



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/23/03325/FPA
Full Application Description:	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)
Name of Applicant:	Miss Elfrida Coker
Address:	Anvil, Abbey Road, Pity Me, Durham, DH1 5DQ
Electoral Division:	Framwellgate and Newton Hall
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 relates to a two-storey detached property which fronts onto Abbey Road and is located at the entrance to the Paxton Mews estate. Internally the dwelling has five bedrooms, with a bathroom, lounge, kitchen diner, utility and office. The property benefits from a grassed garden area to the rear, with a gravel driveway to the front capable of accommodating up to four cars.
2. Residential uses immediately surround the site to all sides, with commercial properties located on Front Street further to the west and a parcel of amenity green space with children's play equipment to the east. Beyond this lies Abbey Road Business Park, and to the north east the Arnison Centre.

The Proposal

3. The application seeks full planning permission for the conversion of the dwelling to create a children's home for up to three children between the ages of 8 and 17 years old. The applicant has confirmed that the property is intended to be occupied by children with learning disabilities from within County Durham and has been engaged in discussions with the Council's Children and Young People's Services team.
4. The application also seeks the retention of two timber detached outbuildings that have been erected in the rear garden to be used as a sensory room and an office. The sensory room has already been sited to the east of the rear garden, measuring 3m by 3.76m with a height of 2.27m, and is intended to provide a therapeutic environment where individuals can explore, relax, and learn. The office has been sited to the south west corner and measures approximately 3.9m by 5.8m with a shallow sloping roof no higher than 2.6m. Permission for these outbuildings is sought on a retrospective basis.
5. A 1.5m high close boarded timber fence has been erected along the eastern side of the property, with 1.8m high fencing erected around the rear. Due to the height of the fencing in excess of 1m and position adjacent to a vehicular highway, these works require planning permission in their own right however consent for their retention is not sought as part of this application. The applicant intends to submit a separate application to gain consent for alterations to boundary treatments should the committee resolve to grant planning permission for the change of use to children's home.
6. The application is being reported to the Central and East Area Planning Committee at the request of Councillor Wilkes and Framwellgate Parish Council who have concerns relating to parking provision and highway safety.

RELEVANT PLANNING HISTORY

7. The formation of the vehicular access to the host property from Abbey Road was approved under application 4/97/00185/FPA on the 27th of May 1997. There is no other planning history relating to this site.
8. The 17 dwellings that make up the Paxton Mews estate were approved under application 4/04/01250/FPA on the 15th of December 2004.

PLANNING POLICY

National Policy

9. 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.

10. *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.
11. *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.
12. *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.
13. *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.
14. *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.
15. *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.
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 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:

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; 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)

18. *Policy 18 (Children's Homes)* states that new children's homes will only be permitted where there is a gap in service provision; the site offers a positive, safe environment with access to services and community facilities; the scale will allow the occupants to be appropriately matched regarding welfare; the occupants will not be placed at risk, it is unlikely to result in unacceptable impact on residential amenity, fear of crime or community cohesion; and appropriate measures for emergency access, outside space, highways access, parking and servicing can be achieved. Applications must be supported by information regarding management and safeguarding.
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)* 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.

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

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

Neighbourhood Plan:

24. 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:

25. *Framwellgate Parish Council* – Object to the application on highway safety grounds due to insufficient in-curtilage car parking and the need for vehicles to reverse from the site onto Abbey Road. On further comments received following the submission of an amended plan demonstrating adequate provision to fully park four cars on the driveway serving the property.
26. *Highways Authority* – Raise no objection to the application noting that the Council's current Parking and Accessibility Standards require C2 Use Classes to provide 1 parking space per 3 rooms which would equate to 2 spaces for this proposal. The property provides adequate space for up to 4 vehicles and as such exceeds the requirements set out in the Parking Standards.

Non-Statutory Responses:

27. *Children and Young People's Services* – Advise that it is difficult to match children into a five bed home and that the property is suitable for a maximum

of three young people based on the internal layout, with demand for children's homes relating to a need for smaller homes. Confirm their support for the use of the property as a three bed children's home.

28. *Environmental Health Nuisance Action* – Recommend conditions to restrict the maximum numbers of children living at the property and to secure a management plan to include details of children to staff ratios, recruitment of staff, internal procedures and complaints procedure to ensure the home is well managed and does not cause concerns to amenity of sensitive receivers living close by.
29. *Durham Constabulary Crime Prevention Team* – Have undertaken a Locality Risk Assessment and advise that there are no external sources above the norm that they are aware of that would cause a threat to the children. Recommend a condition to secure a management plan, to include details on the level of staffing and adherence to the Philomena Protocol.

Public Responses:

30. The application has been advertised by way of a site notice and individual notification letters sent to neighbouring properties. Seven letters of objection have been received raising the following concerns:

Highway Safety

- The property does not benefit from sufficient in-curtilage car parking provision. As there is no scope for additional on street parking on Paxton Mews the proposal will lead to cars parking on Abbey Road which would disrupt traffic flow, waste collection, emergency vehicles, driveways and pedestrians.
- Paxton Mews is a narrow road featuring allocated parking bays serving some dwellings and so additional on street parking would adversely affect residents.
- The driveway serving the property can only safely accommodate 3 or 4 cars rather than the 6 suggested within the submitted application form, and this is insufficient to serve 21 staff stated to be associated with the property.

Residential Amenity

- The property would operate for 24 hours a day resulting in an increase in noise and disturbances from occupants and visitors that would adversely affect residential amenity.
- The use of the outbuildings within the rear gardens would generate noise and disturbances.
- The security lights that have been installed are visually intrusive and cause light pollution.
- No details regarding waste storage and collection have been provided.
- The proposed use would lead to the nearby park being used for anti-social behaviour and drug and alcohol misuse.

Other Matters

- The submitted plans do not provide sufficient detail regarding the internal layout of the building and the parking arrangements.
 - The description of the proposal has been amended since the initial notification letters were sent to neighbouring residents.
 - Concerns over a smoking area to the front of the property which has since been removed.
 - A fence with a height of over 1m has been erected adjacent to the Paxton Mews estate road which adversely affects visibility.
31. One letter of representation expressed disappointment that the parts of the proposed development have already taken place.
32. Councillor Wilkes has objected raising concerns that there is insufficient in-curtilage car parking to accommodate the number of staff and other visitors to the property and that the outbuildings in the rear garden are already in situ.
33. Following the receipt of amended plans and additional information residents and contributors were again notified by way of a letter. Two further letters of objection were received acknowledging that the signage that had been installed to the front of the property has now been taken down but expressing disappointment that further fencing has been erected, and reiterating concerns over the location of the property close to a busy road, security, and noise. Councillor Wilkes confirmed his objections still stand.

Applicants Statement:

34. None received prior to publication.

PLANNING CONSIDERATION AND ASSESSMENT

35. 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 Residential Amenity, Crime, Fear of Crime and Community Cohesion; Highway Safety and Parking; Impact on the Character and Appearance of the Area; and Other Matters.

Principle of Development

36. 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.

37. 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.
38. The application seeks full planning permission for the change of use of a dwellinghouse (C3) to a children's home for up to three young people aged 8 to 17 years of age. County Durham Plan (CDP) Policy 18 seeks to promote the creation of sustainable, inclusive and mixed communities and is permissible towards the creation of children's care homes subject to the following criteria being met:
- a. the applicant is able to demonstrate that the development will address any gaps in service provision to the satisfaction of the Local Planning Authority;
 - b. sites offer a positive and safe environment for the occupants of the premises ensuring that there is appropriate access to local services and community facilities;
 - c. the size/scale of the children's home will allow the occupants to be appropriately matched with regard for each child's welfare and taking into account their individual circumstances;
 - d. the occupants would not be placed at risk having regard to the latest crime and safety statistics in the area and that this has been agreed in advance with Durham Constabulary, the council's Children and Young People's Services and other appropriate agencies;
 - e. it is unlikely to cause unacceptable individual or cumulative impact on residential amenity, fear of crime or community cohesion;
 - f. appropriate measures will be in place to ensure access for emergency vehicles and safety measures such as fire escapes; and
 - g. satisfactory outside space, highway access, parking and servicing can be achieved.
39. The policy 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 are put in place to ensure the welfare of the children. This will include consideration of any crime or safety concerns in the area, in consultation with Durham Constabulary, the Council's Children and Young People's Services team (CYPS) and any other appropriate agencies.

40. In relation to criterion a) of the policy, the Council has produced the following report: Council's Sufficiency and Commissioning Strategy for Children Looked After and Care Leavers 2022-2024. Objective 3 of this document is to "*Continue to develop and broaden our residential homes offer and maximise opportunities with external providers when there is a case to do so.*" One of the ways in which this is to be achieved is by continuing "*to work closely with providers that wish to develop new Durham First services in County Durham, to shape services and to positively challenge development when this does not meet our needs.*" In order for the Council to use the applicant as a children's home provider they require them to register their services with Ofsted and meet all regulatory requirements. The applicant has confirmed their intention to hire a registered manager, to submit an application to Ofsted to operate a three bed Learning Development Children's Home for children with learning disabilities, and has indicated that they are agreeable to the Durham First Approach. Registration with Ofsted is a separate process to the planning system and so cannot be controlled or secured as part of this planning application, but the Council's CYPS team have indicated their satisfaction with the details submitted with this planning application.
41. The report identifies that whilst the number of children in need of residential care was relatively stable from 2017 – 2020, the number of children looked after by the Local Authority rose by 62% from the end of March 2015 to March 2022, with this forecast to continue due to delays at court resulting from the pandemic, which prevented children and young people who had plans to return home to parents or family from returning home, thereby resulting in fewer children leaving the care of the Local Authority. 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.
42. The report goes on to explain the future demand for residential provision is dependent on the number of children that are becoming looked after and the complexity of their needs. It identifies that that there has been an increase in the number of young people who have entered care and been accommodated in a children's home, rather than a foster carer household, due to their level of needs and complexity, with the biggest increase in need being in relation to teenagers aged 14–15 at a 31% increase since 2020/21. As the Local Authority's children looked after numbers continue to increase, children continue to present with a range of complex behaviours where their needs cannot be met in fostering provision and so are increasingly being placed out of area, with demand for local residential provision continuing to be high.
43. The Council's Sufficiency Strategy Action Plan focuses on the development of new smaller, local children's homes to meet this increasing need. The application initially proposed to house up to five children but following advice from the Council's CYPS team, have subsequently reduced this to three in order to help meet this need whilst also providing a bedroom for a member of staff staying at the property overnight and converting the smallest bedroom into an office. A revised set of floor plans has been submitted to this effect. The applicant has confirmed that they have been engaged in discussions with the

Council's CYPS team for some time and intend for the home to be occupied by children from within County Durham. The application in its amended form would be considered to address this service gap and criterion a) of this policy is therefore considered to be met.

44. The application is also considered to accord with criterion b) of the policy. The application site is an established residential dwelling located within Pity Me. The immediate vicinity is residential in character, but the wider area has a broad mix of uses, including a range of shops and facilities at the Arnison Centre, which is defined as a District Centre by CDP Policy 9, as well as an area of public open space with children's play equipment to the east beyond the estate road serving the residential properties at Paxton Mews. The site is also close to bus stops allowing easy connection to Durham City. The dwelling itself is large in size with ample internal space for day to day living for the number of looked after children proposed, along with a private garden space to the rear. In this regard the dwelling would be considered to suitably provide a safe and positive environment for these children in line with criterion b) of CDP Policy 18.
45. The proposed home is intended to accommodate no more than three children and this could be secured through planning condition. This reflects a best practice care model that is designed to ensure that the home provides a nurturing environment that is described as welcoming, supportive, safe, inclusive, valued, delivers consistent routines and boundaries, meets young people's basic and complex needs in a person centred approach. This is in line with what is typically recommended to best replicate a family home and make it easier to match young children who will be living together. As referenced already, the provision of small-scale homes has been identified as a service requirement to ensure an appropriate level of care can be provided which can suitably match the particular child's needs. The submitted 'Statement of Purpose' document that accompanies the application sets out a clear mission and standard of care that is centred on providing a nurturing environment that is welcoming, safe and supportive of each child's needs. The document sets out how the spaces within the house can be used to help deliver on the level and range of care required for each child. The Council's CYPS team have indicated their satisfaction with the proposals, which are therefore considered to suitably comply with criterion c) of CDP Policy 18.
46. Criterion d) of Policy 18 states that new children's home should ensure that 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 CYPS team and other appropriate agencies. A locality risk assessment has been submitted in support of the application. This assessment identified that there are no external sources above the norm that they are aware of that would cause a threat to the children and as such Durham Constabulary's Crime Prevention Team have raised no objections to the application, subject to a condition to secure a detailed management plan for the home. Therefore, a refusal could not be sustained on these grounds and the proposal accords with criterion d) in this regard.

47. The property benefits from a sizable rear garden that would provide a good level of external amenity space for the children. It is anticipated that fire escapes will be provided in line with Building Regulations.
48. In principle, the change of use of this dwelling to a small care home for no more than three children is deemed acceptable and in line with criteria a-d of Policy 18. This is subject to further consideration of the matters under the relevant headings below.

Impact upon Residential Amenity, Crime, Fear of Crime and Community Cohesion

49. Section 17 of the Crime and Disorder Act 1998 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 that 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 as a material planning consideration.
50. In line with this, CDP Policy 18 e) is permissible towards children's homes provided they would be unlikely to cause unacceptable individual or cumulative impact on residential amenity, fear of crime or community cohesion. This is similar to the requirements of NPPF Paragraph 135 f), which seeks to 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.
51. CDP Policy 31 is also relevant which states that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that can be integrated effectively with any existing business and community facilities. The proposal will also need to demonstrate that future occupiers of the proposed development will have acceptable living and/or working conditions. Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated.
52. In addition, criterion e) of CDP Policy 29 states that all development proposals will be required to provide high standards of amenity and privacy and minimise the impact of development upon the occupants of existing adjacent and nearby properties.
53. 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.
54. The applicant has submitted documents confirming that the home would be managed by appropriately qualified members of staff. The application sets out

in principle how the care home would function, including staffing levels and qualification levels for the staff employed.

55. The accommodation is proposed to take care of a maximum of three young people aged between 8 and 17 in the house. All referrals and admissions would be risk assessed beforehand to ensure the accommodation is suitable for the child, and plans are then put in place to ensure the home remains as stable as possible for the young people accommodated. The home would have three members of staff present at all times during the day (8am-8pm) and two different members of staff during the night (8pm-8am) for each day of the year, with a registered manager on call at all times available to deal with any issues should they arise. The intention is that the environment would be akin as much as possible to a family / single household home, with children having their own bedroom, with shared communal spaces as in any dwelling house. All staff would have relevant qualifications and be subject to further training to continually develop their skills, knowledge and professional development. Members of staff would need to be agreed as part of the Ofsted registration process but in this regard it is not within the remit of the planning system to seek to control the day to day functioning of the care home.
56. The 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. However, there would be at least two members of staff present at the property at all times to provide care for the children and so there is no reason to consider that any behavioural issues would adversely affect neighbouring residents or their property. In line with advice from the Council's CYPS and Durham Constabulary, it is considered appropriate to secure a management plan for the property through a suitably worded condition.
57. It is also considered appropriate to include a planning condition which restricts the use of the property to a children's care home for no more than 3 young persons between the ages of 8 and 17, and for no other purpose falling within Class C2 of the Town and Country Use Classes Order 1987. This is considered necessary as occupation of the property for other uses falling within Class C2 (for example a nursing home or hostel) would likely create significantly greater residential amenity impacts than that currently proposed. A condition is also recommended to restrict staff changeovers to within the hours of 7am to 11pm to minimise noise and disruption generated by the coming and going of staff including from vehicular movements to and from the property. These conditions are considered to be sufficient to minimise noise and disruption caused by the proposed use to acceptable levels.
58. Durham Constabulary encourage the use of CCTV for both the communal internal areas and externals of the home and dusk until dawn lighting to each elevation that contains a door. The applicant has confirmed that CCTV has been installed to the front and rear of the property, with a spotlight installed to the rear and side of the property and a manually operated light to the front. The staff sleeping bedroom is located in a position within the house above the ground floor bedroom and within close proximity to the two first floor bedrooms

and the staircase to maximise the chance of hearing any movement from residents during the night. Alterations to boundary treatments are to be applied for under a separate planning application with it anticipated that an appropriate solution to secure the rear garden can come forward to secure the site whilst being sympathetic to the surrounding residential area.

59. Residents have raised concerns that the security lights that have been installed are visually intrusive and cause light pollution. The applicant has confirmed that the light to the front of the property is manually operated, with the two spotlights to the side and the rear activated when sensing motion. This level of lighting is not considered to adversely affect neighbouring residents in terms of light pollution.
60. In terms of fear of crime, in this instance there is no evidence to underpin this, with Durham Constabulary having undertaken a Locality Risk Assessment and raised no objections to this application. 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. In the absence of firm evidence that the proposals would materially increase the risk of, or fear of, crime, it is considered that the proposed development would not have a detrimental impact on the living conditions of local residents.
61. Residents have raised concerns that the proposed use of the property as a children's home would lead to the nearby park being used for anti-social behaviour and drug and alcohol misuse. However, there is no reason to assume the home would not be appropriately managed and the children would be looked after by appropriately qualified members of staff who would be present at the property 24/7, 365 days in the year. Whilst beyond the scope of the planning process, the property would be Ofsted registered with all staff having relevant qualifications and being subject to further training to continually develop their skills, knowledge and professional development. Therefore, there is no evidence that the proposed use of the property would lead to anti-social behaviour, or drug or alcohol misuse.
62. Residents have also raised concerns that the property would operate for 24 hours a day which would result in an increase in noise and disturbances from occupants and visitors that would adversely affect their amenity. However, whilst the likely level of noise generated by the proposal is difficult to quantify due to the varying needs of individual users, it is nevertheless noted that the number of proposed children that the facility would accommodate is to be limited to no more than three, to be secured through planning condition, with sufficient trained staff/carers on hand at all times to manage any negative behaviour generated by individuals. The property previously comprised five bedrooms and so could have accommodated a greater number of occupants in association with its permitted use as a dwellinghouse which in itself could have a level of adverse impact to residential amenity. This would indicate that the development would not lead to any greater adverse impact than a situation where a family with a similar or greater number of children with specific needs

could reside at the address, likely on a 24/7 basis, without the support suggested within the information provided with this application.

63. The application also seeks consent to retain the two outbuildings that have been erected within the rear garden, to be used as an office and a sensory room for the children. The applicant has indicated that the office would be used for staff training, with the sensory room available for children living in the home to book between the hours of 9am to 6:30pm with supervision from a member of staff.
64. Given this and the relatively small size of the sensory room and its position adjacent to the eastern boundary where there is no direct neighbouring property, the use of this room is not considered to adversely affect the amenity of neighbouring residents in terms of noise. A condition is recommended to secure these hours of use to prevent any noise and disturbances from the use of the sensory room arising during the evenings and overnight. A door and small window have been installed within its west facing elevation, however given its position away from the western boundary with Kir Pak this is not considered to allow views into the rear garden of this neighbouring property. Overall, the sensory room is not considered to adversely affect its residents in terms of noise arising from its use, visual dominance, overshadowing, or loss of privacy.
65. The office is sited approximately 800mm away from the shared boundary with neighbouring property Kir Pak, with a blank elevation spanning 5.8m at height of 2.2m adjacent to this boundary. Given the scale of the building and its position relative to the property and garden of Kir Pak it is not considered to adversely affect its residents in terms of visual dominance, overshadowing, or loss of privacy. The office building is located approximately 20m away from the front elevation of the dwellings to the south at Paxton Mews, which is in excess of the typically recommended 13m. A door and three windows have been installed within its east facing elevation, however there is no direct neighbour to the east of the site. The use of the building for the training of staff is not considered to generate noise levels that would adversely affect neighbouring residents.
66. Overall, the proposed development would not adversely affect the amenity of neighbouring residents, according with, CDP Policies 18 e) and 31, as well as Parts 12 and 15 of the NPPF.

Highway Safety and Parking

67. 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, Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. In addition, CDP Policy 18 g) requires a satisfactory highway access, parking and servicing to be achieved.
68. 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.

69. Several objections have been received from residents regarding parking and highway safety, particularly in relation to an increase in vehicle movements to and from the development and an associated increase in on parking which would have a negative impact on highway safety in the area. This concern is also raised by the Local Councillor and the Parish Council.
70. The site is served by an existing vehicular access from Abbey Road which would remain unaltered following the development. To the front of the property is a hard surfaced area capable of accommodating four parked cars. The Council's Parking and Accessibility Standards 2023 requires residential homes falling under Use Class C2 to be served by one car parking space per three bedrooms. The property is proposed to have four bedroom, so this would equate to a requirement for a minimum of two in-curtilage car parking spaces. As the driveway serving the property is capable of accommodating four cars, the parking standards would be exceeded in this instance. The amount of car parking provision would enable all three staff members to park at the property, along with a visitor. Therefore, it is considered that there is sufficient car parking space within the curtilage of the property to meet the need arising as a result of its proposed use.
71. Objections have been raised about the existing access and vehicles reversing out onto Abbey Road. However, the access is existing with no alterations to this proposed and there is nothing to prevent vehicles from the existing residential property reversing out onto Abbey Road currently. The Local Highways Authority have advised that there are no recorded accidents in the vicinity of the access to suggest that the existing access poses a road safety issue, and that the spaces to be provided within the site are such that a vehicle could manoeuvre out of the space and leave the site in a forward gear so that they would not need to reverse out onto Abbey Road. The proposed use of the property is not expected to create a significant uplift in traffic to any great degree over and above a residential dwelling. Overall, the Local Highways Authority raises no objections to the application.
72. It is considered that emergency access vehicles would continue to be able to access the property safely as they would any other existing property within the street or as its current use as a C3 residential property.
73. Overall, the proposed development would be served by a sufficient amount of in-curtilage car parking space and would not adversely affect highway safety, according with CDP Policies 18 g) and 21, as well as Part 9 of the NPPF.

Impact on the Character and Appearance of the Area

74. 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.

75. Part 12 of the NPPF also seeks to promote good design. Specifically, NPPF Paragraph 135 states that planning decisions should aim to ensure developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character and the surrounding built environment and landscape setting, and establish or maintain a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
76. The site lies within an established residential area with various commercial uses present nearby. The timber outbuilding comprising the sensory room has been sited adjacent to the eastern boundary of the rear garden with its east elevation measuring 2.1m tall. As such, the top of the building would be visible above the boundary fencing upon entering the Paxton Mews estate, however this appears as a typical outbuilding similar to those found in other residential gardens and is not considered to appear out of place or to adversely affect the street scene. It is noted that an outbuilding of this size would usually be considered to fall under permitted development. The timber outbuilding comprising the office can be glimpsed from the rear of the site but is mostly screened by existing vegetation along the rear boundary and is not considered to have an adverse visual impact.
77. It is acknowledged that additional fencing has been erected, however consent for the retention of this is not sought as part of this application. The applicant intends to apply for alterations to boundary fencing as part of a separate application should planning permission be granted for the change of use of the property to a Children's Home. It is anticipated that an appropriate proposal could come forward, although 1.8m high fencing around the front garden is unlikely to be supported.
78. Overall, the physical development proposed in the form of the two outbuildings that have been erected on site is considered to be appropriate for the character of the area, according with CDP Policy 29 and Part 12 of the NPPF.

Other Matters

79. Residents have raised concerns that no details regarding waste storage and collection have been provided. There is space to store bins within the curtilage of the property and the applicant has confirmed that they will be collected by the Council's refuse team.

CONCLUSION

80. 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.

81. The application seeks full planning permission for the conversion of a residential dwelling to a children's care home for up to three young people between the ages of 8 to 17. The retention of two outbuildings within the rear garden to be used as a staff training office and sensory room for the children with staff supervision. 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.
82. The Council's Children and Young People's Services team have advised that there is a need for homes of this size within the County and that the property is of a size suitable for the number of children proposed whilst also being of a scale allowing them to be matched appropriately. Therefore, the proposal would help to meet an identified need. Durham Constabulary have undertaken a Locality Risk Assessment and following this have advised that the occupants would not be placed at risk. Therefore, they raise no objections to the proposal. Conditions are recommended to restrict the occupation of the home to no more than three children and to secure details of a management plan to minimise any impacts arising from noise and disturbances on the amenity of neighbouring residents.
83. In consideration of the details submitted in support of the application and the representations received from interested parties, it is considered that the principle of the development is acceptable and the development suitably meets the criteria set out in CDP Policy 18. A detailed assessment has been undertaken of the potential impacts on residential amenity, fear of crime and disorder, social cohesion and highway safety, and it is concluded that the use can be satisfactorily accommodated in this location without any unacceptable detrimental impacts.
84. Whilst the concerns raised by neighbours, the local councillor and parish council are noted and have been considered as part of this assessment, they are not considered sufficient to warrant a refusal of the planning application in this instance. Therefore, the application is recommended for approval subject to conditions.

Public Sector Equality Duty

85. 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.
86. 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:

Location Plan AG-00-01
Proposed Site Plan AG-03-03 D
Proposed Floor Plans AG-02-06 B
Proposed Office Building AG-03-04
Proposed Sensory Room AG-03-05

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 18, 21, 29 and 31 of the County Durham Plan and Parts 2, 4, 5, 8, 9 and 12 of the National Planning Policy Framework.

3. Prior to the first occupation of the property as a children's home, a management plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the property shall be operated in accordance with the approved details.

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.

4. The property shall be used only as a children's care home to accommodate 3 young persons between the ages of 8 and 17 with 24 hour support from carers, including a full-time manager. The property shall not be used for any other purpose falling within Class C2 of the Town and Country Planning (Use Classes) Order 1987, or any order revoking or re-enacting that order.

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

5. Staff changeovers shall not take place outside the hours of 7am to 11pm.

Reason: To minimise noise and disturbances in the interest of safeguarding the amenity of neighbouring residents in accordance with Policies 18, 29 e) and 31 of the County Durham Plan.

6. The outbuilding within the rear garden indicated as a sensory room on Proposed Site Plan AG-03-03 D shall not be used outside the hours of 9am to 6:30pm on any day of the week.

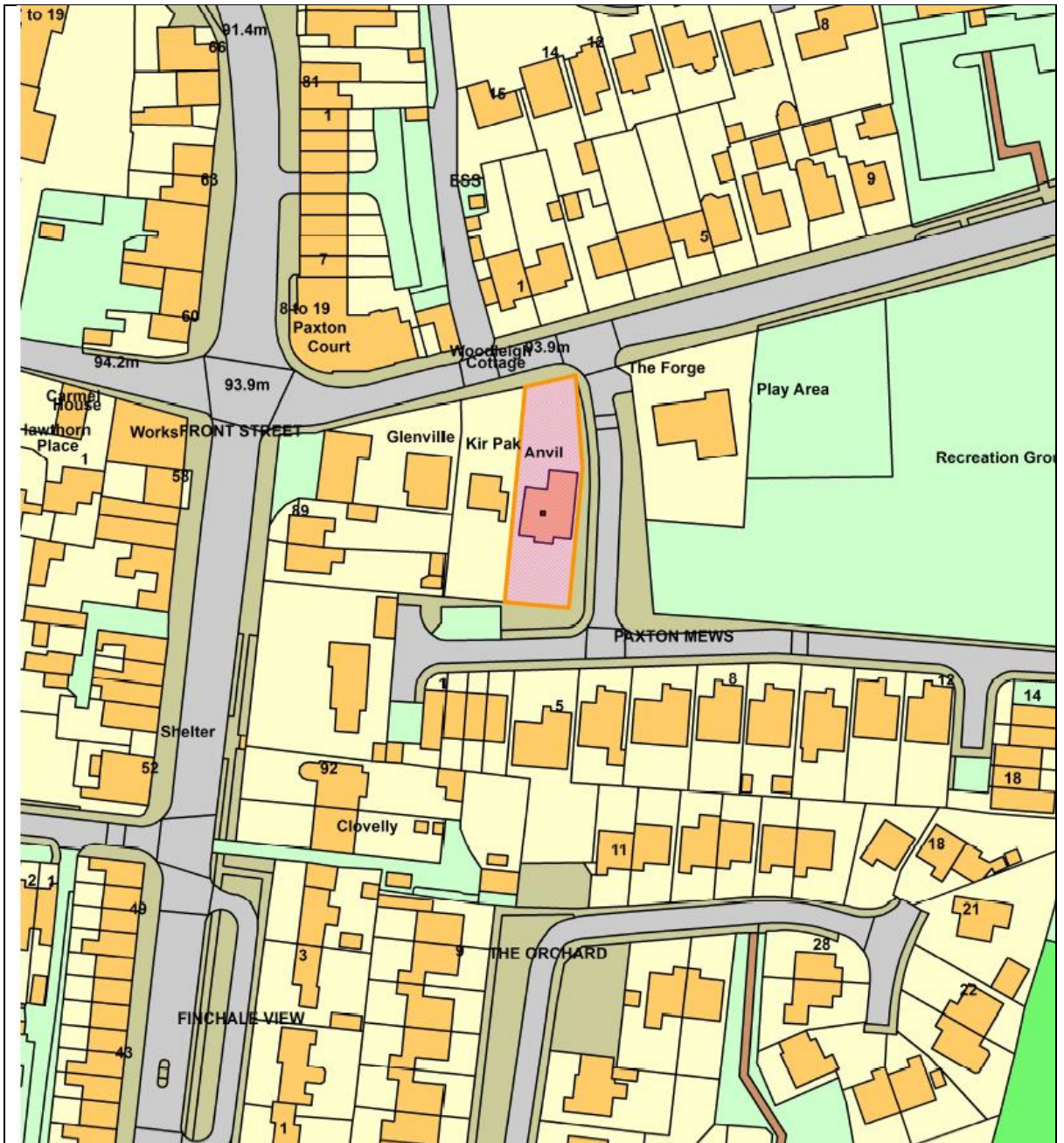
Reason: To protect the amenity of neighbouring residents in accordance with Policies 18, 29 e) and 31 of the County Durham Plan.

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



<p>Planning Services</p>	<p>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)</p>	
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