



## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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Application No:	DM/24/01876/FPA
Full Application Description:	Change of use from dwelling (use class C3) to children's home (use class C2).
Name of Applicant:	Mr Nicholas Poturicich - Atlas Childrens Homes LTD
Address:	1 Shadforth Close Old Shotton Peterlee SR8 2NG
Electoral Division:	Peterlee West
Case Officer:	Lisa Morina Senior Planning Officer Tel: 03000264877 Email: lisa.morina@durham.gov.uk

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### DESCRIPTION OF THE SITE AND PROPOSAL

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The Site:

1. The application site is a two-storey detached dwelling located within a residential estate in Old Shotton. Land levels slope down to the south. The property benefits from an open plan front garden area with a small wall across part of the front of the house which leads to a small rear garden area which is partially enclosed by walling. Access is available from the front to the back garden.
2. Beyond the existing garden wall to the rear are metal railings which were erected by Shotton Hall which is located to the side and rear of the site which are large grounds which it is understood are owned by the Town Council. A garage block is located to the west of the site and the host property benefits from a double garage within that site. A driveway is located to the front of the site however, this currently does not have a dropped kerb.

3. The property is not located within any Conservation Area or area of high landscape value and there are no protected trees on the site. The site is also not within a flood risk zone or within a coal mining risk area.
4. Adjacent to the site, as described above is Shotton Hall which is a Grade II Listed Building and within these grounds the trees are protected by a tree preservation order.

#### The Proposal

5. The application seeks the change of use of the property from a residential dwelling to a children's home which is proposed to accommodate a maximum of three young people between the ages of 6 – 17 years old who have emotional and behavioural difficulties. The applicant however has stated that they will start with solo provision and work upwards from there.
6. The application is being reported to the Central and East Planning Committee at the request of Councillors Louise Fenwick and Susan McDonnell as well as Peterlee Town Council with a variety of concerns some of which include parking, highway safety concerns, noise and disturbance, social cohesion and the use of the property as a children's home.

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### **RELEVANT PLANNING HISTORY**

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

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### **PLANNING POLICY**

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#### **National Policy**

8. The following elements of the National Planning Policy Framework (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, 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 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:**

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. Of particular relevance to this application is the practice guidance with regards to: determining a planning application; healthy and safe communities; light pollution; natural environment; noise and use of planning conditions)

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

#### **Local Plan Policy:**

## The County Durham Plan (CDP)

17. *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.
18. *Policy 15 (Addressing Housing Need)* establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure mix of affordable housing, the requirements of developments to meet the needs of older people and people with disabilities, and the circumstances in which the specialist housing will be supported.
19. *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.
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 Parking and Accessibility Supplementary Planning Document.
21. *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.

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.

#### Supplementary Planning Documents

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

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

#### Neighbourhood Plan:

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

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

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### Statutory Consultee Responses:

26. Peterlee Town Council object for the following reasons:
- Lack of Ofsted registration
  - Capacity of the Childrens Homes
  - Concern regarding the wide variety of C2 uses.
  - Increase in traffic, highways safety and road access.
  - Adequacy of parking/loading/turning
  - Noise and Disturbance Issues
27. Highways Authority – No objection raised

#### Internal Consultee Responses:

28. Spatial Policy – Advice on policy requirements provided.

29. Environmental Health and Consumer Protection (Nuisance) – No objection subject to conditions restricting the number of children to two and also an appropriate management plan.
30. Childrens and Adults Services – Objects to the proposal as there is no assurance a Durham Young Person would benefit.

### **External Consultees**

31. Police Architectural Liaison Officer (Durham Constabulary) – Initially raised concerns regarding the proposal however based on additional information provided by the applicant confirm this overcomes their concerns however would require an updated management plan to be provided.

### **Public Responses:**

32. The application has been advertised by site notice and individual notification letters sent to neighbouring properties.
33. To date, 54 letters of objection, and an 84 named petition have been received including from Cllr Steven Franklin, Town Councillor. These are summarised under the relevant headings below:

### Objections/Representations

#### Principle of the Development

- A service gap analysis in this case is fundamentally flawed. To justify this particular property, you would need to not only carry out a service gap analysis in County Durham, but on the whole of the UK to identify similar alternatives, in similar communities with similar demographics as ours, then justify why this property in particular is preferred to all other areas and properties identified. This is a total “non-starter” and proves nothing.
- The proposals would be contrary to policy 18 of the CDP.
- Concerns regarding the size of the property and how many children can be accommodated
- Concern regarding the location of the property being in close proximity to pubs
- Sustainability of the site
- No substantive evidence has been provided to confirm 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 Children and Young People's Services and other appropriate agencies.

#### Residential Amenity

- Impact on community cohesion given there is a high population of older people living in the area

- Concern for existing children living in the area
- Fear of Crime
- Noise/Anti-Social Behaviour
- Environment and health impacts - Overcrowding, inadequate waste management/littering and poor maintenance can lead to unsanitary conditions which pose health risks.
- Increased police/ambulance presence
- Concern regarding mental health of neighbouring properties
- Lack of outdoor space

### Highway Safety

- Concern regarding parking
- Impact on parking and traffic.
- Lack of parking
- There is only one road in/out and neighbours would feel uncomfortable passing the property to access their property. I personally would feel uncomfortable and unsafe having to pass this property several times each day to access my home
- Proposal is on a sharp bend and will cause highway issues.
- The site is in close proximity to the A19
- The Applicant has made an application to condone a highways Offence
- Potentially misleading information has been provided by the applicant in respect of parking at the front of the property

### Other Issues

- Lack of consultation
- Devaluation of properties
- Lack of facilities including healthcare.
- Contradictory comments within the application.
- Safety and Security of the site including the design of the property which will allow children to abscond
- Concern regarding the applicant and their business
- Concern the applicant is not registered with Ofsted
- Shotton Hall School have historically used Shotton Hall estate for field trips and this will need to be re-addressed if this proposal goes ahead
- No evidence that the applicant has consulted with the Local Authority or the police.
- The garden area contains a Laburnum tree and excessive amounts of ragwort which are highly poisonous to humans. There is also a small pond to the side of the house in the garden area which is not mentioned on the plan, planning application or the risk assessment.
- Covenants on the property restricting the use of the property as a business
- The way in which people can object is limited  
Concerns raised with respect to the accuracy of the applicants statements.

## **Elected Members**

34. Cllr Susan McDonnell objects to the proposal for the following reasons:

- Lack of Ofsted Registration/Inspection
- Lack of contact with Childrens Services and the Police
- Lack of contact with neighbouring properties
- Believes the driving force behind this development is purely money.
- Lack of experience by the applicant
- Anti-social behaviour issues

35. Cllr Louise Fenwick objects to the proposal for the following reasons:

- Loss of Amenity
- Fear of crime and antisocial behaviour
- Impact on social cohesion
- Parking and traffic issues
- Safeguarding issues due to the closeness of the property to the A19 dual carriage way and a footbridge that takes you over into the neighbouring Industrial Estate.

36. Graham Morris MP objects for the following reasons:

- The lack of consultation, engagement, and understanding of our community by Atlas Children's Homes Ltd demonstrates a failure to comply with the County Durham Plan, specifically Policy 18 relating to children's homes.
- The applicant has failed to demonstrate that the development will address any gaps in service provision.
- The property is located in close proximity to two pubs, which is not conducive to the health and welfare of children who are likely to have vulnerabilities and needs above the general population. Lack of services to support children within the local area such as parks, youth groups, and playing areas.
- Community Cohesion
- Considering the manner in which it has failed to engage any public bodies or the community, this application is speculative and motivated by profit.
- If approved, I fear this development would have no benefit for the local community or help to ease any pressure on already overstretched children's services in County Durham.
- If used to accommodate young people from out of the area, or as emergency crisis care, it is likely to place additional pressure on services.
- The application seems incompatible and fails to adhere to the objectives set out in Policy 18 of the County Plan.



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

### **Applicants Statement:**

37. None received prior to publication.

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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38. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise.
39. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be considered in decision making, along with advice set out in the Planning Practice Guidance notes. Other material considerations include representations received.
40. In this context, it is considered that the main planning issues in this instance relate to the Principle of Development, Impact on Residential Amenity, Impact on Streetscene, Highway Safety Issues and other matters.

### Principle of the Development

41. The application site falls within the built-up area of Old Shotton 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.
42. The property would accommodate up to 3 young people between the ages of 7 – 17 years old. The applicants have confirmed that the home would initially accommodate 1 child and be staffed by a team of five professionals on a rotational basis. Each staff member would complete an average of 3-4 24 hour shifts a week within the home to ensure consistency of care for the children.
43. Shifts would operate from 0800-2200 awake and 2200 – 0800 asleep. The shift pattern would be 24 hours on, 48 hours off on a rolling rota. Shift changes would occur at 10am.
44. The applicants' planning statement points towards the applicants aiming to be one of the country's leading providers of therapeutic residential homes for children who have suffered trauma and exploitation. Atlas Children's Home's holistic care, helps support children's wellbeing, self-esteem and independence so they can move into their futures with optimism and confidence. It is not proposed however that the proposal will be restricted to a specific use.

45. 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.'
46. Concerns have been raised regarding the applicants service gap analysis, the size of the property and how many children can be accommodated, the location of the property, the sustainability of the site and the fact that no substantive evidence has been provided to confirm that the occupants would not be placed at risk having regard to the latest crime and safety statistics in the area and that no indication that this has been agreed in advance with Durham Constabulary, the council's Children and Young People's Services and other appropriate agencies. As such objectors consider the proposal would be contrary to CDP policy 18.
47. 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.
48. 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, given the proposals are intended to provide a home environment for children's care and subject to appropriate management of the site by staff. It is acknowledged that there is a material change of use of the site in that there is no permanent resident on site given staff change overs and the business style use however, the intention is to allow children to live as close as possible to a typical home environment which small children's homes of this nature are intended to provide. 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.
49. Concern has been raised with regard to the sustainability of the site in that the site is within a remote area which has limited facilities in that only 2 pubs are located within the village and is not in close proximity to facilities and services. This will be discussed in more detail below when considering Policy 18.
50. 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.
51. CDP Policy 18 (Childrens Homes) states that in order to promote the creation of sustainable, inclusive and mixed communities, applications for children's care homes, will only be permitted where they accord with a number of criteria listed under a-g including there being a need for such uses and the suitability of the location.
52. The supporting text associated with CDP Policy 18 states at paragraph 5.179: "The children and young people living in children's homes are among the most vulnerable in society. Whilst children's homes have traditionally been for children under 16, provision for young people beyond the age of 16 years old would also be determined against this policy or Policy 15 (Addressing Housing Needs), where they are 18 years and older." For the purposes of these proposals, it is not considered that CDP Policy 15 is of relevance as there would be no occupants over the age of 17 and none are expected to be registered disabled in this instance.
53. Criterion a) of CDP Policy 18 requires new development to demonstrate that the development will address any gaps in service provision to the satisfaction

of the Local Planning Authority. 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.

54. Paragraph 61 of the NPPF states 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. The overall aim should be to meet an area's identified housing need, including with an appropriate mix of housing types for the local community.
55. It further states at Paragraph 63 that within this context of establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) those who require affordable housing (including Social Rent); families with children; looked after children; older people (including those who require retirement housing, housing-with-care and care homes); students; people with disabilities; service families; travellers; people who rent their homes and people wishing to commission or build their own homes. It advises in respect of looked after children that evidence of need for looked after children can be found in the relevant local authority's Children's Social Care Sufficiency Strategy.
56. The Council has undertaken an assessment of existing children's home provision as detailed in the Council's document; Sufficiency and Commissioning Strategy for Children Looked After and Care Leavers 2022-2024. That exercise has identified gaps in current service provision within this area of care and a requirement throughout the County for small scale children's homes of the type proposed at the host property. This is due to be updated in early 2025 where it is understood that there remains a continued identified need for these type of homes.
57. The applicants have clarified that they are intending to register the home for up to 3 children but potentially run as solo provision in the first instance which would help to improve the deficiency that Children and Young Peoples Services (CYPS) have. CYPS have been consulted for their views on the application and they have raised concern, however, commenting that they are unaware of the provider and that they have not at any point been approached by them in relation to their proposals. Furthermore, in working through the supporting information, the provider have made no assurances that they would be agreeable to the Durham First approach and that this development would, therefore, benefit a Durham young person.
58. Whilst the applicant has confirmed they would be agreeable to this, it is understood that to date there has still been no contact made with CYPS to discuss the proposals, and as such, it is not considered that sufficient information has been provided to demonstrate that the development would meet policy 18 a). Noting the supporting text to policy 18 in the CDP, para,

5.183 states that in order to ensure that any further provision of children's homes is well managed and the needs of children are being met by offering safe and positive environments, early discussions will be required between Children and Young People's Services, Planning Services and other external agencies as appropriate, including Durham Constabulary. It is clear that the provider has not undertaken this important exercise to ensure the proposal meets with expectations and there is conflict with part a) of policy 18, where the provision is not considered to be to the satisfaction of the LPA, in consultation with the CYPS. The proposal therefore is considered contrary to policy 18a of the CDP in that it would not be guaranteed that the proposal will result in meeting the need for Children's homes to house County Durham Children which is the key priority set out in Section 22G of the Children Act 1989 and the Council's Sufficiency Strategy.

59. Concerns have also been raised in response to the applicants' comments that they will carry out a service gap analysis, but objectors consider that any such exercise would be fundamentally flawed. They consider that to justify this particular property, the applicants would need to not only carry out a service gap analysis in County Durham, but on the whole of the UK to identify similar alternatives, in similar communities with similar demographics as the Peterlee area, then justify why this property in particular is preferred to all other areas and properties identified. Officers do not consider that such a wholesale exercise would be required for this application and there is no requirement set out in planning policy to this effect. As stated previously, the expectation for any application would be to address requirements set out in the Council's Sufficiency Strategy, which would include providing care for local children within the local authority area.
60. Queries have been raised from nearby residents whether or not the site and children's home will be Ofsted Registered as it does not appear to be at present. In line with discussions with CYPS it is understood that the care provider would be required to register with Ofsted and meet all regulatory requirements, however it should be noted that this operates separate to the planning process and it is understood this process cannot progress unless planning approval is granted. The applicants have confirmed they intend to meet with this regulatory requirement.
61. Notwithstanding this however, it is not considered that sufficient information has been provided to ensure that criteria a of Policy 18 would be met.
62. Criteria b requires sites to offer a positive and safe environment for the occupants of the premises ensuring that there is appropriate access to local services and community facilities;
63. Given the application site is within an existing residential area the site would be considered to provide a positive environment for future occupants being framed by other similar uses.
64. However, there is concern raised over the location of the property. Objections have been raised that there are existing anti-social and drug related problems

within the area and as such the property is not within the correct location to house looked after children. This will be discussed in more detail under criteria d.

65. Concern has also been raised that the property is in close proximity to the A19 and therefore, this would be a safety risk for children who may be prone to absconding and that there is a large expanse of woodland area (known as Shotton Hall) located directly adjacent to the site which also houses a large deep pond.
66. The property as it stands is also not considered by Officers to be secure enough in that access to the rear of the site is open and the rear boundary treatment is not considered to be sufficient to prevent absconding which in turn provides easy access to the A19 and Shotton Hall.
67. Whilst it has been suggested that additional boundary treatment will be provided, nothing has been forthcoming from the applicant therefore, at present it is considered that insufficient information has been provided to ensure the site would be a safe environment for future occupants.
68. As stated above concern is also raised that the site is not within a sustainable location. Old Shotton itself consists of two pubs with no other shops or facilities within the area. It is understood a small retail park is currently under construction at the entrance to the village within a 500m walk of the site, therefore, this will assist in providing some facilities. A school sits in close proximity to this retail park. Whilst it is acknowledged that facilities are limited, it is not considered that a refusal reason could be sustained in this instance given the fall back position of a C3 residential use and the likely future improvement to the retail facilities on offer.
69. The site however is still considered to conflict with criteria b of Policy 18 in that the site would not result in a safe environment due to its location in close proximity to the A19, Shotton Hall and also the fact that the site is not considered to be secure.
70. Criteria c of policy 18 requires that 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.
71. The proposed home is intended to accommodate a maximum of 3 children however it is understood in the initial instance it would be a solo occupancy potentially progressing to dual occupancy.
72. Concern has been raised that the site expanding in terms of the number of children accommodated has potential for further issues to be raised. Concern is also raised as to the number of people that could be accommodated on the site given the number of bedrooms in situ.
73. Supporting information with the application advises that staff would carry out 24 hour shifts and as such, would require sleeping accommodation. However it is

noted that the property has 4 bedrooms and given there would always be at least two members of staff on site at all times, it is considered that a maximum of 2 children only could be accommodated on the site. It is accepted however that this could be restricted via planning condition if the application was to be approved. Criterion c also requires children to be appropriately matched and whilst no details of this has been provided it is understood this would be considered in conjunction with CYPS and could also be written into any subsequent Management Plan which could itself be conditioned. Subject to this the proposal would be considered to suitably comply with part c) of policy 18.

74. Criteria d requires that 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;
75. Concern has been raised that the proposal will result in an increased presence and pressure on policing in the area as well as the ambulance service and also concerns have been raised regarding the risk to occupants due to crime, which is considered to be the policy test in this case. In addition, concerns have also been raised from residents about the introduction of looked after children to the area and how they would potentially integrate with the community.
76. Durham Police and the Councils CYPS were both consulted for their views on the proposed scheme taking into account crime statistics in the area.
77. Whilst no formal objection has been received, the police have also not provided any support merely stating that there are currently 75 children's homes in the Durham Constabulary area with several other planning applications being considered which are in the process of being approved. In recent years there has been a noticeable increase in the demand these homes have created on both the Police and Children's Services. Although the demand on resources is a concern, it must be emphasised that the overriding concern is the risk to children when they are missing, as evidenced by incidents involving organised exploitation groups across the country. The effective management of these homes is paramount in keeping children safe.
78. They go on to say that they would expect that careful geographical consideration will be given to the location of the children's home and a locality risk assessment has been carried out.
79. In response, they have confirmed that the wider area is well recorded for drug dealing, drug taking and organised crime groups. In addition, Peterlee and Shotton has a high number of OCGs operating in the Durham Police area.
80. They also raised concerns with the submitted management plan if approval was granted and suggested that changes would be required to be made.

81. It should be noted that children and young people who would reside within the proposed development are likely to be some of the most vulnerable people within society and are therefore more susceptible to criminality of this nature.
82. As detailed online within publicly available information, it is noted that within a 1 mile radius of the site, there have been various crime related issues from August to October 2024 (3 month period checked) where there was a total of between 75-100 cases a month. As such, the addition of a children's home in this area, would be contrary to criteria d of policy 18 in that it is considered that a child placed in this property could be put at risk of exposure to crime.
83. This has recently been considered in an appeal reference APP/X1355/W/23/3327530 for the change of use of a property to a children's home in which it was considered that due to levels of crime within the area, a looked after child would be placed at risk if they were to enter the property. At paragraph 10 the inspector states:
  84. *"Drawing these factors together leads me to conclude that the appeal site is not an appropriate location for use as a children's home due to the unacceptable risk of exposing future occupants to crime. The change of use would fail to comply with Policy 18 of the CDP. It would also be contrary to the Framework which seeks, amongst other matters, for development to create places that are safe, inclusive; with a high standard of amenity for future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life."*
85. Further information was received from the applicant in response to the comments received from the police, including amendments to the management plan. Following re-consultation with the police, they have confirmed that this would overcome their concerns with regards to the management plan. However, they further comment that if the LPA were to approve the application, they would expect the updated details to be reflected in a standalone management plan as opposed to the written response received.
86. Notwithstanding the above, however, the LPA does consider in consideration of crime and safety statistics in the area, that there is a potential for occupants to be at risk. It is accepted that Durham Constabulary consider the management plan could address the concerns they have raised, with regards the extent of crime issues in the area, however, there remains concerns that the provider has not worked with CYPS in determining the suitability of provision or its location. The proposal is considered contrary to criteria d of policy 18 of the CDP.
87. Criteria e states it is unlikely to cause unacceptable individual or cumulative impact on residential amenity, fear of crime or community cohesion;
88. 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 135f 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.

89. 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 would occur if approval is to be granted.
90. This will be discussed in more detail within the residential amenity section below however, it is not considered that the use of the property for up to 2/3 looked after children would result in an unacceptable individual or cumulative impact on residential amenity, fear of crime or community cohesion over and above such impacts associated with the existing use of the property as a C3 residential dwelling which given the size of the property could similarly accommodate 2/3 children albeit in a family setting. There is therefore not considered to be a conflict with Criterion e of CDP Policy 18, although further discussion on this is provided below.
91. Criteria f states appropriate measures will be in place to ensure access for emergency vehicles and safety measures such as fire escapes; and criteria g. states satisfactory outside space, highway access, parking and servicing can be achieved.
92. In respect of parts f) and g), 3 no off-street parking spaces would be provided at the site in the form of garages to the side and a hardstanding to the front of the site (albeit it is noted that no dropped kerb is currently in existence) which is considered to meet the requirements of the Councils Parking and Accessibility SPD. 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. Issues of blocking of the highway would be a matter for the police and not for the planning system to resolve.
93. Outdoor amenity space is considered acceptable in terms of its size however it is not considered to offer a safe space due to the extension of the boundary treatment in place, as such whilst criteria f can be met, criteria g would not as it does not provide satisfactory outdoor space which has been demonstrated that it can and would be made safe.
94. 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.

95. A management plan has been submitted in support of the application however is not considered sufficient at present therefore, if the application was to be granted then this should be subject to a condition requiring a more detailed management plan to be provided.
96. Part 15, paragraph 198 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.
97. 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.
98. Whilst the above is noted, it is considered that whilst the proposal would comply with some criteria identified within policy 18 of the CDP the proposal does not accord with all and as such, the principle of the proposal cannot be supported.

#### Impact on Residential Amenity

99. 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 198 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. In addition policy 31 of the CDP seeks 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.
100. 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 given there are both elderly and young people who live in the area as well as noise, disturbance and anti-social behaviour that can have an impact on the mental health of neighbouring properties. Concern has also been raised regarding the ratio of carers to young people and the management of the site as well as a lack of outdoor space and increased police/ambulance presence and poor management of the site which can lead to unsanitary conditions which pose health risks.

101. 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 198 of the NPPF.
102. 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.
103. 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.
104. 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.
105. Durham Constabulary acknowledge across the board that they would anticipate community concerns in relation to police attending the address, however attendance is regularly carried out to ensure the safeguarding of the individuals within the address and to provide advice and support, rather than always dealing with issues of crime.
106. They also confirm that Neighbourhood Policing Teams 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.
107. As a force they engage and work with all Children's Care Homes throughout the force and depending on the number of children residing and their individual complexities, police involvement and demand can fluctuate significantly from time to time and between care homes. As such, there is considered no objective evidence that the proposed use would lead to increased crime or disorder.

108. In relation to issues associated with general noise and disturbance associated with the use of the dwelling, it is acknowledged that this would be difficult to quantify due to the varying needs of individual occupiers at the site, it is nevertheless noted that the number of children proposed to be accommodated would be limited to no more than two, given the size of the house, and this would be secured by means of a planning condition should approval be granted.
109. 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.
110. The Council's Environmental Health Section has been consulted and confirm that the intention is to operate the home as a residential care home for one to two vulnerable children aged between 7 and 17 years on a 24hr basis, the home will be sufficiently staffed on a 24hr basis; it should be noted that the applicant also refers to occasionally housing three children.
111. The occupants of the home will be noise sensitive, however as the property is already used as a residential premises, in a residential area there are no concerns relating to the use for future occupants. The property is detached and whilst the proposed change of use does not make the property any more of a sensitive receptor than it currently is, anecdotally the source of noise and disturbance could be greater from the proposed use than it could be from a residential dwelling, although a residential dwelling could also house a similar number of individuals.
112. However, the potential for impact is associated with the individuals residing there and as such might differ greatly, and the information submitted demonstrates that there will be sufficient trained staff/carers on hand to manage any negative behaviour generated by individuals. This would indicate that the development will not lead to any greater adverse impact than where a family with a similar number of children with specific needs could reside at the address without the support suggested within the information provided with the application. 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.
113. They go on to state that the proposed premises is situated in a residential area and on balance the introduction of a small children's home is not unreasonable providing relevant guidance and good practice is adhered to. In their view in order to maintain a reasonable standard of amenity to nearby residents they would suggest adherence to an approved management plan and the number of residents is conditioned.

114. 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.
115. 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.
116. Whilst it is acknowledged that residents hold fears that crime in the area would increase as a result of the proposals, the courts have held that the fear of crime is only a material consideration where the use, by its very nature, would provide a reasonable basis for concern, it is considered that a refusal reason framed around this issue would not be capable of being sustained. As stated above, issues of crime and the fear of crime are material considerations in the determination of the application but given there is no significant objection to the application from the Police Architectural Liaison Officer, it is not considered that there is a sufficient evidence base on which it could be reasonably concluded that there would be a material increase in crime as a result of the proposals and as such this should be afforded limited weight in the determination of this application.
117. In addition, it is considered that the site could be controlled through an appropriate management plan and that they are intending to become registered with Ofsted.
118. 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.
119. 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.
120. Concern has been raised that the applicant has not made attempts to develop positive relationships within the local community and no discussion has taken place. The applicant has stated they would be looking to develop relationships to integrate within the community and this can be included as required as part of the management plan. 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. 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.

121. Objectors have raised concern regarding the design of the house in that due to the sloping roof on the front extension that children could easily abscond from the property however it is considered that subject to appropriate management of the site, then this point can be addressed however notwithstanding this, this does not overcome concerns regarding the safety of the site.
122. 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

123. 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.
124. 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.
125. No external changes are proposed to the property at present however it is noted that CCTV is likely to be required. In addition, it has been suggested that additional boundary treatment will be added. These are typical type additions to residential properties and as such, it is considered that a condition could be added to ensure details of the CCTV are provided. In respect of the fencing however, it is considered that insufficient information has been provided in respect of the impact that the proposal may have on both the streetscene and trees which are located in close proximity to the boundary of the host and are protected by a Tree Preservation Order. It is not considered therefore that sufficient information has been provided to ensure the impact of the proposal would be acceptable. It is not clear therefore, that the proposal would have an acceptable impact in this respect in accordance with policies 6d, 29 and 40 of the CDP and part 12 of the NPPF in respect of impact on the streetscene.

#### Highway Safety

126. 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.
127. Concern has been raised that there is currently lack of parking in the area which will be made worse by the proposal. In addition, the property is on a sharp bend which can cause further issues. Residents also raise concern that the applicant has provided misleading information that parking is available at the front of the site and that the applicant would condone a highways offence as a result of the application. Residents also raise concern that they would feel unsafe walking past the property as there is only one way in and out of the site.
128. The views of the Highway Authority have been sought and they have confirmed that there is no material change to the internal or external of the property proposed and no change to the number of habitable rooms.
129. The level of activity in terms of vehicle movements is unlikely to be significantly greater than that of a large family residing at the property with multiple vehicle users. The timing of such movements would also be in keeping with the normal daily activity to and from a dwelling relating to school runs, travel to work in addition to shopping and recreation trips. Whilst the property may on occasion have an increase in vehicle movements it is not considered that this would be significantly greater than that which could potentially result from a single family with high vehicle use occupying the property.
130. They go on to say that it is noted that the property benefits from existing in-curtilage parking and a double garage. In considering the requirements of the DCC Parking & Accessibility standards, the parking provision exceeds the minimum provision for a C2 facility.
131. It should be noted that the driveway is considered to be suitable in terms of the assessment of capacity, for a single vehicle as a second vehicle will overhang the footway. Whilst there is an existing driveway however there does not appear to be a formalised footway crossing.
132. A formalised domestic footway crossing requires a Section 184(3) licence. This is required to ensure that it is legal to drive across the footway, not damage the footway, avoid creating a liability issue associated with users of the footway and prevent damage to services which may be under the surface of the footway.
133. The domestic access crossing (ramped and strengthened footway with dropped kerb) must be constructed in accordance with the requirements of Section

184(3) of the Highways Act 1980. As this is separate legislation it cannot be controlled via this application however the applicant will be advised of their requirements through an informative if the application is approved. A condition can also be added for cycle parking and an EV charging point to be provided which are considered necessary if the application was to be approved.

134. In respect of road safety there is no history of personal injury incidents in the vicinity of the property to indicate that there is an existing road safety issue.
135. On the basis that the property is not being extended, the existing use is a 4 bedroomed residential house and the parking provision meets the required standard for the proposed use, it is considered that there are no road safety grounds on which to base a highways refusal and any such refusal would not sustain an appeal under NPPF paragraph 116. The proposal is therefore, considered acceptable in respect of CDP Policy 21.

#### Other Issues

136. 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.
137. Concern has also been raised that there are limited options for people wanting to object. People are able to object online, by post or via e-mail which are considered a sufficient and varied means to provide objections as required.
138. Devaluation of properties have also been raised however this is not a material planning consideration.
139. It has also been raised that there are restrictions on the property being used as a business under the covenant consent and also prevents front boundary treatments from being erected. This would be a private law matter and is also not a material planning consideration.
140. Objectors consider that the company is totally driven for profit only and that concern has been raised regarding how they intend to run the property and their lack of previous experiences and what they will provide to the community. These are not material planning considerations which can be considered as part of this application. The site will also be controlled under separate legislation and subject to an Ofsted inspection and registration.
141. It is not felt that doctors, dentists and schools will be oversubscribed given the fall back position of the property being a C3 residential use that can be occupied by a family.



142. Concern has also been raised that contradictory comments have been made within the application and suggested that the applicant has made incorrect statements for example, that no trees are located nearby or there are no listed buildings nearby, what is within the curtilage of the site etc. It has been suggested that the garden area contains a Laburnum tree and excessive amounts of ragwort which are highly poisonous to humans. There is also a small pond to the side of the house in the garden area which is not mentioned on the plan, planning application or the risk assessment.
143. The application site has been visited and the application carefully considered by the case officer and it is considered that appropriate measures can be put in place through appropriately worded conditions for example through the submission of a more detailed management plan to control the development if approved.
144. Comments have been raised that Shotton Hall School has historically used Shotton Hall estate for field trips and this will need to be re-addressed if this proposal goes ahead. It is not considered that the placing of a children's home in this area, would have an impact on this however, this would be a matter for the school to consider and carry out their own risk assessment.

#### Public Sector Equality Duty

145. 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.
146. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

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## **CONCLUSION**

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147. 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.
148. It is considered that the applicant has failed to demonstrate that the facility would meet an identified need in terms of demand thereby being contrary to criteria a of policy 18 of the County Durham Plan.

149. In addition, the proposal would be located within an area considered unsuitable for a children's home, and as such would fail to offer a positive and safe environment for the occupants in which they would be placed at risk contrary to criteria b), d) and f) of policy 18 of the County Durham Plan and Part 8 of the NPPF.

150. The principle of the development is, therefore, unable to be supported.

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## **RECOMMENDATION**

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That the application be **REFUSED** for the following reasons:

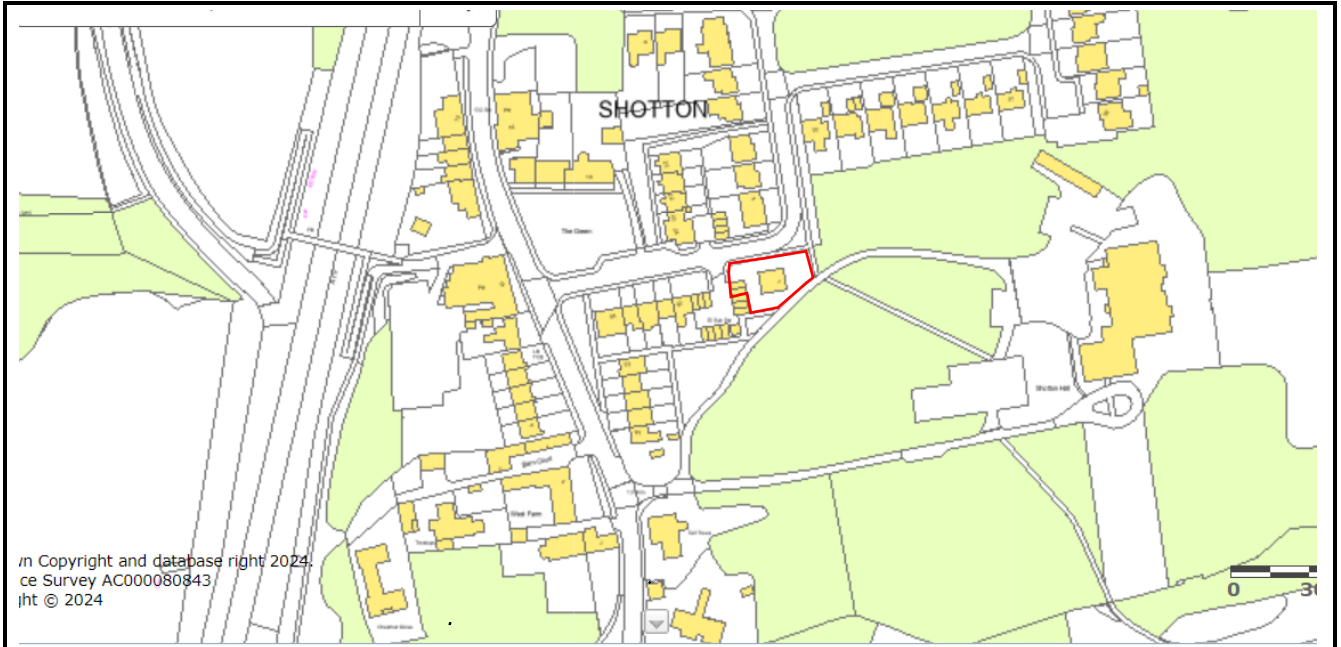
1. The Local Planning Authority considers that the proposed children's home would be located within an area unsuitable to accommodate the proposed use as it would fail to offer a positive and safe environment for looked after children, due to the unacceptable risk of exposing future occupants to crime, contrary to criteria b) and d) of policy 18 of the County Durham Plan and Part 8 of the NPPF.
2. Insufficient information has been provided to satisfy the Local Planning Authority that the proposals would suitably address gaps in service provision contrary to criteria a) of policy 18 of the County Durham Plan.
3. The Local Planning Authority considers that the property does not have an appropriate and safe garden area for future occupants and details have not been provided to demonstrate that means to secure the site can be achieved without detrimental impact on the amenities of the area and the adjacent protected trees, contrary to criteria f) of policy 18, as well as policy 29 and 40 of the County Durham Plan.

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## **BACKGROUND PAPERS**

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



<p><b>Planning Services</b></p>	<p>Change of use of residential dwelling (use of class C3) to Children's Home (Use Class C2) at 1 Shadforth Close, Old Shotton, Peterlee, SR8 2NG          Application Reference: DM/24/01876/FPA</p>
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