

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/23/01520/FPA
FULL APPLICATION DESCRIPTION:	Change of use from former nursing home to 2 separate dwellings (use class C3) (retrospective application).
NAME OF APPLICANT:	Tina Robinson
ADDRESS:	Highfield House Sycamore Terrace Haswell Durham DH6 2AG
ELECTORAL DIVISION:	Shotton and South Hetton
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 former care home which was purchased by the applicant in 2017. It is understood that since the time of purchase the property has been occupied as a single dwelling by the applicant but more recently has been occupied as an air B&B/holiday let known as Lucan Lodge. A current enforcement case is pending investigation reference EN/21/00810 which relates to an unauthorised change of use of the property to self-contained residential units.
2. The site is located in Haswell on the edge of the western side of the village on the main route through the settlement (Pesspool Lane), which is a classified road. Access to the site is from this road with access to a residential estate located immediately to the west of the property. Residential properties are located on all sides of the property.
3. Trees are located on the site which are protected by a tree preservation order, no works however are proposed to these trees are part of this planning application.

Proposal:

4. Planning Permission is sought to change the existing property into two dwellings. These would be a 5 bed two-storey dwelling and a 4 bed single-storey dwelling with a shared driveway.

5. The applicant has confirmed that both would be occupied as C3 dwellinghouses with the second property known as Lucan Lodge sold to facilitate works to the main property that would remain in their ownership as a family home.
6. Parts of the existing property are uninhabitable and currently used as storage areas and these are proposed to remain as such as part of the conversion proposals. A large parking area is located to the front of the site with parking for at least 6 vehicles and again this would remain unchanged as part of the proposal.
7. Amendments were received in respect of the internal layout of the properties which clarified the number of bedrooms per each property as well as an amended site layout plan which clearly marks out the number of parking spaces at the front of the site. Given the minor nature of the amendments it was not considered that further re-consultation/ publicity was required.
8. The application is reported to planning committee at the request of Cllr Chris Hood due to concerns relating to noise and disturbance.

PLANNING HISTORY

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

PLANNING POLICY

NATIONAL POLICY

10. A revised National Planning Policy Framework (NPPF) was published in July 2018 (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.
11. *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.
12. *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.
13. *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.

14. *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.
15. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. 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.
16. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
17. *NPPF Part 11 Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
18. *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.
19. *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:

20. 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

21. Policy 6 (Development on unallocated sites) states the development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence

with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.

22. Policy 21 (Delivering sustainable transport) requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.
23. 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.
24. 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.
25. 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.
26. Policy 42 (Internationally Designated Sites) states that development that has the potential to have an effect on internationally designated sites, either individually or in combination with other plans or projects, will need to be screened in the first instance to determine whether significant effects on the site are likely and, if so, will be subject to an Appropriate Assessment.

Development will be refused where it cannot be ascertained, following Appropriate Assessment, that there would be no adverse effects on the integrity of the site, unless the proposal is able to pass the further statutory tests of 'no alternatives' and 'imperative reasons of overriding public interest' as set out in Regulation 64 of the Conservation of Habitats and Species Regulations 2017.

Where development proposals would be likely to lead to an increase in recreational pressure upon internationally designated sites, a Habitats Regulations screening assessment and, where necessary, a full Appropriate Assessment will need to be undertaken to demonstrate that a proposal will not adversely affect the integrity of

the site. In determining whether a plan or project will have an adverse effect on the integrity of a site, the implementation of identified strategic measures to counteract effects, can be considered. Land identified and/or managed as part of any mitigation or compensation measures should be maintained in perpetuity.

Neighbourhood Plan

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

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

28. Highway Authority – No objection sufficient parking provided.

INTERNAL CONSULTEE RESPONSES:

29. Environmental Health (Noise) – No objection.
30. Ecology – No objection, contributions required in respect of HRA payment, total of £1,513.22.
31. Trees – Protected trees are on site however no work to be carried out which affects the protected trees.

PUBLIC RESPONSES:

32. The application has been advertised by means of site notice and by notifying neighbouring residents by letter. To date, 22 letters of objection and 5 letters of representation have been received with the following concerns:
 - The proposal appears to be for a hotel not a family dwelling
 - Noise and disturbance issues already occur and will become worse
 - The site is already used as a holiday let for stags and hens
 - Parking Issues will be exacerbated
 - Highway Safety Concerns due to increase in parking and blocking of access/entrance to the nearby estate
 - Littering is an issue
 - No supervision of the property
 - Is the correct council tax rates etc being paid
 - Hot tub and patio area is not shown
 - Questions raised regarding the Councils policy on letting rooms as holiday lets
 - No consultations for the property to be used as an Air B&B
 - Security issues
 - The use of external areas late at night
 - Devaluation of properties
 - Lack of Notification
 - The Council have not acted on previous complaints

APPLICANT'S STATEMENT:

33. I have lived in Highfield house since the 7th July 2017, it has been used as our family home.

In July 2019 after the death of my husband I put all my saving to convert part of the building in to Lucan Lodge at the time it was dilapidated due to lead being ripped from the roof and copper pipes being ripped out, my builder restored the building to new and I started my holiday let business, so I had an income to be able to remain in my house.

I have had nothing but problems with guests, not respecting house rules and with neighbours complaining about the noise instead of ringing me so I could nip it in the bud, as I can not hear noise from my property which is attached. I have now decided to close down my business.

To enable me to remain in my property I have decided to apply for residential planning permission to split Lucan Lodge from Highfield House creating a 3/4 bedroomed (I expect the smaller bedroom would be used as a dining room) bungalow with a shared drive so creating 1 extra property and not 2 as stated.

My intentions are to use the money generated by the sale of Lucan Lodge to upgrade Highfield House and continue to live in the property and be an active member of Haswell and support the local businesses as I always have.

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

34. 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.
35. 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 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.
36. 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.
37. In this context, it is considered that the main planning issues in this instance are the principle of the development, impact on residential amenity, highway and pedestrian safety, impact on trees, ecology and any other issues which are considered relevant.

Principle of the Development

38. The site is considered to be within the built-up area of Haswell however is not allocated for housing within the CDP. CDP Policy 6 supports development on sites which are not allocated in the Plan, but which are either within the built-up area or outside the built-up area but well related to a settlement, stating that such development will be permitted provided it is compatible with the following:
- 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
39. The proposal is surrounded by other residential properties and as such, would accord with criteria a). Whilst concern has been raised regarding the occupation of the property as a trade/business (i.e. an Air B&B/holiday let), the applicants have confirmed that the application proposes use of the resulting dwellings solely for uses falling within Class C3 of the Town and Country Planning (Use Classes) Order. The specific intention being that the applicant would retain the proposed 5 bedroomed dwelling as their family home, disposing of the second property to facilitate/finance works to the retained dwelling.
40. With regard to other criteria listed there is no concern that the site would lead to coalescence with neighbouring settlements or ribbon/ backland development (criteria b) due to the proposal being a change of use of a property and does not extend beyond the northern boundary of the existing settlement, also making use of previously developed land (in accordance with criteria i). The proposal would also not result in a loss of open land that has any recreational, ecological or heritage value (in accordance with criteria c).
41. The site is considered to have easy access to sustainable transport and local facilities (in accordance with criteria f). No extensions are proposed to the properties and as such the proposal accords with criteria d).
42. In respect of criteria h), the site is not contained within Flood Zones 2 or 3 of the Environment Agency mapping layers associated with the Local Lead Flood Authority (LLFA) there are also no noted flood risk areas within the application site.

43. Consideration of criteria e) of policy 6 is considered elsewhere within this report. It is not considered that criteria j) is appropriate in relation to this proposal.
44. It is therefore considered that the principle of residential use in this location is acceptable subject to the relevant material considerations as set out below.

Impact on Residential Amenity

85. CDP Policies 6 and 31 seek to prevent development that would have an unacceptable impact upon the amenity of existing neighbouring residents and only allow development where adequate amenity for future occupiers is provided. Part 11 Paragraph 119 of the NPPF requires planning decisions to ensure healthy living conditions and Paragraph 124 emphasises the importance of securing healthy places. Paragraph 174 of Part 15 requires decisions to prevent new development from being put at unacceptable risk from, or being adversely affected by, unacceptable levels of pollution such as noise pollution.
86. Paragraph 185 seeks to ensure that new development is appropriate for its location taking into account the likely effects of pollution on health and living conditions. In terms of noise, Paragraph 185 advises that planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life.
87. CDP 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, subject to transition period. Provision for major developments to appropriately consider the public realm in terms of roads, paths, open spaces, landscaping, access and connectivity, natural surveillance, suitable private and communal amenity space that is well defined, defensible and designed to the needs of its users.
88. Concerns have been raised that the property is already in use as a hotel, used particularly for stag and hen parties and this forms much of the basis of respondent's concerns in relation to noise, disturbance and antisocial behaviour. The concern is that the proposal would result in a level of noise and disturbance that would continue to be harmful to existing residents. Objections have also raised concern that littering is presently an issue and that existing security provision is inadequate given that there appears to be no formal supervision of the property. Concern is also raised in relation to a hot tub area which is understood to be currently in use and not shown on the submitted plans. Use of the external areas late at night are also raised as a concern.
89. Whilst objections around noise and disturbance are noted, these appear to be in relation to the properties current use as a holiday let. The applicant has confirmed that both properties would be occupied as C3 dwellings as a result of the proposals, and that all existing holiday let use would cease. As such they consider that this would remove any existing concerns in relation to noise and disturbance, as well as concerns relating to the security and management of the site. However, it should be noted that the existing use is currently unauthorised and as such, the removal of any

perceived harmful impact in this regard cannot be afforded weight in determination of this planning application.

90. In this regard it is noted that in terms of noise and disturbance the proposed C3 Use is considered entirely compatible with adjacent uses which also fall within this class. There is no indication that the proposed use would result in any harmful impact from increased noise, disturbance or antisocial behaviour, and in this regard the Council's Environmental Health Team offer no objection.
91. However, it should be noted that the use of a dwelling (falling within Class C3) for short term holiday let would not generally be considered a material change of use falling within Class C1 (Hotels/Guest Houses) and as such would not require planning permission, although this would of course depend upon the specifics of how the property was occupied in each case, but for the most part, uses of this nature (where let either as a complete unit (akin to a holiday cottage) or as a single room (much like a traditional bed and breakfast), would usually remain in a C3 use where they are not the main residence of the guest occupants. Therefore, should planning permission be granted for the use as proposed in this instance, it would remain that each dwelling could be occupied as a short-term holiday let without the need for planning permission.
92. It is noted that the current unauthorised use of the property as holiday lets has generated significant concern with surrounding occupiers that has generated complaint to the Council's Planning Enforcement and (Noise) Nuisance Action Team(s). With this in mind, and noting the property is located within close proximity to existing dwellings, a condition should be included requiring the submission and agreement (to the LPA) of a management plan, prior to the commencement of any use of either property for the purposes of holiday let accommodation.
93. Notwithstanding the above, it should also be noted that in the event that planning permission is granted, and a material change of use does occur beyond that described above, this would be subject to planning control. Any planning application submitted in this regard would be determined upon its planning merits and assessed against appropriate planning policy.
94. In other respects, the 2 No. proposed dwellings are both considered to comply with minimum NDSS Space Standards and have appropriate garden depths. As such an appropriate level of living accommodation is considered to be provided for future residents. In addition, the relationship between the two properties is acceptable in respect of window positions to the extent that an adequate level of privacy would be provided for the residents of both properties and those already present in the surrounding locality in accordance with the Council's Residential Amenity Standards SPD and CDP Policy 29.
95. The proposal is therefore considered acceptable in respect of Policies 29 and 31 of the County Durham Plan in that it would not have an adverse impact upon residential amenity from loss of privacy, noise or disturbance, for both existing and future residents. As noted, an appropriate condition regarding the management plan of the site should it be used as a short-term holiday let is considered to adequately control potential future noise issues.

Highway and Pedestrian Safety

96. CDP Policy 21 requires that all development ensures that any vehicular traffic generated by new development can be safely accommodated and have regard to Parking and Accessibility Supplementary Planning Document.

97. CDP Policy 6e requires proposals not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity.
98. Concern has been raised that parking issues will be exacerbated and that there are highway safety concerns due to increase in parking and blocking of access/entrance to the nearby estate.
99. As stated, the proposal is for 2 No. C3 dwellings and in each case appropriate parking provision, including electric charging points, have been provided in accordance with the Councils current Parking Standards. Whilst it is noted that the Council is likely to have adopted updated Parking and Standards prior to this being reported to the Committee. After assessment against those revised standards, it is noted that the application would accord with the revised requirements. However, noting that at the present time these standards have not been formally adopted and as such only very limited weight can be afforded to them.
100. In respect of the blocking of access/entrance to the nearby estate, the use of the property as two residential dwellings is not considered to impact on the adjacent highway and overspill parking should not occur given the use of the properties and the level of parking provided within the curtilage of these dwellings. Should obstruction occur, then this would be a matter for the police. The Highway Authority raise no objection to the application in this regard.
101. The proposed development is not considered to result in any adverse impact in terms of highway safety and the use could be satisfactorily accommodated in this regard in accordance with Policy 21 of the County Durham Plan and Part 9 of the NPPF.

Impact on Trees

102. CDP Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided. 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 and optimise the potential use of the site.
103. Whilst trees on the site are protected by tree preservation orders, the application does not propose work to the trees and as such, the proposal is considered acceptable in accordance with Policy 40 of the County Durham Plan.

Ecology

104. CDP Policy 42 (Internationally Designated Sites) states development proposals that would potentially have an effect on internationally designates site(s), (including all development within 0.4 km o the sites, as shown on Map B of the policies map document), either individually or in combination with other plans or projects, will need to be screened in first instance to determine whether significant effects on the site are likely and, if so, will be subject to an Appropriate Assessment.
105. Development will be refused where after an Appropriate Assessment, it cannot be ascertain that there would be no adverse effects on the integrity of the site, unless "no alternatives" and "imperative reasons for overriding public interest" as set out in Regulation 64 of Conservation of Habitats and Species Regulations 2017. In such circumstances where tests are met, appropriate compensation will be required in accordance with Regulation 68.

106. Where development proposals are likely to lead to an increase in recreational pressure upon internationally designated sites, a Habitats regulations screening assessment, and possible full Appropriate assessment will be required to demonstrate that the proposal will not adversely affect the integrity of the site. In making such determination of whether a plan/project will have adverse impact on the integrity, the implementation of identified strategic measures to counteract effects, can be considered during the Appropriate Assessment.
107. The Council's Ecologist notes that the proposed development is within the 6km Durham Coast HRA buffer therefore a financial contribution to the Coastal Access and Monitoring Measures Programme is required to mitigate impacts as a result of new housing development in lieu of onsite mitigation.
108. Durham County Council has carried out screening in compliance with the Habitats Regulations, this work was done in conjunction with Natural England, and after Appropriate Assessment, concluded that there is likely to be a significant effect on the Northumbria Coast SPA and Durham Coast SAC from new housing development within 6km of the coastal European sites due to increased recreational impacts including dog walking and coastal erosion. It was agreed that mitigation for those identified impacts upon the European protected sites will include the provision of alternative green space suitable for off-lead dog walking and/or a financial contribution to the Coastal Access and Monitoring Measures Programme designed to limit the identified impacts.
109. The previous use of the property was as a care home and therefore the change of use to two dwellings would be considered to have an impact in this regard. However, this impact could be adequately mitigated subject to a payment of £756.61 per dwelling (total of £1,513.22) towards Coastal Access and Monitoring Measures Programme Tier 2 being paid which should be secured through a S106 Legal Agreement/Unilateral Undertaking. Subject to the applicant entering into an agreement in this regard (which they have confirmed) it is considered that the proposed development would accord with Policy 42 of the CDP and Part 15 of the NPPF, both of which seek to protect and enhance the natural environment.

Other Issues

110. Whilst concern has been raised in relation to previous Council Tax payments this is not a material planning consideration in the determination of this application with any incorrect or lack, of payments previously, being subject to separate legislative control. Similarly, any impact upon existing property prices is not a material planning consideration to which weight can be afforded in the determination of this application.
111. Concern has been raised regarding lack of consultation. Whilst these concerns are noted, the Council publicised the planning application by means of a site notice and notification letters sent to adjoining occupiers. This approach exceeds the minimum statutory requirements as contained in the Town and Country (Development Management Procedure) Order 2015. Consequently, it is considered that the Local Planning Authority discharged its responsibilities in this regard.
112. Concern has also been raised that the Council has not acted on previous complaints and no formal notification was given for the use of the property as an Air B&B. In respect of statutory nuisance from excessive noise, this would be controlled via separate legislation administered, by the Environmental Health Department. It should also be noted that the current planning application is a result of an

enforcement complaint for which a planning contravention notice was served and established that a breach of planning control had occurred. This application is submitted as a result of that process with the applicant looking to explore alternative uses at the property.

Public Sector Equality Duty

113. 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.
114. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

CONCLUSION

115. In summary, it is considered that the principle of development is acceptable and the proposed use commensurate with other surrounding residential accommodation present in the locality. In addition, the site is considered to occupy a sustainable location capable of accommodating the modest increase in residential units proposed.
116. In all other respects it is considered the proposed development could be accommodated without adverse impact upon residential amenity, the character and appearance of the surrounding area including existing trees, ecology and highway safety subject to the conditions and requirements of the Legal Agreement as set out below.
117. Therefore, it is considered that the development would accord with the requirements of Parts 9, 12 and 15 of the National Planning Policy Framework and Policies 6, 21, 29, 31, 40 and 42 of the County Durham Plan. The application is therefore, recommended for approval.

RECOMMENDATION

That the application be **APPROVED**, subject to a Legal Agreement (Unilateral Undertaking) to provide:

- **£1,513.22** towards the Coastal Access and Monitoring Measures Programme

and 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.

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

3. Prior to the first use of either dwelling hereby approved for the purposes of short term holiday let accommodation, details of an accommodation management plan shall be submitted to and approved in writing by the Local Planning Authority. The use shall thereafter be carried out in accordance with the agreed details at all times.

Reason: In the interests of residential amenity of neighbouring properties in accordance with Policies 29 and 31 of the County Durham Plan and Part 12 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 and subsequent information provided by the applicant

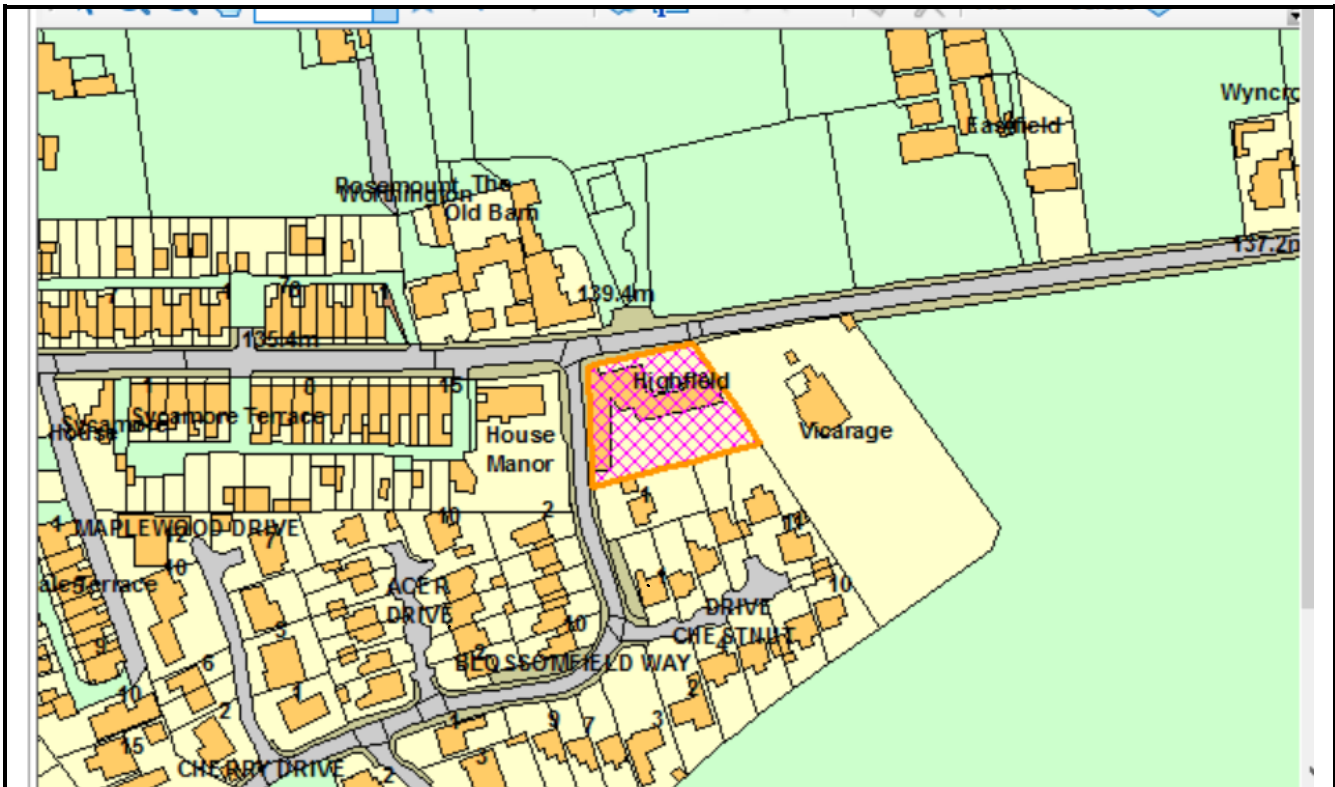
The National Planning Policy Framework (2021)

National Planning Practice Guidance Notes

County Durham Plan

Statutory, internal and public consultation responses

Durham County Council Parking and Accessibility Standards (2019)



<p>Planning Services</p>	<p>Change of use from former nursing home to 2 separate dwellings (retrospective application) at Highfield House, Sycamore Terrace, Haswell, Durham, DH6 2AG Application Reference: DM/23/00532/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: September 2023</p>	<p>Scale NTS</p>