added to any decision to advise the applicants that they should ensure that all other relevant necessary consents have been secured.
150. Devaluation of properties and that the developers are totally driven for profit have also been raised however these are not material planning considerations.
151. It has also been raised that there are restrictions on the property being used as a business under the covenant consent. This would be a private law matter and is also not a material planning consideration.
152. Concern has been raised regarding the level of information provided and that there are some discrepancies, for example in relation to the age of the children. The applicant was advised of this and subsequently amended the documents to ensure consistency.
153. Concern has been raised that the applicant lacks sufficient experience in running children's homes and that they have contributed nothing to the community. These concerns are not material planning considerations. In any case the children's home would be required to be Ofsted registered and the abilities of the applicant and the management of the site would be controlled under this regulatory body.

154. Whilst concern is raised that future occupiers could pose a fire risk to neighbours; this is not substantiated. The site would have 24-hour supervision and would be operated in accordance with the management plan, alongside other legislative controls that protect and monitor children's homes.
155. Objections consider that as the owner owns other properties, they will be given a similar use. Any proposal to operate a children's home from another property would be subject to a separate planning application, determined on its own merits, in line with relevant policy.
156. It is not felt that Doctors, Dentists and schools would be oversubscribed given the fall-back position of the property being a C3 residential use that can be occupied by a family.
157. Concern regarding the location and emptying of bins is raised, especially if commercial sized waste bins are required, as the bin lorry presently does not enter the cul-de-sac. Bin storage would take place within the site and the proposed use would not be expected to be substantially different from a family home in relation to bin storage and collection. As such there are no grounds for refusal in this regard.
158. Consultation with neighbours prior to the submission of an application, is not a statutory requirement on applicants, however, whilst undertaking such exercises may be deemed courteous, it is at the applicant's own discretion. In any case, such consultations would have no bearing on the determination of this planning application.
159. Objectors consider that the sex offenders register should be checked. Members of the public are not able to access such registers however, the police as part of their own assessment of the scheme, would have due regard to this and as detailed above, they have raised no concern in this regard.
160. It is understood that concern has been raised regarding County Durham being used as a dumping ground for other regions' vulnerable people in that Hillingdon Council in London are trying to force a young woman aged 23 and her child, to move to Horden away from her family and friends or be made homeless. The planning department is unable to comment on this case however, it is not considered that this is material in respect of the application in question.
161. The Labour MP for Willington complained to the Home Secretary Yvette Cooper, regarding London Councils transferring vulnerable people to County Durham taking much needed social housing away from local vulnerable people. In this respect the property in question is a private dwelling which is not registered as social housing as such, the loss of this unit is not considered to have a significant detrimental impact upon the loss of social housing.
162. In addition, objectors have raised comments that central government understand there is a crisis with regards to children's homes and it is not yet

understood how they intend to deal with this. The application however has been determined in accordance with current national and local policies in place.

Public Sector Equality Duty

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

CONCLUSION

165. The council has a duty, as stated in section 22G of the Children Act 1989, to take steps to secure, as far as reasonably practicable, sufficient accommodation for looked after children within their local authority area. Where a child cannot remain safely at home and comes into the care of the Local Authority, the council becomes the 'corporate parent' for that child. The term 'corporate parent' means the collective responsibility of the council, elected members, employees and partner agencies, for providing the best possible care and safeguarding support for the children and young people who are looked after by the council.
166. A need for small care homes within the County has been demonstrated and the proposal is therefore considered acceptable in principle. For the reasons detailed within this report the development is considered to accord with Policy 18 of the CDP along with Policies 21, 29, 31 and 44 of the CDP, subject to the conditions, in as much as it would not have any detrimental impact upon residential amenity, the character and appearance of the conservation area, highway safety, social cohesion and crime and the fear of crime.
167. Whilst significant objections have been raised by nearby residents, 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 following conditions:

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

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

2. The development hereby approved shall be carried out in accordance with the following plans:

Location Plan received 7 October 2024

Site Plan received 7 October 2024

Outbuilding received 10 October 2024

Ground Floor Floorplan and Allocated Parking received 29 August 2024

First Floor Floorplan received 29 August 2024

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 16, 21, 29, 31 and 44 of the County Durham Plan and Parts 8, 9, 12, 15 and 16 of the National Planning Policy Framework.

3. Prior to the occupation of the children's home, a scheme compliant with the Council's Parking and Accessibility Standards SPD relating to the installation of electric vehicle charging points (EVCP) shall be submitted to and approved in writing by the Local Planning Authority. The EVCP(s) shall be installed prior to the occupation of the development to which it relates and retained thereafter.

Reason: To minimise carbon emissions and in accordance with Policies 21 and 29 of the County Durham Plan.

4. The development hereby approved shall not be occupied until details of all external cycle storage, to be compliant with the Council's most recent parking standards, have been submitted to and approved in writing by the Local Planning Authority. The external cycle storage provision shall be installed and made available for use in accordance with the approved details prior to the first occupation of the development to which it relates and retained thereafter.

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

5. Prior to the occupation of the children's home, details of the location and specification of the CCTV to be installed shall be submitted to and approved in writing by the Local Planning Authority. The CCTV shall be installed prior to the occupation of the development to which it relates and retained for the lifetime of the development in accordance with the approved details.

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

6. The property shall be used only as a children's care home to accommodate no more than 2 young persons between the ages of 6 - 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.

7. The Children's Home (use class C2) hereby approved shall be carried out in accordance with the Management Plan received 22 November 2024.

Reason: To protect the amenity of neighbouring residents and the future occupants to ensure that a satisfactory form of development is obtained, in accordance with Policy 18 of the County Durham Plan.

8. The outbuilding hereby permitted shall be ancillary to the property known as 39B Front Street North and shall not be used for any other use other than in association with said property. It shall not otherwise be occupied independently for any other use during the lifetime of the development.

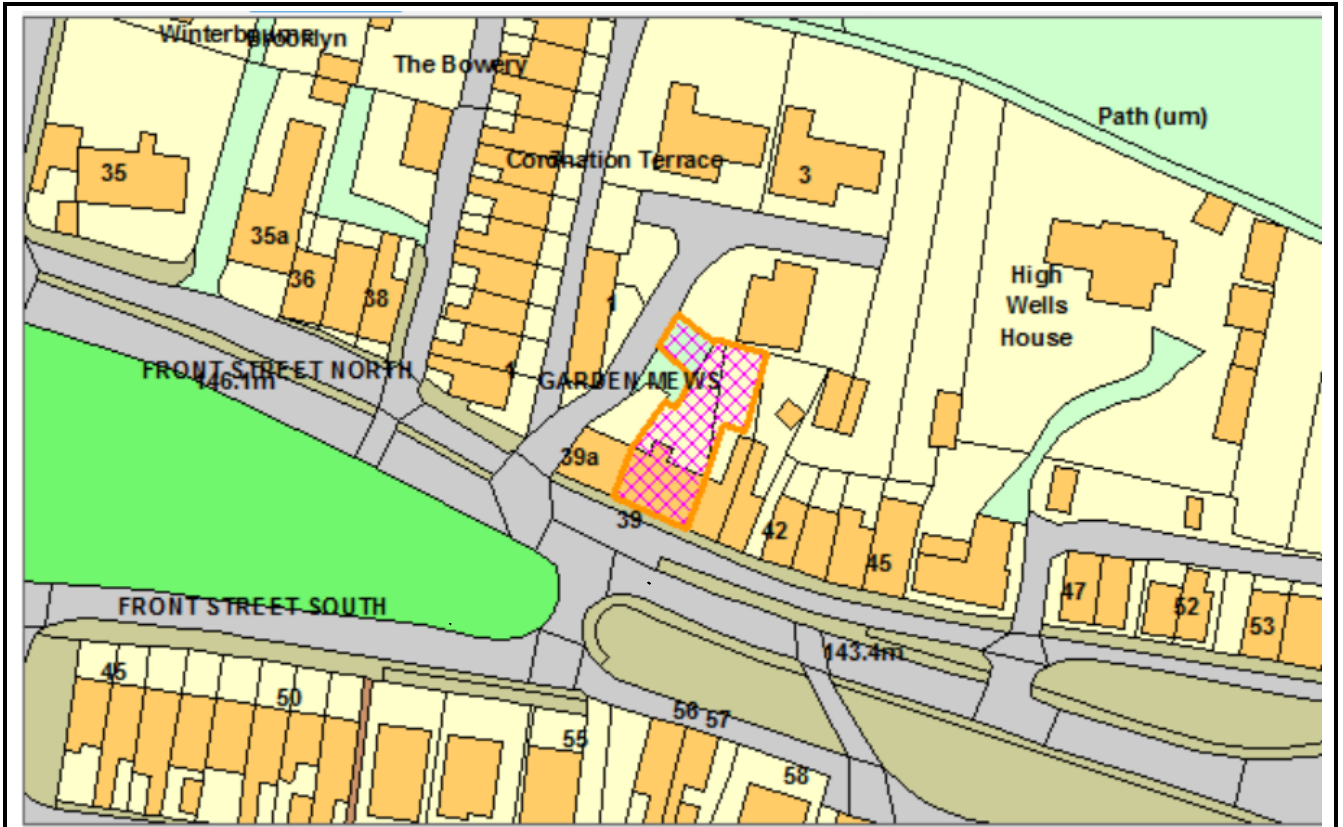
Reason: In the interests of residential amenity and highway safety in accordance with Policies 21, 29 and 31 of the County Durham Plan and Parts 9, 12 and 15 of the National Planning Policy Framework.

9. The outbuilding hereby permitted shall not be occupied outside of the hours of 9am - 5pm on any day of the week.

Reason: In the interests of the residential amenity of surrounding properties in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
National Planning Practice Guidance Notes
County Durham Plan (2020)
Residential Amenity Standards SPD (2023)
Parking and Accessibility SPD (2023)
Statutory consultation responses
Internal consultation responses
External consultation responses



<p>Planning Services</p>	<p>Change of use from dwelling (use class C3) to children's home (use class C2) (amended red line boundary received) and retention of outbuilding in the rear garden area. at 39B And Part of Garden Area of No. 40 Front Street North, Trimdon, Trimdon Station</p> <p>Application Reference: DM/24/02385/FPA</p>	
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