



Area Planning Committee (Central and East)

Date Tuesday 11 June 2024
Time 9.30 am
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of the meeting held on 14 May 2024 and Special meeting held 17 May 2024 (Pages 3 - 44)
4. Declarations of Interest, if any
5. Applications to be determined by the Area Planning Committee (Central and East)
 - a) DM/24/00334/FPA - 131 Grange Way, Bowburn, Durham, DH6 5PL (Pages 45 - 66)
Temporary change of use of the property from a C3 Residential dwelling to C2 Children's Home for a period of up to 3 years.
 - b) DM/24/00522/FPA - Ramside Hall Golf Club, Ramside, Durham, DH1 1TD (Pages 67 - 100)
Erection of part single and part two storey extension to Golf Clubhouse and Driving Range.
 - c) DM/24/00586/VOC - Saffron House, Newcastle Road, Crossgate Moor, DH1 4HZ (Pages 101 - 118)
Variation of condition 10 pursuant to permission DM/20/01107/FPA for the erection of a house in multiple occupation, to allow the first floor en suite window within the north side elevation to be fitted with external opening restrictor (description amended).

- d) DM/24/00555/FPA - 50 Prebends Field, Gilesgate, Durham, DH1 1HH (Pages 119 - 140)

Construction of two storey side extension, additional off-street parking and change of use of the existing dwellinghouse (Use Class C3) to a HMO (Use Class Sui Generis) - Resubmission.

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

Helen Bradley

Director of Legal and Democratic Services

County Hall
Durham
3 June 2024

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

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

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

DURHAM COUNTY COUNCIL

AREA PLANNING COMMITTEE (CENTRAL AND EAST)

At a Meeting of **Area Planning Committee (Central and East)** held in **Council Chamber, County Hall, Durham** on **Tuesday 14 May 2024** at **9.30 am**

Present:

Councillor D Freeman (Chair)

Members of the Committee:

Councillors D Oliver (Vice-Chair), A Bell, L Brown, J Cosslett, S Deinali, J Elmer, P Jopling, D McKenna, R Manchester, K Shaw and A Surtees

Also Present:

Councillors J Blakey, J Clark, L Fenwick, G Hutchinson, S McDonnell and M Wilson

1 Apologies for Absence

Apologies for absence were received from Councillors I Cochrane, C Kay and K Robson.

2 Substitute Members

There were no Substitute Members.

3 Minutes

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

4 Declarations of Interest

The Chair, Councillor D Freeman noted he was a Member of the City of Durham Parish Council, however, he was not a member of their Planning Committee and had not had any input into their submission in objection to applications on the agenda.

He added that he was a member of the City of Durham Trust, however he was not a Trustee and had not been party to their submissions in objection to applications on the agenda.

Councillor L Brown noted she was a Member of the City of Durham Parish Council, however, she was not a member of their Planning Committee and had not had any input into their submission in objection to applications on the agenda. She added that she was a member of the City of Durham Trust, however she was not a Trustee and had not been party to their submissions in objection to applications on the agenda.

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

a DM/23/03271/FPA - Land to the north of Mill Road, Langley Moor, Durham, DH7 8HL

The Chair noted Agenda Item 5a - DM/23/03271/FPA - Land to the north of Mill Road, Langley Moor, Durham had been deferred.

b DM/22/01536/FPA - Old Arbour House, Crossgate Moor, Durham, DH1 4TQ

The Principal Planning Officer, Jennifer Jennings gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Principal Planning Officer advised that some Members of the Committee had visited the site and were familiar with the location and setting. The application was for the creation of an outdoor horse arena, with timber rail fencing and floodlighting, exclusively for personal use (retrospective) and was recommended for approval, subject to the conditions as set out in the report.

The Principal Planning Officer noted that equestrian use was well established on the site and therefore the use of the land did not form part of the application. She added that Condition 3 should refer to following discharge of Condition 2, rather than to follow completion of the development.

The Committee were asked to note that the application site was in the open countryside, within the green belt and within an Area of High Landscape Value (AHLV). The Principal Planning Officer noted that the site was also within extensive parkland, associated with the ruined Beaufort Priory, a scheduled monument and non-designated heritage asset.

She noted the site was also within the setting of the Registered Battlefield of Neville's Cross and a public right of way, Footpath No.10, ran adjacent to the north-eastern boundary of the arena.

Members were shown site photographs and were asked to note the elevated position, a 1.5-metre-high fence surrounding the area, and three, four-metre-high floodlights. The Principal Planning Officer referred to photographs from 2010 to 2019 which demonstrated the build up of land for the arena, and the height and position this created in terms of the arena, fencing and floodlights. She reiterated that the application was in effect in relation to the arena surfacing, fencing and floodlights, with equestrian use having been established.

The Principal Planning Officer noted no objections from the Highways Section, with Bearpark Parish Council having objected, their representations having been made following the publication of the Committee report. She noted that issues raised by Bearpark Parish Council related to the elevated position, with floodlights dominating the surround area, light pollution, and that the application only benefited two people, while the impact of the floodlighting would impact hundreds of other residents. She noted that the City of Durham Parish Council had also objected, in terms of the light pollution and impact of the application on their residents.

The Principal Planning Officer noted that Historic England had not commented on the application, and the Design and Conservation Team had noted the impact of the flood lights. She added that the Landscape Team had noted the application represented a degree of harm, and had requested the removal of the floodlights, and a darker surface for the arena. It was explained that the applicant amended the scheme to move the floodlights to the north-west side of the arena, with Design and Conservation and Landscape Teams noting the amended scheme represented less harm and there was a requirement for conditions in respect of landscaping and use. The Principal Planning Officer noted Environmental Health had noted no objections, subject to a condition limiting the hours of use of the floodlights, for the period November to March, with two hours use in between the hours of 1600 to 1900. She added that the Contaminated Land section noted no objections, and Archaeology noted to keep a watching brief.

It was noted that there had been five letters of objection, including from the City of Durham Trust, with issues raised including: that the site was an eyesore; floodlight being on a prominent ridge; the possibility of the arena being for more than just personal use; impact on the historic park land; light pollution; and impact on the greenbelt.

The Principal Planning Officer noted that the application was considered to be in line with County Durham Plan (CDP) Policies 10, 13 and 20, and while there was some impact on the area, it was felt the application represented an opportunity to mitigate existing impact via conditions and therefore the application was recommended for approval.

The Chair thanked the Principal Planning Officer and asked Councillor M Wilson, Local Member, to speak in respect of the application.

Councillor M Wilson thanked the Chair and Committee and noted that concerns had been raised by residents of Bearpark as well as residents from the Neville's Cross Division, Bearpark Parish Council and the City of Durham Parish Council. She explained that the arena was on the edge of a very popular footpath for walkers, and the arena blocked views and impacted the green belt with its prominent position on the top of a hill. She noted the impact of light pollution was felt by residents from Bearpark, adding there was also the impact upon wildlife from the light pollution, noting deer in the area that were disturbed from the light and activity. Councillor M Wilson explained there was also the impact of the application on Beaurepaire and the Neville's Cross Battlefield. She noted potential anti-social behaviour and that residents had raised concerns in terms of the personal use for two individuals when balanced against the hundreds of residents that utilise the public right of way. She concluded by asking Members to carefully consider the proposals and to refuse the application.

The Chair thanked Councillor M Wilson and asked Dr Mohammed AlHilali, local resident in objection, to speak in relation to the application.

Dr M AlHilali explained that he had made his home in Durham over the last seven years and felt that green spaces needed to be protected. He explained that the application site was to the rear of his property, with the floodlights shining into his bedroom window, He noted the impact of the floodlights, explaining he had been able to see the northern lights recently, however the floodlights had been turned off. Dr M AlHilali added that there would be impact upon nature and wildlife as a result of the application, as well as for residents from the local communities. He noted that the area should be for all to enjoy, not just a privileged few. He asked that the Committee refuse the application, reiterating the impact upon the environment, community, nature including deer as mentioned, from noise and light pollution.

The Chair thanked Dr M AlHilali and asked the Committee for their comments and questions.

Councillor L Brown noted her disappointment that there was no Officer from the Design and Conservation Team in attendance at Committee to speak on the application, and also that the applicant was not in attendance. She explained that the amendment in terms of the floodlights being moved to reduce impact was welcomed and asked if it would be possible to condition the surface material to a darker colour, especially as it would take a period of time before landscaping measures would help hide the arena.

Councillor J Elmer noted he had attended the site visit and the site was very prominent, its elevated position making it a very visible location. He noted that it could be seen from the road leading from Bearpark and the floodlights would have an impact. He added that even with the proposal to move the floodlights, there would still be issues in terms of diffuse light above the hill that were of concern. Councillor J Elmer noted his frustration in terms of the application being within the green belt, an AHLV, adjacent to the Neville's Cross Battlefield, and that if the application had been through the normal process, rather than part-retrospective, he felt it would be unlikely to have been recommended for approval. He explained that he felt the biggest impact had been the reprofiling of the landscape to create the raised arena area, which would have required earthworks, and therefore any archaeology or ecological impact to have been considered. However, he understood those works had been carried out over five years ago and therefore were no part of the planning permission being sought.

Councillor J Elmer explained as regards his thoughts on the applicants' approach in terms of those works and the application only being submitted part-retrospectively after being noticed. He added that even if the floodlights were moved and were of a more suitable colour, painted, there would still be an impact on the landscape from the light, and therefore may not comply with CDP Policy 39, and this was of concern.

The Principal Planning Officer noted that Officers had approached the applicant in terms of the surface colour being amended to be darker, the applicant had declined the request. In terms of the part-retrospective nature of the application, the Principal Planning Officer noted that the equestrian use, would have likely been acceptable, that use being one of those looked at favourably in terms of development within the green belt. She noted that, however, the application in terms of surface material was that as presented, and Officer felt it was the best opportunity to mitigate the impact via landscaping and tree planting.

Councillor J Elmer noted that the landscaping plan would need to be robust, and he hoped for native trees, and not non-native species such as Norwegian Spruce.

He added he felt that much could have been done better for the site, however, he would reluctantly move approval as per the Officer's recommendation as there were not sufficient planning reasons to refuse the application.

Councillor D McKenna asked as regards the lighting levels, and whether Officers had spoken to the applicant in terms of having lights along the fence line, rather than floodlights, so that they were only lighting the surface of the arena, rather than the wider area. The Principal Planning Officer noted the scheme was as presented, including three, four-metre-high floodlights. She reiterated that their position had been moved to reduce their impact, and there were a number of conditions and those had been agreed in conjunction with Officers from the Environmental Health Section. She noted they included the hours of operation within the period November to March, for two hours between 1600 and 1900.

Councillor P Jopling noted she would second the proposal from Councillor J Elmer, adding that there were several issues, and the application was not perfect, however, she did not feel there were sufficient grounds to turn down the application. She noted that perhaps a cowl on each of the floodlights could prevent light pollution, however, she would second the proposal as put.

Councillor A Bell agreed that the application was not a perfect application, however, such uses in rural settings were not uncommon and the Officer had noted that such a use would likely have been approved. He noted the limiting of the use via condition, and reiterated the point made by Councillor J Elmer, that there needed to be a robust landscaping plan.

Councillor K Shaw noted he had sympathy with the Local Member and local residents, however, the application was as put before Members and the conditions Officers were proposing aimed to mitigate the impact as much as possible and therefore, he would support approval, as he could not see any grounds to reject the application.

The application had been moved for approval by Councillor J Elmer, seconded by Councillor P Jopling and upon a vote being taken it was:

RESOLVED:

That the application be **APPROVED**, subject to the conditions set out within the report, and amendment to Condition 3 as referred to by the Principal Planning Officer.

c DM/24/00334/FPA - 131 Grange Way, Bowburn, Durham, DH6 5PL

The Senior Planning Officer, Lisa Morina gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Senior Planning Officer advised that some Members of the Committee had visited the site and were familiar with the location and setting. The application was for a temporary change of use of the property from a C3 residential dwelling to C2 children's home for a period of up to 3 years and was recommended for approval, subject to the conditions as set out in the report.

The Senior Planning Officer noted the application was for up to two children aged 3-17 years old, for temporary use, up to three years. She added that the property had been used as an un-registered crisis home since February 2023, and as the home currently had one child the application was retrospective. It was noted the application had been called-in by Councillor J Blakey, on the basis on anti-social behaviour issues associated with the property.

Members were informed that there had been no objections from the Highways Section or Durham Constabulary. It was noted that Cassop-cum-Quarrington Parish Council had objected to the application. The Senior Planning Officer noted internal consultee responses had included no objections from Environmental Health, and with the Council's Children and Young People's Service (CYPS) offering no objections and noting there was a need for such children's homes.

The Committee were asked to note there had been 47 letters of objection, with a summary of the concerns set out within the report, which included: anti-social behaviour, business use without permission, and devaluing nearby property values. The Senior Planning Officer explained that the Police and Crime Commissioner, Joy Allen had raised concerns in terms of the demand on policing from such C2 children's home use increasing within the county.

It was noted that subsequent to the agenda papers being published there had been a further two letters of objection, one relating to damage and vandalism to their property, including a Police report and images of graffiti, the other being from a resident who was unable to attend Committee who noted the impact of the children's home on their physical and mental health.

The Senior Planning Officer noted the application had been considered under the relevant children's home policy and while there had been concerns raised by local residents, Officers did not feel they were sufficient to refuse the application. She explained the application was in line with CDP Policies 18, 21, 29 and 31 and that the Council had a duty under the Childrens Act to provide sufficient space for children in care. She noted there were no external works to the property, with the Highways Section considering that the proposals offered sufficient parking, and therefore the application was recommended for approval.

The Chair thanked the Senior Planning Officer and asked Councillor J Blakey, Local Member, to speak in relation to the application.

Councillor J Blakey noted that within her electoral division there had been a spate of children's home applications, six within the last three years, with not all of those presenting an issue. She noted that the property in question had not been operating sporadically, rather it appeared to have been operating permanently since its initial opening, with Local Members having not been made aware that this children's home had been operating. She added that upon contacting the Head of Children's Services at the Council, she learned that the Council had not been aware that the children's home had been operating and the home was not registered with Ofsted. She added that further discussions had revealed that the child within the home was from another Local Authority area.

Councillor J Blakey explained that the Police had been called to the property so many times that it was not possible to count, adding she had asked the Police for the figures in relation to call outs, however, to date she had received no response. She noted that the Police had attended the property three to four times a day on some occasions. She added there was an impact on the families bringing up their children in the area in terms of the parking and number of incidents. She noted that CDP Policy 18 stated that children should be 'appropriately matched', however, the impact on local residents' amenity from the activity at this property was immense. She noted that she felt it was contrary to CDP Policy 31, with there being anti-social behaviour at all hours of the day and night, adding that was not a normal life for either the child within the children's home, or the residents within the area.

Councillor J Blakey noted that there was not a plan in place, the applicant had applied now, not previously and properly. She added that she had witnessed cars parked all over, not adhering to any management directive. She explained that the children's home had already been in operation since February 2023, already over a year, and residents had already put up with a year's worth of anti-social behaviour and asked should they have to put up with another three years' worth.

She concluded by asking the Committee to look really carefully at the objections to the application.

The Chair thanked Councillor J Blakey and asked Sarah Wilkinson, Local Resident in objection, to speak in respect of the application.

S Wilkinson explained she was representing herself and her neighbours from the local community. She noted the property was not a registered children's home and explained it was not a '*might*' the home was causing impact now. She explained that the operator, Juniper Care and Support, were not adhering to the parking plan, with an average of four to six cars blocking the road, with bin lorries unable to access properties as a result. She noted this impacted on residents' friends and families being able to park, with spaces taken up 24 hours a day by care staff.

S Wilkson noted that there had been a number of incidents at the property and there was a frequent Police presence, two or three times a day, day and night. She added that the property had not been 'sporadically' occupied, rather as far as local residents could see, it had been near constant. She noted that the children's home had not been registered officially and a governance statement said, '*Juniper Care and Support were fully registered*'.

S Wilkinson noted that there was a restrictive covenant within the deeds for properties on the estate, stating no business use was allowed, and allowing such use in this case could set a precedent for anyone to operate a business from their property. She gave an example of an ambulance having to attend the property and asked, if the child had been correctly supervised, how had they become hurt. She added that children had been loitering around the unregulated care home.

S Wilkinson explained that residents should not have to live like they are, with their children regularly being woke up by the disturbance from the children's home. She added there had been incidents of criminal damage, so there was actual crime, and the fear of crime for residents. She noted that there were usually four carers at the property, not two carers, and despite that there was continued damage caused and children absconding from the children's home. She asked if that was how they performed with one child, how would they manage with two children. She reiterated the child in the home had smashed glass, threatened to self-harm and absconded from the property. She noted that residents had only been given contact details for Juniper Care and Support after 15 months.

S Wilkinson explained that within the area there were 15 children under 10 years old, with 10 under five years old, and residents did not want their children to be intimidated in their homes and cited an example of one child walking around in a balaclava, entering other residents' gardens and shouting abuse.

S Wilkinson noted it was a shame that locals' wellbeing had not been considered when opening the children's home, the impact on their lives had not been considered. She noted that the Council's Vision 2035 was for children to enjoy the best start in life, good health and emotional wellbeing, and have a safe childhood, and she asked was that the future for the children of residents in the area.

The Chair thanked S Wilkinson and asked Lee Sowerby, the applicant, to speak in support of his application.

L Sowerby noted the scale and staffing arrangements for Juniper Care and Support, noting two ex-Head Teachers as staff, experienced managers, and regular support from a child psychologist. He emphasised that the company and all staff were dedicated to making a difference to the lives of those young people in their care.

L Sowerby noted a 'Durham First' approach, with the Council's commissioning service for such homes having noted that there were few two to three bed homes offering that type of accommodation, therefore the proposals supported Durham in that regard. He added that where there were contradictory views, he would ask that independent views were taken on board and given more weight. He noted the comments from such independent professionals included noting that Juniper Care and Support offered *'proactive care, genuinely focussed on the young person's care'*, and that *'working with Juniper in three locations, they have a different relationship, engaging in education, the progress they have made with our client shows the level of experience they have, and I cannot speak highly enough of them'*.

L Sowerby noted that several points raised had been asserted as fact, however, that was not the case. It had been noted that all downstairs windows at the property had been smashed, L Sowerby noted this was not true. He noted the reference to a child being left alone was not true, it was in fact true that child that had previously been in care, who had made great progress, had returned to the property from his hometown after feeling they needed support and therefore turned to the people that had supported them previously.

L Sowerby concluded by thanking all the Durham County Council staff for their professional support in relation to the application and noted that Councillor J Blakey had not responded to an offer of contact from Juniper Care and Support.

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

Councillor A Bell noted he felt this was a sad application to hear, noting the many issues set out by residents, some outside of planning matters, and that he felt the Committee needed more reassurance that those issues impacting residents would be rectified and asked whether it would be possible to defer the application, in order to receive more information as regards processes in place. The Senior Planning Officer asked what specific information Members would wish to receive. Councillor A Bell noted that the speaker in objection had related details of a number of incidents that had been of concern, in terms of anti-social behaviour and the Police attending the property, and therefore he felt Members needed assurance that there would be appropriate support in place. The Senior Planning Officer noted that a management plan had been agreed with the Police, and they were in accordance with that, however, Officers could ask that more contact details are provided. She added that other than those additional contact details, with the management plan had been sufficient for the Police and the property to be registered with Ofsted, subsequent to planning approval.

Councillor A Bell asked if Ofsted registration could be obtained prior to planning permission approval and noted that the Police and Crime Commissioner had objected, highlighting resource implications in terms of children's homes. The Senior Planning Officer noted that the comments from the Police and Crime Commissioner was a generic comment in relation to any children's home application across the county. She added that the Durham Constabulary Architectural Liaison Officer had not objected when being consulted on this specific application. She added she was not aware of the Ofsted application process, that would be for the applicant, however, noted comment from Ofsted in terms of not being able to decide upon registration until proof of permission was provided.

The Chair asked, if Ofsted required that planning permission to be in place, how had the children's home been open for the last 12 months. The Senior Planning Officer noted that there were two separate elements, unregistered provision, and Ofsted registered provision, noting the application was for regulated use, with Ofsted.

Councillor P Jopling noted that Members were very much aware of their duty as corporate parents, however, she had serious concerns as regards the application, including the wide age range proposed, eight to 17 years old, especially in the case where the children would not know each other and one was eight, the other 17 years old. She added that she noted that she felt there had been a number of children's home applications coming through in what she felt were inappropriate areas. She noted that residents had very eloquently spoke in respect of their issues and believed those residents had rights too, and there was a need to balance the needs of the child against those of residents. She noted it may have been different if the application was in an area where it did not impact residents, and questioned the company's choice given there were already issues as set by the Police and Crime Commissioner in her submission. She added she did not feel she could support the application, however, was not sure on what grounds it could be refused.

Councillor D Oliver explained that he heard and understood the difficulties in terms of considering the application. He noted a somewhat similar children's home in his electoral division, where there had initially been a number of complaints. He added that since the home had been established, the concerns had diminished and a similar management plan was now in place, and the home had registered with Ofsted, again similar to the application before the Committee. He noted that he felt that, in principle, the concerns could be addressed and reiterated the point raised previously in terms of Councillors and their role as corporate parents. He noted the concerns raised by residents, however, he was confused that neither the Police nor the Council's CYPS had flagged any concerns when consulted on the application. He noted that the comment from the Police and Crime Commissioner appeared to be a generic comment, and if there had been any specifics to this application, surely, they would have been set out. As he could see no specific reason to refuse the application, such as a steer from the Police, he would look at the bigger picture in terms of the need for such children's homes and therefore he was minded to approve the application.

Councillor L Brown noted she was disappointed not to have the crime figures listed and noted she was the Chair of the Police and Crime Panel, the Panel being the forum to hold the Police and Crime Commission to account. She noted that the Police and Crime Commissioner had noted at meetings that she was worried about the amount of time and resources taken up in relation to children's homes. Councillor L Brown noted that she felt that the issues raised meant that it had gone beyond what she would consider acceptable. She added there was a children's home in her electoral division, with parking being the biggest issue, whereas in this case incidents referred to by residents included a broken window, crime and anti-social behaviour.

Councillor I Brown added she felt the application should be refused as it was contrary to CDP Policy 31, in terms of impact upon residential amenity, and NPPF Part 8, in terms of crime and the fear of crime.

Councillor K Shaw echoed the comments from Councillor L Brown and noted similarities to an application fought against in his electoral division, with crime and the fear of crime being big issues. He asked if therefore the application could be deferred, as proposed, else he would be minded to vote against the application.

Councillor J Elmer noted he felt the application rested on the Committee's understanding of the levels of anti-social behaviour in the area, and he did not feel that there was a clear view. He noted he had changed his mind on the application two or three times during the debate and felt that if the application was deferred, that may allow time for more information to be gathered. The Senior Planning Officer noted the Police were asked for statistics, however, they provided wider statistics for the Bowburn area, not down to the detail of this particular property. She asked what additional information Members would wish to have. The Chair noted that, if the Committee were minded to defer the application, he could not see why specific information could not be obtained. The Senior Planning Officer noted that for a previous application, specific information was requested, however, the response had been with generic information. She noted that therefore the request could be made, however, specific information may not be provided.

Councillor P Jopling noted her position had not changed, noting that residents had demonstrated the Police attendance at the property. She noted that she still had concerns in terms of the age range proposed and felt the Committee could not ignore what had been going on and should not add to the burden of those living in the area.

Councillor A Surtees noted that the proposals and subject were emotive ones adding she was struggling in respect of the application, in balancing the needs of a child and of residents. She noted all would want the best care and start in life for such children in care, but also for residents' children too. She added she did not believe that more detailed information could not be obtained from the Police, and she did not feel there was evidence from Juniper Care and Support in terms of addressing the issues raised. She added she felt it was a struggle to find the right place for a children's home and noted she was torn between being against the application, or for deferral. She explained she would be happy for deferral, if that would allow for more information to support the application, and to address the concerns as raised by residents. She asked if the Legal Officer could provide clarification whether Councillors needed to declare an interest as corporate parents.

The Lawyer (Planning and Highways) noted that Councillors did not need to declare an interest as a corporate parent.

Councillor D Oliver noted he understood the points that had been raised, however, he felt that Members could use the professional information and opinions at their disposal, and he valued the comments that had been put forward by the Police. He noted that should extra Police information come forward, he was not sure he would have enough confidence to say the property was an unsuitable location. He reiterated that he saw many parallels with the similar children's home in his area and felt it was acceptable on balance.

Councillor A Bell noted he still felt there was sufficient reason to defer the application, to ask for more information from the Police. He noted that of course those children needed a home, however, Members needed information that the property was being ran properly, and that there could not be a cost placed on a child's care.

The Lawyer (Planning and Highways) noted the proposal for deferral in order to have further information from the Police and Police and Crime Commissioner, and Members' request for information amplifying the management plan. Councillor L Brown noted she would support deferral. Councillor A Bell asked as regards exploring having Ofsted in place in advance. The Lawyer (Planning and Highways) noted that was under separate regulatory framework, outside of planning, though more information could be sought for information.

It was proposed by Councillor A Bell, seconded by Councillor J Elmer that the application be deferred and upon a vote being taken it was:

RESOLVED:

That the application be **DEFERRED**.

d DM/24/00201/FPA - 31 Bradford Crescent, Gilesgate, Durham, DH1 1ER

The Planning Officer, Mark Sandford gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Planning Officer advised that some Members of the Committee had visited the site and were familiar with the location and setting.

The application was for change of use from dwellinghouse (Use Class C3) to house in multiple occupation (HMO) (Use Class C4) including single storey rear extension, cycle parking and bin storage and was recommended for approval, subject to the conditions as set out in the report.

The Planning Officer noted that the application had been called into Committee by the Local Members, adding that if the extension had been slightly smaller in height, that element of the application would have been permitted development. He explained the rooms met the Nationally Described Space Standards (NDSS).

The Planning Officer noted the Highways Section initially objected when proposals were for a five-six bed HMO, however, with a revision to fewer bedrooms, namely three, they no longer objected. He explained that the City of Durham Trust objected to the six bed proposals, and cited issues including NDSS and noise. He noted that the Council's HMO Licensing Team had noted the proposals did not require an HMO licence, and it had been confirmed that the percentage of HMOs within a 100-metre radius was 8.2 percent, and along with a new application ongoing for 42 Bradford Crescent, would still be below the ten percent threshold set out in CDP Policy 16.

The Planning Officer noted that Environmental Health offered no objections, subject to conditions, and Durham Constabulary had offered no objections, putting forward some advice in terms of such applications.

It was explained there had been 42 letters of objection from members of the public, and objections from Local Members and Mary Foy MP, with the main concerns raised relating to overconcentration of HMOs, loss of family homes and lack of demonstrated need.

The Planning Officer noted that the application was in line with CDP Policy 16, met the requirements in terms of the NPPF and NDSS and was in accord with the Residential Amenity SPD and therefore was recommended for approval, subject to the conditions set out within the report.

The Chair thanked the Planning Officer and asked the Committee Services Officer to read out statements on behalf of the Local Members, Councillors E Mavin, L Mavin and C Fletcher.

The Committee Services Officer read out the statement on behalf of Councillors E Mavin and L Mavin:

'As County Councillors for the area, Eric Mavin and I, Lesley Mavin, wish to formally object to this planning application, change of use from dwellinghouse (C3) to HMO (C4) including single storey rear extension, cycle parking and bin storage.'

We believe it contravenes the following policies of the CDP for the following reasons:

Policy 16

This states that the council should 'promote and preserve inclusive, mixed and balanced communities and to protect residential amenity'.

There have recently been over 12 planning applications for conversion from C3 to C4 on Bradford Crescent, and nearby streets, and this clearly influences the balance of the local community in relation to both residents and students.

The university itself has stated that there is no need for any further student accommodation within the city and surrounding areas. As there are also 800 fewer students this year, this need is even less.

This concerns sustainable design, and we argue that removing more C3 housing stock, of which there is already a significant shortage, from a community where there is already unused, empty C4 houses, the viability in the area as a sustainable community will be reduced.

Policy 31

This relates to amenity and pollution, and again we argue that by creating a cluster of HMOs in a single area the occurrence of transient anti-social noise within the street will increase which will in turn negatively affect the character of the area and the amenity of its residents.

Policy 21

This policy requires that all new developments ensure that any vehicular traffic generated by new developments do not cause an unacceptable increase in congestion or air pollution and that severe congestion can be overcome by appropriate transport improvements. This planning application relies on the unrestricted on street parking on Bradford Crescent and states no further parking spaces would be needed. Suitable car parking spaces have not been provided. Bradford Crescent is also a local bus route and an access to a local school, already causing parking and obstruction issues.

We also share and support the concerns raised from the adjoining property, number 60, regarding privacy, party walls, waste, parking and noise.

We are requesting for these reasons this application be refused'.

The Committee Services Officer read out the statement on behalf of Councillor C Fletcher:

'As a County Councillor for the area I wish to object to the planning application to create an HMO at 31 Bradford Crescent.

I am objecting to this application, because as a local County Councillor for the Belmont Division in City of Durham (covering Gilesgate, Gilesgate Moor, Belmont and Carrville) I represent local residents in the community. They are telling me "We need to protect precious family homes; we can no longer sacrifice more."

Policy 16 of the County Durham Plan states the council should "promote and preserve inclusive, mixed and balanced communities and to protect residential amenity." The residents support this view but are frustrated at what they see is the saturation of their street by developer landlords who don't care about their community, or even the students that will live in the HMOs.

Whilst I accept that the current method of calculation means this application does not exceed the 10% limit of C4 properties in a 100m radius (this will make it 8.2% according to the HMO Data Consultee), I am arguing that it will have a serious impact on the quality of life and sustainability in this residential street.

A key factor in the 8.2% is that immediately behind 31 Bradford Crescent is Kenny Place, a discreet community of its own, with bungalows for elderly residents. The ground level of the bungalows is below the ground level of the Bradford Crescent houses and the front doors will look up to the extension planned and will be intimidating to the older people who like to sit outside their bungalows.

Between nos. 21 – 75 Bradford Crescent (a total of 65 houses), there are 9 houses which are C4. This makes a total of 13.9%. This is why residents are concerned their residential street is saturated with student accommodation. Whichever direction they look they see student HMOs.

This application contravenes Policy 29 by reducing sustainable housing. Alterations are hard to undo and experience has proven that, once family houses have been altered to accommodate an HMO (moving internal walls and layouts, changing outhouses and garages to bedrooms) it is expensive and difficult to revert the houses back to a family home.

I believe that this application should be considered within the spirit of the NPPF.

This confirms that the planning system should contribute to the achievement of sustainable development. Built into the NPPF is a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being.

Paragraph 9 of the NPPF confirms that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of an area.

Durham County Council Parking and Accessibility SPD (2023) 4.1 states that “Developers are expected to provide an adequate amount of safe parking which is appropriate in scale, location and reflects the context of the development. Adequate parking provision for residents and visitors improves road safety and limits harm to residential amenity from parking on pavements and verges.”

The parking guidance states that “Where a garage is not provided, alternative secure provision must be made.”

The development at 31 Bradford Crescent will increase the size of the house from 2 to 3 bedrooms. It is thus required within Table 5 of the SPD to accommodate a minimum of two cars securely within the curtilage. As there is only on-street parking for this property it is not possible to park two cars securely.

Parking is already at a premium along the length of the road with cars parked both sides and it can be difficult to find space on an evening or weekends. Residents are concerned that this HMO fails to provide any of the required in-curtilage car spaces.

Durham University has reported publicly that there is sufficient housing stock for all students who need it. They stated “In 22/23 the University had a total of 22,131 students, of which 21,341 were full-time. Total student numbers for 23/24 are released after the 1 December census date. However, there has been enough accommodation in the City for everyone who wanted it this year - there were rooms in HMOs still being advertised in September, and the University has a normal number of void rooms across its estate. In 24/25 planned total student numbers are expected to be lower than in 22/23 and 23/24. As such, we can say with confidence that there is enough student housing in Durham City to meet demand.”

I cannot see that this application brings any improvement to Bradford Crescent, Gilesgate or Durham. I can see no demand for it and no reason why this residential street should lose yet another family home. On behalf of the residents of Bradford Crescent and Gilesgate I ask that you reject this application'.

The Chair thanked the Committee Services Officer and asked Gary Swarbrick, agent for the applicant, to speak in support of the application.

G Swarbrick thanked the Chair and Committee and noted recent approvals for similar HMOs, including at 58 Bradford Crescent, and appeals that were dismissed in terms of NDSS and bedrooms, not an issue in this application. He added that the Planning Inspector, when looking at the application for 58 Bradford Crescent had noted that application had been in line with CDP Policy 16 and acceptable in terms of parking and highway safety.

G Swarbrick noted that the current application included a limited extension, and the Officer had noted the application was in accord with CDP Policies 16, 29 and 31. He reiterated the Planning Inspector's view of applications being in line with those aspects, in terms of residential amenity and highways. He noted the percentage of HMOs within a 100-metre radius was less than the ten percent threshold and noted that therefore the application should be approved as there were no reasonable grounds to withhold approval.

The Chair thanked G Swarbrick and asked Officers if they wished to address the points raised.

The Principal Planning Officer, J Jennings noted that the objectors had stated there was no need demonstrated for the proposed HMO, however, Part 3 of Policy 16 of the CDP did not consider need, rather the ten percent threshold was used to monitor the situation in terms of HMOs, as endorsed with recent appeals decisions referred to, with the Planning Inspector in one case noting that need was not required to be considered, and there was the opportunity for properties to revert to family homes. She noted the other considerations were as set out by the Planning Officer in his report.

The Chair thanked the Principal Planning Officer and asked the Committee for their comments and questions.

Councillor A Bell noted that the Committee had struggled with many HMO applications, then the CDP had been adopted, and now a number of appeals decisions had come through from the Planning Inspector. He noted that he would therefore take on board those professional opinions and move approval of the application.

Councillor P Jopling queried the need for such HMOs, with the University having several hundred units available for students at the moment. She noted she could not see why applications were coming forward when there was existing accommodation available. The Principal Planning Officer noted that while there may be some beds available in University Colleges, that itself was not reason for refusal, and was for market forces to consider. The HMO part of Policy 16 was designed to control the supply of HMOs by monitoring it against the percentage threshold.

Councillor J Elmer noted the Committee had considered many similar applications and noted he felt it was the purpose of planning to allocate by aligning provision with need adding he felt the Committee found itself in a very strange position that it had gravitated towards in terms of HMOs. He noted that the application represented the loss of a family home, and there was evidence that it had had an impact upon families in terms of student HMOs, students being transient by their nature. He added he agreed with the comments from Councillor E Mavin and L Mavin and noted that not all appeals decisions on HMOs had gone the applicants' way, with around half being upheld. He proposed that the application be refused, based on Policy 31 and the negative impact upon amenity for surrounding residents.

Councillor D Oliver noted he felt an element of déjà vu in respect of many similar HMO applications coming before Committee. He noted he appreciated the comments from both sides, both residents and applicants, however, he would always point to the relevant policies. He added he understood those applications that had been refused previously and therefore tested via the Planning Inspector, however, it was clear to him that the Council should not be refusing applications for HMOs when under the ten percent threshold, as a measure of the impact of HMOs on an area. He added that therefore he would be supportive of the application, especially given the details of appeals decisions.

The Chair noted that Councillor J Elmer had referred to Policy 31 as a refusal reason, however, those grounds had been rejected by the Inspector at appeal. The Principal Planning Officer noted that one of the appeals dismissed by the Inspector on such grounds had been a very different case, being the change from a six-bed to ten-bed HMO, and there had been evidence in terms of crime reports in the area. She added that an appeal for an HMO close to the current application had been allowed at appeal, with the Inspector agreeing with the ten percent threshold as set out in the CDP. Councillor L Brown noted she understood that those appeals decisions that had been upheld were being challenged. She asked, if Members were minded to approve the application, that construction commenced at 0800, rather than 0730 as it was in a residential area.

Councillor R Manchester noted he would second Councillor A Bell's motion for approval.

He noted from his time on the Committee that Members were acutely aware of the impact of such HMO applications on communities, however, he did not feel it was possible to refuse such HMO applications on amenity grounds without any additional information specific to that application, else it would be effectively a ban on all HMOs. Councillors A Bell and R Manchester agreed to the amended start time for construction being 0800.

The application had been moved for approval by Councillor A Bell, seconded by Councillor R Manchester and upon a vote being taken it was:

RESOLVED:

That the application be **APPROVED**, subject to the conditions set out within the report, with amendment to Condition 5 to the start time for construction works, from 0730 to 0830.

e DM/23/02397/FPA - Land North of 1-4 Bow View, Ushaw Moor, DH7 7BY

The Principal Planning Officer, Leigh Dalby gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Principal Planning Officer advised that some Members of the Committee had visited the site and were familiar with the location and setting. The application was for the erection of 5no dwellings with associated site access and ancillary facilities and was recommended for approval, subject to the conditions as set out in the report.

The Principal Planning Officer noted some corrections to the report and displayed a map with the correct red line boundaries denoting land within the applicant's ownership and the proposed biodiversity area, and slight movement of the location of some garages. He explained that the proposed access was from Temperance Terrance, with a temporary construction access to be taken via Cockhouse Lane to avoid issues with construction traffic. He added that the application was within the open countryside, to the north and south, and with an AHLV to the west of the application site. He noted that there was a public right of way (PROW) running through the landowner's field, and the application site was currently grassland with a steep increase in height running south to north. In respect of Biodiversity Net Gain (BNG), Members were asked to note the land further to the west from the proposed dwellings, as well as the proposed site layout, access,

construction access and Sustainable Drainage System (SUDS) pond within the main site.

The Principal Planning Officer noted landscaping and tree planting that were proposed to the north and south. He referred Members to the house types proposed for the development. He noted no objections from the Coal Authority, Highways, Ecology, Landscaping, Tree Sections, subject to amended landscaping and conditions as set out. He added that the Council's PROW, Environmental Health and Archaeology Teams had also offered no objections, subject to conditions.

The Principal Planning Officer noted 12 letters of objection along with a petition with five signatories, with the main reasons including: construction traffic, light, noise and dust, additional traffic, parking issues, loss of green space, mining activities and reduced privacy levels.

The Principal Planning Officer noted that Officers felt the application was acceptable in terms of CDP Policies 6 and 10, with the landscaping proposed being acceptable and therefore the application was recommended for approval, subject to the change to the location of the garages as mentioned.

The Chair thanked the Principal Planning Officer and asked Parish Councillor Jimmy Jamieson, representing Brandon and Byshottles Parish Council, to speak in relation to the application.

Parish Councillor J Jamieson noted he was representing the Parish Council, and lived right next to the application site, and while he had objected to the application in a personal capacity, he was speaking on behalf of the Parish Council at Committee. He explained it had been disappointing to note the surveyor's report on the field, which he noted was fully sodden, evidenced by the willow trees growing, which preferred such moist conditions. He added he had lived in the area for 30 years and knew the land well, having installed the field drains himself many years ago. He noted that new properties at Bow View meant areas now flood, noting he had video of such flood water flowing down the area, and that additional properties would exacerbate the issue and noted that garages at Waltons Buildings were damp.

Parish Councillor J Jamieson noted the National Coal Board (NCB) report in terms of the adjacent Welby Drive, where a massive sinkhole had appeared, where a local farmer had been very close to falling into the hole, being over 30 metres wide. He added that the NCB had tipped rubble into the hole in an attempt to fill it, however, the developer in that instance had broken the cap, however, the development had not been completed and local people had used the site as a mountain bike track. He added the fear was that building works would crack the cap and present issues in the future.

Parish Councillor J Jamieson noted that the proposed construction traffic access had been welcomed, however, access to the site from Temperance Terrace was felt to be an issue, give the road camber and narrow nature. He noted that while Bow View had been built, it was common for vehicles to have to reverse along the street, with there also having been no banksmen employed during that construction.

Parish Councillor J Jamieson added that the Parish did not feel the proposals were well defined or thought through in terms of the impact upon public access, parking, the PROW, and issues of flooding. He noted other issues included the removal of hedges, impact upon Roe Deer that lived in the area, pheasants, as well as endangered Partridges and Sky Larks nests, and field mice and voles. He added all would be lost if the proposed development were to go ahead. He asked the Committee, on behalf of the Parish Council and its residents of Waltons Buildings, Temperance Terrace and Welby Drive and refuse the application, to prevent all the issues.

The Chair thanked Parish Councillor J Jamieson and asked Councillor M Wilson, Local Member, to speak in respect of the application.

Councillor M Wilson noted that the application had caused a number of concerns, with the NCB, now Coal Authority, not making a good case for building in the area, with many coal seams in the area, with additional development increasing risks of subsidence further. She noted as regards the pond at Valley View Farm and the increased flood risk at Waltons Buildings, with run-off from previous development running down Cockhouse Lane producing treacherous conditions, especially in winter. She added that the access proposed was very tight and would present issues in terms of refuse vehicle, emergency vehicles and deliveries. She noted that parking in the area was already a big issue, and that would be exacerbated by this application. She asked the Committee to refuse the application.

The Chair thanked Councillor M Wilson and asked Belinda Snow, local resident, to speak in relation to the application.

B Snow noted that she did not object to the buildings themselves, rather she objected to the road proposed for access being used, as it was already very tight and a concern in terms of traffic and parking. She explained that for 40 years, the children at Temperance Terrace had played in the gardens opposite, running between those gardens and their homes opposite. She added this would likely end up being used as a rat-run to access the proposed properties. She added overspill parking would result in it being impossible for refuse vehicles to access nearby properties and lead to up to 25 additional cars travelling up and down Temperance Terrace and Waltons Buildings.

The Chair thanked B Snow and asked Ciaran Walsh, agent for the applicant, to speak in support of the application.

C Walsh noted a drainage strategy had been submitted in line with CDP Policy 35, with the addition of a SUDS pond to help deal with any high outflow demand. He noted that the property types proposed were of a split-level design, one and a half, and two and a half storeys, taking into account the incline of the site and being built into the hill. He added the designs were such to cater for growing families, allowing those in the area to move from two and three bed properties, freeing those homes up on the market for new families. He noted that the concerns as regards the previous development mentioned had been taken on board, hence the proposed alternative site access for construction vehicles, alleviating pressures on existing residents.

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

Councillor L Brown asked as regards any response from Northumbrian Water in respect of the application and whether their drains would be able to cope with the additional load. She noted paragraph 31 of the report referred to photovoltaic panels, and asked as regards connection to the gas network as it was not referred to. She asked if the back terrace referred to by the speakers could cope with traffic and noted, if approved, would it be possible for Condition 12 to refer to a 0800 start time, rather than 0730.

The Principal DM Engineer, David Battensby noted that as part of the application process, the applicant had supplied analysis in terms of access for refuse vehicles along Waltons Buildings / Temperance Terrace. He added that the width of the carriageway was six metres, which is wider than the required 5.5 metres for new build estates, and therefore was more than capable in terms of the proposed development. Councillor L Brown asked as regards the rear lane and issues with parking. The Principal DM Engineer noted that there was existing on-street parking however there was still ample space, if there were any obstructions, other primary legislation would apply.

The Principal DM Engineer noted that any one-way system would need to be voluntary by the applicant as the car park is not part of the highway to which the legislation applies, therefore it would not be possible to enforce and would be open for drivers to act contrary in any case. He added any one-way system could conflict with parking in the north-east corner and could be at the cost of additional spaces. He reiterated that it would be voluntary at the landowner's discretion, and in any case likely would not be adhered to which could create road safety issues.

Councillor J Elmer noted his concerns as regards ground nesting birds, as referenced by one of the speakers and noted a check should be made with the Council's Ecologist in terms of building at the appropriate time of year to protect those species, with Skylarks being a Protected Species. He asked for any further information in relation to potential subsidence and explained his frustration that Northumbrian Water had not responded, with many of their sewers operating well beyond capacity, on occasion releasing wastewater into surrounding areas. He noted that while he had those concerns, and as regards the highways issues raised, he could not see anywhere where the application breached planning policies.

The Principal Planning Officer noted that the Coal Mining Risk Assessment had set out that the Coal Authority thought development was acceptable, subject to conditions. In relation to ground nesting birds, the Principal Planning Officer noted that in terms of breeding birds, it had been noted there had been thought to be limited impact, however, if Members were minded an addition condition could be placed, limiting construction outside of breeding season.

Councillor M Wilson noted she would dispute the comments from Highways in terms of vehicles being able to get up and down the roads, she noted parking was often in both sides of the road, reducing the width such that refuse wagons were unable to get passed the parked cars, adding she could not see how they would be able to get around the tight corner.

Councillor K Shaw noted he had listened carefully and could not see any grounds for refusal, therefore he would second Councillor J Elmer's proposal for approval.

Councillor J Elmer noted his approval was subject to a condition linked to the birds as referred to and the Wildlife and Countryside Act. The Principal Planning Officer noted an appropriate condition would be added.

The application had been moved for approval by Councillor J Elmer, seconded by Councillor K Shaw and upon a vote being taken it was:

RESOLVED:

That the application be **APPROVED**, subject to the conditions and Section 39 Legal Agreement set out within the report, with addition condition relating to nesting birds.

Councillor J Cosslett left the meeting at 12.05pm

f DM/24/00426/FPA - How Do You Do, York Road, Peterlee, SR8 2DP

The Planning Officer, Michelle Penman gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Planning Officer advised that some Members of the Committee had visited the site and were familiar with the location and setting. The application was for change of use from dwellinghouse (Use Class C3) to house in multiple occupation (HMO) (Use Class C4) including single storey rear extension, cycle parking and bin storage and was recommended for approval, subject to the conditions as set out in the report.

The Planning Officer noted in respect of consultation that no objections had been received from statutory or internal consultees, subject to conditions. She explained there had been five letters of received in total, including from Councillors L Fenwick, S McDonnell and Graeme Morris MP and residents. She added there had been four letters of objection received, with issues raised including noise and light pollution, parking issues, impact upon amenity, potential anti-social behaviour and litter. She added one letter of support had been submitted supporting the application for the benefits it would bring to the area for residents.

The Planning Officer noted that the application was felt to be in accordance with Policies 6 and 9 of the CDP and it was not considered that there would be significant detrimental impact upon residential amenity or highways safety to warrant refusal and therefore the application was recommended for approval, subject to the conditions set out within the report.

The Chair thanked the Planning Officer and asked Councillor S McDonnell, Local Member, so speak in relation to the application.

Councillor S McDonnell thanked the Chair and Committee and explained she knew the area very well, having previously lived within walking distance to the York Road shops. She explained she did not support the application as she had to consider the impact upon the elderly and vulnerable residents living in the surrounding area, some living directly opposite to the site. She noted that a convenience store had been located at the corner of the precinct, next to the Fish Shop, with the Fish Shop operating until 2100-2200, with the shop closing at 2000, noting it had been an off-licence. She explained that youths had congregated at those shops, and it had been very intimidating with many locals not going to the shops after dark. She added that it had appeared to many as if that shop had been run down, in terms of stock, and then had closed.

Councillor S McDonnell noted that the twelve residents opposite the application site suffered already in terms of traffic, with bright lights from the building and from cars coming and going glaring into residents' windows. She added this issue had been raised with Environmental Health. She noted there were two access points into the site, from York Road and Bedford Place, with around 99 percent using the York Road entrance/exit, hence headlights glaring into the bungalows opposite.

Councillor S McDonnell noted she understood the applicant wishing to diversify their operation and have operating hours of 0700 to 0000, however, she noted other nearby shops operated either 0700 to 2200 or 1200 to 0000. She emphasised the impact on residents from the lights flashing across their windows. She explained she had sat in the bungalows with residents and had witnessed firsthand the huge difference those lights made to the elderly and vulnerable residents of those bungalows and asked the Committee if they would want to live with the impact of those lights at their homes.

The Chair thanked Councillor S McDonnell and asked Councillor L Fenwick to speak in relation to the application.

Councillor L Fenwick noted that she had objected to the change of use application in terms of the impact it would have on the twelve bungalows opposite the site. She noted those residents were elderly and some were very vulnerable, and while a shop was welcomed, the natural position would have been within the existing shopping parade, which was set back and had its own parking spaces. She explained there had been relatively little impact from the public house, some disturbance when events were held, however a shop opposite to the bungalows would represent constant light and noise pollution. She added that, as was the case in many other similar areas within Peterlee, there was the risk of anti-social behaviour, impacting upon the health and wellbeing of local residents.

Councillor L Fenwick noted comments from local resident, Coral Fisher, who had asked if she could present her comments to the Committee. Councillor L Fenwick noted C Fisher asked that the Committee took a moment to consider the application and the needs and amenity of those living opposite the site. It was noted that the proposals would have a big impact upon C Fisher and her neighbours, with slides being shown demonstrating the impact of headlights on those properties. Councillor L Fenwick explained that C Fisher felt there was already impact from the pub, however, that would only get worse should the application for a shop be granted, with non-stop traffic and increased lighting from the shop itself. It was added that residents opposite did not want 24 hour, seven days a week impact and Councillor L Fenwick noted who would want their curtains closed from 1400, with residents not wanting to feel isolated in their homes.

Councillor L Fenwick explained as regards medical issues that would be exacerbated as a result of increased light pollution, and highlighted other issues including with parking, traffic and that residents felt the application was contrary to Policies 6 and 31 of the CDP in terms of impact upon the health and wellbeing of residents and their amenity.

Councillor L Fenwick explained that C Fisher had noted that it had been stated there were 46 parking spaces, however, there would only be three rows of 14 spaces, the remaining being lost to the proposed extension. The previous referral to Environmental Health in respect of light issues was noted and the issues of concern raised were reiterated, being light and noise, anti-social behaviour, fear of residents in terms of going out. She concluded by noting that there were no other shops with bungalows opposite within Peterlee, adding a new shop was welcomed, just not in that location, and that the wellbeing of residents living opposite should be taken into account, with many of those properties having been adapted specifically for those residents.

The Chair thanked Councillor L Fenwick, and C Fisher, and asked the Committee for their comments and questions.

Councillor D Oliver thanked all for their comments and noted that shops within residential location could be source of traffic and present issues residents, however, Environmental Health had not objected in respect of the application. He noted shops within his area were viewed positively as an asset and had heard nothing that would suggest the proposals before Members would be anything different. He added that, with the bigger picture in terms of promoting sustainable development, he would be strongly minded to approve the application.

Councillor D McKenna noted he was finding it hard to see any reasons to refuse the change of use application, though understood the issues raised and the impact on residents. He asked if there could be any better solution, in terms of screening the light from headlights as described. He added it was not possible to predict whether anti-social behaviour would occur.

Councillor A Bell understood the impact on residents, however, the use opposite was commercial use, and it was the case that some development would take place. He echoed the comments from Councillor D McKenna in terms of any potential screening and would second the motion for approval by Councillor D Oliver.

Councillor D Oliver left the meeting at 12.44pm

Councillor L Brown asked as regards the two entrances/exits and whether there was any scope for a one-way system to prevent lights flashing across the bungalows.

Councillor J Elmer asked if there was any scope to design out potential anti-social behaviour, by not introducing places to sit, the addition of CCTV and so on.

The Principal Planning Officer, Jennifer Jennings noted that conditions relating to lighting presented an opportunity to control those elements in terms of timings and locations. In terms of concerns relating to additional advertising signage, they would be subject to separate future consent, and noted for reference that other nearby shops did not operate backlit signage. She added that a condition in relation to CCTV could be added if Members were so minded.

The Principal DM Engineer noted that any one-way system would need to be voluntary by the applicant as the car park is not part of the highway to which the legislation applies, therefore it would not be possible to enforce and would be open for drivers to act contrary in any case. He added any one-way system could conflict with parking in the north-east corner and could be at the cost of additional spaces. He reiterated that it would be voluntary at the landowner's discretion, and in any case likely would not be adhered to which could create road safety issues.

The Chair noted the issue of potential screening raised by Councillor D McKenna. The Principal Planning Officer noted that the entrance was open and the area in question for screening was not part of the proposed scheme and noted it would not be reasonable to make a requirement by way of condition.

The Chair noted the application had been moved and seconded and noted the comments from Councillor J Elmer in relation to CCTV.

Councillor L Fenwick noted the main issue raised related to light on the bungalows opposite and that some screening may help. Councillor J Elmer noted that the grassed area to the front of the bungalows had three tall trees that headlights would easily shine through, and felt some hedging across that area, being council owned, could be useful.

Councillor A Surtees noted she was familiar with the area and noted that there would always be issues with lights from vehicles in the area, and possibly a small metal frame could help deflect the light from parked vehicles. Councillor L Brown noted she felt the Local Councillors could approach the applicant, if the application was approved, in terms of a one-way system.

The Chair noted the suggestions in terms of screening. The Principal Planning Officer noted that the red line boundary of the application did not extend beyond land owned by the applicant and the land suggested was Council owned and therefore any such screening as suggested would fall outside of this application. There would be an opportunity to secure fencing outside the planning process, any fence 1 metre or less would not need planning permission.

The Lawyer (Planning and Highways) noted that the proposer had left the meeting, however, the proposal for approval had already been moved and seconded.

The application had been moved for approval by Councillor D Oliver, seconded by Councillor A Bell and upon a vote being taken it was:

RESOLVED:

That the application be **APPROVED**, subject to the conditions set out within the report.

6 Special Meeting

The Chair noted there was a special meeting of the Committee being held on Friday, 17 May 2024 at 1.30pm, in the Council Chamber, County Hall, Durham.

DURHAM COUNTY COUNCIL
AREA PLANNING COMMITTEE (CENTRAL AND EAST)

At a Special Meeting of **Area Planning Committee (Central and East)** held in **Council Chamber, County Hall, Durham** on **Friday 17 May 2024** at **1.30 pm**

Present:

Councillor D Freeman (Chair)

Members of the Committee:

Councillors D Oliver (Vice-Chair), L Brown, S Deinali, J Elmer, P Jopling, C Kay, R Manchester, K Robson, K Shaw and A Surtees

Also Present:

Councillors M Wilkes and M Wilson

1 Apologies for Absence

Apologies for absence were received from Councillors A Bell, I Cochrane and D McKenna.

2 Substitute Members

There were no Substitute Members.

3 Declarations of Interest

Councillor M Wilkes explained that in respect of Item 4a - DM/23/03325/FPA - Anvil, Abbey Road, Pity Me that he lived on the road in question, however, he noted that the Constitution referred to those voting on a matter and therefore, as he was not a Committee Member and not voting on the matter he did not feel there was an issue for him to speak. He added he would withdraw from the meeting after he had spoken if required.

The Lawyer (Planning and Highways) noted that he had spoken with Councillor M Wilkes in advance of the meeting and had explained that the advice from the Director of Legal and Democratic Services was Councillor M Wilkes did have a disclosable pecuniary interest and that precluded him from speaking on the item.

He added that however, the decision was for Councillor M Wilkes, reiterating that the legal advice was not to speak and to leave the Chamber.

Councillor M Wilkes noted that if the advice was correct in terms of Councillors as individual residents, the implication was that all Councillors within the county could not speak on any application within their area. He added that he felt Paragraph 10 of the Constitution was very clear in terms of decision makers and Councillors who were Members of a Committee discussing, making a decision or voting, and therefore, as he was not a Member of the Committee, he did not feel that there was an issue. The Lawyer (Planning and Highways) noted that the legal advice remained the same; that Councillor M Wilkes ought to leave the Chamber, but it was a matter for Councillor M Wilkes.

The Chair explained that he was happy in terms of Councillor M Wilkes speaking, noting that Councillor M Wilkes had been provided with the legal advice. He noted several Members of the Committee wished to comment on the issue.

Councillor P Jopling noted she felt that, as Councillor M Wilkes was not on the Committee and not voting on any application, there was no reason why he could not speak on behalf of residents. She added she was worried about the implication of the advice given and noted that the Committee would listen to all the points raised, however, the Members of the Committee would make up their own mind on the applications.

Councillor J Elmer explained he felt the advice set a very dangerous precedent adding that the 2006 Local Government White Paper on Strong and Prosperous Communities had set out a duty in terms of openness, as had the Local Government and Public Involvement in Health Act 2007. He asked that the advice would be looked at again.

Councillor L Brown noted she had been allowed to speak on an application that had been at the end of her road, she had spoken and had left the Chamber during the debate and decision making on the matter.

Councillor C Kay noted that he looked forward to hearing from Councillor M Wilkes on the application, adding he too felt Councillor M Wilkes should not be precluded from representing local residents.

The Lawyer (Planning and Highways) concluded by saying that he did not intend to debate this issue with Members.

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

a DM/23/03325/FPA - Anvil, Abbey Road, Pity Me, Durham, DH1 5DQ

The Senior Planning Officer, George Spurgeon gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site. The Senior Planning Officer advised that some Members of the Committee had visited the site and were familiar with the location and setting. The application was for change of use from dwelling (C3) to children's home (C2) for up to three children aged 8-17, the retention of a sensory room and an office within the rear garden (description amended) and was recommended for approval, subject to the conditions as set out in the report.

The Senior Planning Officer noted a minimum of three staff would operate 8.00am to 8.00pm, with a minimum of two staff overnight. He noted the application was part retrospective in terms of the two constructed outbuildings, one being a sensory room, one being an office for the Children's Home Manager. He added there was a requirement for a condition restricting the hours of operation for the sensory room. He noted that the premises was not currently being used as a children's home, therefore the retrospective aspect only applied to the outbuildings. It was explained the proposals were for one bedroom to be for staff, one to be allocated as an office, leaving three bedrooms for children.

The Senior Planning Officer noted that there had been objections received from Framwellgate Moor Parish Council in terms of highway safety and parking issues. He added that the Council's Highways Section had offered no objections to the application, noting there was sufficient in-curtilage parking, with four spaces being provided, greater than the requirement of two spaces. He noted that the Council's Children and Young People's Service (CYPS) had noted that they felt the application was suitable for up to three children and noted that there was a need for such smaller children's homes. The Senior Planning Officer noted that Environmental Health had not objected to the application, however, had asked for conditions in relation to a management plan and for a maximum of three children. He added that Durham Constabulary had offered no objection to the proposals, subject to a condition relating to a management plan. It was explained that there had been nine letters of objection received, with the main reasons for objection set out within the Committee report, including: parking, traffic, residential amenity, anti-social behaviour, and the application being part retrospective.

The Senior Planning Officer noted that Councillor M Wilkes had objected to the application in terms of car parking and the retrospective element of the application.

The Senior Planning Officer noted that the main policy being considered was County Durham Plan (CDP) Policy 18 relating to children's homes and noted that the Council's CYPS had noted the need for such provision, and the applicant had noted that the home would be for children from County Durham. He added the site was in a sustainable location and reiterated the Police had offered no objection in terms of crime or the fear of crime. The Senior Planning Officer concluded by noting that while there had been a level of objection to the application, Officers felt that the application complied with policy and therefore was recommended for approval, subject to the conditions set out within the report.

The Chair thanked the Senior Planning Officer and asked Councillor M Wilkes, Local Member, to speak in relation to the application.

Councillor M Wilkes explained that he, and Councillor A Hopgood, had asked that the application be called-in to Committee due to the concerns raised by local residents and the Parish Council. He explained that he had not learned of the application from the Planning Department, rather residents had noted the children's home and office at the site without consent, some elements having been constructed, making the application part retrospective. He noted that national guidelines were clear that minimum standards would apply, as Members would be aware of as Corporate Parents, of which he was sure one would be to not plaster the outside of a children's home with advertising stating it was a children's home. He added that a sign remained referring people to the rear entrance of the property. He noted that it was an offence in terms of commercial or enterprise signage and it also demonstrated a lack of understanding in terms of making a home as much like a regular home for the children in care, not with such signage being in place, adding there was a moral duty in terms of looking after those children.

Councillor M Wilkes noted a six-foot fence to the front of the property had been erected without permission, ignoring the planning system, however, the panelling had been subsequently removed, with the posts remaining, with the result having been described as 'looking like a prison'. In reference to the external office within the garden, he noted he failed to see why a children's home for only up to three children required a separate office outside the main property, unless perhaps being used for commercial purposes. He added that national guidelines relating to children's homes stated it was not permitted to operate in such a manner and therefore brought into question whether the applicants were fit and proper to run a children's home.

Councillor M Wilkes noted that CDP Policy 18(b) set out that the children's home should be a positive and safe environment for the occupants, 18(e) set out that the application be unlikely to cause unacceptable individual or cumulative impact on residential amenity, fear of crime or community cohesion, and 18(g) noted that satisfactory outside space, highway access, parking and servicing be achieved. Councillor M Wilkes noted the reduction in parking spaces from six to four, the retrospective element in terms of the outbuildings, and that the application failed to meet the requirements of Policy 18 and national minimum standards.

He added that the applicant had noted that two staff travelled to the home currently and asked, if the property was not yet operating as a children's home, then why was this, were they using the office space? He noted that there were yellow lines in place and therefore if there was additional parking required, then this would not be possible on Paxton Mews and would spill out on to Abbey Road, impacting the safety of residents, and would be opposite a children's play area and park.

Councillor M Wilkes noted the staffing as set out by the Officer, three staff during the day, with two on an evening, however, that did not take into account visitors from education, health services, social workers, family and other visitors that may be required, as well as the issues associated with staff change over, asking where would they all park? He questioned as regards the use of the Office for the proposed children's home staff, or the wider company, given the company's address was listed as the application property's address. He reiterated that there would be an impact upon residents, especially those from Paxton Mews that would be unacceptable. He reiterated that the application would not meet the minimum standards in terms of a children's home and did not meet requirements in terms of residential amenity. He noted that CDP Policy 18 required a management plan, however, he had only been able to find a statement of purpose within the documents on the planning portal, and that document was not sufficient as it did not explain as regards staffing arrangements, again not acceptable.

Councillors M Wilkes asked the Committee to refuse the application as it was contrary to Policy 18 in terms of the impact upon highway safety, parking, residential amenity, and not providing a suitable environment for the safety of the children or a staff management plan. He concluded by asking that a review of children's home applications be carried out to ensure the rights of both children and residents were respected.

Councillor M Wilkes left the meeting at 1.54pm

The Chair thanked Councillor M Wilkes and asked the Senior Planning Officer to comment on the points raised.

The Senior Planning Officer noted that while the application was part retrospective, there had been no children placed at the property, with the retrospective element being the office and sensory room. In respect of the fencing to the front of the property, the Senior Planning Officer noted that advice had been given to the applicant in terms of submitting a separate application subsequent to the children's home application.

He noted that the original fence had been 1.8 metre high, and the applicant was advised that Officers would not be supportive of this height, and the fence panels had subsequently been removed, with the posts to be addressed in due course. He noted that Officers felt a suitable solution would be possible, reiterating that this would be via a future planning application.

In relation to the signage referred to by Councillor M Wilkes, the larger signs had been removed following advice from Officers, with some smaller signs remaining that did not likely require consent, however, if Ofsted were to require that the signs were removed, that would be via their standards and separate to the planning process.

The Senior Planning Officer explained that the external office space would be for the registered manager of the children's home and noted that there would be three members of staff during the day, in addition to the manager. He added that if Members were minded, they could restrict the use of the office to the manager and day staff. He added that the applicant currently rented office space nearby, and the 'walk into work' reference was to those arrangements, not necessarily future arrangements. The Senior Planning Officer noted that in any event, the parking provision as set out was considered satisfactory. He added that in terms of change over of staffing, there was felt to be sufficient parking, and the management plan could also offer solutions in terms of staggered times.

The Senior Planning Officer noted that while there had not been a management plan upfront, there was a number of supporting documents and policies that led Officers to believe that a management plan to be supplied would be sufficient and reiterated that both CYPS and the Police had requested a management plan be conditioned, and that registration with Ofsted was a requirement of a children's home.

The Principal DM Engineer, David Battensby noted many of the potential problems that had been highlighted were hypothetical, and the Council's Parking and Accessibility Standards Supplementary Planning Document (SPD) requirements were exceeded for the C2 use, as well as for any C3 use. He noted the SPD required one space per three bedrooms, so for four bedrooms in this case, two parking spaces. He added if the proposals had been for four to five bedrooms, the four spaces proposed would still exceed the requirement within the SPD. He noted that one of the spaces proposed was a disabled parking space, which was larger in size, and when not in use for disabled access, could possibly be used for two cars, giving a total of five spaces, plus the potential additional space referenced within the report.

In terms of occasional displacement to Abbey Road, he noted that would not be different to other residential properties which received visitors of deliveries, and concluded by noting that NPPF 115 set out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, and that was not considered to be the case in this instance.

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

Councillor J Elmer noted there seemed to be a reoccurring problem with children's home applications and while he accepted the comments from the Highways Officer, he felt the SPD did not specifically cover children's homes. He noted that Members were aware, with children's homes in their areas, that they generated a large number of vehicles, noting a home in his Electoral Division with one child that often had five or six cars at the property. He noted that therefore he felt that the SPD standards were not sufficient to consider the number of cars a children's home generated. He noted that CDP Policy 18(g) stated that '*satisfactory outside space, highway access, parking and servicing can be achieved*', however he did not feel it was in this case.

Councillor L Brown noted a recent children's home application that had been approved in her Electoral Division, and parking had subsequently become a major issue, with up to ten cars including staff and visitors. She added that she felt that there should be a travel plan included along with the management plan. She added she felt that it would not be possible to fit all the cars that would attend this site within the in-curtilage parking provision, and any displaced on to Abbey Road would be a concern, being a very busy road. She would therefore ask, should the application be approved, that there would be conditions referring to the office being for the children's home manager's use only, and condition requiring a travel plan.

She added that the fence was also an issue, noting that CYPS may suggest an impenetrable fence, what would happen in terms of a refusal on safety grounds.

The Senior Planning Officer noted that the parking standards, while not specifying children's home use directly, did refer to the use class, namely C2, and as the SPD was only adopted in 2023, he noted that Members should be wary in disregarding the standards set out with the document. In terms of the property, it was quite large and as the Principal DM Engineer had noted, there was a potential for up to six spaces when taking all available space into account. Accordingly, the Senior Planning Officer noted that he would caution against any refusal based upon parking provision.

The Senior Planning Officer noted that the C2 office use was associated with the use class, and if there was a separate use of the office for commercial use, that would require a separate permission for that use, and therefore it was not necessary for a specific condition. In respect of the fence, he added it need not be an impenetrable fence, with the Police having commented in terms of the rear garden fence with the applicant having carried out those works, and with the fence at the front to be reduced from the 1.8 metre height in terms of visual amenity.

The Chair asked how the Council would know that the office was being used for business use and not that associated with the children's home. The Senior Planning Officer noted that residents would likely be aware due to the potential number of people and vehicles and make the Planning Department aware who would then investigate the matter.

Councillor A Surtees noted the retrospective aspect referred to the two outbuildings and asked, if that element had been received as a standalone application, would it have been approved, or would it have met permitted development standards. The Senior Planning Officer noted that if applied for separately as part of a C3 use the outbuildings would have received a positive recommendation as they would not represent a significant impact on residential or visual amenity.

Councillor S Deinali noted she had heard from the Local Member, Officers and Committee and she did not feel there were material considerations that would lead to refusal and therefore move that the application be approved. Councillor J Elmer noted he would second the motion for approval, subject to a work-based travel plan as per Councillor L Brown's suggestion. He noted he reticently seconded the application, as he still felt the SPD was not sufficiently covered under the generic C2 use.

The Chair asked as regards the upcoming review of the CDP and whether the Parking and Accessibility SPD could be looked at as suggested.

The Senior Planning Officer noted that as the SPD was adopted in 2023, it would be considered too soon for review, though the comments from Members would be fed back to the Policy Team. He added that Planning Officers would produce a form of wording relating to a travel plan and seek agreement from the Chair and Vice-Chair in that regard. Councillor S Deinali noted she was happy for the additional condition as described.

Councillor K Shaw noted that paragraph 56 of the report noted that '*children who would reside at the property would have emotional behavioural problems and learning disabilities that may result in more noise being generated than a typical family home*' and that management plan was required. He asked what the position was in terms of children's homes that were already agreed, in respect of where and how we could challenge if a management plan was not being adhered to, would it be possible to condition for a review after one year for example.

The Senior Planning Officer noted that the applicant could offer a review after one year, however, it was not felt as something that could be conditioned. Councillor K Shaw asked as regards if the application was approved, could Members be assured that the management plan submitted would be robust. The Lawyer (Planning and Highways) noted that as the management plan was required via condition and was for Officers' approval, then it would need to be sufficiently robust and to the satisfaction of Officers. He noted that in terms of temporary use or otherwise, the application before Members was for permanent use, and Officers did not see any reason to restrict the use to a temporary period.

Councillor L Brown noted that children's home applications were becoming the new flashpoint in terms of planning applications and noted it may be that temporary permission for three years for all such applications could be preferable. The Lawyer (Planning and Highways) noted that each application would be looked at on an individual basis when received.

The Chair noted that an application recently considered by the Committee for a children's home had been for three years, however, that could have been for a number of reasons, including a temporary lease.

The application had been moved for approval by Councillor S Deinali, seconded by Councillor J Elmer and upon a vote being taken it was:

RESOLVED:

That the application be **APPROVED**, subject to the conditions set out within the report, with an additional condition relating to a travel plan, with suitable wording to be agreed in conjunction with the Chair and Vice-Chair.

b DM/21/01141/FPA - Land to the Rear of Rock Terrace, New Brancepeth, DH7 7EP

The Senior Planning Officer, Lisa Morina gave a detailed presentation on the report relating to the abovementioned planning application, a copy of which had been circulated (for copy see file of minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site.

The application was for the erection of 11 bungalows (amended plans and red line boundary received) and was recommended for approval, subject to the conditions and Section 106 Legal Agreement as set out in the report.

The Senior Planning Officer noted a correction in respect of the Section 106 amount set out within the report, it was correct at paragraph 62 of the report, with the correct amount being £19,130.10. She added that Condition 4 had been referred to as pre-commencement, however, it would now be 'no development above the damp proof course level of any dwelling'.

The Committee noted the land in question had previously been used as garden land and explained that a Section 215 Notice had been served in respect of untidy land. It was explained that outline permission had been granted in 2019 for mixed-use development, and also an application had previously been approved at Committee in July 2022, however, the Section 106 Legal Agreement was not signed at that time. The Senior Planning Officer noted that the current application was amended from the 2022 application in terms of only land within the applicant's ownership being included, and having a Registered Provider, Places for People being interested in developing the site.

The Senior Planning Officer noted no objections from the Highways Team, Northumbrian Water, Coal Authority, NHS and Drainage Team, subject to conditions and Section 106 Legal Agreement. She added that in relation to a right of passage, that would be retained in-situ and therefore stopping up would no longer be required. It was noted that the Environmental Health, Contaminated Land, Archaeology, Ecology and Public Rights of Way Sections had no objections, subject to conditions. The Committee were asked to note that 100 percent of the properties would be affordable housing.

The Senior Planning Officer noted there had been four letters of objections to the application, with the main reasons being parking, access and other uses for the land to be considered. She added that one letter in support of the application had been received, noting bungalows for the elderly would be welcomed. It was explained that two car parking spaces were being provided per bungalow, however, there was no visitor parking.

While this meant provision was fewer than specified within the Parking and Accessibility SPD, it was greater than the previous application and Officers felt that the slight discrepancy was not sufficient to warrant refusal.

The Senior Planning Officer concluded by noting that the application was in line with CDP Policy 6, and while there was limited conflict with the Parking and Accessibility SPD, Officers recommended the application for approval, subject to the conditions, amended conditions referred to and Section 106 Legal Agreement.

The Chair thanked the Senior Planning Officer and asked Councillor M Wilson, Local Member, to speak in relation to the application.

Councillor M Wilson thanked the Chair and Committee, and noted Councillor D Nichols would have also been in attendance to speak at the meeting, however, he had received the same legal advice as Councillor M Wilkes in relation to speaking at Committee.

Councillor M Wilson noted that the application before Committee was the best solution for the area of derelict land, and the redevelopment was welcomed by all. She explained that issues with fly-tipping required frequent attendance by Neighbourhood Wardens at the site. She noted that 11 bungalows were welcomed and were well sought after by the community and would help release family homes elsewhere. She concluded by noting there were no downsides to the solution being proposed and therefore would ask for the Committee's support for the application as it solved a drawn-out problem in the area.

The Chair thanked Councillor M Wilson and asked the Committee for their comments and questions.

Councillor J Elmer noted he agreed with the comments from Councillor M Wilson, adding it was a shame Councillor D Nicholls had not been in attendance to speak, and disagreed in terms of him being advised not to speak. He added that there was a clear need for bungalows and the scheme matched that need, as well as helping tackle the problems with fly-tipping and therefore he would move approval, subject to the amendments as referred to by the Senior Planning Officer. Councillor S Deinali seconded the motion for approval.

Upon a vote being taken it was:

RESOLVED:

That the application be **APPROVED**, subject to the conditions set out within the report, amended Condition 4, and correct Section 106 Legal Agreement amount, £19,130.10, as referred to by the Senior Planning Officer within her presentation.

Councillor C Kay left the meeting at 2.30pm

5 Appeal Update

The Principal Planning Officer, Paul Hopper referred Members to the update relating to recent appeals decisions and asked Members to note the report.

RESOLVED:

That the report be noted.

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/24/00334/FPA
FULL APPLICATION DESCRIPTION:	Temporary change of use of the property from a C3 Residential dwelling to C2 Children's Home for a period of up to 3 years.
NAME OF APPLICANT:	Mr Lee Sowerby - Juniper Care and Support LTD
ADDRESS:	131 Grange Way Bowburn Durham DH6 5PL
ELECTORAL DIVISION:	Coxhoe
CASE OFFICER:	Lisa Morina Senior Planning Officer Telephone: 03000 264877 Lisa.morina@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site:

1. The application site is a two-storey detached dwelling located within a residential estate in Bowburn. Land levels to the site are flat. The property benefits from an open plan front garden area with a detached garage to the side of the property. The rear garden area is enclosed by fencing.

The Proposal:

2. Consent is sought to temporarily change the use of the property from a C3 Residential dwelling to a C2 Children's Home for a period of up to 3 years. The home will accommodate up to 2 children aged 8-17 years.
3. It is understood the property has been in use on a sporadic basis as an unregulated crisis arrangement provision for one looked after child. The tenancy started on the 24 February 2023 with young person care starting on the 10 March 2023. The applicants have confirmed that they have cared for 3 young people to the date of submitting the full planning application.

4. For transparency they have confirmed that they are currently caring for a young person that came to them on 9th February 2024 on a short term placement and as such the proposal is considered on a retrospective basis.
5. Members may recall this application was recently reported to May Planning Committee where it was resolved to defer the application to allow further information to be requested from the police in the form of understanding crime and anti-social behaviour levels before and after the care home opening. This is set out in more detail in paragraphs 95-103. In addition, the applicant has also provided a more detailed management plan with the main changes relating to parking arrangements during staff change over and provision of direct contact details for residents should issues arise.
6. This application is being reported to Planning Committee at the request of Cllr Jan Blakey due to anti-social behaviour issues.

PLANNING HISTORY

7. There is no relevant planning history on this site.

PLANNING POLICY

NATIONAL POLICY

8. A revised National Planning Policy Framework (NPPF) was published in July 2023. The overriding message continues to be that new development that is sustainable should go ahead without delay. 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.
9. *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.
10. *NPPF Part 4 Decision-making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
11. *NPPF Part 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.

12. *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.
13. *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.
14. *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.
15. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

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

NATIONAL PLANNING PRACTICE GUIDANCE:

16. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters.

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

LOCAL PLAN POLICY:

County Durham Plan

17. Policy 6 (Development on Unallocated Sites) supports development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.
18. 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.

19. 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.
20. Policy 29 Sustainable Design details general design principles for all development stating that new development should contribute positively to an areas' character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
21. Policy 31 (Amenity and pollution) sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
22. Residential Amenity Standards SPD – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.
23. Parking and Accessibility SPD – provides guidance on road widths and parking standards for new developments.

Neighbourhood Plan

24. The application site is located within the Cassop-Cum-Quarrington Neighbourhood Plan area and the following policies are considered of relevance:
25. Policy CCQ4 (Achieving Beautiful and Successful Development) seeks to deliver beauty and successful place-making and be efficient in terms of functionality and use of resources. To achieve this development should be appealing and foster a sense of delight and wellbeing for occupants, visitors and passers-by, have a positive and coherent identity and character, thereby creating or contributing to a distinct sense of place and belonging, enhance the positive qualities of the site and setting and improve negative ones, and be efficient in terms of functionality and resource use.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY/EXTERNAL RESPONSES:

26. Highways – No objection raised

27. Durham Constabulary – No objection raised and further information has been provided in respect of crime and anti-social behaviour figures.
28. Cassop-Cum-Quarrington Parish Council have expressed concerns about the application. It is our understanding that the property has already been operating as a children's home and that the residents from neighbouring properties have raised a number of complaints regarding the impact which the home has had on the area. Whereas a change of use application may enable certain conditions to be imposed on the property, it is currently not operating in a way which minimises the impact on local residents and has been disruptive to the community.
29. Given the level of complaints from parish residents, the Parish Council has serious concerns about this application and asks that you take this into account when considering the change of use.

INTERNAL CONSULTEE RESPONSES:

30. Environmental Health (Noise) – No objection raised
31. Policy – Advice on policy requirements
32. Children and Adults Services – No objection, need within the area for Childrens Homes.

PUBLIC RESPONSES:

33. The application has been advertised by means of site notice and by notifying neighbouring residents by letter. To date, 47 letters of objection has been received with the following concerns:
 - Concern regarding whether the information provided is factually correct.
 - The Management Plan states that "We acknowledge that until we are a registered provider we are unable to support young people in County Durham but we are agreeable to the Durham First Approach and we look forward to being in a position to provide care for young people from our own community in the future." This is not true as Juniper Care are already caring for young people at this property.
 - Parking Provision on the estate is already at capacity with most properties having more vehicles than the allocated number of parking spaces.
 - Inconsiderate parking is causing anxiety and conflict with residents and creating highway safety concerns.
 - No evidence that Juniper Care have made any attempt to develop positive relationships with the local community as stated in their Management Plan.
 - The property is already in use as a children's home for the last 11 months
 - There has been a noticeable impact on resident's mental health and wellbeing and community spirit which is considered detrimental.
 - Reasons for objection are based on factual evidence that the issues are already occurring rather than speculation about what may happen
 - Various Incidents of Anti-social behaviour/noise and disturbance including:
 - loud music
 - foul language and shouting
 - Litter from overflowing bins / cigarettes
 - Trespassing in neighbouring gardens with abusive language to neighbours

- Revving car engine
- Abusive behaviour to ambulance workers
- Intoxicated resident children
- Strangers looking through windows and nearby vehicles
- Intimidation – feeling unsafe
- Criminal Damage including windows of the property have been smashed
- Property belonging to neighbouring ESH offices has been vandalised.
- Devaluation of properties
- Lack of communication with the applicant
- Increased police presence and pressure on police
- Concern regarding the number of children to carer ratios given existing issues
- The proposal would be contrary to policy 18 of the CDP
- The proposal is totally driven for profit.
- The company has a total disregard for legislation
- The business use is out of character on the estate.
- Restrictive covenants on the site restricts the use of the property

34. PCC Joy Allen, as Police and Crime Commissioner for Durham has also provided concerns regarding the demand on policing from the private, charity sector and unregulated children's homes and as such they are concerned – both for the vulnerable children and young people who are placed there, often from out of area whereby little information is known about the child locally, the amount of police resources this takes up responding to children reported missing from these homes and community concerns that are raised with me, linked to the increase in crime and ASB.
35. They go on to consider that children can often be placed in areas (without consultation with the force) associated with high crime and high harm which can put these vulnerable young people at significant risk. As Corporate Parents, Durham County Council have a responsibility to look after County Durham's children and although I know that children and young people's services across the country are in crisis due to an underfunded system which is in-need of reform, the impacts on policing locally are significant.
36. One child alone could be responsible for over 100 calls for assistance. Sadly the absent home owners do not contribute to policing or other services in our area, whilst making significant profits from young people's vulnerabilities, and for me this has to stop.
37. They conclude with that they feel we have reached saturation point in County Durham whereby we cannot continue to put children in accommodation that is not appropriate for their needs, They deserve better than this and consider that the Planning Committee have a moral and legislative responsibility as Corporate Parents to refuse this application.
38. Four letters of support have also been received, stating they have become aware of the application following the media coverage and confirm that looked after children deserve just as much right as any other child to a decent home and they are concerned regarding the bias towards looked after children and ask the Councillors to support and work with this project.
39. Reference is also made to the increase in the number of looked after children in County Durham and therefore there is a need for small/solo provision homes. In addition, that the level of anti-social behaviour in the area has reduced.

APPLICANT'S STATEMENT:

40. This planning application is submitted by Juniper Care and Support for a change of status from C3 to C2. This application is for a proposed new Ofsted registered provision. The planning submission is temporary and for a duration of 3 years. Our robust management plan outlines that the home will provide care for up to 2 looked after children between the ages of 8 – 17.
41. Juniper Care and Support LTD was established in 2022 and we have been caring for and making a significant positive impact to young people since 2023. We have been operating as a short term crisis response service that provides high quality care, rapid psychological intervention, considered and bespoke activity and education for young people to break cycles of risk taking behaviour. The positive impacts we have made in collaboration with our young people alongside internal and external support would be impossible to capture within this statement. We support the most vulnerable young people in society and the progress they make with us is unmeasurable, our support has and will continue to save lives. Our young people come to us when they have no one, and when they are rejected by everyone! Their lives have been destroyed by unimaginable trauma and loss that is completely outside of their control. We carefully help them open up to the care, love and support they need, and we do this together. This support includes fast tracked clinical intervention and education and has helped all our children onto a positive next stage of their lives that was not available to them prior to their time with our amazing team. Below is a summary of one of many independent comments about the service we provide.
42. “Juniper Care and Support have cared for a young person who has come on leaps and bounds and are able to have much more mature conversations, have settled in school and are able to control their emotions, which they were unable to do in previous placements. They are now starting to lead more of a normal childhood which I didn't think would be possible because of their own struggles. They have an amazing relationship with the staff. Management are excellent and are always welcoming and I cannot believe the difference in the young person, their progress has been huge. The difference is that I believe that the young person understands they are cared for. I cannot recommend Juniper Care highly enough. I have had a lot of experience with children's homes/residential units over the last 10 years and I cannot speak highly enough of my experience with Juniper Care.”
43. We have increased our management oversight significantly in February 2024, our new Deputy Manager has experience within a senior role working with looked after children and is also an experienced primary deputy head teacher working in County Durham schools. He is very well placed to support our also recently appointed highly competent and experienced registered manager. We are unique in that we are a small family company with both directors coming from a children support background. We employ amazing care workers that have a combination of children's care and educational experience. We also have a professional relationship with a senior psychologist who supports our children from the beginning and throughout their time with us. We have also introduced more stringent controls on parking. Initially this was a challenge as staff viewed large numbers of cars parked on the footpath on their way to our home and subsequently deemed this as acceptable. To counter this perception, and to ensure adherence, the parking plan now falls under company policy as a direct management instruction.
44. We have also highlighted our strong agreement with the Durham First Approach within process and all local authority correspondence. This is a significant priority for us and additional measures are in place to ensure we can register our home empty if

planning is granted. The Council's Sufficiency and Commissioning Strategy states "There are very few 1 or 2 bedded homes in County Durham, that can offer specialist care and support to meet the needs of our most challenging children and young people. We have an increasing need for smaller homes" Our service, if planning is granted will help support Durham with this identified need.

45. We have liaised with Durham Constabulary, Commissioning and Planning since 2022 and they have provided essential information to our service, this is something we are very grateful for.

The above is not intended to list every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P8X9C0GDL8J00>

PLANNING CONSIDERATIONS AND ASSESSMENT

46. As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004 the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
47. The NPPF is a material planning consideration in this regard. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. The NPPF advises at Paragraph 219 that the weight to be afforded to existing Local Plans depends upon the degree of consistency with the NPPF.
48. The County Durham Plan is now adopted and is considered to represent the up-to-date Local Plan for the area. Consequently, consideration of the development should be led by the plan if the decision is to be defensible.
49. In this context, it is considered that the main planning issues in this instance are as detailed below:

Principle of the Development

50. The application site falls within the built-up area of Bowburn and is an existing residential dwelling located on a residential estate. Consent is sought to change the use of the property to a children's home falling within Use Class C2.
51. The property will accommodate up to 2 young people between the ages of 8 – 17 years old, there will also be 2 members of staff on duty each day. The shift pattern is 24 hours on, 48 hours off on a rolling rota. Shift change will occur at 10am.
52. 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.'

53. In respect of the County Durham Plan, it is considered that both policy 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.
54. The application site is within the built up area and in respect of criteria a, the site is within an existing residential estate and as such it is considered that the use would be compatible with the surrounding residential uses. Criteria b, c and d are not considered relevant to this proposal as the development would not result in the loss of open land or backland development and being a change of use no design changes are proposed. Part e is considered in more detail elsewhere in this report however, it is not considered that there are any significant concerns.
55. The site is located within a sustainable location close to shops and services in Bowburn and within walking distance of a bus route with regular services to Durham City. As such the proposal would accord with criteria f of Policy 6. The property is an existing dwelling and as such criteria g would be complied with. Criteria h to j are not considered relevant to this proposal.
56. 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.
57. The supporting text associated with policy 18 states at paragraph 5.179: "The children and young people living in children's homes are among the most vulnerable

in society. Whilst children's homes have traditionally been for children under 16, provision for young people beyond the age of 16 years old would also be determined against this policy or Policy 15 (Addressing Housing Needs), where they are 18 years and older. Many have special educational needs or disabilities, including social, educational and mental health difficulties and many are victims of abuse or neglect. It is therefore vital that we do everything possible to provide consistent high quality provision for children and young people to improve their experience of being looked after in care, helping them to overcome their previous experiences, and setting them up for futures which allow them to achieve their potential.”

58. An assessment of each criteria 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;
59. Criteria a) of policy 18 of the CDP 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.
60. The Council has undertaken an assessment of existing children’s home provision as detailed in the Council’s document; ‘Sufficiency Strategy for Children Looked After and Care Leavers 2020-2023’. That exercise has identified gaps in current service provision within this area of care and a requirement throughout the County for small scale children’s homes of the type proposed at the host property.
61. It is noted that the Police and Crime Commissioner have raised a general concern regarding the number of Children/s homes within the area and that we should not be allowing any more.
62. The Council's Children and Adult Services (CAS) team have been consulted for their views on the scheme. They confirmed that they have had discussions with the provider and confirm they are a relatively new provider to market and have only been operational since January last year.
63. It is understood they are intending to register a dual home for two children but potentially run as solo provision in the first instance. They are seeking permission to allow for the dual registration to give the home flexibility to safely match an additional young person into the home if progress is made by first placement.
64. Smaller homes and specifically solo provision are required in Durham in line with the Council's current sufficiency strategy. Whilst Durham County Council have not worked with this provider before they have indicated that they are agreeable to the Durham First approach.
65. The site is currently being used as an unregulated crisis arrangement however Durham are not utilising the crisis provision currently running at the address and in order for Children and Adults Services to use them, they would be required to register with OFSTED and meet all regulatory requirements which would be separate to the planning process. The applicants have confirmed they are in agreement to meet with this regulatory requirement.
66. In this regard it is understood that the application represents an important element in meeting that demand and is specifically referenced at page 16 of the strategy. In light of the above it is considered that sufficient information has been provided to

demonstrate that the development would meet policy 18 a) of the CDP in that there is a clearly established need for the facility.

67. 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;
68. 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, transport links and other community facilities. As such criteria b is considered to be complied with.
69. 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;
70. The proposed home is intended to accommodate a maximum of 2 children however it is understood in the initial instance it would be a solo occupancy. Concern has been raised that the site expanding in terms of the number of children accommodated has potential for further issues to be raised. However, it is considered that a maximum number of two children could be accommodated on the site. 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 part c) of policy 18.
71. 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;
72. Concern has been raised that the proposal has resulted in an increased presence and pressure on policing in the area but no concern has been raised as part of the objections as to the risk to occupants, which is the policy test in this case.
73. Durham Police and the Councils CYPS were both consulted for their views on the proposed scheme and have not objected. 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. In addition to this the case officer has been made aware of other agencies which includes social workers working with children who have been looked after at this property and they have provided support for the proposal. The proposal therefore, is considered to be in accordance with policy 18 d).
74. e. it is unlikely to cause unacceptable individual or cumulative impact on residential amenity, fear of crime or community cohesion;
75. 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.

76. 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 they consider has already occurred resulting in the property not being suitable for a children's home and as this consent proposes to increase the number of children this could further exacerbate the concerns.
77. 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 two 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 dwelling as a C3 residential dwelling which given the size of the property could also accommodate 2 children albeit in a family setting. There is therefore not considered to be a conflict with Part e of this policy, although further discussion on this is provided below.
78. f. appropriate measures will be in place to ensure access for emergency vehicles and safety measures such as fire escapes; and
79. g. satisfactory outside space, highway access, parking and servicing can be achieved.
80. In respect of parts f) and g), 6no off-street parking spaces would be provided at the side 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 on the highway, it is not considered that the proposal in itself would cause this issue. 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.
81. Outdoor amenity space 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 policy 18 would be complied with.
82. 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.
83. A management plan has been submitted in support of the application which has been agreed by the Police 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.
84. Part 15, paragraph 191 of the NPPF advises that planning policies and decisions should also 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.
85. In relation to part a) of policy 18, The Local Authority has a statutory duty, as stated within Section 22G of the Children Act 1989 to take steps to secure sufficient accommodation for looked after children within their local authority area.

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

Impact on Residential Amenity

87. Policy 18 e) of the CDP states that new children's homes will only be permitted where it is unlikely to cause unacceptable individual or cumulative impact on residential amenity, fear of crime or community cohesion. This is considered to present an approach consistent with paragraph 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.
88. 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 including:
- loud music
 - foul language and shouting
 - Litter from overflowing bins / cigarettes
 - Trespassing in neighbouring gardens with abusive language to neighbours
 - Revving car engine
 - Abusive behaviour to ambulance workers
 - Intoxicated resident children
 - Strangers looking through windows and nearby vehicles
 - Intimidation – feeling unsafe
 - Criminal Damage including windows of the property have been smashed
 - Property belonging to neighbouring ESH offices has been vandalised.
89. Concern has also been raised that this information is based on factual evidence given the issues are already happening and that there has been a noticeable impact on resident's mental health and wellbeing and community spirit which is considered detrimental. Concern has also been raised regarding the ratio of carers to young people and the management of the site.
90. 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.
91. 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.

92. 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.
93. 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.
94. As discussed above, Durham Constabulary have raised no objection to the proposal and raised no issues within their locality risk assessment. Whilst the Police Crime Commissioner has commented and advised that in general terms these uses have a significant impact on policing locally, the Constabulary's Architectural Liaison Officer has raised no objection.
95. Since the deferral of this application last month, further information however has been requested and received from Durham Constabulary in respect of crime and anti social behaviour incidents at or near the application site as well as data for the whole of the Bowburn area.
96. The data associated with the level of Anti-Social behaviour (ASB) for the whole of the Bowburn area are as follows:
 - 2021 – 142 reports
 - 2022 – 106 reports
 - 2023 – 79 reports
 - 2024 to 16/05/2024 – 42 reports
97. The police confirm that 5 reports of ASB have been recorded from Grange Way itself between 2021 and May 2024 however none of these relate to the host property.
98. More detailed figures were also provided relating to the application site. These figures were produced on the 16 May 2024 and date back to January 2021, well in advance of the dwelling commencing use to care for children. The figures confirm that there were zero incidents reported in 2021 and 2022. In 2023, there were 54 incidents reported, with the first recorded incident being on the 15th March 2023. It is understood that use as a crisis centre commenced on 10 March 2023. With respect to 2024, from January up to the 16th May 2024 there have been a total of 10 incidents reported, a notable reduction since the opening of the home.
99. The police have confirmed that all of these incidents relate to the safeguarding/management of those children residing at the application site, given their complex needs and they consider that none of the reported incidents have a direct impact on the wider community.

100. In response to the information they have provided, the police have confirmed that whilst the number of incidents were high during 2023, these figures are now much lower for the first 5 months of 2024 by comparison to 2023. It should also be further noted that the application site operated in its capacity as a crisis provision without a management plan in place. The proposals presented now include a detailed management plan that would be secured by condition, ensuring the requirements set out within it are adhered to. In addition, the applicant has confirmed their intention to undergo Ofsted Registration.
101. Durham Constabulary also acknowledge that they would anticipate community concerns in relation to police attending the address, however attendance is to ensure the safeguarding of the individuals within the address and to provide advice and support, rather than dealing with issues of crime.
102. They also 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, and this has happened on a small number of occasions at the application site.
103. They conclude by stating that as a force they engage and work with all Child Care Homes throughout the force area 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.
104. In relation to the issue of 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.
105. 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.
106. 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.
107. They go on to confirm that it is noted a management plan has been submitted, which 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.

108. They go on to state that the proposed premises are 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 and the number of residents is conditioned.
109. They therefore conclude that the information submitted demonstrates that the application complies 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.
110. 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.
111. 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.
112. It is acknowledged that residents hold fears that crime in the area would increase as a result of the proposals and they have provided information that they consider represents an evidential base associated with their experiences from the current use of the site, noting in particular there have been issues with one of the young people who has been living there. However, the additional information provided from the police has clarified the nature of call outs and indicated that it relates to the safeguarding of the children. In addition, the police have acknowledged that whilst the number of incidents was high in 2023, they have reduced so far in 2024 and can fluctuate depending upon the person residing at the property, a circumstance that could also arise at any dwellinghouse, where a troubled child resides with their family.
113. As the courts have held that the fear of crime is only a material consideration where the use, by its very nature, would provide a reasonable basis for concern, it is considered that a refusal reason framed around this issue would not be capable of being sustained. 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 or ASB as a result of the proposals and as such this should be afforded limited weight in the determination of this application.
114. In this case, and at the request of members at the previous planning committee and as stated above, further information was requested from the police with a view to understanding the nature of incidents at this site. The police note a spike in incidents in the first year of running but this has now reduced and despite the figures presented they confirm that they have no objection to the scheme. In addition, the site now has a management plan in place which would be controlled by condition and have confirmed their intention to become registered with OFSTED.

115. 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.
116. 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 due to the evidence received from the police where they have clarified the nature of the majority of the visits relate to the care of the occupants as opposed to issues which would affect the community. In addition, the situation is considered to have improved since it first began and it is important to note that the site was previously operating on a crisis basis, without a management plan. A condition securing a revised management plan is now proposed.
117. Concern has been raised that the applicant has not made attempts to develop positive relationships within the local community. In relation to social cohesion the introduction of up to two children to the area in a large detached dwelling is unlikely to result in any unacceptable impact to existing social cohesion and the information supporting the application details measures to aid integration in this regard. The applicant also notes these concerns raised and has confirmed they will work on relationships. 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.
118. A suitable level of detail has been provided about the running and management of the site 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.
119. In particular, a planning condition is recommended 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. A further condition would also be applied for its temporary use for three years, as well as adherence to the management plan which has been updated and is considered more robust, providing further information on parking arrangements during staff change over along with direct contact details for residents should issues arise.
120. 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

121. 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.

122. In broad accordance with Part 12 of the NPPF, Policy 29 (Sustainable Design) of the CDP seeks to ensure that all development proposals achieve well designed buildings and places having regard to supplementary planning documents and other local guidance documents where relevant, and contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities; create buildings and spaces that are adaptable to changing social, technological, economic and environmental conditions. Furthermore, criteria d, of policy 6 requires development to be appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement.
123. Concern has been raised that the business use would be out of keeping with the area however, no external changes are proposed to the property therefore, the proposal is considered acceptable in respect of policies 6d, 29 and part 12 of the NPPF.

Highway Safety

124. CDP Policy 21 states that any vehicular traffic generated by new development following the implementation of sustainable transport measures, must be able to be safely accommodated on the local and strategic highway network; that car parking at residential developments should ensure that a sufficient level is provided for both occupants and visitors to minimise potential harm to amenity from footway parking, and that appropriate provision for electric vehicle charging, including charge points and laying of cables, should be made on both residential and non-residential development where parking is provided. In turn criteria e. of policy 6 requires development to not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity.
125. Concern has been raised that parking provision on the estate is already at capacity with most properties having more vehicles than the allocated number of parking spaces and that inconsiderate parking is causing anxiety and conflict with residents and creating highway safety concerns in that emergency vehicles may not be able to pass the property. Also, that there are too many properties related to the site which park on the public highway.
126. The views of the Highway Authority have been sought and they have confirmed that the property has a double garage and double width, double length driveway, essentially giving the property 6 off street spaces. Given that it is only proposed to have 2 staff on site at any one time, even factoring in visitors, and staff change overs, it is not considered that this development would 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.
127. Inconsiderate parking is not a matter for the planning system to address and as the road outside is public highway this does not prevent people parking on the highway. Photos have been provided that cars are parking on the highway however there is no evidence to relate them to this property and should people block access, this would be a police matter.
128. 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.

Other Issues

129. Concern has been raised that the property has already been in use as a Childrens home and that there has been lack of consultation with the residents from the applicants. The applicant is aware of these concerns and is willing to work with the residents to improve relationships. A refusal reason could not be sustained in this instance. Planning legislation allows for applications to be submitted on a retrospective basis.
130. 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. This consisted of the display of a site notice and neighbour notification letter to surrounding residents which exceeds the statutory requirements outlined in associated legislation. Normally neighbours in front of behind the site and those with an adjoining boundary would be consulted along with the display of the site notice.
131. Devaluation of properties have also been raised however this is not a material planning consideration.
132. 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.
133. Concern has been raised that the Management Plan states that "We acknowledge that until we are a registered provider we are unable to support young people in County Durham but we are agreeable to the Durham First Approach and we look forward to being in a position to provide care for young people from our own community in the future." But that this is not true as Juniper Care are already caring for young people at this property. Whilst the Company may currently not be able to look after Durham children, they may have been able to look after children from other authorities.
134. Objectors consider that the company has a total disregard for legislation and that it is totally driven for profit only. These are not material planning considerations which can be considered as part of this application.

Public Sector Equality Duty

135. 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.
136. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

CONCLUSION

137. 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.

138. The applicant has demonstrated a need for small care homes within the County and the proposal is therefore considered acceptable in principle. For the reasons detailed within this report the development is considered to accord with policy 18 of the CDP along with policies 21, 29 and 31 of the CDP subject to the conditions, in as much as it would not have any detrimental impact upon residential amenity, the character and appearance of the area, highway safety, social cohesion and crime and the fear of crime.
139. 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.
140. In addition, the police have provided additional information regarding call outs to the property as well as Anti Social Behaviour Statistics and they maintain that they have no objections to the proposal. Whilst in the early stages of the home operating as a crisis management site, the incident figures from the police were high, this situation has since improved, despite the site operating without the benefit of a management plan and not being registered with OFSTED. As part of the current proposals to retain the use as a care home for a temporary period, for up to two children under the age of 18, the applicant has confirmed their intention to register with OFSTED, and a revised management plan has been provided, which would be conditioned as part of any approval granted to ensure operations at the site are carried out in accordance with the management plan at all times. It is considered therefore, subject to these conditions, that the running of a regulated care home for up to two children would improve the existing situation and comply with the requirements set out in policy 18 of the CDP.
141. The proposal is therefore recommended for approval for a temporary period of 3 years from the date of the decision. By allowing a temporary consent, this will allow officers to assess the running of the site over this period and if issues do arise which are not dealt with effectively this will enable officers to review the proposal as opposed to a permanent consent being granted.

RECOMMENDATION

That the application be **APPROVED**, subject to the following conditions:

1. The development hereby approved shall be carried out in accordance with the approved plans listed in Part 3 - Approved Plans.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy(ies) 18, 29 and 31 of the County Durham Plan and Parts 8, 12 and 15 of the National Planning Policy Framework.

2. The property shall be used only as a children's care home to accommodate no more than 2 young persons under the age of 18 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.

3. The use of the property (subject to this application) as a children's care home, hereby permitted, shall be discontinued on or before the day 36 months from the date of this permission and shall revert back to its previous use as a dwelling (Use Class C3).

Reason: In the interests of residential amenity and to allow the impacts of the development in this regard to be monitored and reviewed after 36 months in accordance with Policy 18 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

4. The proposal shall be carried out in accordance with the Grange House Management Plan submitted 24 May 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.

STATEMENT OF PROACTIVE ENGAGEMENT

In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF.

BACKGROUND PAPERS

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

The National Planning Policy Framework (2023)

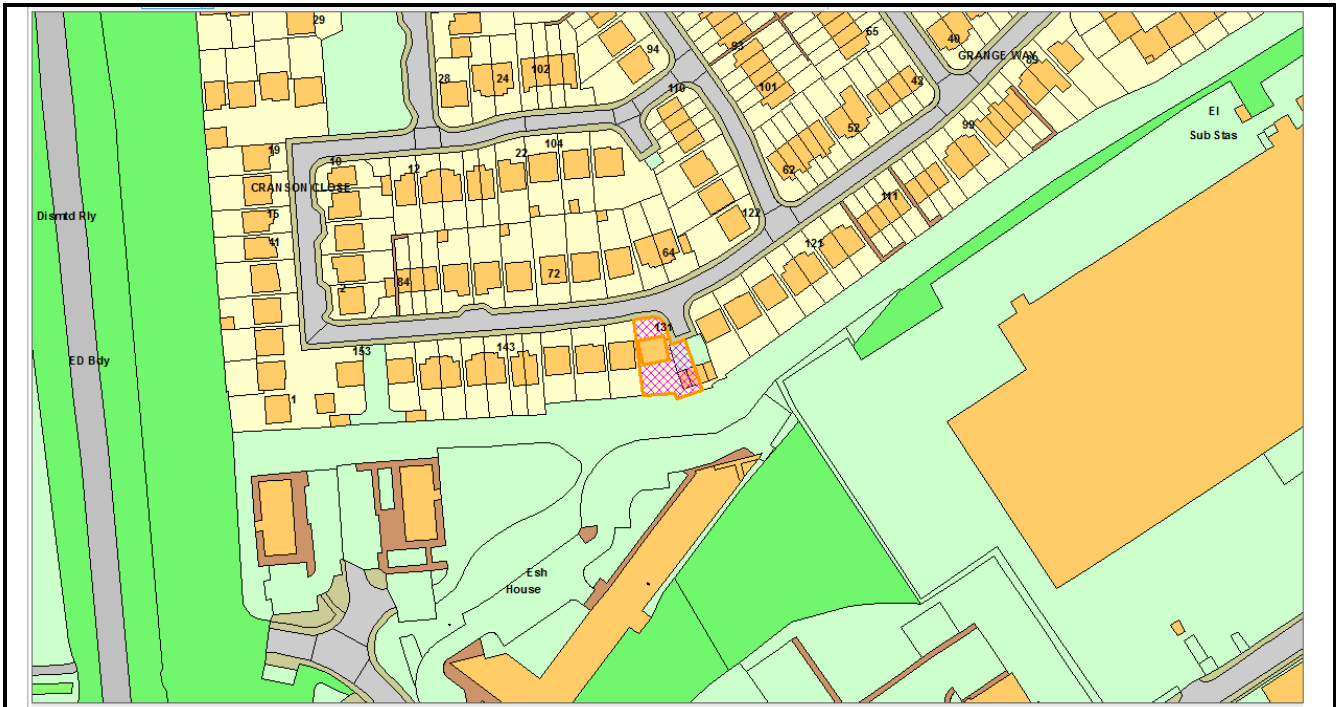
Residential Amenity Standards Supplementary Planning Document January 2023

Parking and Accessibility SPD Adoption Version 2023

National Planning Practice Guidance Notes

County Durham Plan

Statutory, internal and public consultation responses



<p>Planning Services</p>	<p>Temporary change of use of the property from a C3 Residential dwelling to C2 Children's Home for a period of up to 3 years at 131 Grange Way, Bowburn, Durham, DH6 5PL</p> <p>Application Reference: DM/24/00334/FPA</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p>Date: June 2024</p>	<p>Scale NTS</p>



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/24/00522/FPA
Full Application Description:	Erection of part single and part two storey extension to Golf Clubhouse and Driving Range
Name of Applicant:	Mr J Adamson
Address:	Ramside Hall Golf Club, Ramside, Durham, DH1 1TD
Electoral Division:	Belmont
Case Officer:	George Spurgeon (Senior Planning Officer) Tel: 03000 261 959 Email: george.spurgeon@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The Site

1. Ramside Hall is located to the north east of Durham City beyond the suburb of Carrville. The existing hotel and golf course are set within 48 hectares of land, part of which is formal parkland and part former agricultural land before its conversion and re-use as a golf course. The car parking areas which serve the hotel and golf club are situated to the north west and south west of the hotel buildings. The landscape of the existing golf course is of a typical parkland setting with wide open sweeps of open grassland interspersed with groups of mature trees and blocks of forestry planting. There are also a number of water features throughout the area which were created during the construction of the golf course.
2. The site is located within Durham City Green Belt and an Area of High Landscape Value as defined by the County Durham Plan. Ramside Hall itself is a Grade II listed building, and the parkland is of Local Historic Interest. There are no Public Rights of Way within the site, the closest being Pitlington Footpath No.24 which is located approximately 750m to the north of the site.
3. The wider Ramside site extends to some 40 hectares and is bound to the south-west by the disused Leamside railway line, beyond which there is housing at

Belmont. Pittington Lane runs along the north western edge of the site, separating the site from the existing Ramside Golf Course. Pittington Beck is located to the south east of the site. Agricultural land is located beyond both Pittington Beck and the north eastern section of the site.

4. The application site itself relates to the golf clubhouse building and associated driving range which is located to the south west of the centre of the wider site and extends to approximately 2.96ha. The footprint of the golf clubhouse building is approximately 1,468m², comprising a reception area, shop, changing rooms, conservatory lounge with a bar and a small kitchen, private members lounge, three separate office rooms measuring an approximate floor area of 110m², 15 driving range bays, and a swing analysis area. The golf clubhouse and its associated facilities have remained largely unchanged since its construction. The applicant has advised that 3 full time and 13 part time members of staff are currently employed in connection with the golf club.

The Proposal

5. The application seeks full planning permission for the erection of a part single and part two storey extension to the golf clubhouse.
6. The proposals would see approximately 555m² of the existing clubhouse, comprising the swing analysis area and driving range bays, demolished. An extension with a floor area of approximately 2,755m² is proposed to be erected in its place which would see the introduction of a larger office suite measuring approximately 230m² located beyond the golf shop, an approximate 220m² six lane bowling alley opposite the reception area, and a two storey driving range featuring 40 individual bays. The north west elevation comprising the two storey driving range would measure 6.5m in height which does not exceed the highest part of the existing clubhouse.
7. The proposals would also allow an internal reconfiguration that would see the existing kitchen and lounge areas to be expanded, a function room introduced, and a new golf academy space provided. To accommodate this, the male and female locker rooms would be relocated to within the extension. An external terrace would also be introduced to the south west of the building to provide fire escape routes.
8. The applicant has advised that it is anticipated that the proposed development will create 12 full time equivalent employment positions in the form of two full time receptionists, a catering manager and two full time chefs, a full time maintenance worker, five part time catering staff, and four part time golf staff.
9. The application is being reported to the Central and East Area Planning Committee in accordance with the Council's scheme of delegation as it represents major development with a proposed floor area in excess of 1000m² (approximate proposed floor area of 2,200m²).

PLANNING HISTORY

10. Ramside Hall was originally an Elizabethan House re-built in about 1820 by the Pemberton Family in the Victorian Gothic style as a Country House. It was listed

in 1967 as a building of architectural and historic interest having been acquired in 1963 in a ruinous state, by a consortium of Durham businessmen who redeveloped it as a hotel. The hotel opened in 1964 with 12 bedrooms, a restaurant and grill, and one meeting room. A series of developments of the original property have since taken place during the last 60 years to expand the hotel and establish the golf course and other facilities.

11. The site of the existing golf course benefits from a planning permission (89/00517) from October 1989 which permitted the use of the site together with other land adjacent and surrounding Ramside Hall Hotel for use as a 27 hole golf course.
12. An extension to existing golf club house to provide additional changing facilities, lounge bar, shop, office, and reception area and two additional driving range bays (4/98/00002/FPA) was approved in March 1998.
13. In addition to the above, outline planning permission (04/00836/OUT) for the extended golf course, ballroom redevelopment, and bedroom/leisure facility extension was granted in March 2005. A subsequent reserved matters application to extend the golf course to 36 holes (06/00494/RM) was approved in March 2008, while reserved matters and listed building consent for the leisure facility (08/00196/RM and 08/00197/LB) were approved in April 2008, reserved matters and listed building consent for the bedroom extension (06/00186/RM and 06/00375/LB) were approved in May 2006, and finally, reserved matters and listed building consent for the redevelopment of the ballroom (08/00198/RM and 08/00199/LB and 4/09/00686/LB) were approved in July 2007.
14. Outline application 11/00006/OUT with details of access to be considered and all other matters reserved for the erection of 34 dwellings as enabling development to facilitate the redevelopment and expansion of Ramside Hall Hotel was approved in July 2012. The reserved matters for 18 dwellings were subsequently approved.
15. A first floor extension to the hotel spa building (DM/15/00917/FPA and DM/15/00918/LB) was approved in May 2015.
16. The partial demolition and extension of the ballroom, including new W.C. facilities, entrance and rooflights (DM/16/00933/FPA) were approved in July 2016.
17. The erection of an outdoor padel tennis court on grassland adjacent to existing Hydrotherapy Pool building (DM/21/03000/FPA) was approved in October 2021.
18. The erection of six woodland lodges (DM/20/02918/FPA and DM/22/01940/FPA) were approved in February 2021 and November 2022.
19. The extension of the existing green keepers building to provide additional garage/equipment storage (DM/19/03758/FPA) was approved in January 2020.

PLANNING POLICY

National Policy

20. A revised National Planning Policy Framework (NPPF) was published in December 2023. The overriding message continues to be that new development that is sustainable should go ahead without delay. 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.
21. *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.
22. *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.
23. *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.
24. *NPPF Part 7 - Ensuring the vitality of town centres*. Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period.
25. *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.
26. *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.
27. *NPPF Part 13 - Protecting Green Belt Land* - The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Green Belt land serves 5 purposes; to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting of

historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

28. *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.
29. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
30. *NPPF Part 16 - Conserving and Enhancing the Historic Environment*. Heritage 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:

31. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; historic environment; design process and tools; determining a planning application; flood risk; healthy and safe communities; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; light pollution; natural environment; noise; public rights of way and local green space; planning obligations; use of planning conditions; and; water supply, wastewater and water quality.

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

Local Plan Policy:

The County Durham Plan (CDP)

32. *Policy 7 (Visitor Attractions)* supports the provision of new, or the expansion of existing attractions, provided they are: in sustainable and accessible locations or can be made so; are appropriate to site's location in terms of scale, design, layout and materials; can demonstrate viability of new attraction or helps

support viability of existing attraction; enhances existing attractions and supports the visitor economy.

Where a countryside location is required, development should: meet identified visitor needs; support local employment and community services; ensure adequate infrastructure; and respect the character of the countryside.

33. *Policy 8 (Visitor Accommodation)* supports new and extensions to visitor accommodation provided it is appropriate to the scale and character of the area and not used for permanent residential occupation. In the countryside such accommodation would also need to meet an identified need, support business viability (if an extension) and demonstrate how the location can be made sustainable.
34. *Policy 9 (Retail Hierarchy and Town Centre Development)* seeks to protect and enhance the hierarchy of Sub Regional, Large Town, Small Town, District and Local retail centres in the County.
35. *Policy 10 (Development in the Countryside)* states that development will not be permitted unless allowed for by specific policies in the Plan or Neighbourhood Plan or unless it relates to exceptions for development necessary to support economic development, infrastructure development or development of existing buildings. The policy further sets out nine General Design Principles for all development in the Countryside.
36. *Policy 20 (Green Belt)* states that development proposals within the Green Belt will be determined in accordance with national planning policy. There is a presumption against inappropriate development in the Green Belt unless very special circumstances can be demonstrated. The National Planning Policy Framework (NPPF) sets out several exceptions as well as other forms of development which may be inappropriate in the Green Belt.
37. *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 2023.
38. *Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure)* requires all residential and commercial development to be served by a high-speed broadband connection, where this is not appropriate, practical or economically viable developers should provide appropriate infrastructure to enable future installation.
39. *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.

40. *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.
41. *Policy 32 (Despoiled, Degraded, Derelict, Contaminated and Unstable Land)* requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
42. *Policy 35 (Water Management)* requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.
43. *Policy 36 (Water Infrastructure)* advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and wastewater infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
44. *Policy 39 (Landscape)* states that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher Landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts.
45. *Policy 40 (Trees, Woodlands and Hedges)* states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.

46. *Policy 41 (Biodiversity and Geodiversity)* states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.
47. *Policy 43 (Protected Species and Nationally and Locally Protected Sites)* development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.
48. *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.

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

Neighbourhood Plan:

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

CONSULTATION AND PUBLICITY RESPONSES

Statutory Consultee Responses:

50. *Belmont Parish Council* – No response received.
51. *Highways Authority* – Raise no objections as the proposed development would not adversely affect road safety.
52. *Lead Local Flood Authority* – Indicate their satisfaction with the proposed Drainage Strategy and hydraulic calculations.

Non-Statutory Responses:

53. *Spatial Policy* – Advise that the proposal is likely to be inappropriate in the Green Belt as it will reduce openness so the key issue is whether there are very special circumstances to justify the development in light of the new and improved facilities which will be developed.
54. *Design and Conservation* – Consider the proposed scale, design, and material palette of the development to be appropriate in the context of the wider site.

55. *Landscape Section* – Advise that impacts on landscape character and visual effects would be minimal given the enclosed position of the site within the existing golf course complex.
56. *Arboricultural Officer* – Confirm their satisfaction with the findings and recommendations of the submitted Arboricultural Impact Assessment and recommend a condition to secure adherence to it during the construction phase.
57. *Ecology* – Raise no objections, advising that the submission has demonstrated that biodiversity net gains of at least 10% can be achieved.
58. *Environmental Health Nuisance* – Consider that the proposed development will not lead to an adverse impact or statutory nuisance.
59. *Environmental Health Air Quality* – Advise that an air quality assessment can be scoped out at Stage 1 of the IAQM guidance as no car parking spaces or centralised energy facility are proposed. Advise that an assessment of dust is required as there are residential properties within 250m of the site.
60. *Environmental Health Contamination* – Confirm there is no requirement for a contaminated land condition.
61. *Archaeology* – Raise no objections.

External Consultee Responses:

62. *Visit County Durham* – Confirm they are supportive of the application, advising that golf is an important part of the region’s visitor economy mix and a crucial part of the business model of one of the County’s most successful hotels and would improve its viability.
63. *Northumbrian Water* – Recommend a condition to secure further details regarding the management of foul and surface water from the development.

Public Responses:

64. The application has been advertised by way of a site notice, press notice and individual notification letters sent to neighbouring properties. No letters of representation have been received.

Applicants Statement:

65. The proposal is for golf clubhouse and driving range extension and alterations, located directly adjacent to the existing clubhouse within the existing golf driving range to the southwest of the main hotel.
66. The success of The Hotel as one of the premier accommodation destinations in County Durham is best demonstrated through the continued incremental growth of both the residential and leisure offering for both residents and day visitors. Developments within the last 10 years include increases to the number of Hotel bedrooms, the creation of the award winning two storey spa facilities, the re-development of the ballroom facilities and more recently the development

of 10no. high class woodland lodges. However, the golf clubhouse and its associated facilities have remained largely un-changed since its construction.

67. The proposed extension and alteration aims to significantly improve the existing leisure offer at Ramside Hall Hotel by developing a two-storey driving range with state of the art ball tracing technology, a six lane bowling alley, professional golf academy, function room, improved kitchen facilities and other minor internal alterations and improvements. The proposed development has been carefully considered over an extended period to ensure it is a sensitive extension to the existing building and facilities, within the existing driving range area.
68. Ramside Estates recently installed ball tracing technology into the range; which has resulted in increased use; so much so that they have had to introduce a queuing system. During busy and peak times, which are daily, there are often between 30-40 people waiting as the range is full. The proposed expansion would therefore enable the facility to cater for this increased demand.
69. Golf coaching and teaching has been an area in which Ramside Estates believe they have under-performed over the years due primarily to a lack of space and quality of their facilities. As part of this proposed development, the creation of a high-level golf academy, to be overseen by a well-known international golfer is seen as a method to develop golf, and the coaching / teaching of golf, in County Durham. It is Ramside Estates intention to produce a premium golf coaching academy hub with up to 6 professional coaches, providing high level coaching, specialist advice, specialist club fitting with hi-tech golf simulators along with school holiday golf education camp stays.
70. The improved kitchen and function room within the golf clubhouse development are seen as an integral and essential part of the development. The increased size of the driving range and the development of the bowling alley is expected to increase the numbers of patrons. In conjunction with this the function room will therefore be able to cater for events including birthday parties and conferences included with golf or bowling or both and golf day presentations, etc. This is seen as an essential part of the development as currently whenever there is a golf day presentation Ramside Estates must close the members bar, due to a lack of space. There are 120 golf days planned this calendar year so that is a significant time when members cannot access the clubhouse facilities. The proposed function room will enable the members bar and club house facilities to remain open throughout the year.
71. The addition of a bowling facility it is hoped will add further appeal in terms of conference business acquisition, by providing additional leisure / team building activities outside of the conference. Thus, increasing conference business and increasing overnight stays in the Hotel and County Durham. Furthermore, the proposed bowling facility will also have an obvious appeal to families visiting County Durham, which will further increase the appeal of overnight stays at the Hotel and County Durham.

PLANNING CONSIDERATION AND ASSESSMENT

72. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues relate to the Principle of Development, Impact upon the Green Belt, Design, Landscape and Visual Impact, Impact upon Heritage Assets, Highway Safety, Flood Risk, Ecology, Residential Amenity, Carbon Emissions, and Other Matters.

Principle of Development

73. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at NPPF Paragraph 12. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035 and is therefore considered up to date.
74. NPPF Paragraph 11c requires applications for development proposals that accord with an up to date development plan to be approved without delay. NPPF Paragraph 12 states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local Planning Authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
75. The application site occupies a position outside of any settlement and so lies within the open countryside. CDP Policy 10 seeks to direct development to built up areas in the first instance but is permissible towards development in the countryside where allowed for by one or more listed exceptions, or specific policies in the Plan. In this regard, footnote 56 lists Policies 7 and 8 relating to visitor attractions and accommodation as two such relevant policies.

Visitor Attractions and Accommodation

76. The application proposes to extend the existing golf clubhouse to increase the number of driving range bays and enhance the golf offer, which is a visitor attraction forming part of the wider hotel complex. No additional bed spaces for the hotel are proposed, however the improvement of existing leisure facilities at the resort complex will likely improve its desirability as a destination for leisure breaks and overnight stays.
77. CDP Policy 7 relating to visitor attraction acknowledges the importance of the visitor sector as part of the County's economy and states that in order to raise the quality of the visitor experience, the provision of new or expanded visitor attractions will be permitted provided they meet criteria a) to d). Development relating to visitor attractions in the countryside should also meet the requirements of criteria e) to h).

78. Criterion a) requires the visitor attraction to be located in a sustainable and accessible location, or a location that can be made so. In this regard, there are bus stops along the A690 that are frequently served by the Prince Bishops no.20 which connects Durham City to Sunderland throughout the day, with the Park and Ride located a short distance away to the west. In addition, Ramside Hall is an established hotel and leisure destination, with the golf course and driving range currently existing, located an approximate ten minute drive from Durham City centre. Therefore, the proposed development is not considered to conflict with criterion a).
79. Criterion c) requires the proposal to demonstrate how it would help support the viability of an existing attraction. Criterion d) requires the proposal to enhance and complement existing visitor attractions or priorities in the County and support the development of a year-round visitor economy and/or extends visitor stays.
80. The applicant has explained that ball tracing technology has recently been installed to the driving range which provides instant shot replays and statistical feedback on interactive game screens in each bay, allowing players to make swing adjustments and immediately see the impact on their golf shot. The technology also features games and modes suited for all ages and skill levels including a long-drive and closest to the pin competitions, advanced analytics, and the virtual playing of courses around the world. The applicant has explained that the technology has proved to be highly popular and has resulted in an increased demand leading to frequent queues of up to 40 people during peak times.
81. The development of a six-lane bowling alley would further diversify the leisure offer on site, helping to attract new and repeat visitors to the site. In particular, the applicant has explained that it is anticipated that this would improve the hotel conference market on offer at the site which would help to attract businesses from within and outside the County by providing conference guests with an additional team building leisure activity to enjoy.
82. The enlarged kitchen, office suite, and new function room within the golf clubhouse are in response to the increased size of the driving range and the introduction of the bowling alley which are expected to increase the numbers of patrons. The applicant has explained that conferences and golf presentations etc. are currently held in the private members lounge resulting in it being unavailable for use by its members. They have explained that there are 120 golf days planned this calendar year which is a significant amount of time that members would not be able to access the clubhouse facilities. The introduction of the function room and enlarged office suite would enable the members lounge to remain open throughout the year whilst providing a larger, modern single space for conferences.
83. In summary, it is recognised that there is a relationship between the various facilities that the hotel provides, with many visits to the site depending on the relationship between two or more of the facilities. It is considered that the improvements to the clubhouse and driving range will enhance the desirability of the venue for those wishing to play golf. This is in response to current demand to encourage repeat visits as well as cater for prospective new visitors. The introduction of the bowling alley would help to diversify the leisure offer

available at the site to encourage people visiting the site primarily in connection with other facilities to stay longer as well as to encourage prospective new guests to visit. The introduction of a new larger, modern office suite is aimed to attract business conferences who may also seek to stay overnight at the hotel and/or explore the enhanced leisure off proposed as part of team building activities. The introduction of the function room would help to retain and attract new golf club members by allowing the private member facilities to remain open all year round. The availability of each of the different elements at one site is considered to be attractive to prospective visitors, encouraging longer stays both during the day and overnight, as well as repeat visits, to occur throughout the year.

84. Overall, the proposals are considered to improve the desirability of the site as a venue for those wishing to play golf and as a destination for leisure breaks, helping to attract additional day and overnight visitors. Therefore, the proposal is considered to accord with criteria c) and d).
85. Criterion e) requires the proposed visitor attraction to meet identified visitor needs. In addition to the above, Visit County Durham have offered their support to the application, commenting that golf is an important part of the region's visitor economy mix and a crucial part of the business model of one of the County's most successful hotels which would improve its viability. Therefore, the proposal complies with criterion e).
86. Criterion f) requires the proposed visitor attraction to support local employment and community services. In this regard, the applicant has explained that an additional 12 full time equivalent members of staff are anticipated to be required in association with the development. The operation of the development would also help to support the associated supply chain which would help to support existing businesses. Therefore, the proposal complies with criterion f).
87. Criterion g) requires the visitor attraction to be supported by adequate infrastructure. In this regard, Ramside Hall is an established visitor attraction with the relevant infrastructure, including utilities connections and access and car parking, already in place. Therefore, there is no conflict with criterion g).
88. Criteria c), d), and f) of CDP Policy 8 are similarly permissible towards the development of visitor accommodation where it is necessary to meet identified visitor needs or would help to support future business viability and demonstrates clear opportunities to make its location more sustainable. There is no conflict with any of these criteria.
89. Criteria b) and h) of CDP Policy 7 and the General Principles for all development in the countryside set out at criteria l) to t) of Policy 10 will be discussed further where applicable under the relevant headings below.

Main Town Centre Use

90. In addition, a bowling alley and office suite are defined as a main town centre uses by Annex 2 of the NPPF and so CDP Policy 9 is considered to be relevant which states that proposals for town centre uses, as defined by the NPPF, not located within a defined centre will be required to provide a sequential assessment. NPPF Paragraph 91 advises that Local Planning Authorities

should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

91. In this instance, the introduction of a six lane bowling alley represents the introduction of a new leisure offer that is compatible with and supplementary to the wider use of the site as an established leisure and tourist accommodation destination. Whilst the bowling alley would be available for use independently from the other leisure offers present at the site, it is also intended to be used alongside the existing leisure offer to increase the length of visitor stays as well as to attract the business conference market. Similarly, there is an intrinsic link between the creation of additional office space in the form of a comprehensive suite to cater for the business conference market.
92. Therefore, given the countryside location of the Ramside site and the link between the increased office floorspace, the introduction of the bowling alley, and the wider offer available at this established hotel and leisure complex, in accordance with CDP Policy 9 and NPPF Paragraph 91 it is considered that there are no alternative suitable sites located within, or on the edge of, a town centre that could accommodate these main town centre uses in this instance. Therefore, it is considered that the sequential test is passed.
93. In addition, CDP Policy 9 states that proposals for leisure development in excess of 2500m² proposed outside of a defined centre and that could impact on Small Town or Local Centres, will be required to provide an impact assessment in accordance with the guidance within the NPPF and the PPG. This is echoed by NPPF Paragraph 94.
94. In this instance, the bowling alley represents approximately 220m² of the floorspace of the extended building which is well below the 2500m² threshold. Therefore, an impact assessment is not required.
95. Overall, the proposed development would not adversely affect the vitality or viability of any nearby town centre and would help to attract visitors to the County and to nearby Durham City.

Impact upon the Green Belt

96. The application site is located within Durham City Green Belt. CDP Policy 20 states that development proposals within the Green Belt will be determined in accordance with national planning policy. The supporting text confirms that there is a presumption against inappropriate development in the Green Belt unless very special circumstances can be demonstrated.
97. The NPPF attaches great importance to Green Belts, and identifies, at Paragraph 143 that the Green Belt serves five purposes. NPPF Paragraph 152 under proposals affecting the Green Belt states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm

to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

98. NPPF Paragraph 154 advises that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:
- a. buildings for agriculture and forestry;
 - b. the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport or recreation, cemeteries and burial grounds and allotments; provided the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
 - c. the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - d. the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - e. limited infilling in villages;
 - f. limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
 - g. limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
99. The starting point for consideration of this matter is that the construction of new buildings in the Green Belt should be considered as inappropriate development. However, it is necessary to consider whether any of the exceptions set out above and in Paragraph 154 of the NPPF are applicable to the proposed development.
100. The application seeks planning permission primarily for the extension of the existing golf clubhouse in order to increase the number of driving range bays. The extension would also provide a bowling alley, accommodate locker rooms relocated from the existing clubhouse to provide a function room in the current building to allow the hosting of golf presentations and other events, and replace the smaller office rooms spread throughout the existing building with a larger modern, office suite for use by conference guests visiting the site and using the leisure offer. As such, the proposal is considered to relate to exception b) for the provision of appropriate facilities (in connection with the existing use of the land) for outdoor sport and recreation. However, to fall under exception b), the

facilities must preserve the openness of the Green Belt and not conflict with any of the five purposes of including land within it.

101. NPPF Paragraph 143 sets out the five purposes of the Green Belt:
 - a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
102. In terms of unrestricted sprawl, the scale of the proposed development is not significant in the context of the wider Ramside site. The clubhouse is located within the wider site and screened by woodland to three sides so would not be visible from the A690. Whilst located towards the edge of the developed area of the wider site, the clubhouse still occupies a relatively central location away from the site perimeters. Glimpses of the clubhouse can be seen through roadside vegetation from a short section of Pittington Lane to the south east, but the development would be seen in the context of the existing Spa buildings which are greater in height and located closer to this road. Overall, the proposed development would not result in unrestricted sprawl.
103. In terms of preventing towns merging, the clubhouse is sited in a relatively central position within the wider site, with part of the golf course separating it from the dwellings located to the edge of Carrville. Therefore, the proposed development would not result in the merging of settlements.
104. With regards to encroachment into the countryside, the proposed development would see the clubhouse extended approximately 15.5m to the north onto grassed land currently used in association with the driving range. However, the wider countryside beyond the estate would not be affected, with the boundaries of the wider estate being well defined by the A690, Pittington Lane and the disused Leamside railway line. Overall, the development is not considered to represent an encroachment into the wider countryside.
105. In terms of preserving the setting of historic towns, the proposed development would have almost no impact, being wholly contained within the hotel estate and with minimal wider visual impacts.
106. With regards to undermining urban regeneration, it is considered that the proposed development would not prejudice urban regeneration, being a site-specific form of development proposed to enhance the overall leisure offer of the established Ramside Hall site.
107. However, the impact of the development on the openness of the Green Belt also needs to be considered. The development must preserve openness in order to qualify for exception b); i.e., it must not have a greater impact than the existing clubhouse.

108. Planning Practice Guidance advises that openness is capable of having both spatial and visual aspects, so the visual impact of the proposal and its volume may be relevant. In this instance, whilst the visual impact of the extended clubhouse would be limited given its position within the wider site, glimpses of the clubhouse are possible through the roadside vegetation along a short section of Pittington Lane and the proposal would see the creation of approximately 2,200m² of floorspace, an approximate 60% increase. Therefore, although the visual impact of the development from outside of the established Ramside Hall site would be limited, its visual impact from within the site would be greater, albeit in the context of existing developments. However, given its considerable scale in terms of footprint and eaves height relative to the existing clubhouse building, the proposed development would inevitably have a greater spatial impact upon the openness of the Green Belt and so would not preserve its openness. Consequently, the proposed development constitutes inappropriate development in the Green Belt.
109. Inappropriate development is by definition harmful, so it should therefore be considered whether the harm by reason of inappropriateness, and the further harm, caused to the openness of the Green Belt and any other harm is clearly outweighed by the countervailing benefits arising from the development, so as to amount to very special circumstances. In considering whether to allow development in the Green Belt, the harm arising from the inappropriate development (and any other identified harm) must first be considered, and then secondly the benefits said to be delivered by the development; before then considering whether those benefits clearly outweigh the harm so as to amount to very special circumstances.
110. Very special circumstances can be made up of a single element, or a number of individual benefits, which when considered cumulatively can be considered sufficient to clearly outweigh the harm. The weight given to the various elements identified which either individually or cumulatively are considered to constitute very special circumstances is a matter of planning judgment and must be weighed against the Green Belt harm of inappropriateness and any other harm that may exist.
111. The application identifies the following which the LPA is invited to conclude amount to very special circumstances sufficient to permit the development:
- Continued Investment in Ramside Hall Hotel
 - Improving the Hotel and Tourism Offer in County Durham
112. The very special circumstances test is considered and applied later in this report.

Design

113. CDP Policy 29 outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.

114. In addition, criterion b) of CDP Policy 7 is permissible towards the expansion of visitor attractions in the countryside where it would be appropriate to the site's location in terms of scale, design, layout and materials. Similarly, CDP Policy 8 is permissible towards proposals relating to visitor accommodation where it is appropriate to the scale and character of the area.
115. NPPF Paragraph 135 also advises that planning decisions should ensure that developments will function well and add to the overall quality of the area over its lifetime; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
116. NPPF Paragraph 139 advises that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
117. The application seeks full planning permission for the erection of a part single, part two storey flat roofed extension to an existing golf clubhouse. The clubhouse comprises a single storey building finished in red brick and a slate pitched roof. The proposed development would see the clubhouse extended to the north and the east, comprising mainly two storeys with a flat roof siting at an eaves height above that of the existing clubhouse (but below its ridgeline) finished in profiled sheeting. A red Raeburn brick is proposed to be used up to damp proof course level with cladding above and an aluminium glazing system.
118. Whilst of a larger scale in terms of its footprint and eaves height, than the existing clubhouse, the height of the extension does not exceed the ridgeline of the original building. When considered in the context of the development that has occurred within the wider site, including the larger spa and hotel bedroom extension completed in 2015 which is approximately 4.5m taller, the scale of the proposed development is not opposed.
119. Rather than seeking to replicate the existing clubhouse building on a larger scale, the flat roof and material palette give the extension a more contemporary appearance whilst keeping its bulk and massing to a minimum and identifying itself as a modern addition capable and befitting of the new facilities it would accommodate. The Design and Conservation Officer has reviewed the application and indicated their satisfaction with the proposals.
120. Overall, the design approach is considered to be appropriate in this instance, subject to a condition to secure precise details of materials prior to the commencement of development above damp proof course. With this condition, the proposed development is considered to be a positive addition to the site that is appropriate in terms of scale, design, layout and materials relative to the context in which it is located. Therefore, the proposed development accords with CDP Policy 7 b), 8, and 29, and Part 12 of the NPPF.

Landscape and Visual Impact

121. The site lies within the Green Belt, in an area identified in the County Durham Plan as an Area of Higher Landscape Value (AHLV), and within an area

included in the County Durham Local List of Historic Parks, Gardens and Designed Landscapes.

122. In addition, criterion h) of CDP Policy 7 is permissible towards the expansion of visitor attractions in the countryside requires such development to respect the character of the countryside.
123. CDP Policy 10 at part l) is permissible towards development in the countryside provided it would give rise to unacceptable harm to the intrinsic character, beauty or tranquillity of the countryside either individually or cumulatively, which cannot be adequately mitigated or compensated for.
124. CDP Policy 39 states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Development affecting Areas of Higher Landscape Value will only be permitted where it conserves the special qualities of the landscape unless the benefits of development in that location clearly outweigh the harm.
125. CDP Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided.
126. Parts 12 and 15 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside.
127. The site lies in the Wear County Character Area which forms part of the larger Tyne & Wear Lowlands National Character Area and the Eastern Valley Terraces Broad Character Area which belongs to the Lowland Valley Terraces Broad Landscape Type. The site is made up of Golf Course which falls under the Parkland Local Landscape Type. The site lies within an area identified in the County Durham Landscape Strategy (2008) as a Landscape Conservation Priority Area with a strategy of conserve and enhance.
128. The Landscape Officer has advised that the visual effects and the effects of the proposed development on landscape character will be minimal, as the visual envelope will be limited predominantly to within the golf course complex with the exception of some glimpses through the roadside vegetation along a short section of Pitlington Lane.
129. The application is supported by an Arboricultural Impact Assessment which identifies that eight trees need to be removed to accommodate the proposed extension and the external terrace which provides a fire escape route. In addition, one oak tree will also need to be removed to accommodate the installation of the new perimeter net to the driving range. Minor pruning is also required to be undertaken to a further two trees. Given the size, quality, and position of the trees in an area not frequented by members of the public, and that the majority of the trees would be retained, this tree loss is not considered to have an adverse impact on the character and appearance of the site and the surrounding area.

130. The posts for the new perimeter netting to the driving range will encroach into the root protection areas (RPA) of several trees but the works would only involve small localised excavations which are not considered to adversely affect tree roots. Hard landscaping works would encroach into the RPA's of two trees and should be carried out in accordance with the submitted Arboricultural Method Statement. This includes the installation of protective fencing and a permeable membrane for the duration of the construction works.
131. An area measuring 32m² is identified for the planting of Rowan and Wild Cherry trees to deliver biodiversity net gains and to mitigate for the tree loss arising as a result of the proposed development. This will be secured via the biodiversity net gain condition.
132. The submitted information has been reviewed by the Council's Arboricultural Officer who has indicated their satisfaction with the findings and recommendations. A condition is recommended to secure adherence to the submitted information.
133. Overall, views of the proposed development would predominantly be limited to vantage points from within the Ramside complex and in this context it would not adversely affect the character and appearance of the surrounding landscape, according with CDP Policies 7 h), 10 l), 39 and 40, as well as Parts 12 and 15 of the NPPF.

Impact upon Heritage Assets

134. Ramside Hall itself is a Grade II listed building situated in extensive grounds, which themselves are listed as a Historic Park and Garden of Local Interest. Since the 1960s the Hall has been subject to a series of developments in piecemeal fashion which has compromised its legibility and character but it still retains a moderate level of heritage significance. Whilst the development would impact upon the setting of the hall by virtue of its physical and visual presence, the magnitude of impact is considered to be negligible, and therefore there would be no harm to heritage assets. The numerous additions and extensions to the Hall means that there would be only limited visual interaction between the proposed extension to the clubhouse and the historic core of the hall. Furthermore, the hall was historically designed to be mainly appreciated when approaching from the north west, and such views would remain unaffected by this development.
135. CDP Policy 44 sets out development will be expected to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting. Development proposals should contribute positively to the built and historic environment and should seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets whilst improving access where appropriate. The policy permits flexibility in decision-making where harm is found to the heritage assets, with a public benefit test referenced similar to that within the NPPF.
136. The lengthy list of modifications and extensions to the main hall have diminished the heritage assets legibility and character to such a degree that its level of heritage significance as it stands today is moderate, lessen the impact

against this heritage asset. The location of the proposed lodges away from this main fabric to a degree lessen further their impacts upon the heritage asset. Design and Conservation Officers have advised that they have no objections to the proposed development.

137. In terms of the Historic Park and Garden, it is noted that the proposal would not result in the loss of any features forming an integral part of the special character or interest of the park and garden, and given its location, specific nature, and previous erosion of the historic park and garden, that any impacts would be negligible in this context.
138. Having regards to the above, no harm to listed buildings would occur as a result of the development in accordance with CDP Policy 44. Having regard to the statutory duty imposed on the Local Planning Authority under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 that, when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses, it is considered that these will be preserved. NPPF Paragraph 202 states that any less than substantial harm to a designated heritage asset should be weighed against the public benefits of the proposal, however as there has been no harm identified in this instance, it is not necessary to carry out this test on this occasion. The proposal is considered to be in accordance with Part 16 of the NPPF with respect to heritage impacts.

Highway Safety

139. CDP Policy 21 outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity, expecting developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, CDP Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. CDP Policy 10 at criterion q) does not permit development where it would be prejudicial to highway safety.
140. The NPPF sets out at Paragraph 114 that safe and suitable access should be achieved for all users. In addition, NPPF Paragraph 115 states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.
141. Access is proposed to be taken from the existing site access from the A690. The site is accessible by bus and benefits from approximately 640 car parking spaces which is considered to be sufficient to cater for the increase in visitors to the site arising from the extended clubhouse and additional facilities on offer, whilst acknowledging that visitors to the site often frequent more than one of the leisure offers available. The Local Highways Authority have been consulted and have raised no objections to the application.
142. Overall, it is considered that the proposed development will not adversely affect highway safety, according with CDP Policies 10 q) and 21, as well as Part 9 of the NPPF.

Flood Risk

143. Part 14 of the NPPF seeks to resist inappropriate development in areas at risk of flooding, directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 173 advises that when determining planning applications, Local Planning Authorities should ensure that flood risk is not increased elsewhere and that where appropriate applications should be supported by a site-specific flood-risk assessment. Paragraph 169 goes on to advise that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.
144. CDP Policies 35 and 36 relate to flood water management and infrastructure. Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SUDs) to manage surface water drainage. Development should not have an adverse impact on water quality. Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water.
145. In addition, criterion s) of CDP Policy 10 requires new development in the countryside to minimise vulnerability and provide resilience to impacts arising from climate change, including but not limited to, flooding.
146. The site is not located within a Flood Zone or an area identified as being at high risk of surface water flooding.
147. The application is supported by a Flood Risk Assessment, Drainage Strategy drawing, and hydraulic calculations. The Drainage Strategy identifies that surface water runoff is to be discharged to an existing basin to the west of the site which is to be extended. The drawing indicates that the basin slopes will achieve the recommended 1:5 gradient. The Lead Local Flood Authority have reviewed the submitted information and indicated their satisfaction with it. However, a condition is recommended to secure details of a final scheme to manage surface water, to include construction details for the extended SUDs basin.
148. Foul water is proposed to be discharged to an existing private sewer. As recommended by Northumbrian Water, it is considered appropriate details of a final scheme to manage the disposal of foul water via a suitably worded condition.
149. Overall, subject to a condition, the principle of the proposals is considered to accord with CDP Policies 35 and 36 and Part 14 of the NPPF.

Ecology

150. NPPF Paragraph 180 d) advises that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

151. NPPF Paragraph 186 d) advises that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.
152. In line with this, CDP Policy 41 seeks to secure net gains for biodiversity and coherent ecological networks. Policy 43 relates to protected species and nationally and locally protected sites. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them.
153. The application site lies approximately 840m to the north of The Scrambles Local Wildlife Site (LWS), 1.3km north west of Coalford Beck Marsh LWS, and 1.8km west of Pittington Hill SSSI and 2.2km west of High Moorsley SSSI. Frankland and Kepier Woods LWS lies 1.3km to the west of the site beyond the A690.
154. The application is supported by a Preliminary Ecological Appraisal (PEA), a Biodiversity Net Gain Plan and the completed Biodiversity Net Gain Metric.
155. The PEA identifies that the golf clubhouse is a modern building and well maintained with no potential bat roost or hibernation sites. None of the trees to be removed have any potential to support a bat roost or hibernation site. There is no suitable habitat for ground nesting birds within either of the grassland areas given the management regimes and the level of human disturbance. The site and additional area provide very limited habitat for small mammals, hedgehogs, and invertebrates. The site is too far away from any suitable river or burn to be suitable as otter or water vole habitat.
156. The PEA concludes that the proposed development would have a negligible impact on bats, badgers, breeding birds, otters and water voles, small mammals, amphibians and reptiles, and invertebrates, and so no further surveys are necessary. The installation of an integrated bat box to the extended clubhouse is recommended in the interests of increasing biodiversity.
157. The PEA also identifies that surveys undertaken in May 2017 found evidence of the presence of great crested newts in man-made ponds to the south of the clubhouse, outside the application site but within 100m of the development area. Great Crested Newts are protected under Schedule 5 of the Wildlife and Countryside Act. A mitigation licence from Natural England must be applied for if the works would have impacts on great crested newts that would otherwise be illegal, such as: capturing, killing, disturbing or injuring them (on purpose or by not taking enough care); damaging or destroying their breeding or resting places (even accidentally); or obstructing access to their resting or sheltering places (on purpose or by not taking enough care). CDP Policy 43 seeks to conserve protected species and their habitats and protect them from development which would have a likely adverse impact on their ability to survive, reproduce and maintain or expand their current distribution.
158. The PEA identifies that the rough grassland on the edge of the driving range could provide potential amphibian refuge habitat, but that the mown grass areas forming the driving range are unsuitable. The proposed development would only see the loss of habitat in the form of mown grassland which is considered

unsuitable habitat for newts and there are no features where newts could be present but out of sight. Therefore, the proposed development would not lead to an offence under the protected species legislation from the loss of habitat or from obstructing access to a refuge habitat.

159. The PEA goes on to recommend that a 'newt fence' be erected around the building site as a precautionary measure to ensure no accidental harm to any great crested newts present outside of the application site prior to any foundations being dug. This mitigation is considered to be an appropriate precautionary measure to allow a viable population of any newts present outside of the application site to be maintained, in accordance with Policy 43. Given the above it is not considered that a newt license would be required in this instance. The PEA has been reviewed by the Council's Ecologist who has indicated their satisfaction with the submitted information. Accordingly, a condition is recommended to secure adherence to the recommendations of the PEA.
160. As the application was submitted after the 12th of February 2024, the requirements of the Environment Act 2021, as inserted into Schedule 7A of the Town and Country Planning Act 1990, apply to this planning application and necessitate that the proposed development achieve biodiversity net gains of at least 10%. The proposed development would result in the loss of approximately 1,345m² of grassed land which is currently in use as a driving range and is in poor condition. The Biodiversity Net Gain Plan identifies a 32m² area of land to be planted with trees, as well as a 1,000m² area of land to be planted with enhanced grassland of a moderate condition. Both areas are located outside of the application site but within the wider Ramside site under the ownership of the applicant, located beyond the perimeter netting marking the edge of the driving range. The submission identifies that the proposals would be capable of achieving biodiversity net gains of 66.34%, significantly in excess of the required 10%.
161. Subject to the standard biodiversity condition to secure details of a final Biodiversity Gain Plan, to include management and monitoring details, the application accords with CDP Policies 41 and 43, Part 15 of the NPPF, and the requirements of the Environment Act 2021.

Residential Amenity

162. Parts 12 and 15 of the NPPF require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.
163. CDP Policy 31 states that all new development that has the potential to lead to, or be affected by, unacceptable levels of air quality, inappropriate odours and vibration or other sources of pollution, either individually or cumulatively, will not be permitted including where any identified mitigation cannot reduce the impact on the environment, amenity of people or human health to an acceptable level.
164. In addition, criterion r) of Policy 10 is not permissible towards development that would impact adversely upon residential or general amenity.

165. The closest residential dwellings to the site are located approximately 150m to the south at Ramside Park and 190m to the west at Romney Drive. Given these distances, the proposed development would not adversely affect the amenity of any neighbouring residents in terms of visual dominance, or loss of light or privacy.
166. Whilst the extension would provide a dedicated function room, functions and events including golf presentations and birthday parties already take place within the private members bar. Environmental Health have not identified any existing complaints regarding noise and no representations from residents have been received. Whilst the capacity of the clubhouse would be increased this is not considered to be to a level that would adversely affect the living conditions of the closest residents to the site given their distance away and intervening tree belt. In addition, Environmental Health have raised no objections to the application. However, it is considered appropriate to restrict the timings of events and functions held within the clubhouse to between 11am to 12am, and the hours of operation of the driving range to between 7am to 11pm.
167. Seven 8m high LED floodlights are proposed to be installed to the rear of the driving range bays. The application is supported by specification details of the floodlights as well as a plan to show the extent of light spill. The floodlights would feature adjustable heads which would be positioned to shine out onto the driving range, restricting light spill in the direction of the closest residential properties to the south and west, which are located beyond a belt of trees. Environmental Health have reviewed the submitted information and advised that this demonstrates that the lighting will be within reasonable parameters. Therefore, the proposals are not considered to adversely affect amenity in terms of light pollution. A condition is recommended to restrict the hours of lighting to the operational hours of the driving range.
168. Environmental Health Officers have also advised that an assessment of dust is required as there are residential properties within 250m of the site, although they consider the risk to be low. The application is supported by a Construction Management Plan which identifies that the site is separated from the residential properties to the south and west by an intervening tree belt which is to be retained, and dust suppression measures to be utilised including the dampening of waste soil before being tipped and enforcing a 10mph speed limit for construction vehicles. These measures are to be reviewed on a daily basis by the site manager. The risk of dust is considered to be most prevalent during the earth works which the applicant has explained is expected to last approximately six weeks. The details within this document are considered to be sufficient to safeguard the amenity of nearby residents during the construction phase of the development.
169. Overall, subject to conditions, the proposals are considered to provide a good standard of amenity for existing and future residents, according with CDP Policy 31 and Part 12 and 15 of the NPPF.

Carbon Emissions

170. Criterion c) of Policy 29 requires all development to minimise greenhouse gas emissions, by seeking to achieve zero carbon buildings and providing renewable and low carbon energy generation. Where connection to the gas

network is not viable, development should utilise renewable and low carbon technologies as the main heating source.

171. Criterion d) of Policy 29 requires all development to minimise the use of non-renewable and unsustainable resources, including energy, water and materials, during both construction and use by encouraging waste reduction and appropriate reuse and recycling of materials, including appropriate storage space and segregation facilities for recyclable and non-recyclable waste and prioritising the use of local materials.
172. NPPF Paragraph 164 advises that in determining planning applications, Local Planning Authorities should give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings, both domestic and non-domestic.
173. The application is supported by a Sustainability Statement which identifies that solar panels are to be installed to the flat roof of the extension and a secure compound installed on site to enable the safe storage of materials and segregation of recyclable and non-recyclable waste during the construction phase. The development is to be built in accordance with the most up to date Building Regulation requirements in terms of insulation and air tightness, which would be an improvement of the thermal performance of the existing building, including that it will be improved by the replacement of the polycarbonate roof to the members bar with a fully insulated solid roof. These details are considered to be sufficient to comply with criteria c) and d) of CDP Policy 29.
174. In addition, CDP Policy 29 states that all major new non-residential development will be required to achieve Building Research Establishment Environmental Assessment Method (BREEAM) minimum rating of 'very good' (or any future national equivalent).
175. The application is not supported by any information to establish the potential BREEAM rating of the development. However, approximately 1,450m² of the proposed floorspace to be created would be in the form of the covered driving range bays which would be open to the elements and so would not be heated. The remaining approximate 750m² floorspace to be created would be enclosed and heated, but this on its own would fall under the threshold of a major development which triggers the need to achieve a 'very good' BREEAM rating. Therefore, it is considered that the proposed development is not required to achieve a 'very good' BREEAM rating in this instance.

Other Matters

176. CDP Policy 32 requires sites to be suitable for use taking into account contamination and unstable land issues. NPPF Paragraph 183 requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination.
177. The application site does not lie within a Coalfield Development Risk Area. The Council's Contaminated Land Officer has advised that following a review of the historical maps and the contaminated land screening assessment form submitted with the application, there is no requirement for further information

relating to contaminated land. Therefore, the proposed development is considered to comply with CDP Policy 32 and NPPF Paragraph 189.

178. CDP Policy 27 requires all new residential development to be served by a high speed broadband connection. This will need to be directly accessed from the nearest exchange and threaded through resistant tubing to enable easy access to the cable for future repair, replacement and upgrading. Where it can be demonstrated that this is not appropriate, practical or economically viable, developers will be encouraged to provide appropriate infrastructure to enable future installation.
179. The applicant has confirmed that the hotel and golf clubhouse is currently served by a fibre broadband connection.

Whether there are Very Special Circumstances to Outweigh Harm to the Green Belt

180. Ramside Hall Hotel is a successful hotel complex comprising the hotel, spa, 36 hole golf course, restaurants and a small number of woodland lodges and treehouses. The site has been steadily expanded over the last decade, to become one of the major providers of high quality visitor accommodation and leisure facilities within the immediate vicinity of Durham City.
181. As discussed earlier in this report at Paragraphs 74-77, ball tracing technology has recently been installed to the driving range which has seen a significant increase in demand. The technology provides instant shot replays and statistical feedback on interactive game screens in each bay, allowing players to make swing adjustments and immediately see the impact on their golf shot. It is understood that the only other golf facility in County Durham with similar technology is Brancepeth Castle Golf Club, although it features only three covered bays and does not provide any overnight accommodation. Therefore, in this regard the proposed development with provision of 40 covered golf driving bays fitted with this technology would offer a unique type of experience within the County that would be attractive to people wishing to play golf. This is alongside the other leisure and accommodation offers available at the site.
182. As part of the scheme, a high-level golf academy is also proposed to be created which would consist of a premium golf coaching academy hub with at least four professional coaches, overseen by a well-known international golfer. This would enable the provision of high level coaching, specialist advice, specialist club fitting with hi-tech golf simulators, along with school holiday golf education camp stays. The current golf coaching and teaching offer on site is restricted by a lack of space, consisting of a single room for golf swing analysis utilising video footage, and the quality of their facilities which are largely unchanged since their original construction. The proposed development would address this through the creation of a larger golf academy space and increasing the number of driving range bays from 15 to 40, responding to increased demand following the installation of ball tracing technology. Whilst just a snapshot in time, when visiting the site during a weekday afternoon all of the driving range bays were observed to be in use.
183. The proposed development represents continued investment in this key location. The development could only occur in the Green Belt, as it is required to be located within close proximity to the golf course as part of the overall golf

offer at the site and there is no suitable alternative location within the hotel's ownership. The proposed development would improve the desirability of the Ramside site as a venue for golf and a destination for leisure breaks, with the accommodation and ball tracing technology currently on offer proving to be successful and in demand. The proposed development would bring about benefits for people looking to play golf recreationally and those seeking to receive high level golf coaching. The enhanced facilities would help maintain the established position of Ramside in the high quality accommodation market in the north east, helping to attract more visitors and encourage them to stay longer at the site, bringing about associated benefits to the local economy through increased visitor spend. The proposals would also see the direct creation of 12 full time equivalent employment positions, and the support of businesses within the associated supply chain including from increased use of the lounge and bar.

184. In addition, it is recognised that there is a relationship between the various facilities that the hotel provides, with many visits to the site depending on the relationship between two or more of the facilities. The introduction of the six lane bowling alley is considered to represent a supplementary leisure offer of an appropriate scale that would diversify the existing leisure offer available at the site, helping to appeal to a wider audience and attract more visitors. In particular, this is considered to appeal to the business conference market by providing an alternative team building activity and encouraging longer stays, including a greater number of overnight stays, thereby increasing the likelihood of greater spending by visitors, with subsequent benefits of this for the local economy. In this regard, the applicant has explained that the number of conferences held at the site complex has reduced in recent years and the introduction of the bowling alley is intended to increase the appeal of the site through the offer of an additional team building activity available outside of the conference itself.
185. Alongside the increased leisure offer, the introduction of a modern, enlarged office suite would also be more attractive for use by conference guests. The provision of a dedicated space for conferences and functions would also free up the private members bar in the golf clubhouse, which has been booked for conferences and events for 120 days this year. By providing such a dedicated space, this would make joining the golf club more attractive for prospective members as well as helping to retain existing members.
186. In terms of improving the leisure and hotel offer in County Durham, it is noted that the Durham Tourism Management Plan identifies a number of priorities relevant to this proposal. These include lengthening the amount of time that visitors spend in the County, improving the quality of the visitor experience, differentiating Durham, attracting new staying visitors and developing new products and support existing product strengths, all of which the proposed development would contribute towards. This would be valuable to the tourism offer in Durham City and the County, as well as the wider economy. In this regard, the applicant has explained that following the construction of the spa, as an enhanced leisure offer, there has been an increase in overnight visitors to the site.
187. The proposed development would represent a further diversification to the leisure offer, making an important contribution to the existing high quality leisure

and tourism offer at a regionally important accommodation location within close proximity to Durham City. It is considered unlikely that such a combination of factors, all of which would reinforce the positive impact of the development upon the local tourism economy could be achieved at another location.

188. The scheme would have a spatial impact on the openness of the Green Belt due to its increased footprint and increased eaves height relative to the existing golf clubhouse. Given this, the level of Green Belt harm resulting from this proposed development in terms of impact on openness is assessed as being moderate, acknowledging the contained envelope of, and in the context of existing developments within, the application site within the wider site complex which would restrict its visual impact. Added to this harm is the harm arising by reason of inappropriateness which is of substantial weight.

189. In terms of the benefits of the scheme, these include:

- Continued investment in Ramside Hall Hotel, one of the major providers of high end accommodation and leisure facilities within the County;
- Improvements to the leisure offer would help to attract more visitors and encourage them to stay longer at the site, bringing about associated benefits to the local economy through increased visitor spend. Specifically, this would be achieved through:
 - An enhanced golf offer through the provision of additional driving range bays fitted with ball tracing technology and a larger dedicated golf academy space which would help to attract visitors looking to play recreationally and receive high level coaching;
 - An enhanced business conference offer and diversified leisure offer through the creation of a modern office suite and the introduction of a bowling alley to provide a team building activity;
- The direct creation of 12 full time equivalent employment positions, and the support of businesses within the associated supply chain.

190. These are considered to be of sufficient magnitude to clearly outweigh the harm.

191. Accordingly, very special circumstances exist and are considered to outweigh the resulting harm to the Green Belt in this instance. Therefore, it is considered that the presumption against inappropriate development in the Green Belt contained within NPPF Paragraph 152 is engaged and accordingly the proposed development is in compliance with Part 9 of the NPPF and CDP Policy 20.

CONCLUSION

192. NPPF Paragraph 12 states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

193. The proposed development to accommodate an increased number of driving range bays would help to meet an increased demand following the installation of ball tracing technology, with the provision of a six lane bowling alley, modern office suite, and function room also helping to complement the existing leisure offer, extend visitor stays, and the viability of the business. In particular, the type and scale of the ball tracing technology in operation at the driving range bays is different to the offer at similar attractions in the County. Visit County Durham have offered their support for the proposals, which would also see the hiring of an additional 12 full time equivalent members of staff and help to support the associated supply chain. Overall, the scheme accords with CDP Policies 7 and 8 relating to visitor attractions and accommodation. The proposed development would not adversely affect the vitality or viability of any nearby town centre, and would help to attract visitors to the County and nearby Durham City.
194. The proposed development would be situated within Durham City Green Belt. Despite the proposed development not conflicting with the five purposes of the Green Belt and its limited visual impact from outside of the wider Ramside site, it would have a greater impact on openness than the existing clubhouse and so would constitute inappropriate development, which is by definition harmful, in addition to the harm to the openness of the greenbelt. However, in this instance it is considered that the continued investment in Ramside Hall Hotel, and improved tourism offer within County Durham, which could only be achieved through the development occurring on this site within the Green Belt, would clearly outweigh the identified harm to the Green Belt. Accordingly, very special circumstances have been demonstrated in accordance with CDP Policy 20 and Part 13 of the NPPF.
195. The proposed development would not adversely affect on the character of the surrounding landscape or the significance of the Grade II listed Ramside Hall and is of a scale and design approach which is considered to be appropriate in the context of the surrounding site, according with CDP Policies 29, 39, and 44.
196. The proposed development would see the delivery of biodiversity net gains in excess of the mandatory 10%, would not increase flood risk on site or elsewhere, would not adversely affect the living conditions of nearby residents and would be powered by renewable energy in the form of solar panels.
197. Overall, it is concluded that the proposed development accords with CDP Policies 7, 8, 10, 20, 21, 29, 31, 32, 35, 36, 39, 40, 41, 43 and 44, as well as Parts 2, 4, 6, 9, 12, 13, 14, 15, and 16 of the NPPF. Accordingly, with no material considerations to indicate otherwise, the application is recommended for approval, subject to conditions.

Public Sector Equality Duty

198. 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.

199. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

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 approved plans:

Site Location Plan 687-00A
Proposed site plan 05
Proposed Basement and Ground Floor Plans 687-02A
Proposed First Floor and Roof Plans 687-03A
Proposed Elevations 687-04A
Biodiversity Net Gain Plan 06 A
Tree location, constraints and protection plan TLP_TCP_TPP01
Drainage strategy DR-C-0101 P2
Proposed PV Panel Layout
Construction Management Plan
LED Floodlighting

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies) 7, 8, 10, 20, 21, 29, 31, 35, 36, 39, 40, 41, 43 and 44 of the County Durham Plan and Parts 2, 4, 6, 12, 13, 14, 15 and 16 of the National Planning Policy Framework.

3. No development shall commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

Reason: To ensure that surface and foul water are adequately disposed of, in accordance with Policies 35 and 36 of the County Durham Plan and Parts 14 and 15 of the National Planning Policy Framework.

4. Prior to the commencement of development above damp proof course, details of the make, colour and texture of all walling and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

5. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated on the Tree location, constraints and protection plan TLP_TCP_TPP01 as to be retained, are protected by the erection of fencing, placed as indicated on the plan and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2010. The construction phase shall take place in accordance with the details within the Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement dated the 13th of February 2024.

No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place inside the fences, and no work is to be done such as to affect any tree. No removal of limbs of trees or other tree work shall be carried out. No underground services trenches or service runs shall be laid out in root protection areas, as defined on the tree location, constraints and protection plan.

Reason: In the interests of the visual amenity of the area and to comply with Policies 29 and 40 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

6. In undertaking the development that is hereby approved:

No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0730 to 1400 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays.

For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

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

7. The development hereby approved shall not be occupied until the PV panels shown on the Proposed PV Panel Layout drawing have been installed and are operational.

Reason: To minimise carbon emissions through the use of renewable energy sources in accordance with Policy 29 of the County Durham Plan.

8. The development shall take place in accordance with the recommendations contained within Section 8 Mitigation of the submitted Preliminary Ecological Appraisal undertaken by Veronica Howard dated February 2024. This shall include the erection of a newt fence around the building site prior to the commencement of and for the duration of the construction phase, and the installation of an integrated bat box to the extended clubhouse prior to its first use.

Reason: As a precautionary measure to ensure no accidental harm to great crested newts prior to any foundations being dug and to provide roosting opportunities for bats, in the interest of conserving protected species and their habitats in accordance with Policy 41 and 43 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

9. No events or functions shall place within the golf clubhouse outside the hours of 11am to 12am. The driving range shall not be available for use outside the hours of 7am to 11pm. The external floodlighting shall not be turned on outside the hours of 7am to 11pm.

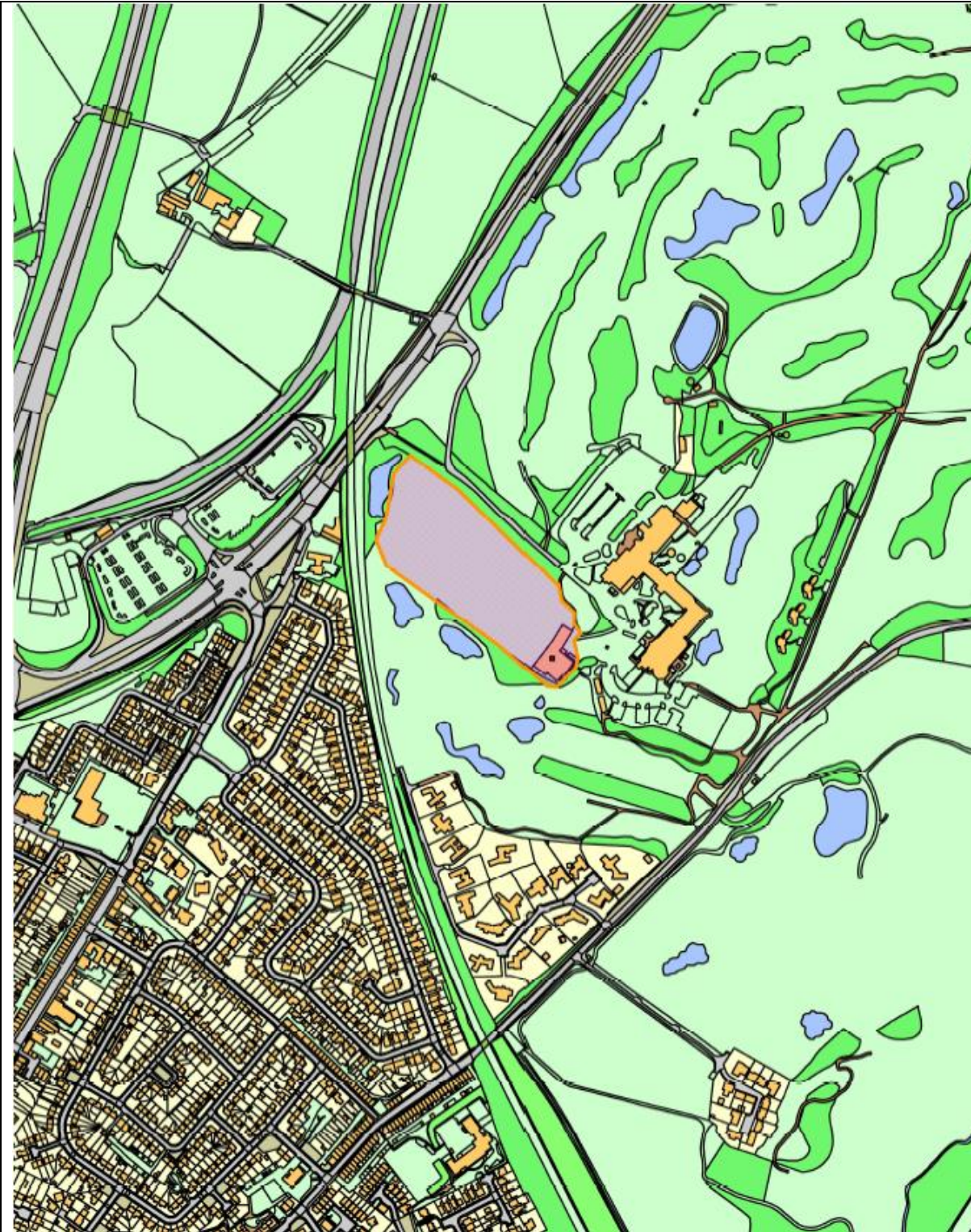
Reason: In the interests of the residential amenity of surrounding properties in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
The County Durham Plan (CDP)
Residential Amenity Standards Supplementary Planning Document 2023
The Council's Parking and Accessibility Supplementary Planning Document 2023
Statutory consultation responses
Internal consultation responses
External consultation responses



<p>Planning Services</p>	<p>Erection of part single and part two storey extension to Golf Clubhouse and Driving Range</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p>Comments</p>	
	<p>Date: 23rd May 2024</p>	



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/24/00586/VOC
Full Application Description:	Variation of condition 10 pursuant to permission DM/20/01107/FPA for the erection of a house in multiple occupation, to allow the first floor en suite window within the north side elevation to be fitted with external opening restrictor (description amended)
Name of Applicant:	Mr Frank Stephenson
Address:	Saffron House, Newcastle Road, Crossgate Moor, DH1 4HZ
Electoral Division:	Nevilles Cross
Case Officer:	George Spurgeon (Senior Planning Officer) Tel: 03000 261 959 Email: george.spurgeon@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The Site

1. The application site comprises a dormer bungalow, known as Saffron House, on land that forms the rear garden of the White House, Crossgate Moor, to the west of Durham City centre. Saffron House is a new build five bedroom dwelling with a C4 HMO use, granted planning permission in September 2020 under application DM/20/01107/FPA. Due to the sloping land levels the dwelling appears as single storey when viewed from the east and two storey when viewed towards the west.
2. The site is located behind Abbey Vets and the White House and is accessed from the A167 by a narrow unlit road along the northern side of the White House. The White House itself is a detached dormer bungalow that was granted planning permission in 2019 for a change of use to a C4 HMO.

3. The area is an established residential area with mainly large detached houses to the south, and detached bungalows and a Sainsbury's Local supermarket to the north. To the west lies open countryside. The land level slopes down from the east towards the west.

The Proposal

4. The application seeks approval to vary condition 10 pursuant to planning permission DM/20/01107/FPA for the erection of what is now known as Saffron House. Condition 10 stated:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the proposed first floor en suite windows within the north and south side elevations of the dwelling shall be non-opening and obscured to level 3 or higher of the Pilkington scale of privacy or equivalent. The windows shall be maintained thereafter in perpetuity.

Reason: In the interests of the residential amenity of neighbouring properties in accordance of Policy H10, H13, and Q8 of the City of Durham Local Plan and Part 12 of the National Planning Policy Framework.

5. The dwelling has now been completed and is occupied. The en suite windows have been installed featuring the relevant obscure glazing but are top hung allowing them to be opened outwards. The applicant initially proposed to fit an internal opening restrictor to the north facing window however upon visiting the site it was apparent that the restrictor could be removed from the inside, thereby allowing the window to open as normal. Following this, a metal restraining bar has been fitted horizontally outside of the window, physically attached to the masonry to each side of the recess in which the window sits. The application has therefore been amended to reflect this restraining bar arrangement to the north facing window and the unrestricted opening of the south facing window, with the altered wording of condition 10 to read as below:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the proposed first floor en suite windows within the north and south side elevations of the dwelling shall be obscured to level 3 or higher of the Pilkington scale of privacy or equivalent. The windows, and the external restraining bar outside the north facing en suite window, shall be maintained thereafter in perpetuity.

Reason: In the interests of the residential amenity of neighbouring properties in accordance with Policy 31 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

6. The purpose of the application is therefore to permit the north facing window to be partially opened to up to 10mm subject to the restrictor bar, and to allow the

south facing window to be fully opened with no such restriction. In all other respects the previous planning permission would remain unaltered.

7. The application is being reported to the Central and East Area Planning Committee at the request of the City of Durham Parish Council who have concerns relating to a loss of privacy.

RELEVANT PLANNING HISTORY

8. Enforcement cases EN/24/00187 and EN/23/01037 concerned non-compliance with conditions 1 (Approved Plans) and 8 (the removal of permitted development rights for hardstanding). Upon investigating, it was identified that the timber gate to the north side elevation had been omitted, along with part of the external paving to allow the provision of a greater amount of lawn space. It was concluded that there was no breach of planning control as these works could be achieved under permitted development rights and so the case was closed.
9. EN/23/00350 concerned non-compliance with condition 1 (Approved Plans) as two solar panels had been installed to the east facing roof slope of the dwelling. Following the occupation of the property, it was concluded that there was no breach of planning control as the property benefitted from permitted development rights allowing the installation of solar panels.
10. EN/23/00120 concerned non-compliance with condition 10 (Obscure Glazing) to which this application relates. The enforcement case is currently pending consideration whilst this application is ongoing.
11. EN/22/00769 and EN/22/00996 concerned non-compliance with conditions 5 (Tree Protection Measures) and 14 (Construction Management Plan). It was concluded that no trees or hedgerow identified on the approved Tree Protection Plan to be retained were found to have been removed. There was no evidence that the final levels across the site materially differed from those shown on the approved plans and elevations. Despite visiting the site on several occasions there was no evidence of any works taking place outside the agreed working hours or construction vehicles parked outside of the site. Nevertheless, the applicant was reminded of their responsibilities to comply with the conditions of the planning permission.
12. EN/21/00128 concerned non-compliance with condition 5 (Tree Protection Measures) as an Ash tree on the western boundary of the site had been removed. The Council's Arborist visited the site to view the cut timber branches of the tree and confirmed there were signs of Ash Die back and that the tree had not shown signs of good growth in the last 12 months. Replacement tree planting was secured under condition 6 (Submission of Landscaping Scheme), approved under application DM/23/01147/DRC on the 15th of May 2023 following consultation with the Council's Arborist.

13. An application to vary condition 10 (Obscure Glazing) pursuant to DM/20/01107/FPA to remove the word 'non-opening' for purge ventilation purposes was refused on the 22nd of November 2023.
14. The erection of Saffron House was approved under application DM/20/01107/FPA on the 9th of September 2020.
15. Application DM/20/00387/FPA for the erection of two Houses in Multiple Occupation (Use Class C4) was refused on the 23rd of April 2020.
16. The White House was granted consent to be converted to a 5 bedroom HMO (Use Class C4) under application on the 19th of March 2019.
17. An application (DM/16/02170/FPA) to demolish the White House and erect one detached dwelling was refused on the 29th of September 2016. An appeal was subsequently dismissed on the 22nd of March 2017.

PLANNING POLICY

National Policy

18. A revised National Planning Policy Framework (NPPF) was published in December 2023. The overriding message continues to be that new development that is sustainable should go ahead without delay. 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.
19. *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.
20. *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.
21. *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.

22. *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.
23. *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.
24. *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.
25. *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.

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

National Planning Practice Guidance:

26. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; historic environment; design process and tools; determining a planning application; flood risk; healthy and safe communities; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; light pollution; natural environment; noise; public rights of way and local green space; planning obligations; use of planning conditions; and; water supply, wastewater and water quality.

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

Local Plan Policy:

The County Durham Plan (CDP)

27. *Policy 16 (Durham University Development, Purpose Built Student Accommodation and Houses in Multiple Occupation)* seeks to provide a means to consider student accommodation and proposals for houses in multiple occupation in ensure they create inclusive places in line with the objective of creating mixed and balanced communities.
28. *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.
29. *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.
30. *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.
31. Residential Amenity Standards SPD (2023 Adopted version) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.

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

Neighbourhood Plan:

32. The application site is located within the Durham City Neighbourhood Plan area.
33. *Policy S1 (Sustainable Development Requirements of all Development and Re-development Sites Including all New Building, Renovations and Extensions)*

sets out the economic, social and environmental criteria that development proposals will be required to meet to: Promote economic well-being, to Conserve, preserve and enhance the neighbourhood, to increase resilience to climate change, and secure equity and benefit to the local community.

34. *Policy H3 (Our Neighbourhood Outside the Conservation Areas)* requires development outside of Conservation areas to, where appropriate, demonstrate an understanding of the area of the proposed development and its relationship to the Neighbourhood area. Such development should sustain and make a positive contribution to the character and distinctiveness of the area and avoid the loss of open space and public realm that contributes to the area, to be appropriate in terms of scale, density, massing, form, layout, landscaping and open spaces and use appropriate materials and finishes.
35. *Policy D4 (Building Housing to the Highest Standards)* states all new housing, extensions and other alterations to existing housing should be of high-quality design relating to the character and appearance of the local area, aesthetic qualities, external and internal form and layout, functionality, adaptability, resilience and improvement of energy efficiency and the reduction of carbon dioxide emissions.
36. *Policy T1 (Sustainable Transport Accessibility and Design)* seeks to ensure that development proposals will be required to demonstrate best practice in respect of sustainable transport accessibility, impact and design.
37. *Policy T2 (Residential Car Parking)* supports developments with or impacting on car parking provided car parking is designed to reduce vehicle movements on residential streets and is in designated bays or small groups separated by landscaping or features and designed with safety in mind. Consideration should be given to communal off-street parking for dwellings without garages. Any EV requirements should not hinder movement by pedestrians or disabled people and should be in keeping with area character. The policy supports the use of car clubs. Should the parking demand require parking controls these will need to be funded through developer contributions.
38. *Policy T3 (Residential Storage for Cycles and Mobility Aids)* requires residential development including change of use to seek to provide storage facilities for cycles and, where appropriate mobility aids. Cycle parking should meet DCC standards and should be adaptable for other types of storage with access to electricity. Where there is communal storage and a travel plan this should be managed appropriately in terms of removal and capacity needs. Design and location of storage should accord with the style and context of the development.

CONSULTATION AND PUBLICITY RESPONSES

Statutory Consultee Responses:

39. *City of Durham Parish Council* – Object to the application on the grounds of loss of privacy. They consider that the external restraining bar could be

unscrewed or knocked out of place, that having the window open gives the perception of overlooking, and that there are alternative means of achieving the necessary ventilation without opening the window. Also state that the window is within 3m of the rear garden associated with Langdale.

Public Responses:

40. The application has been advertised by way of individual notification letters sent to neighbouring properties. Three letters of objection, including one from the City of Durham Trust, have been received raising the following concerns:
- Allowing the north facing window to be openable would result in a loss of privacy for the residents of Langdale due to the proximity and orientation of the gable end containing the window, which is approximately 3m away from its rear garden,
 - Seeing the window ajar results in a perception of overlooking,
 - The restrictor could be removed which would allow the window to be fully opened,
 - Adequate ventilation should have been factored into the development with the windows being non-openable,
 - The applicant has breached planning controls in the past and has had adequate time to comply with the original wording of condition 10,
 - A similar application (DM/23/00607/VOC) was refused in November 2023,
 - Bins are not promptly returned to the bin store,
 - The presence of an unmaintained hedge restricts light into the property known as Braeside to the east.

Applicants Statement:

41. It is a pity that something which to a reasonable man would be deemed so petty, is being brought to a council committee with all the taxpayer expense this must incur. Even more especially when this application is recommended for approval by the DCC Planning team.
42. The window in question is in a small shower room, with privacy glass which has been fitted with restraining bars so that tenants cannot open the window more than a few millimetres. Consequently, even if they wanted to, (which the tenants find ludicrous), it is impossible to look into the garden of Langdale through this window. Although, if they desired, tenants could see into the garden from other windows or vantage points, just as a huge amount of residents will be able to do throughout the UK with windows giving views across adjoining and adjacent properties.
43. We would ask you to support this application. In the event that it is not supported, we will appeal and seek costs.
44. We have been accused of felling a large ash tree. The tree was cut down by the owner of the field to the rear of the site owing to signs of Ash dieback and the Council were made aware.

45. We have been accused of felling a Laburnum tree. The tree is still in place and the Council's enforcement officers have evidence of this. With regard to hedges, we had to dig the Utilities trench for Gas, Electricity and water. This however was on the same run as the existing trench and has done no damage to the hedges which have been inspected by a leading hedge layer in the County - Stafford Smith. We are very environmentally conscious and in addition to the hundreds of trees which we have planted in recent years, Stafford has planted over 7,000 hedge plants for us in the last two years alone.
46. Other complaints, a reasonable person may consider trivial, which have been raised to the Council include things like:
- The car park is too small - 2 Council Enforcement officers were sent to site to investigate.
 - The car park is too big! (Again an investigation).
 - That we have installed a dormer window and extra room in Saffron House which we have not. Again investigated and upheld by the Council at Taxpayers' expense.
 - That we installed an energy saving solar panel slightly earlier than we should have.
47. These and the long list of other petty-minded complaints which the Council will have received and will have acted upon, all cost local taxpayers.

PLANNING CONSIDERATION AND ASSESSMENT

48. Section 73 of the Town and Country Planning Act 1990 (as amended) applies to the determination of applications to develop land without the compliance with conditions previously attached. S73 states that on such an application the Local Planning Authority (LPA) shall consider only the question of the conditions subject to which planning permission should be granted. The LPA should decide whether planning permission should be granted subject to conditions differing from those subjects to which the previous permission was granted or that it should be granted unconditionally. If the LPA decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they should refuse the application.
49. In considering such an application, the Development Plan and any other material considerations under section 38(6) of the Planning and Compulsory Purchase Act, are relevant in the determination. LPAs should, in making their decisions, focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission.
50. The principle of the development is acceptable having been established through a previous planning permission at the site and the property has now been constructed. Therefore, the key consideration in the determination of the

application is the impact of the proposed variation of condition 10 upon the amenity of adjacent residents.

51. Specifically, this application relates to amendment to Condition 10 of Planning Permission DM/20/01107/FPA to permit the window in the Southern gable to be fully opening and the Northern gable window to be partially opened (subject to the restrictor bar). The remainder of the permission remains unaltered and as such consideration of the application will focus solely upon the proposed amendments as described above.

Impact upon Residential Amenity

52. In granting planning permission for the change of use of the property to a small HMO in September 2020 the Planning Committee (at the advice of the planning officer) granted permission subject to Condition 10 which required the first-floor windows in the side elevations facing adjacent properties to be obscure glazed and non-opening. This was following a letter of objection from the residents of Langdale to the north which, amongst other issues, raised concerns regarding overlooking from the north facing gable window. In recognition of the orientation of the properties, the proximity of these windows to the site boundary and the separation distances involved, the committee considered the windows would allow overlooking in the event that they were not non-opening.
53. It was therefore considered necessary to include a condition to prevent these windows from being capable of being opened to protect residential amenity in accordance with policies H10, H13, and Q8 of the City of Durham Local Plan, (which represented the adopted Local Plan at the time of determination) and Part 12 of the NPPF.
54. Whilst the City of Durham Local Plan has since been replaced by the County Durham Plan (adopted in September 2020) Policy 31 of this plan seeks to protect residential amenity. Specifically, it states that proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated whilst ensuring that any existing business and/or community facilities do not have any unreasonable restrictions placed upon them as a result.
55. Policy H10 of the now superseded Durham City Local Plan stated that backland development would not be permitted unless a safe and satisfactory access is provided, the amenities of existing and prospective occupiers are not adversely affected and finally, that the development would be in keeping with surrounding development. Policy H13 stated that planning permission would not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them and policy Q8 set out the Council's standards for the layout of new residential development. Amongst other things, this stated that new dwellings must be appropriate in scale, form, density and materials to the character of their surroundings. The impact on the occupants of existing nearby properties should be minimised.

56. Whilst Policies H10, H13 and Q8 of the County Durham Plan (against which the previous planning application was considered) have since been replaced by Policies 29 and 31 of the County Durham Plan, the need for new development to protect residential amenity remains a requirement of relevant local plan policies. Accordingly, whilst the Development Plan has changed since the previous grant of planning permission, the thrust of the policy requirement remains the same.
57. The applicant has since installed a horizontal metal restraining bar to the outside of the north facing window. Each end of the bar sits within an end socket which is physically secured to the masonry to each side of the recess in which the window sits by three screws. As such, the window cannot be opened by more than 10mm and the restraining bar would not be knocked out of place by attempts to open the window. Consequently, views from the en-suite into the rear garden of Langdale are not possible. The only way the bar could be removed is if a person climbed a ladder and physically unscrewed it from the wall. It is considered highly unlikely that any of the student occupants of the property would do this, and should they do so it would constitute a breach of the new wording to condition 10 proposed here. That the window could be 'opened' by a minimal distance of 10mm would not have any impact on the occupants of Langdale, including any perception of overlooking, who would be unable to tell if the window was 'open' or not. Therefore, the proposed alteration to condition 10 would not result in the occupants of Langdale suffering any loss of privacy, or any perception of overlooking, achieving the same outcome as the original wording of condition 10.
58. The imposition of condition 10 was considered to be an acceptable way of preventing overlooking into the rear garden of Langdale, however this does not mean that the wording of this condition was the only way of achieving this result. Ultimately, it is possible for there to be more than one acceptable solution and in this instance the restraining bar is considered to achieve the same end result as the window having been purposely installed as non-opening – in both situations the window is obscure glazed and cannot be opened from the inside further than 10mm thereby preventing any overlooking or loss of privacy occurring.
59. In terms of the south facing en suite window, whilst the original wording of condition 10 also required this window to be non-opening, having visited the site following the completion of Saffron House it is clear that given its position beyond the end of the rear garden serving Fairway, its distance of approximately 18m away from the southern boundary and that the window is obscure glazed, the occupants of Fairway would not suffer from overlooking or loss of privacy from the position or opening of this window. It should be noted that the residents of Fairway to the south objected to the original application for the erection of Saffron House but did not specifically raise overlooking from the south facing gable window as a concern. They have been notified of this application and have not submitted a letter of objection. It is considered appropriate to continue to require this window to be obscure glazed to prevent

views into the en-suite from users of the garden area associated with the White House and Saffron House.

60. Overall, the proposed alteration to condition 10, to include the retention of the restraining bar to the outside of the north facing en suite window, is considered sufficient to prevent overlooking or a loss of privacy for the occupants of Langdale, in accordance with CDP Policies 29 and 31, as well as Part 12 of the NPPF.

Other Matters

61. Adjacent residents, the Parish Council and the City of Durham Trust have all raised objection in respect of previous alleged breaches of planning control at the site. Whilst these are noted they cannot be afforded weight in the determination of this planning application. Those cases were reported and investigated by the Local Planning Authority and appropriate action taken where considered appropriate.
62. One resident raised a concern over an unmaintained hedge within the application site restricting light into the property known as Braeside to the east of the site. However, this is not a material consideration in the determination of this application.

Conditions of Planning Permission DM/20/01107/FPA

63. Condition 1 (Approved Plans) - Alter to refer to Proposed Plans and Elevations drawing Rev B which includes an annotation regarding the opening restrictor.
64. Condition 2 (Time Limit) – Remove as the development has been completed and is now occupied.
65. Condition 3 (Materials) – Remove as the development has been constructed in accordance with the specified materials.
66. Condition 4 (Bin Store) – Remove as the bin store is in situ.
67. Condition 5 (Tree Protection) – Remove as the details have already been approved under application DRC/22/00096 and the development has been completed.
68. Condition 6 (Landscaping) – Remove as the details have already been approved under application DM/23/01147/DRC and planting has taken place.
69. Condition 7 (Fencing to East) – Alter as fencing has been erected but its retention still needs to be secured.
70. Condition 8 (Hardstanding Permitted Development Rights Removed) – Repeat.
71. Condition 9 (C4 to C3 Permitted Development Rights Removed) – Repeat.

72. Condition 10 (Obscure Glazing) – Alter to replace reference to ‘non-opening’ with the retention of the external restraining bar to the north facing window.
73. Condition 11 (Fencing to North) – Remove as the fencing has been erected.
74. Condition 12 (Archaeology – Written Scheme of Investigation) – Remove as has already been approved under application reference DRC/22/00096.
75. Condition 13 (Archaeology – Reporting and Archiving) – Remove as the development has already been occupied.
76. Condition 14 (Construction Management Plan) – Remove as the construction phase has been completed.
77. Condition 15 (Parking) – Repeat.

CONCLUSION

78. In the determination of a variation of condition application (Section 73), the LPA should decide whether planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted (or that it should be granted unconditionally). If the variation sought is considered unacceptable then the application should be refused and the wording of the condition on the previous planning permission would continue to subsist/apply to the development. The key considerations in this case are ensuring that the form of development secures protection of residential amenity.
79. It is concluded that the installation of a metal restraining horizontally across the outside of the obscure glazed north facing en suite window would prevent any loss of privacy, or perception of overlooking, for the adjacent neighbouring dwelling to this side (Langdale). The obscure glazed south facing en suite window is openable, however following the completion of the development it is clear that due to the position of Saffron House relative to that of the rear garden of the adjacent neighbouring property to the south (Fairway), the occupants of this neighbouring property would not suffer from overlooking or loss of privacy from the position of this window.
80. Therefore, it is concluded that the proposed alteration to the wording of Condition 10 of Planning Permission DM/20/01107/FPA to remove the reference to ‘non-opening’ of the first floor windows within the gable elevations would not have a detrimental impact upon residential amenity from overlooking and loss of privacy, according with Policies 29 and 31 of the County Durham Plan and Part 12 of the NPPF. However, it is considered necessary and appropriate to require the retention of the restraining bar to the north facing en suite window in perpetuity. Overall, the proposed alteration to the wording of condition 10 would achieve the same outcome as its original wording.

81. The proposal is considered to accord with relevant policies of the County Durham Plan, with no material considerations to indicate otherwise, and therefore the application is recommended for approval.

Public Sector Equality Duty

82. 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.
83. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions:

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

Location Plan 001
Site/Roof Plan and Site Section Existing and Proposed 200 Rev H
Proposed Plans and Elevations 201_B

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 16, 21, 29 and 31 of the County Durham Plan and Parts 2, 4, 5, 8, 9, 12 and 15 of the National Planning Policy Framework.

2. The 0.5 metre high fence shown on the Proposed Site Plan 18/95_200_H received 07.07.2020 shall be retained for the lifetime of the development.

Reason: To limit the amount of car parking spaces that would serve the development to prevent an increase in the number of vehicular trips to the site in the interest of highway safety and in accordance with Policies 6 and 10 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any revocation and re-enactment of that order), no provision for a hard surface at the site, other than those expressly authorised by this permission, shall be permitted without the grant of further specific permission from the Local Planning Authority.

Reason: In the interests of highway safety and in accordance with *Policies 6 and 10 of the County Durham Plan and Part 9 of the National Planning Policy Framework*.

4. Notwithstanding the provisions of Schedule 2 Part 3 Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any revocation and re-enactment of that order) none of the development described therein shall be carried out on the site without an application for planning permission having first been made to and approved in writing by the Local Planning Authority.

Reason: To achieve a satisfactory standard of development in accordance with Policies 6 and 10 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the proposed first floor en suite windows within the north and south side elevations of the dwelling shall be obscured to level 3 or higher of the Pilkington scale of privacy or equivalent. Thereafter, the en suite windows, and any subsequent replacements, shall remain obscure glazed to level 3 or higher on the Pilkington scale of privacy in perpetuity and the north facing ensuite window shall be limited in perpetuity by a restraining bar which restricts any opening to not more than 10mm at any point.

Reason: In the interests of the residential amenity of neighbouring properties in accordance with Policy 31 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

6. No vehicles shall be parked within the curtilage of the dwelling hereby approved at any time.

Reason: To minimise the number of vehicular trips in the interests of highway safety and in accordance with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF.

BACKGROUND PAPERS

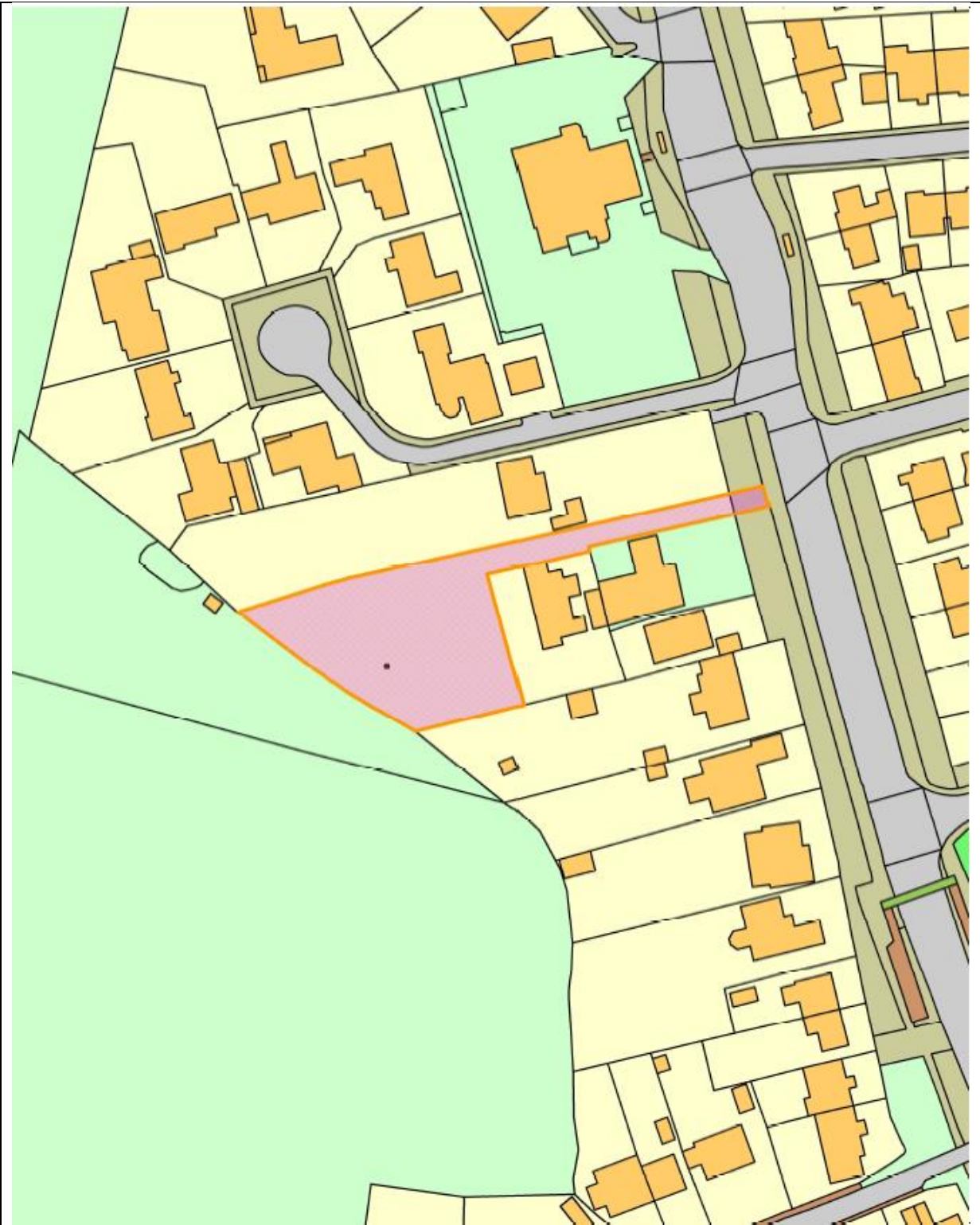
Submitted Application Forms, Plans and supporting documents

National Planning Policy Framework

The County Durham Plan (CDP)

Residential Amenity Standards Supplementary Planning Document 2023

Statutory consultation responses



<p>Planning Services</p>	<p>Variation of condition 10 pursuant to permission DM/20/01107/FPA for the erection of a house in multiple occupation, to allow the first floor en suite window within the north side elevation to be fitted with external opening restrictor (description amended)</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2024</p>	<p>Comments</p>	
	<p>Date: 17th May 2024</p>	

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/24/00555/FPA
FULL APPLICATION DESCRIPTION:	Construction of two storey side extension, additional off-street parking and change of use of the existing dwellinghouse (Use Class C3) to a HMO (Use Class Sui Generis) - Resubmission
NAME OF APPLICANT:	Mr Steven Argument
ADDRESS:	50 Prebends Field, Gilesgate, Durham, DH1 1HH
ELECTORAL DIVISION:	Belmont
CASE OFFICER:	Elinor Woodruff Planning Officer 03000 261059 elinor.woodruff@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application property is a detached, two-storey dwelling located within Prebends Field, Gilesgate a residential estate adjacent to the A690 to the northwest.
2. The property is a corner plot, located to the northwest edge of Prebends Field, which is part of a wider residential estate.

The Proposal

3. The application seeks full planning permission for the construction of a two storey side extension, the creation of additional off-street parking and a change of use of the existing dwellinghouse (Use Class C3) to a Large HMO (Use Class Sui Generis).
4. The application is being reported to planning committee at the request of Belmont Parish Council who consider the application raises issues relating to residential amenity, parking and highway safety which require consideration by the committee.

PLANNING HISTORY

5. DM/19/03062/FPA - Two storey side extension and canopy to front (amended description) – Approved 20.11.2019
6. DM/23/03508/FPA - Change of use of existing dwellinghouse (Use class C3) to a 7 bed house in multiple occupation (use class sui generis). Amended description 27.11.2023 – Withdrawn 16.02.2024.

PLANNING POLICY

NATIONAL POLICY

7. A revised National Planning Policy Framework (NPPF) was published in July 2021 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. 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.
8. In accordance with Paragraph 219 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
9. *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.
10. *NPPF Part 4 - Decision-making.* Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
11. *NPPF Part 5 – Delivering a sufficient supply of homes.* To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed and that the needs of groups with specific housing requirements are addressed.
12. *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.
13. *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.

14. *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.
15. *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.
16. *NPPF Part 15 - Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

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

17. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; design process and tools; determining a planning application; flood risk; healthy and safe communities; land stability; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; natural environment; neighbourhood planning; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions; Tree Preservation Orders and trees in conservation areas and; water supply, wastewater and water quality.

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

LOCAL PLAN POLICY:

The County Durham Plan

18. *Policy 6 - Development on Unallocated Sites.* Supports development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.
19. *Policy 16 - Durham University Development, Purpose Built Student Accommodation and Houses in Multiple Occupation.* Seeks to provides a means to consider student

accommodation and proposals for houses in multiple occupation in ensure they create inclusive places in line with the objective of creating mixed and balanced communities.

20. *Policy 21- Delivering Sustainable Transport.* Requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to the Parking and Accessibility Supplementary Planning Document and Strategic Cycling and Walking Deliver Plan.
21. *Policy 29 – Sustainable Design.* Requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access for all users; adhere to the Nationally Described Space Standards.
22. *Policy 31 - Amenity and Pollution.* Sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
23. *Policy 43 - Protected Species and Nationally and Locally Protected Sites* states that all development which, alone or in combination, has a likely adverse impact on the ability of species to survive, reproduce and maintain or expand their current distribution will not be permitted unless:
 - a. appropriate mitigation, or as a last resort compensation, can be provided, which maintains a viable population and where possible provides opportunities for the population to expand; and
 - b. where the species is a European protected species, the proposal also meets the licensing criteria (the 3 legal tests) of overriding public interest, no satisfactory alternative and favourable conservation status
24. The current County Durham Parking and Accessibility Standards Supplementary Planning Document 2019 sets out the Council's approach to vehicle and cycle parking provision on new development and extensions to existing development which includes both residential and non-residential.

<https://www.durham.gov.uk/media/26916/County-Durham-Parking-and-Accessibility-Standards-2019/pdf/CountyDurhamParkingAndAccessibilityStandards2019.pdf?m=636839346853430000>

25. Durham County Council Residential Amenity Standards SPD 2023.

[Appendix 5 Residential Amenity SPD.pdf \(durham.gov.uk\)](#)

Durham City Neighbourhood Plan

26. Policy S1: Sustainable Development Requirements of all Development and Re-development Sites Including all New Building, Renovations and Extensions - sets out the economic, social and environmental criteria that development proposals will be required to meet to: Promote economic well-being, to Conserve, preserve and enhance the neighbourhood, to increase resilience to climate change, and secure equity and benefit to the local community.
27. Policy T1: Sustainable Transport Accessibility and Design - seeks to ensure that development proposals will be required to demonstrate best practice in respect of sustainable transport accessibility, impact and design.
28. Policy T2: Residential Car Parking - supports developments with or impacting on car parking provided that car parking is designed to reduce vehicle movements on residential streets and is in designated bays or small groups separated by landscaping or features and designed with safety in mind. Consideration should be given to communal off-street parking for dwellings without garages. Any EV requirements should not hinder movement by pedestrians or disabled people and should be in keeping with area character.
29. Policy T3 (Residential Storage for Cycles and Mobility Aids) requires residential development including change of use to seek to provide storage facilities for cycles and, where appropriate mobility aids. Cycle parking should meet DCC standards and should be adaptable for other types of storage with access to electricity. Where there is communal storage and a travel plan this should be managed appropriately in terms of removal and capacity needs. Design and location of storage should accord with the style and context of the development.
30. Policy D4: Building Housing to the Highest Standards – states that all new housing and extensions and other alterations to existing housing should be of high-quality design.

<https://www.durham.gov.uk/media/36020/Durham-City-adopted-neighbourhood-plan/pdf/DurhamCityNeighbourhoodPlan.pdf?m=637738120004600000>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

31. *Belmont Parish Council* – object to the application, no evidence that the HMO would contribute to building a strong, competitive and responsive economy. The impact the proposed HMO would have on residential amenity and the supply of family homes. The Council provided evidence that over the past three years there has been a marked deterioration in properties in Gilesgate Moor that have become HMOs and that by their nature more waste is generated and there are more car owners. Therefore, there is no justification for suggesting the HMO improves biodiversity, uses natural resources, minimises waste and pollution, adapts to climate change and assists in moving to a low carbon economy. Furthermore, no justification of need has been provided by the application and arguably the application would exceed the 10% threshold within Policy 16 of the CDP.

32. *Highway Authority* – Raises objection as insufficient parking provision has been provided. Amended plans have since been received showing four in-curtilage parking spaces at the property, subsequently the Highways Authority raise no objection to the proposal.

INTERNAL CONSULTEE RESPONSES:

33. Environment, Health and Consumer Protection (Nuisance Action Team) raise no objection to the application subject to the inclusion of conditions relating to construction works and noise mitigation.
34. HMO Data have confirmed that the percentage of properties within the 100m radius of and including the application site that are exempt from Council Tax is 6.7%. There are two properties within 100m radius that have unimplemented consent for the change of use to an HMO which have been included in the percentage figure and there are no applications within 100m radius pending determination.
35. HMO Licensing have confirmed that the property would need to be licensed following completion of the works due to the property forming a 7-bedroom, 2 storey house in multiple occupation.

PUBLIC RESPONSES:

36. The application has been advertised by way of a site notice and individual notification letters to neighbouring residents.
37. 28 letters of objection and 1 letter of representation have been received from neighbouring properties. Reasons for objection are summarised as:
- Concerns in regards to the number of HMO's that would create a small cluster within this part of the estate and the impact that this will have on the amenity of neighbouring residents.
 - Impact on parking, highway safety and traffic congestion. Given the sites location on a corner and the sharp bend in the road, how this will impact future occupiers manoeuvring out of the in-curtilage parking provided safely. The road is used as an alternate route for many motorists to avoid the speed bumps on Pilgrims Way, as such with more people living at the property there will be an increase in on-street parking, leading to congestion and potential accidents. The site would compound existing parking and access problems in street and would present a danger to safety of residents/ pedestrians. Consider that development will also have implications for services such as bin collections and emergency services.
 - Impact on neighbouring property values from having a number of HMO's in close proximity.
 - Impact on social cohesion and the balance of the community as a result of the development which would lead to an over proliferation of HMOs in this area, impacting on general housing stock, forcing families out of this residential area. In particular, due to the transient nature of student population, properties are often empty outside of term times and do not contribute to the area's character or identity or help to reinforce a distinctive and sustainable community.

- Impact upon existing residential amenity in that the proposal would adversely impact upon neighbouring properties from increased noise and disturbance. The area is predominantly for families and the number of HMOs in the is pushing private owners out and increasing costs.
- Adverse impact from increased volume of waste/recycling and that the site does not include sufficient space to accommodate refuse storage requirements for 7 persons and as such would increase nuisance and vermin.

*The above is not intended to list every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:
<https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S9KT13GDGP100>*

APPLICANTS STATEMENT:

38. First, it is disappointing that this matter has been called into the Committee. Officers are granted delegated powers for a reason. Because unnecessary call-ins for this type of development are getting far too familiar, it suggests a significant lack of trust in the officers' ability to come to a fitting conclusion.
39. Secondly, Policy 16(3) is clear and unambiguous in describing circumstances where the principle of HMO development is acceptable. That is gauged by reference to the percentage of 'student-exempt' properties ['HMOs'] within 100m of the property. In this case, officers have determined that the concentration of HMOs within that search area is less than the 10% threshold. The principle of the change of use is wholly acceptable.
40. The reasons such locations are being targeted for such development is a direct consequence of the Council's rigorous application of Policy 16(3). This prevents HMO development in more sustainable locations in and around the city centre. Suppose Councillors and objectors want to do something useful. In that case, I suggest they lobby the Head of the Service to review this policy so that HMO development can happen where needed and not be pushed out to less sustainable locations.
41. I have had regard to the responses to the Council's consultation process and pay particular attention to the comments of the Parish Council. It is clear it has yet to completely understand this policy. Furthermore, vague and generalised assertions about the proposal's impact are unsupported by objective analysis. This could be seen as unreasonable behaviour by the Inspectorate if this transcribes to the reasons for refusal and I appeal.
42. While I am not required to demonstrate the need for this development, I strongly refute that there is no need for HMO accommodation.
43. I want the Council to provide the figures that prove, once and for all, that this is the case. It has an obligation to consider the need in its annual policy monitoring and is failing to do so. The obligation is not specific to any part of Policy 16, i.e., it must also be undertaken in relation to small HMO development.
44. Here is an extract from the most recent annual report: '7.22...The target specifies that it is related to the identified need, however, at this point in time there is no assessment of identified need for HMO bedspaces'
45. This means the Council could be rigorously applying Policy 16(3) when it ought not to be as it should be reviewed. That is why HMO development proposals are being pushed into areas like this where they are as equally contested by local communities. Applicants should not be blamed for this consequence. It is policy-led.

46. While there is no policy requirement to demonstrate the need, if Policy 16 is having an adverse impact on the housing stock where there is an insufficient supply of HMOs to meet the existing and future demand of students and, importantly, nonstudents that rely upon relatively low-cost housing as such, then Policy 16 should be considered 'out of date' and a determination made in accordance with paragraph 11(d) of the Framework. In practical terms, it should be ignored.
47. There are significant indicators that there is actually an undersupply of HMOs.
48. I understand that having guided the amended proposal and undertaken a professional assessment, officers will recommend that my proposal be granted planning permission. Members are not bound to accept that advice. Still, they should have a good reason for deciding in the alternative. I draw members' attention to a recent appeal for small HMO development at 5 Lyndhurst Drive (APP/X1355/W/23/3330576). Here, the concentration was less than 10%, too. Officers recommended approval, but the Committee refused consent. The applicant appealed, and the Planning Inspectorate allowed the appeal.
49. The appellant also applied for a full award of costs against the Committee's decision. They were unsuccessful on this occasion, but persistent objections to such developments in principle could open the Council to a full award of costs against it for unreasonable behaviour. While falling short in this case, the Inspectorate did agree with the appellant that the Council's approach was vague insofar as it believed harm to community cohesion.
50. I urge the Committee to be mindful of this decision. If it decides to refuse permission, I will appeal. I will pay close attention to the Members' comments leading to that determination in deciding whether to apply for a full award of costs against the Committee's decision.
51. I am confident that through controls that can be imposed through conditions of planning permission, my proposal will not adversely impact the residential amenities of neighbours. Moreover, Local Plan policy dictates that the principle of the development is wholly acceptable. Accordingly, I respectfully request that this application be approved.

PLANNING CONSIDERATIONS AND ASSESSMENT

52. As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004 the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
53. In assessing the proposals against the requirements of the relevant planning guidance and development plan policies and having regard to all material planning considerations it is considered that the main planning issues in this instance relate to the principle of development, impact on residential amenity and balance of community/social cohesion, impact on the character and appearance of the area, impact on parking and highway safety, ecology and other matters.
54. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of the

development, impact on the character and appearance of the area, the impact on residential amenity and community balance/social cohesion and the impact on highway safety/parking.

55. The County Durham Plan (CDP) was adopted in October 2020 and as such represents the up-to-date local plan for the area which is the starting point for the determination of this planning application. Consequently, the application is to be determined in accordance with relevant policies set out within the CDP. Paragraph 11(d) of the NPPF is not engaged.

The Principle of the Development

56. The proposal relates to the construction of a two-storey extension and change of use from a residential dwellinghouse (Use Class C3) to a 7-bed Large HMO (Use Class Sui Generis).
57. Policy 6 (Development on Unallocated Sites) of the County Durham Plan (CDP) supports development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.
58. In addition, Part 3 of CDP Policy 16 (Houses in Multiple Occupation) is also relevant to the proposal and relates to the conversion of residential dwellings to HMOs. The Policy states that in order to promote, create and preserve inclusive, mixed and balanced communities and to protect residential amenity, applications for new build Houses in Multiple Occupation (both Use Class C4 and Sui Generis), extensions that result in specified or potential additional bedspaces and changes of use from any use to a Class C4 (House in Multiple Occupation), where planning permission is required, will not be permitted if:
- a. Including the proposed development, more than 10% of the total number of residential units within 100 metres of the application site are exempt from council tax charges (Class N Student Exemption);
 - b. there are existing unimplemented permissions for Houses in Multiple Occupation within 100 metres of the application site, which in combination with the existing number of Class N Student exempt units would exceed 10% of the total properties within the 100 metres area; or
 - c. residential units within the 100 metres are exempt from council tax charges (Class N) but, the application site is in a residential area and on a street that is a primary access route between Purpose Built Student Accommodation and the town centre or a university campus.
59. In addition to the above, applications will only be permitted where:
the quantity of cycle and car parking provided has regard to the Council's adopted Parking and Accessibility Supplementary Planning Document (SPD);
- a. they provide acceptable arrangement for bin storage and other shared facilities and consider other amenity issues;
 - b. the design of the building or any extension would be appropriate in terms of the property itself and the character of the area; and

c. the application has shown that the security of the building and its occupants has been considered, along with that of neighbouring local residents.

60. It is acknowledged that objections have been received from local residents raising concerns that the proposed development would result in an over proliferation of HMOs in the area, thereby unbalancing the community, and consider that the 10% has likely already been exceeded and there is no requirement for additional HMOs. There is also concern that the data used to inform decisions is out of date/inaccurate and the methodology used in CDP Policy 16 (3) is flawed.
61. Whilst the concern in relation to the use of Council Tax Exemption Data is noted it is the case that all properties registered as class N exempt within 100 metre radius of the property are captured within the data collection, and this information is gathered twice a year. While some objections consider that Prebends Field and the concentration of HMOs within should be considered in isolation, as already noted, the Policy uses a 100m radius for the purposes of assessing compliance with that Policy and does not refer to individual streets. CDP Policy 16 gives a standard and consistent approach to assess applications for HMOs. The Policy, together with the methodology contained within, was considered sufficiently accurate and robust during examination in public of the CDP in 2020, and the existing policy subsequently included within the adopted CDP. The Policy has proven sufficiently robust in this regard and the Council has successfully defended several appeals against refusal of similar changes of use where these were in clear conflict with the Policy.
62. Other objections have cited concerns that if no.50 is granted planning permission it would be next door to no.51 Prebends Field which is an existing HMO, that has recently received permission for change of use. As such, residents have highlighted that there would be 11 occupants living next door to each other which would have cumulative impact on residential amenity and highway safety, given the properties locations on a tight bend. In addition, residents highlight that another HMO at no.34 is an HMO, meaning if this application is approved there would be 3 HMOs within 100 yards of one another.
63. The most recent up to date Council Tax information identifies that if planning permission was granted for the change of use of the dwellinghouse into a HMO that within 100 metre radius of, and including 50 Prebends Field 5% of properties are class N exempt properties as defined by Council Tax records. There are two properties with unimplemented consent within 100m, which increases the percentage to 6.7% in addition there are no applications pending determination within 100m. As this concentration would be below the 10% threshold stated in the CDP, the proposal would comply with criteria 'a' and 'b' in this respect. In terms of criteria 'c' the application site is within a residential area but is not on a street that is a primary access route between Purpose Built Student Accommodation and the town centre or a university campus. Therefore, the development can be considered to comply with policy 16, Part 3, criteria a), b) and c) and is acceptable in principle, subject to further consideration of the proposal against other criteria in Policy 16, Part 3 and the impact of the proposal upon residential amenity and highway safety.
64. Paragraph 62 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes). Given that less than 10% of properties within 100m of the

application property are Class N exempt and this would remain the case post development, should permission for the current change of use be granted, the aims of Paragraph 62 would be met.

65. It is noted that objections have been received citing that the application fails to demonstrate need for accommodation of this type in this location, and that there is a perceived surplus of student accommodation within the city as a whole. Whilst these points are noted there is recognition that market forces will, in the main, deliver the level of student accommodation required without resulting in a significant oversupply of accommodation, particularly in relation to HMOs which in most cases if not occupied as such, can be occupied again as family homes with limited internal reconfiguration. Notwithstanding this, it nevertheless remains that whilst Part 2 of policy 16 requires an application for PBSA to demonstrate need (along with a number of other requirements) this is not mirrored in Part 3 of the policy which relates to applications for changes of use to HMO and is the part of the policy which is relevant to the current application. For that reason, it is considered that the proposal would accord with the requirements set out in Part 3 of Policy 16 of the CDP and that the lack of any specific information within the application with regards to need, is not sufficient to sustain refusal of the application in this instance.
66. Paragraph 63 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes). Given that less than 10% of properties within 100m of the application property are Class N exempt and this would remain the case post development, should permission for the current change of use be granted the aims of Paragraph 63 would be met.
67. Objections have been received citing that the development would have an adverse impact upon social cohesion and unbalance the community, given the close proximity of several HMOs to each other within the area. Paragraph 63 of the NPPF considers the need to create mixed and balanced communities and this is reflected in the requirements of Part 3 of policy 16 which includes a threshold of no more than 10% of properties being in HMO use. As already noted above, in light of the low level of Class N exempt properties within 100m radius of the site at present, it is not considered that this proposal would be contrary to the NPPF or CDP in this regard. Whilst it is noted that tenants would likely change on a yearly basis this is unlikely to have any adverse impact capable of sustaining refusal of the planning application.
68. In regards to the two-storey extension, which would be located to the southwest facing elevation. It is considered that the proposed development would be compatible with the existing and adjacent use of the land, in accordance with part a of Policy 6 of the CDP. As such, subject to consideration of the additional requirements within Policy 6 and other Policies within the CDP, the proposed two-storey extension would be acceptable in principle.

Impact on Residential Amenity

69. Paragraph 130 of the NPPF requires that planning decisions 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. Policy 31 (Amenity and Pollution) of the CDP displays broad accordance with the aims of paragraph 130 in this regard and sets out that development will be

permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.

70. In addition, criterion e) of CDP Policy 29 (Sustainable Design) states that all development proposals will be required to provide high standards of amenity and privacy and minimise the impact of development upon the occupants of existing adjacent and nearby properties.
71. In this instance the application site is a detached property located within a residential area, adjacent to the A690 to the northwest. There are residential properties in close proximity to the northeast, southeast and southwest. No.51 to the southwest is in use as an existing C4 HMO.
72. It is acknowledged that a significant number of objections have been raised in relation to the cumulative impacts of the proposed development, together with existing HMOs in close proximity to the application site. In particular, concerns around noise, disturbance, anti-social behaviour and drainage have been cited, as well as concerns around maintenance of properties and increased waste, which may lead to nuisance from vermin as a consequence.
73. The Council's EHO has been consulted and confirmed that the development would fall within the thresholds associated with Council's TANS. They have noted that although the use is not a change of use to a more sensitive receptor, the source of noise could be greater from the HMO use than a single dwelling. This is due to the increase in household numbers and activity to and from the property. The demographic that use this type of accommodation are often associated with greater use of the night time economy and as such an increased level of night time noise may occur. However, it is anecdotal as the potential for impact is associated with the individuals residing there and as such might differ greatly.
74. The application site is located within a residential area predominantly characterised by small family homes. The impact of the development upon residential amenity is a material consideration in determination of this application. In most cases it is held that changes of use from C3 dwellinghouses to HMO use can be adequately mitigated to within acceptable levels subject to planning conditions. Where a HMO is proposed within a residential area with an existing high proliferation of HMO accommodation, the cumulative impact of an additional HMO in this context has been considered to have a detrimental impact upon residential amenity from increase in noise and disturbance sufficient to sustain refusal of planning permission. The LPA has refused a number of previous applications in this regard and proved successful in defending a subsequent planning appeals. However, in this instance it is noted that there is no identified over proliferation of existing HMOs within 100 metres of the application site, and as such it is not considered that the introduction of a single additional HMO in this location would result in a level of cumulative impact that would be detrimental to residential amenity.
75. The EHO officer also notes that bedrooms six and seven are on the ground floor with the living room and kitchen and may, therefore, lead to a greater impact on the individuals residing in that room from noise when the rooms are in use. On that basis,

the EHO recommended that a scheme of sound proofing measures could be implemented to mitigate any harm. A condition could therefore be attached to any permission granted requiring a sound proofing scheme to be submitted to and agreed by the LPA and, thereafter, implemented prior to first occupation of the development and retained at all times whilst the HMO is in use as such.

76. In addition, the EHO raises concerns regarding the impact on nearby residential properties during the construction phase. Therefore, to help mitigate against relevant impacts have suggested a Construction Management Plan should be submitted based on set criteria. The submission, agreement and implementation of this can be secured through planning condition should planning permission be granted. Subject to the inclusion of a planning condition in this regard, the EHO is satisfied that the development is unlikely to cause a statutory nuisance.
77. The property includes adequate external space to accommodate sufficient bin and cycle storage facilities as shown on the proposed site plan. In addition, noting the extent of the garden area contained within the curtilage it is considered there is sufficient external amenity space to serve the inhabitants and as in accordance with policy 16 of the CDP.
78. The proposed two-storey extension, located to the southwest facing elevation would be at a separation distance of 3.9m from the corner of the closest property no.51 Prebends Field. Although the extension would be in close proximity to the neighbour at no.51 there are no windows proposed to the southwest facing gable elevation and the extension has been both setback from the front and stepped down from the existing ridge height. In addition, the existing layout and orientation of the properties means that there would not be any significant loss of privacy or overlooking from the proposed extension. As such, it is considered that the proposed two-storey extension would accord with Policy 31 of the County Durham Plan.
79. In relation to internal space the Nationally Described Space Standards (NDSS) is a government introduced nationally prescribed internal space standard which sets out detailed guidance on the minimum standard for all new homes and was created with the aim of improving space standards within new residential development across all tenures. Evidence compiled during formulation of the County Durham Plan identified that many new homes in the county were being built below NDSS and that this was having an impact on the quality of life of residents. As a result, Council determined that it was necessary to introduce the NDSS in County Durham with the aim of improving the quality of new build development coming forward.
80. It is noted that the current application relates to a change of use to a property already in residential use and as such would not result in any net increase in the number of residential units. Consequently, the rigid application of these standards is not considered appropriate to the current application. Nevertheless, it remains that the NDSS is a relevant measurement against which to assess the suitability of internal space provided within all residential development in the context of policy 29(e) of the CDP which requires new development to provide high standards of amenity and privacy.
81. All of the bedrooms meet the minimum requirements of the NDSS being in excess of the required 7.5sq metres per room. With regards to the overall internal space provided across the dwelling, the guidance does not specifically refer to a 7- bedspace 7-person (4b4p) dwelling. However, it does provide standards in relation to a 6b7p dwelling and requires 123sq metres which the development would appear to exceed, with provision of approximately 155sq metres of gross internal floorspace. In addition, it is noted that the remaining kitchen/dining/living space would provide approximately 41sq metres

which exceeds the 21sq metres required by HMO licensing. As such, the communal space is considered to be sufficient to serve the occupants of the property.

82. Therefore, based on the above the proposed change of use provides a suitable amount of internal and external amenity space to meet the needs of future occupiers and deliver a suitable quality of development in relation to policies 29(E) and 31 of the CDP and Paragraphs 130 and 174 of the NPPF.

Impact on Character and Appearance of the Area

83. The National Planning Policy Framework (NPPF) sets out the Government's commitment to good design. Paragraph 124 states that, good design is a key aspect of sustainable development, creates better places in which to live and work and helps makes development acceptable to communities.
84. Paragraph 126 goes onto highlight that developments should have clear design guides and codes to create distinctive, consistent and high-quality developments, but cautions that they should "allow a suitable degree of variety where this would be justified". In this instance development was subject to an approved design code agreed as part of the outline application.
85. Policy 29 (Sustainable Design) of the County Durham Plan 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.
86. Policy S1 of the Durham City Neighbourhood Plan (DCNP) requires development proposals, to conserve, preserve and enhance 'Our Neighbourhood' by harmonising with its context and Policy H3 requires development to sustain and make a positive contribution to the character and distinctiveness of the area; use high quality design; and use materials and finishes appropriate to the context and setting of the area. Policy D4 requires extensions to existing housing to be of high-quality design relating to the character and appearance of the local area and aesthetic qualities.
87. Neighbouring residents have raised objections to the proposed development stating that a HMO's will have a negative impact on the residential cul-de-sac, HMOs are not adequately maintained and that students are short term occupiers with no stake in local community.
88. The application proposes the construction of a two-storey extension, which would increase the number of bedrooms at the property from 3 to 7. The existing property has a single storey attached garage and utility room to the southwest elevation. The proposed development would see the garage door removed and a window installed to accommodate a new bedroom to the ground floor. To the first floor there would be a window installed, that would match the existing windows of the property which would accommodate a further two bedrooms to the upper floor. The maximum height of the proposed extension, which has been stepped down from the existing ridge of the host property would be approximately 7.1m and the width would be 4m on the same footprint as the existing garage/utility. As such, it is not considered that the proposed extension would appear as a dominant addition to the host dwelling and the property and would be in keeping in terms of design with the surrounding area.

89. With regard to concerns that the general appearance of the property would deteriorate as a consequence of the proposed use there is no evidence that this would occur, and the applicant has reiterated that the property would be appropriately maintained.
90. It is therefore considered that the proposed development would fit with the character and appearance of the area and would not have a detrimental impact on the appearance of the wider streetscene.
91. Taking the above into account, the development would be considered to have an acceptable impact, sustaining, and conserving the character and appearance of the dwelling and surrounding area and would accord with the aims of Part 12 of the NPPF, Policies 6, 16 and 29 of the County Durham Plan, and Policies S1, H3 and D4 of the Durham City Neighbourhood Plan.

Impact on Highways

92. CDP Policy 16 requires new HMOs to provide adequate cycle and car parking, having regard to the council's adopted Parking and Accessibility Supplementary Planning Document (DCC Parking Standards). CDP Policy 21 states that new development should ensure that any vehicular traffic generated can be safely accommodated on the local and strategic highway network. This displays broad accord with Paragraph 110 of the NPPF which requires new development to provide safe and suitable access to the site. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. DCNP Policy T2 (Residential Car Parking) supports developments with or impacting on car parking provided that car parking is designed to reduce vehicle movements on residential streets. DCNP Policy T3 (Residential Storage for Cycles and Mobility Aids) requires residential development including change of use to seek to provide storage facilities for cycles which should meet DCC Parking standards.
93. A large number of objections have been raised that the development does not provide sufficient in curtilage parking provision to serve the number of occupants proposed, and that this would create unsustainable additional pressure to existing on-street provision in a quiet area which is used by families, elderly residents and has already congested narrow roads. There is also concern that due to the site's location on a corner plot, next to an existing HMO that has 4 occupants in combination with the narrow street and inconsiderate parking that this may present a safety issue for pedestrians and could have implications for bin collections and access for emergency services. In addition, the high number of occupants at the property, that is not sufficiently close to any bus stops, residents are worried each occupant will have a car, leading to further highway safety, parking, and congestion issues on a narrow corner.
94. The Highway Authority was consulted and raised objection to the proposal citing that insufficient in-curtilage parking in line with the SPD had been provided. For a 7 bed property, 4 in-curtilage parking bays would be required. The applicant has since provided an amended site plan that shows four in-curtilage parking bays. Following further consultation with the Highway Authority they offer no objection to the application and do not consider there would be any adverse impact in terms of highway safety as a result of the proposals. As such, the amount of in-curtilage parking proposed is in accordance with the Council's parking and accessibility standards and is therefore acceptable in this regard.
95. It is noted that details of cycle storage have been provided, which would be a trinity timber, two-storey bike shed. No details of the bin storage have been provided,

however it is considered that if the application is granted approval these details can be conditioned. The Site Plan submitted with the application indicates that these facilities will be located to the side of the property and as such would not be unduly prominent within the street scene.

96. With regard to concerns that the development would increase in vehicle movements in this area of the estate and the presence of parked vehicles would narrow the carriageway width, it is considered that the proposed use would not increase vehicle movements to an extent that it would adversely impact upon existing network capacity or on street parking. In instances where vehicles presently obstruct the adopted footway this is subject to legislative control via the Highways Act and cannot be afforded weight in determination of this application.
97. Concern has also been raised in relation to the sustainability of the location and accessibility to the city centre and university. However, the case officer considers the development to be located within a sustainable location within 5-minute walking distance to a PROW no.5 to the north and a 10-minute walk to the nearest bus stop on Bradford Crescent, both of which have links into the city centre to the west and Dragonville the east where there are a number of large supermarkets and other shops. As such, it is not considered that future occupants would be solely reliant on trips by the private motor vehicle.
98. In addition, the proposed use would not be considered to result in significant additional impacts, over and above the C3 use, that could not be accommodated safely on the local and strategic highway network. While concerns have been raised around the displacement of a family home and implications for sustainable travel, it is not possible to say that a family that could have occupied the property would not be able to live within the surrounding area, particularly in light of the fact that there is not considered to be a proliferation of HMOs in this area, or within another sustainable location.
99. Therefore, notwithstanding the concerns raised by residents in relation to parking and access, it is not considered that the development would have a detrimental impact upon highway safety sufficient to sustain refusal of the application. In light of the above, it is considered that the development would accord with the aims of Part 9 of the NPPF, Policies 16 and 21 of the County Durham Plan and Policies T2 and T3 of the Durham City Neighbourhood Plan.

Ecology

100. Planning permission was granted for a similar 2 storey extension at the property in 2019 to which the Council's Ecologist raised no objection, subject to inclusion of a standard informative relating to bats and nesting birds. The situation at the property has not fundamentally changed since this time and as such it is not considered that there would not be any unacceptable adverse impact to protected species in accordance with policy 43 of the County Durham Plan subject to the inclusion of the standard informative relating to bats and nesting birds.

Other Matters

101. Objections have been raised regarding the proposed change of use resulting in the loss of council tax from the class N exemption from student occupiers, that house prices are rising, and young families are being pushed out of the area. House prices itself is not a material planning consideration and the issue of social cohesion has been discussed elsewhere in this report.

102. Concern has been raised in relation to the capacity of the existing foul water network to accommodate additional flows, with evidence provided from a neighbour who had to pay for the drains to be replaced and fixed. In this regard it is noted that the occupation by 7 individuals whilst likely to have a greater impact upon utilities than that of a large family is nevertheless unlikely to fundamentally undermine the capacity of the wider network to the extent that it would conflict with policy 36 of the CDP. It should be noted that the application is not a type which requires consultation with either the Councils Drainage and Coastal Protection Team or Northumbrian Water.
103. Some respondents have raised concern at the extent to which the Council publicised the planning application. Whilst the concerns are noted the application was advertised by means of a site notice adjacent to the application property and letters sent to adjoining occupiers which exceeds the minimum statutory requirements as contained in the Town and Country Planning (Development Management Procedure) Order.

Public Sector Equality Duty

104. 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.
105. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

CONCLUSION

106. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan in this case relates to the County Durham Plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay (paragraph 11 c).
107. In summary, it is considered that the principle of development is acceptable in planning terms and would accord with the aims of policies 6 and 16 of the CDP subject to appropriate planning conditions described within the report and listed below.
108. When assessed against other policies of the County Durham Plan relevant to the application, it is considered that the construction of a two-storey extension and the introduction of a HMO in this location would not unacceptably imbalance the existing community towards one dominated by HMOs, and nor would it result in any unacceptable impact upon the amenity of existing or future residents through cumulative impact from an over proliferation of HMOs or highway safety in accordance with policies 6, 16, 21, 29 and 31 of the County Durham Plan or parts 9, 12 and 15 of the NPPF.
109. In addition, it is considered that on balance the development is acceptable in that it provides appropriate levels of amenity space for residents, protects the privacy and amenity of existing and future residents, would not significantly impact upon the character and appearance of the area, whilst also being acceptable in terms of highway safety in accordance with the aims of Policies 16, 21, 29 and 31 of the County

110. Whilst the concerns raised by the Belmont Parish Council and local residents are noted, for the reasons discussed within this report they are not considered sufficient to sustain refusal of the application and considering the above, the application is reported to the Committee with a recommendation to approve the application, subject to conditions.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions:

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

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

2. The development hereby approved shall be carried out in strict accordance with the approved plans listed in Part 3 - Approved Plans.

Plan	Drawing No.	Date Received
Location Plan	001	28.02.2024
Proposed and Existing Plan	101-C	10.05.2024

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy(ies) 6, 16, 21, 29, and 31 of the County Durham Plan and Parts 2, 4, 8, 9, 12 and 15 of the NPPF. Notwithstanding the details shown on the submitted application, the external building materials to be used shall match the existing building.

3. In undertaking the development that is hereby approved:

No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0730 to 1400 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays.

For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

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

4. No development shall commence until a scheme of sound proofing measures has been submitted to and approved in writing by the local planning authority. The aim of the scheme shall be to ensure that the noise insulation of walls, floors, windows, roofs between the adjoining properties shall be sufficient to prevent excessive ingress, egress of noise.

The aim of the insulation should be to ensure the requirements of BS 8233: 2014 in relation to sleeping areas are met within the rooms and the scheme shall be designed to the requirements of Document E of the Building Regulations.

The approved scheme shall be implemented prior to the beneficial occupation of the development and shall be permanently retained thereafter.

Reason: To protect residential amenity in accordance with Policies 6, 29 and 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

5. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:
 - A Dust Action Plan including measures to control the emission of dust and dirt during construction.
 - Details of methods and means of noise reduction/suppression.
 - Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site.
 - Details of provision for all site operatives for the loading and unloading of plant, machinery and materials.

The management strategy shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

The approved Construction Management Plan shall also be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre commencement to ensure that the whole construction phase is undertaken in an acceptable way.

6. Details of the bin storage proposed should be submitted to and approved by the Local Planning Authority and installed prior to the first occupation of the property.

Reason: To protect residential amenity in accordance with Policies 6, 29 and 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

7. The external surfaces of the extension hereby approved shall be finished in materials to closely match the host property.

Reason: In the interests of visual amenity in accordance with the aims of policy 29 of the County Durham Plan.

8. Prior to the first occupation of the development hereby approved, a detailed property and tenant management plan shall have been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include landlord contact information and details of those specific controls to mitigate the impact on residential amenity from noise, disturbance, and anti-social behaviour and measures to secure the property outside term times or when the property is vacant. The development shall thereafter be managed in accordance with the agreed property and tenant management plan at all times.

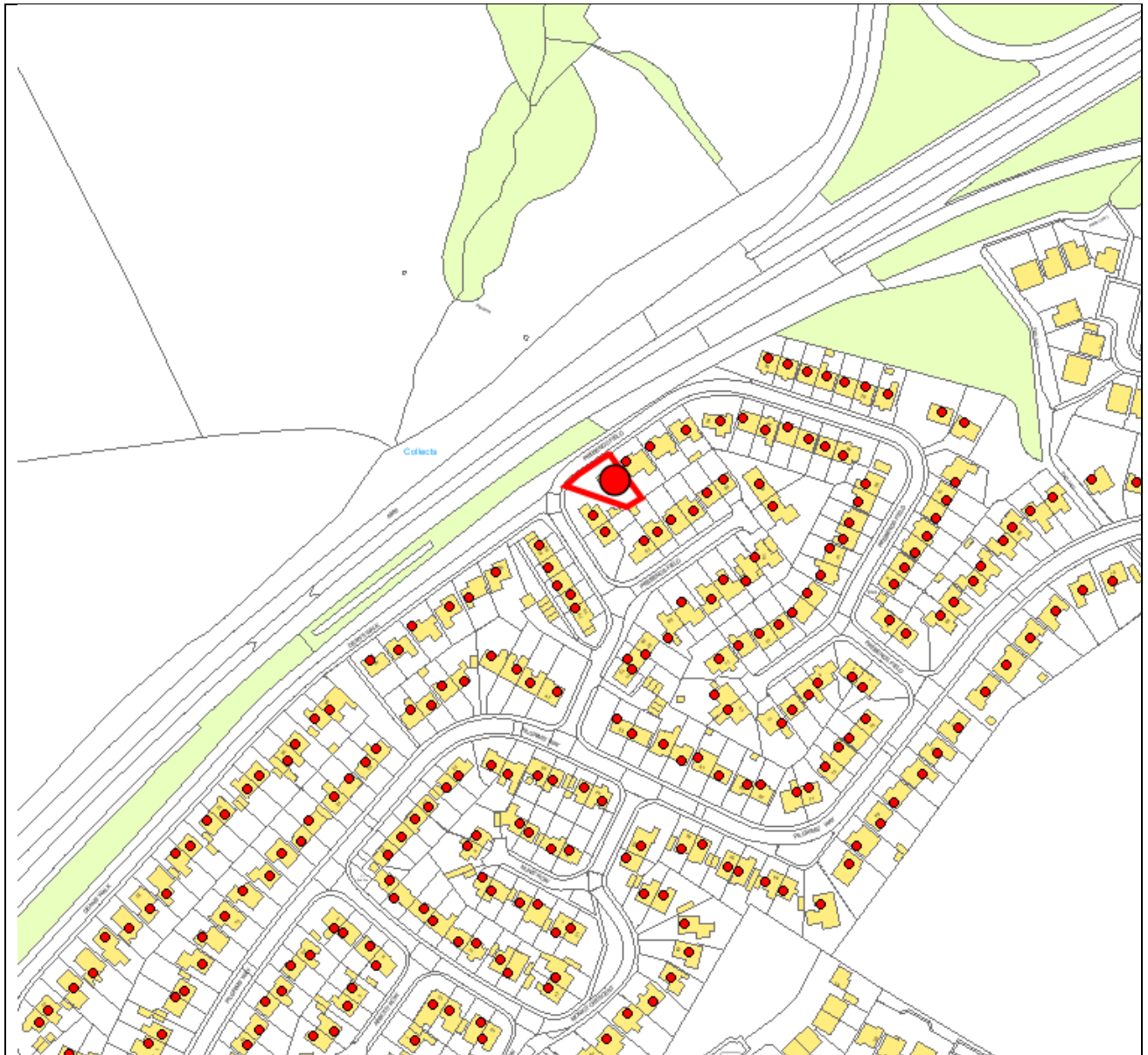
Reason: In the interest of the amenities of the area in accordance with CDP Policies 16, 29 and 31 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF.

BACKGROUND PAPERS

- Submitted application form, plans supporting documents.
- The National Planning Policy Framework (2021)
- National Planning Practice Guidance notes.
- County Durham Plan 2020
- Statutory, internal and public consultation responses
- County Durham Parking and Accessibility Standards 2023



<p>Planning Services</p>	<p>Construction of two storey side extension, additional off-street parking and change of use of the existing dwellinghouse (Use Class C3) to a HMO (Use Class Sui Generis) - Resubmission</p>	
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	<p>Date: 11 June 2024</p>	

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