



Area Planning Committee (South and West)

Date Friday 15 January 2021
Time 9.30 am
Venue Remote Meeting - This meeting is being held remotely via Microsoft Teams

Business

Part A

(Items for which the Press and Public are invited to attend)

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. The Minutes of the Meeting held on 19 November 2020 (Pages 3 - 10)
5. Applications to be determined
 - a) DM/20/01831/FPA - Shieldfield House, Loggins Farm, Tudhoe, Spennymoor (Pages 11 - 30)
Change of use from Dwelling House (C3) to Residential Institutions (C2) - for 3 children between the age of 8 - 18 and associated support staff
 - b) DM/20/03305/FPA - The Oaks Secondary School, Rock Road, Spennymoor (Pages 31 - 48)
Extension to the school, relocation of external gym area, additional parking and extensions to car park
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

Helen Lynch
Head of Legal and Democratic Services

County Hall
Durham
7 January 2021

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

Councillor J Clare (Chair)
Councillor J Atkinson (Vice-Chair)

Councillors D Bell, J Blakey, L Brown, J Chaplow, E Huntington,
G Huntington, I Jewell, J Maitland, S Quinn, G Richardson,
J Shuttleworth, F Tinsley and S Zair

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DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** Remote Meeting - This meeting is being held remotely via Microsoft Teams on **Thursday 19 November 2020 at 9.30 am**

Present:

Councillor J Clare (Chair)

Members of the Committee:

Councillors J Atkinson (Vice-Chair), D Bell, J Blakey, J Chaplow, E Huntington, G Huntington, I Jewell, J Maitland, S Quinn, G Richardson, J Shuttleworth, F Tinsley and S Zair

1 **Apologies**

Apologies for absence were received by Councillor L Brown.

2 **Substitutes**

There were no substitute Members in attendance.

3 **Declarations of Interest**

There were no declarations of interest.

4 **Minutes**

The minutes of the meeting held on 17 September were agreed as a correct record to be signed by the Chair.

The order of business was changed and the Committee considered item no. 5b) on the Agenda.

5 **DM/20/01320/FPA - 25 West End Sedgefield Stockton On Tees**

The Committee considered a report of the Planning Officer with regards to an application for a two storey rear extension, bow window to front and replacement windows at 25 West End Sedgefield Stockton On Tees (for copy see file of minutes).

The Planning Team Leader gave a detailed presentation which included a site location plan, aerial photographs and photographs of the site.

Mrs Boyle addressed the Committee on behalf of herself and her husband, confirming that she had lived next door to the Applicants for 12 years and had been very good friends during that time. She confirmed that the objection was not of a personal nature but to protect what they believed were important features of their property, which they had lived in for 18 years.

Mr and Mrs Boyle would not have objected to a single story extension on the existing footprint of the house, however in their opinion, the proposal put forward was large and would be over baring on what they perceived an already over developed property.

Summarising the negative impacts, they believed the development would have on their property, Mrs Boyle confirmed that the new building would be visible above an ancient boundary wall in between the two properties and there was a risk of it collapsing due to the new foundations. The rear courtyard would be impacted, which already suffered from damp due to the raised garden and there had been issues with damp from water runoff in their bathroom since the roof had been raised on the existing second floor extension.

Mrs Boyle also raised concerns with regards to the logistics of the build and the safety of their property as there was no entry to the rear and a mini digger would have to be craned over the roof of the house and 25 tonnes of earth removed and disposed of.

The Applicant, Mrs Nuttall, confirmed that a great deal of thought had gone into the planning and logistics of the project and much of the objections were unfounded. The Architect had proposed that the extension would be rafted so instead of 10-15 feet of foundations, it would be 2 feet.

Mrs Nuttall confirmed that when purchasing the property, herself and her husband had identified several improvements, including to the conservatory, which despite recently spending £2.5k on it roof, was still leaking. The courtyard was damp and unusable and there were steep steps leading to an elevated garden. The house was fitted with an aged Saniflo and the bathroom shower leaked into the kitchen.

Mrs Nuttall continued that they wanted to build a modern living kitchen area on what was currently occupied by the conservatory. The upstairs would be a small fourth bedroom serviced by a Jack and Jill bathroom, which kept the house as a four bedroom property to avoid over development, whilst improving it significantly.

With regards to the issues raised by Mrs Boyle, she confirmed that the digger would be no more than 2 tonnes and she was informed that using a crane to access properties was a normal daily procedure, and a conveyer would be installed through the property to carry the earth to the front.

Councillor Tinsley asked for clarification on whether the first floor projection had been reduced over what was proposed, or what was existing and whether there would be any direct overlooking through windows into the property next door. He also referred Mrs Boyle's comments on the stability of the boundary wall and asked whether an engineer had assessed it and if there was any suggestion there could be a problem.

The Planning Team Leader confirmed that with regards to the first floor projection on the east elevation, the plans were originally going to extend all the way to the single level extension, but they had been cut back. He confirmed that there were no windows on the side of the property and the window on the rear would not create any overlooking and he confirmed that he had discussed the boundary wall with a Building Control Officer who had confirmed that as long as the work was carried out properly by contractors, this would not be a problem.

Cllr Maitland asked for clarity on shading and sunlight restrictions as per legislation and the Planning Team Leader confirmed that the development was not expected to cause any major issues and sunlight indicators confirmed that some additional shadowing would be created for an hour in the middle of the garden in the afternoon, but the existing building already created a shadow and as it was not significant enough to warrant a refusal.

Cllr Atkinson asked if sunlight indicator testing was done at a specific time of the day/year and the Planning Team Leader confirmed that they were taken at two points in the year, usually in the summer when people would use their gardens.

The Chair understood that there was little or no difference to the shading to windows but Mrs Boyle had confirmed that she was unhappy with the deprivation of light to back garden and asked for the Planning Team Leader's advice on what weight could be given to this.

The Planning Team Leader confirmed that they could consider the loss of light to back gardens and useable space throughout year but this point of the garden was not a courtyard area that would be used all of the time, it was a smaller area further into garden.

Councillor Jewell asked whether sufficient drainage installation would accommodate the water runoff and alleviate the damp and the Planning

Team Leader confirmed that there were ways to deal with water runoff and the application would require Building Regulations approval, however this was not a planning issue.

The Chair confirmed that this could be described as a large extension but asked the planning team leader to clarify over development. He replied that it was relative to the size of the site and this was a large house with an extensive garden. Although it was a large build, within the context of the garden and remaining amenity space he would not describe it as over developed despite the arguments that it was dominant and overbearing. The building had been extended already and the Applicants were working only 1m beyond the existing footprint.

Councillor Jewell confirmed that in terms of planning legislation, the application complied, and conditions would mitigate certain aspects of the objections. He did not think there were grounds to reject the application and moved the recommendation to approve.

With regards to planning balance, Councillor Tinsley confirmed that everyone who owned a property had a right to apply for permission to build. In summary, he confirmed that the application included improvements to the front and rear of the property, there was no direct overlooking of private space which could have an impact on amenity and no additional impact on the windows of the property, it would be built in accordance with building regulations, which could improve the damp and there would be no impact on the boundary wall. It therefore came down to the issue of overshadowing into the garden space and he would listen to the remainder of the debate but was siding with approval of the application.

Councillor Richardson confirmed that this was a difficult application, referring to the fact the site was in a conservation area and was affecting the neighbour's amenity, he considered it over development and did not support the application.

Councillor Maitland confirmed that sometimes families were faced with a change in circumstances where they had had to move, or update properties and she supported the Officer's recommendation to approve.

Councillor Tinsley seconded the recommendation to approve.

Councillor Blakey left the meeting and took no part in the decision.

Resolved:

That the application be APPROVED subject to the conditions outlined in the report.

6 DM/20/00189/OUT - Land south east of William Steet, Auckland Park

The Committee considered a report of the Planning Officer regarding an application for 19 no. dwellings (outline – all matters reserved) at Land south east of William Street, Auckland Park (for copy see file of minutes).

The Senior Planning Officer gave a detailed presentation which included a site location plan, aerial photographs and photographs of the site.

Councillor Tinsley confirmed that according to the GIS the access road was unadopted and he asked what implications that could have for the application, particularly with the ownership and ability to access over it. He also noted that access was not included in the application which was unusual.

The Senior Planning Officer confirmed that there had been no objection by Highways. It was an outline application with all matters reserved, but an assessment of the likely traffic associated with 19 dwellings had been undertaken and highways considered it was suitable. The road had recently been re-laid and was deemed suitable to serve 19 units.

The Principal DM Engineer confirmed that the road had been improved by the Council in 2011 as it had been in a poor state and it was a private road, but the assumption was that it would be adopted as part of the Section 38 agreement. He confirmed that under Section 228 of the Highways Act, the Council could adopt a section of highway of unknown ownership, if to do so was of public benefit. The principle of ownership had been considered in 2011 and remained unchanged.

Councillor Tinsley confirmed that outline permission could be granted if the Committee believed the reserved matters were not fundamental to the scheme however, he believed the access was fundamental and would have felt more comfortable if the Applicant had included access.

Councillor Atkinson asked referred to the planning history of the site, outline permission had been approved in 2012 and reserved matters of consent agreed in 2015, he wondered why it had not been implemented. The Senior Planning Officer confirmed that he believed the land had been sold since then and this was a different Applicant.

Councillor Quinn was pleased to see the proposal of recreation provision which had been omitted from other new developments in the area and asked for further information with regards to the content of objections received.

The Senior Planning Officer agreed that the current scheme had much better contributions than the previous application. In terms of objections, 3 letters had been received. The suitability of the road infrastructure related to the junction at the bottom which linked to the development, existing traffic and congestion resulted from new builds nearby, the disruption caused by construction traffic could be conditioned, lack of amenity space which was offset by a £33k contribution and the loss of green space and impact on wildlife. Ecology had not objected and there was a contribution to offset the impact on wildlife, this was a green field but was not designated green space.

In response to a question from Councillor Richardson with regards to the Coal Authority recommendation and local mineworking's the Senior Planning Officer confirmed that there was a standard condition which was relevant to many parts of the County to investigate whether further works were needed.

Councillor Jewell referred to the mention of visitor parking and suggested introduction of a one way system and the Principal DM Engineer replied that a one way system could not be imposed as William Street was a private road and therefore not in control of the Highways Authority and the parking in the indicative layout did not meet the councils current parking standards and that had been highlighted prior to a reserved matters application so the Applicant was fully aware.

In response to further questions from Councillor Tinsley the Solicitor confirmed that the right of access was something that the Applicant should resolve prior to commencement of development and if he could not legally obtain access to the site, it was a private matter. She confirmed that the only circumstances the Planning Committee could consider would be if they believed there were no prospects at all that satisfactory access could be obtained.

The Chair asked the Principal DM Engineer to confirm the process of adopting the road and he clarified that it was improved in 2011 and constructed to an adoptable standard and although it was unadopted the Council were of the view that public highway rights had been established due to the passage of time.

The Principal DM Engineer confirmed that sometimes the ownership of land could not be fully known, hence the section of the Highways Act for roads of unknown ownership and the process for adoption would be that notices would be posted inviting objections which could be considered at court, but there would have to be strong reasons why it should not be adopted and the basis for an objection in this case would be weak based on the benefit it gave to existing residents. The Highways Authority had never been of a view that the adoption of the road would be prevented.

Councillor Tinsley confirmed that this was an important issue and he was satisfied with the explanation and on balance content enough to move forward with the Officers recommendation for approval.

The Chair referred to previous permission having expired and raised concerns about deliverability, particularly in the current climate. He confirmed that permission had been granted for the site for a considerable length of time and had not been implemented and the Senior Planning Officer confirmed that council could demonstrate that they could meet housing need so the site wasn't essential to meet housing targets, but they should be supporting the application given the benefits. There could be economic issues from COVID-19 that put a delay on it but introduction of 19 houses would not be significantly detrimental to county housing figures and it would be good for the area considering the mix of house types and contributions.

With regards to the condition on the time limit, the Chair confirmed that with 3 years for a reserved matters application and 2 years to start the build and asked whether this was a normal amount of time. There was pressure from the Government is to stop approving applications for land to sit undeveloped for years and he asked for confirmation that the five years was in line with the County Durham Plan. The Senior Planning Officer confirmed that it was a standard condition and the Planning Authority had considered reducing reserved matters, but due to the current circumstances it was not deemed appropriate and they reverted to the standard condition.

Councillor Atkinson confirmed that he didn't feel he could reject the application having been approved previously, especially given that this was an improved application and despite being concerned about potential delays he couldn't find a reason to reject.

Councillor Atkinson moved the proposal, seconded by Councillor Shuttleworth who confirmed that he did not feel the Committee could reject this having been already approved previously.

Resolved:

That the application be APPROVED subject to the completion of a Section 106 Obligation to secure the following:

- Provision of 15% affordable housing on site
- Financial contribution totalling £33,201.00 towards offsite open space and recreational provision, payable in a single instalment prior to the occupation of the first dwelling
- £2563.39 towards offsite biodiversity improvements, payable in a single instalment prior to the occupation of the first dwelling;

And the conditions outlined in the report.



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/20/01831/FPA
FULL APPLICATION DESCRIPTION:	Change of use from Dwelling House (C3) to Residential Institutions (C2) - for 3 children between the age of 8 - 18 and associated support staff
NAME OF APPLICANT:	Ms Donna Coulthard
ADDRESS:	Shieldfield House, Loggins Farm, Tudhoe, Spennymoor
ELECTORAL DIVISION:	Spennymoor
CASE OFFICER:	Susan Hyde Planning Officer 03000 263961 Susan.hyde@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site forms a detached 6 bedroom stone dwelling located in a rural setting between the villages of Croxdale to the north and Tudhoe Colliery to the south. The site is accessed directly from the B6288 with the existing dwelling having a double garage and off street car parking facilities. The dwelling benefits from gardens to the front and rear.

The Proposal

2. Planning permission is sought for the change of use of the existing 6 bedroom detached dwelling to a children's home for a maximum of 3 children aged between 8 and 18. No external alterations are proposed to the building. The internal floor plans show a similar floor plan to the existing dwelling with the first floor providing bedrooms for 3 children and 2 staff members and a staff office.
3. The layout shows the retention of the existing vehicular access, parking area, garage and garden for the dwelling within the application site.

4. The application has been referred to planning committee at the request of Councillor Maddison on the material planning grounds that the access to the site is not adequate for the increased use by this development. Secondly an application for a similar children's home was submitted in the Tudhoe Spennymoor Ward in the last 18 months which generated objections from the police and residents and such responses should be carefully considered.

PLANNING HISTORY

5. 7/1997/0207/DM erection of extension to detached garage block, greenhouse and store to provide new garage and games room - approved in July 1997.

PLANNING POLICY

NATIONAL POLICY

6. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
7. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
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 6 Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
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 11 - Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or 'brownfield' land.
16. *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.
17. *NPPF Part 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
18. *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.

www.gov.uk/guidance/national-planning-policy-framework

NATIONAL PLANNING PRACTICE GUIDANCE:

19. 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 relevance to this application is the practice guidance with regards to; conserving and enhancing the historic environment; design; and use of planning conditions.

www.gov.uk/government/collections/planning-practice-guidance

LOCAL PLAN POLICY:

The County Durham Plan:

20. *Policy 10 Development in the Countryside* - It is necessary to balance and integrate the requirement to protect the countryside with the need to sustain and encourage the vitality and viability of the rural economy including through agriculture and tourism. The modernisation and diversification of existing activities as well as the creation of new activities, will be supported where this can be achieved in a sustainable manner and, where applicable, will enable their retention as a viable use. New, and improvements to existing, infrastructure will also be supported especially where this will bring about wider economic and social benefits. The change of use of any such building must be clearly justified on a case-by-case basis according to their individual circumstances. Proposed extensions must be proportionate, respect the scale, form and character of the building, as well as being appropriate to its wider setting.
21. *Policy 18 Children's Homes* - Evidence will need to be provided that the needs will be met in terms of access to any services and facilities and to ensure that any necessary safeguards are put in place including having had regard to any crime or safety concerns of the particular area. A locality risk assessment will be required which is in line with the Care Standards Act and will need to be submitted in support of a planning application. This should be undertaken through consultation with relevant organisations including Durham Constabulary and Children's Services and will be required to also take into account the cumulative impact of any similar establishments in the locality and the impact this could have of emergency services. In addition to the safeguarding and general needs of the children, consideration must also be given to the existing residents in terms of residential amenity. Any proposals must demonstrate that there will be no unacceptable impact on the character of the area and the proposal would not impact on the quality of life or community cohesion by way of fear of crime.
22. *Policy 22 Delivering Sustainable Transport* - Access to sustainable forms of transport must be integrated into the design of new developments. All future development should be planned to maximise opportunities for travelling according to the following priority: those with mobility issues or disabilities, walking, cycling, public transport, car sharing and alternative fuel vehicles. All new developments must include pedestrian and cycle routes which are direct, attractive and convenient and take priority over motor traffic. Walking and cycling routes provided through new developments must be permeable for users and allow greater accessibility to bus stops, existing routes and to nearby local attractors such as education and training facilities, employment sites and shops. All new developments must provide car and cycle parking and the relevant standards are set out in the council's Parking and Accessibility Standards
23. *Policy 29 Sustainable Design* -New development will be expected to be of a high design quality that respects and responds to the local context and distinctiveness of the area. The layout and design of new developments must be based on a thorough understanding of the site itself and its wider context including any relevant history,

topography, infrastructure constraints, building layouts, built form, height, mass, scale, plot size etc. It should also seek to maximise the benefits of the site's characteristics and ensure valuable features and characteristics are protected and enhanced.

24. *Policy 31 Amenity and Pollution* - states that new 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 should be integrated effectively with any existing business and community facilities.
25. *Policy 39 Landscape* - This policy requires that development proposals should not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Whether harm is considered unacceptable will depend partly on the significance of the effects of development on those attributes, and partly on the extent to which the benefits of the development outweigh that harm in the balance of considerations.
26. *Policy 41 Biodiversity and Geodiversity* - Proposals for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for. Proposals for new development will be expected to minimise impacts on biodiversity by retaining and enhancing existing biodiversity assets and features and provide net gains for biodiversity including by establishing coherent ecological networks. Proposals for new development will be expected to minimise impacts on biodiversity by retaining and enhancing existing biodiversity assets and features and provide net gains for biodiversity including by establishing coherent ecological networks. Measures should be appropriate, consistent with the biodiversity of the site and contribute to the resilience and coherence of local ecological networks.

www.durham.gov.uk/cdp

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

27. *Croxdale and Hett Parish Council* which is the neighbouring Parish Council objects to the above planning application on the following grounds:-
 - Concerns about the suitability of the location for a children's home within a small village with limited facilities to keep the children occupied and so close to a primary school.
 - Concerns about noise disturbance.
 - Concerns that the facility would lead to an increase in crime and antisocial behaviour, or that local residents will live in constant fear of such activities, which will undermine community cohesion and impact negatively on the character of the area.
 - No local need for a children's care home
 - Concerns with security and potential increased demand on emergency services
 - There are a lot of children from Croxdale who attend Tudhoe Primary School, many of whom walk past the site location, some unattended.
28. *Spennymoor Town Council* – No response received.

29. *Highways Authority* – Raise no objection.
30. *Health and Safety Executive (HSE)* – An updated response states that the proposed development site lies within the HSE consultation distance of a high-pressure natural gas pipeline that is classed as a major accident hazard pipeline under the Pipelines Safety Regulations 1996. HSE do not advise against one or two dwelling units in any HSE consultation zone. Having considered the details of this proposal, a more detailed assessment of the level of risk to which the population at the proposed development would be exposed has been carried out. That assessment has confirmed that the appropriate HSE advice in this case HSE do not advise against the granting of planning permission on safety grounds.

CONSULTEE RESPONSES:

31. *DCC Children and Adult Services* - This will be a 3 bedded home (previously 4 but encouraged the provider to reduce the size) for 8-17 years old with educational and behavioural difficulties. The property is large in size with good outdoor space and very few immediate neighbours. As the property is located on the main road running through Tudhoe, it is advised that some new fencing will be required.
32. There are pedestrian paths along the road, so if young people were to leave, they would have a short walk to the village, on a safe route (unlike some more remote homes that have no pedestrian walkways).
33. The smaller home supports our local sufficiency needs and the provider is keen to adopt a 'Durham First' approach i.e. working closely with Durham CC to ensure that Durham children can access the provision. They have been requested to reflect this in their statement of purpose, so it is formalised.
34. *Durham Constabulary* - Section 17 of the Crime and Disorder Act 1998 places a duty on Local Authorities to exercise its various functions with 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 (including anti-social and other behaviour adversely affecting the local environment).
35. There are currently a high number of children's homes in the Durham Constabulary area, in recent years there has been a noticeable increase in the demand these homes have created on the Police and Children's Services. Although the demand on resources is an issue, it must be emphasised that the overriding concern is the risk to children when they are missing, as evidenced by the organised exploitation that took place in Rochdale & Rotherham. The effective management of these homes is paramount.
36. We support that the home would be for three children only, as we feel this would allow for effective matching of children within the home which are likely to have emotional / and or behavioural needs. The location of the proposal provides a rural setting which can prove very problematic when young people go missing from home and this would require close management. There would be an expectation that the residential home would work closely with the police attending. We would expect that careful geographical consideration will be given to the placement of children in the home as in our experience children placed in homes from outside of the area are prone to abscond putting themselves at risk.
37. In relation to the locality, Spennymoor is the nearest town to the proposed home and over the last 6 months has had a significant number of incidents involving missing

from home incidents involving young people which have proved extremely resource intensive for police. Providing the home is managed well the site could offer the young people a secure and safe environment to grow. Whilst Tudhoe has had reported incident in the locality there are no identified risks of Child Exploitation or County Lines in the Tudhoe area.

38. It is requested that a management plan for the home is agreed with Durham Constabulary's Safeguarding Unit and DCC Children's Services which includes the level of staff training. This should be covered by planning conditions if planning permission is granted together with a limit of 3 no. children at the Home
39. *Environmental Health (Nuisance)* – Following a technical review of information submitted on the likely impact upon amenity in accordance with the relevant TANs (Technical Advice Notes). it is considered that the proposed change of use would not make the property any more of a sensitive receptor than it currently is. Although the source of noise and disturbance could be greater from the proposed use than it could be from a residential dwelling, due to needs of the residents, a residential dwelling could also house two adults and three children. However, this is an anecdotal point as the potential for impact is associated with the individuals residing there which might differ greatly, and the information submitted demonstrates that the application complies with the thresholds stated within the TANS. This would indicate that the development will not lead to an adverse impact.
40. In addition, having also assessed the environmental impacts which are relevant to the development in relation to their potential to cause a statutory nuisance, as defined by the Environmental Protection Act 1990 it is considered based on the information submitted with the application, that the development is unlikely to cause a statutory nuisance.
41. *DCC Care Homes* – No response.
42. *DCC Education* – No response.
43. *Northern Gas Network* – Raise no objection
44. *Northern Powergrid* – No response
45. *Saudi Arabian Basic Industries Corporation (SABIC)* – Have provided an updated response and following the health and safety executives updated reply below they raise no objection.

PUBLIC RESPONSES

46. The application was advertised by neighbour letters and a site notice. Objections have been received from 57 local residents on the following grounds:
 - Tudhoe primary school is only 300 metres from the site and there is concern that the resident children will introduce anti -social behaviour that will affect children travelling to the primary school.
 - Tudhoe and Croxdale are quiet residential areas and residents do not want this to change.
 - Previous planning applications by the applicant for the change of use of dwellings to the children's homes have not been supported by the Police and the

applicant have not got a track record to demonstrate that they can adequately operate a children's home.

- There is a fear of crime by local residents and fear of anti-social behaviour in the area from the residents in the children's home.
- The vehicular access and parking in the property is not satisfactory for the additional comings and goings associated with the children's home.
- The introduction of CCTV on the property is likely to impact on the neighbour's privacy and amenity.
- Can the number of children be limited to 3 only or can this number increase.
- There is concern that the site is near pylons and there are health risks particularly to children at such locations.
- Durham Constabulary have previously expressed concern about the number of residential care homes in this area.
- There is existing anti-social behaviour in the area and this proposal is likely to make this worse.

APPLICANTS STATEMENT:

47. This report aims to provide an overview on the needs of young people that may reside at Shieldfield House under the umbrella of The Castle Group (TCG). This overview is not exhaustive with regards to highlighting all the needs of young people that may cross our paths, in relation to seeking the support and care that may be required to ensure their transitional move of moving onto adulthood is both effective and responsive, however it will provide examples of frameworks and strategies that will be deployed by an experienced and qualified staff team.
48. TCG aims to provide bespoke packages of care that creates wraparound services of holistic support tailor made to meet the needs of children and young people in care. A highly dedicated team with experienced staff members will be effectively supported and empowered to support children and young people in need to progress to achieve their 'personal best' with a vision of, "Giving children a supported chance for a better future". The home will provide short, medium- and long-term care for young people aged between 8 and up to 18 years who have experienced behavioural, emotional and social difficulties, requiring levels of support within a small, structured environment ensuring their needs are effectively met. As a company we believe all young people deserve a life within a safe community in which they can participate and flourish and we aim to do this by listening to children and young people by taking their thoughts, feelings and ideas forward to create a warm, safe and deinstitutionalised living environment. However, to individuals that do not fully understand the context of the work that will be delivered the concept of housing young people with needs within a community setting can be daunting.
49. In the first instance TCG will work in collaboration with the young person's stakeholders to ensure that all information is received prior to admission into home so all risks can be assessed both for the young people, the staff team and the wider community, with location being a central aspect of the decision making at this stage. As a sense of belonging is vital for progression and development, it is key at this point to ensure placement is right for the child and for this to occur it is just important

to ensure location and environment are also closely looked at. Being realistic within this approach it is vital to unpick the risks that may come with a young person, an example of this would be a young person that may have a history of sexualised behaviours or be deemed as a sexual predator, these risks would not be suitably placed within a dwelling that had a school in close proximity as placement may not be sustainable. However a child that may present with drug or alcohol concerns can be effectively managed as the risks may arise due to locality of where they are coming from so the placement move becomes a circuit breaker allowing the child to learn new behaviours whilst being effectively supported to gain a deeper understanding on the impact of the risks that surround them. This would in the first instance be achieved through relationship building with a qualified staff team, advocacy with specialised services who will be requested to work in partnership with the home to effectively support the young person. Strategies would also be imposed in the home such as high levels of supervision and supervised finances until it becomes appropriate to enable the young person to move forward thus reducing the strategies in place.

50. Aggression and violence are in the main a response to something, a form of communication, so if a child presents any form of aggression this will once again be responded to in the first instance by the qualities and skill base that lie within the staff team with networking occurring once again with specialised agencies such as CAMHS and local GP to seek support with anger management to help the young person manage their emotions effectively in a way that keeps themselves safe and others. As discussed earlier this short report only provides an overview on some of the behaviours that may be presented by the young people that are in care, however the pattern of support in supporting behaviours will remain the same throughout, initially the skill base of the staff team is utilised, moving onto networking and advocacy with specialised services whilst high levels of communication with all stakeholders involved remains high. It is also important to highlight at this stage that risks would not be placed alongside similar risks as this enhances the concern so placement matching effectively is imperative, for example a young person that has historically accessed cannabis would not be placed alongside another young person with the same historic risks; ensuring the team is enabled to tackle risks effectively.
51. It's also important to highlight the home will deploy a stringent daily routine with education and activities on offer for all that reside in the home. Opportunities will also be made available to enhance independence at appropriate levels throughout the young person's life ensuring they are suitably equipped to move on. Curfew times will ensure all residents are all safeguarded effectively and are in the home at a suitable time each evening with the home being decorated to high standard creating a pulling factor for the young people which will aim for them to wish to be in placement rather than in the community. Staffing ratios will remain high and appropriate in meeting the needs of the young people and location of the home. Emphasis will be placed on rewarding positive behaviour and on helping young people gain resilience and coping mechanisms. This is achieved principally through the warm and positive relationships that exist between young people and staff. Children and young people will have an individualised incentive scheme in place, which rewards them for all efforts made.
52. On occasions young people may behave in ways that are unacceptable and which require the imposition of a consequence. When this occurs, the home will always attempt to take a restorative approach (where practically possible) The purpose is to encourage the young person to reflect on their behaviour and promote change. The imposition of consequences is not intended to punish young people. When consequences are used, they will be fair, appropriate to the particular young person

and proportionate to the behaviour in question. Shieldfield House staff will effectively adhere to the protocol for contacting the police. Once again this will be a last resort to keep the young person or others safe as TCG strives to reduce unnecessary police involvement in managing behaviour and criminalisation of young people.

53. The staff team as discussed earlier will be experienced and host a wealth of knowledge in the field of residential childcare all with varying skills that aim to collaborate into a service that will wraparound the needs of the young people that reside at Shieldfield House. Professional conduct will be deployed at a high level at all times setting the right standards for the young people and will welcome any queries or concerns from the local neighbourhood with the manager of the home being responsive in a timely manner. Staff will remain to be sensitive to the local community's needs ensuring the home and its service does not impact negatively upon the local community. The home hosts a large driveway which will ensure the parking of staff cars is managed safely whilst also allowing space to safely turn the vehicles around before going offsite, the home will also aim to have a low turnaround of additional traffic with staff turnaround of shifts occurring once a day and deliveries will be minimal with the home in effect being managed as any other domestic household as much as possible.
54. Staff members on shift daily will in the main be a total of two with a shift pattern of 09.00 until 09.30 the following morning; which is classed as an Early Late Sleep shift (ELS), In some circumstances there will be an additional staff member completing a 10 – 10 shift classed as a Long Day (LD) shift, with of course the Homes Manager onsite in the main between 09.00 – 17.00hrs Monday – Friday. In most circumstances there will only be two members of staff alongside the Homes Manager with the third member of staff being utilised if extra support is needed to ensuring the residents feel safe and settled; thus providing them with one to one staffing when deemed appropriate. Visitors to the home will be minimal as TCG aims to challenge institutionalising the young people by keeping meetings within the home to an absolute minimum therefore ensuring the residents receive a high level of nurture and wrap around care. In the main all meetings will be held offsite unless detrimental to the young people with social workers completing statutory visits once every six weeks to ensure care that is delivered is appropriate in meeting the young people's needs. There will also be statutory inspections of the home lasting for a few hours once a month which involves an Independent Agency auditing the home and its service to ensure delivery is fit for purpose.
55. Finally as a sense of belonging for many young people may be seen as a new entity it's important to understand location and community can be as important as the home itself so whenever possible Shieldfield House will empower the young people to become active citizens within the community of Durham as they will be encouraged to engage in community groups and activities that will enhance their development and trust with both the people that surround them and the community in which they live.

The above 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>

PLANNING CONSIDERATIONS AND ASSESSMENT

56. 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. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to the principle of development, locational sustainability, crime and fear of crime, visual impact and highway safety.

Principle of development

57. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The application is to be determined in accordance with relevant following policies set out within the County Durham Plan (CDP) and the NPPF. Paragraph 11C of the NPPF requires applications for development proposals that accord with an up to date development plan to be approved without delay.
58. Part 5 of the NPPF emphasises a need to boost the supply of homes, particularly those which meet the housing need of groups with specific requirements.
59. Policy 10 (Development on Unallocated Sites) of the CDP states that the change of use of buildings in the countryside can be supported where the building makes a positive contribution to the character and appearance of the area and does not intensify the use through subdivision. The proposal would still be required to accords with all relevant development plan policies, as well as the specific criteria outlined within the policy.
60. Shieldfield House is a large detached dwelling located within the open countryside on the main road between Croxdale and Tudhoe Colliery. The application proposes to change the use of the dwelling (use class C3) to a children's home (use class C2) with a maximum of 3 children and two members of staff. The scale of the children's home would be similar to that of a family dwelling and the children would have their own private bedrooms, continue off site education and be encouraged to partake in activities both within and outside of the home.
61. The main planning issues in this case relate to the impact on neighbouring uses, fear of crime and public safety, access and parking issues, the scale and design of the development and impact on the street scene and visual amenity of the area.
62. The recently adopted County Durham Local Plan (October 2020), includes a bespoke policy on children's homes (Policy 18), which seeks to promote the creation of sustainable, inclusive and mixed communities and sets out criteria each children's home should comply with. In addition to this, relevant policies also include development in the countryside (Policy 10), impact on the landscape (Policy 39) and sustainable transport (Policy 21). Given the nature of the proposal, Policy 18 is considered the most relevant policy, therefore each of the criteria set out in the policy are considered below, with officer comments following and reference to other relevant policies where relevant.

Policy 18 criteria 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; and

Policy 18 criteria 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;

63. Children's and Adults Services have advised they have a clear Sufficiency Strategy (Sufficiency and Commissioning Strategy for Looked after Children and Care Leavers June 2019) which has identified a need for smaller homes of usually no more than 3 beds. This is to allow for the effective 'matching' of children and young people to a home. Given the needs of some of the children and young people requiring care, Children's Services have struggled to identify appropriate regulated placements highlighting that there are gaps in terms of smaller residential homes. The potential complex behaviours and challenges of some of the potential residents mean it can be difficult to 'match' them with other children in a home. The Sufficiency Strategy states that the need for smaller regulated settings outside of the Council's own in-house provision is needed given the complexities of some of the children.
64. The application proposes a children's home for 3 children with emotional and behavioural needs. DCC Children and Adult Services has clarified that they have discussed this site with the applicant and from a sufficiency perspective, they would support the proposal on the basis that they buy into a 'Durham First Approach' i.e. to offer placements to Durham residents, which the provider has agreed to. Through ongoing discussion Adults and Children's services also note that they also encouraged the provider to reduce the number of children that they would care for from four to three, which is reflected in the numbers within the planning application.
65. As it is proposed to accommodate 3 children in line with local need, it is therefore considered that the proposal would meet a recognised need within the local community and reflect local demand as required by the NPPF paragraph 50 and Policy 18 a and c of the CDP.

Policy 18 criteria 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;

66. Policy 10 of the CDP also sets out that new development should not be solely reliant upon, unsustainable modes of transport. New development in countryside locations that are not well served by public transport must exploit any opportunities to make a location more sustainable including improving the scope for access on foot, by cycle or by public transport
67. In assessing the development against the above policy context, it is noted that the application site is located in a rural setting beyond the boundary of the closest settlement of Tudhoe. However, the dwelling is served by a footways that have the benefit of streetlighting and the closest primary school is located 320 metres to the south of the site on the northern edge of Tudhoe. The main Tudhoe Colliery settlement is located further to the south, and Croxdale to the north and has a limited range of facilities. Although a good range of services is available beyond Tudhoe in Spennymoor town centre which is located approximately 1.2 miles to the south west.
68. The Institution of Highways and Transportation Guidance 'Planning for Public Transport in Developments' states that 'the maximum walking distance to a bus stop should not exceed 400m and preferably be no more than 300m.' In this case there are bus stops outside the application site in both directions.
69. Pedestrian journeys and public transport journeys would therefore be realistic to and from the site for both the children and the staff working at the premises. The location is therefore considered to be reasonable for residents and staff to access facilities by sustainable means of transport in accordance with paragraphs 102 and 103 of the NPPF and Policies 10(p) and 18(b) of the CDP, which require the planning system to

actively manage patterns of growth in promotion of sustainable transport, including providing opportunities to promote walking, cycling and public transport use, focusing development in locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.

Policy 18 criteria 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;

70. Durham Constabulary were consulted on the application and have confirmed that there are no significant crime and safety risks with the children's home being located in Tudhoe. The development is therefore considered to comply with criteria 8 of Policy 18 of the CDP.

Policy 18 criteria e:- it is unlikely to cause unacceptable individual or cumulative impact on residential amenity, fear of crime or community cohesion;

71. Policy 31 of the CDP seeks to support proposals only 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. Development which has the potential to lead to, or be affected by, unacceptable levels of air quality, inappropriate odours, noise and vibration or other sources of pollution, either individually or cumulatively, will not be permitted including where any identified mitigation cannot reduce the impact on the environment, amenity of people or human health to an acceptable level.

72. Part 8 (paragraph 91) of the NPPF seeks to ensure that planning policies and decisions achieve healthy and inclusive 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. Crime and security as a planning matter increased in profile after Section 17 of the Crime and Disorder Act 1998 required all local authorities to exercise their functions with due regard to their likely effect on crime and disorder, and to do all they reasonably can to prevent crime and disorder. The prevention of crime and the enhancement of community safety are matters that a local authority should consider when exercising its planning functions under Town and Country Planning legislation.

73. Policy 18 also states that in all instances, a planning application must be supported by a management plan which incorporates a locality risk assessment which includes information regarding the management of the residential home, together with an assessment to ensure that necessary safeguards are put in place to ensure the welfare of the children and the community. This includes consideration of any crime or safety concerns in the area, for approval by the Local Planning Authority in consultation with Durham Constabulary, Children and Young People's Services and any other appropriate agencies. A locality risk assessment was submitted with the application which concluded that the proposed children's home in this area would present a low risk in all areas.

74. Durham Constabulary have provided a thorough consultation response and have not raised an objection to the proposal but have acknowledged that a rural location can be problematic if children do go missing from a children's home. This can impact on a community's fear of crime from both the missing child and as a missing child will result in additional police visits in marked cars to the children's home. The Police have advised that in this location the home should be limited to a maximum of 3

children to ensure a satisfactory level of supervision within the home, as proposed, and that placement of the children should be from the localised geographical area to reduce the risk of children going missing. DCC Children's and Adult Services has advised that a 'Durham First' approach is being adopted so that children from County Durham have the first option for being placed in this home and that there is a sufficiency need for such a scale of home within County Durham. Durham Constabulary has advised that a management plan for the home must be agreed with Durham Constabulary's ERASE Team and DCC Children's Services which includes the level of staff training and any potential contact staff have with police and this is conditioned accordingly.

75. With regard to fear of crime the police architectural advisory officer (PALO) has advised that within the Durham Constabulary area there has been a noticeable increase in the demand such homes have created on both the Police and Children's Services. The constant presence of the Police at a home, irrespective of why this occurs, has an adverse impact on a community creating a disproportionate fear of crime. The PALO advises that children placed from outside of an area are more prone to abscond and hence the Durham First approach for placing children is appropriate. However, a single case of a child absconding would result in multiple police visits to the premises, often by uniformed officers in marked police vehicles. The perception to the existing community would heighten the sensitivity to the use of the property and consequently increase the fear of crime. Nevertheless, it is clear from the evidence provided that the demand on police resources differs from case to case and it is not possible to state that all children's homes generate significant demand. Past appeal decisions have stated that for fear of crime to be material, there must be some reasonable, cogent, evidential basis linking the land with criminal activity and past behaviour of intended occupiers. Ultimately the regulation and management of the Children's Home would be the responsibility of Ofsted.
76. The application site is in a rural location with one neighbouring detached property on the opposite side of the road. The letters of representation have raised concerns about the potential behaviour of the children and that the proposed change of use has the potential to cause disruption to the existing community cohesion and impact children walking to the primary school from Croxdale. As set out above, the applicant has carried out a Locality Assessment of the risks in the area and produced management measures to address these. It is the responsibility of the management of a Children's Home to ensure that the children are supervised appropriately and to manage any risk to the local community. The applicant has provided evidence of measures proposed to deal with risks as they arise and would use their existing links with the community to develop community relations with neighbouring properties. With appropriate management and supervision by staff members and a condition limiting the number of children to a maximum of 3, it is considered that the management and supervision would help to minimise the likelihood of anti-social behaviour being a problem to the detriment of the character of the area, the amenities of nearby residents or necessarily place additional pressure on police resources. In response to consultee advice by the police a condition is proposed to limit the number of children to 3. and subject to this condition and the It is considered that there is no material evidence to demonstrate that the proposal would result in a material increase in the risk of, or fear of crime to the detriment of the living conditions of local residents.
77. The application relates to an existing, and substantial detached residential property, situated within its own grounds, offering good separation from other sensitive receptors nearby. In supporting documentation, it is confirmed that the site would be occupied as a care facility for up to 3 no. children with 24 hour care working split

shifts 7 days a week 2 staff working a day shift from 9am – 20.30 and a night shift from 20.15 – 8.45 and a Manager present on site from 9.00 - 17.00 Monday – Friday.

78. Neighbour concerns are also raised over the perceived impact of the development on amenity in terms of noise disturbance, and increased traffic serving the facility. Environmental Health Officers confirm that whilst the proposed change of use does not make the property any more of a sensitive receptor than it currently is, the source of noise and disturbance could be greater from the proposed use than it could be from a residential dwelling, due to needs of the residents, although a residential dwelling could also house a similar number of individuals. However, it is anecdotal as the potential for impact is associated with the individuals residing there and as such might differ greatly at different times. In addition, the C2 use requires management measures that are implemented by qualified members of staff therefore the regulation of behaviours of the occupants is likely to be greater than that of a standard family home. As the 24 hour employment shift pattern above demonstrates there will be a minimum of two adults supervising the 3 children. Furthermore, external regulation from other bodies would also have an influence. As such the proposal is a similar scale to a family dwelling and is considered to be compatible within this residential area in terms of amenity, noise and disturbance. The proposal is therefore considered to be acceptable with regards to the impact on living conditions of neighbours in respect of loss of privacy, noise or general disturbance.
79. In weighing up the potential impact on the amenity of neighbouring properties in terms of community cohesion and fear of crime, the applicant has put into place procedures and protocols to address the fear of crime and anti-social behaviour and build relationships with the local community and Police. Taking all these matters into account, on balance it is considered that the change of use to a children's care home for 3 children, subject to appropriate management and supervision by staff, would not as a matter of course lead to an increase in anti-social behaviour or crime or have an adverse impact on the character and general amenity of the area, and would preserve the character of the rural area. In addition, the applicant has demonstrated that they will support both the children and staff to actively integrate into the local community. It is considered that the proposal therefore accords with Part 8 of the NPPF and Policy 18 (e) of the CDP.
80. Having regard to all of the above and providing the number of children is restricted to 3 and a management plan is in place it is considered that the children's home could adequately integrate into the community without contributing to a material fear of crime, which would in turn could impact on community cohesion. This is in accordance with NPPF paragraphs 91 and 127 and Policy 18 (e) of the CDP.

Policy 18 criteria f and g:- appropriate emergency access / garden and access and parking is provided

81. Access and parking is discussed below. The detached property has a generous garden for outdoor play provision.

Impact on the Landscape / Streetscene

82. Parts 12 and 15 of the NPPF requires that developments are sympathetic to local character including landscape setting while recognising the intrinsic character and beauty of the countryside, while promoting good design. CDP Policies 10 and 29 requires that developments contribute positively to an area's character and must be of a design, construction and scale which is suitable for and commensurate to the

intended use and any resulting development (including hardstanding's) must be well related to the associated farmstead or business premises.

83. In this respect, the application proposes no physical external alterations to the property and no alterations to the gardens, and associated green space, hard standing and car parking areas. The impact on the landscape setting of this rural area and the street scene is therefore not considered to alter. The application is therefore considered to accord with Policy 10 and 29 of the CDP and Parts 12 and 15 of the NPPF.

Highway Safety/Access

84. NPPF Part 9 seeks to ensure that development is only prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
85. CDP Policy 10 requires development is not prejudicial to highway safety. CDP Policy 18, criteria g, requires satisfactory access, parking and servicing and access for emergency vehicles.
86. CDP Policy 21 seeks to ensure that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestion or air pollution and that severe congestion can be overcome by appropriate transport improvements. New developments should provide for appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users.
87. The County Highway Officer has raised no objection to the application and considers the access is suitable and an acceptable level of parking would be provided for the children's home. 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.

Other Matters

88. A high pressure underground gas main is located about 54 metres to the north of the dwelling and consultation responses with the health and safety executive has raised no objection to the proposed development.

CONCLUSION

91. The application is to be determined in accordance with relevant policies set out within the CDP and the NPPF. Paragraph 11C of the NPPF requires applications for development proposals that accord with an up to date development plan to be approved without delay.

92. The change of use of the site from a single dwelling to a children's home for the care of 3 children would be acceptable in principle, with the resulting development to fall into the C2 use classification. The delivery of a children's home in his location is considered to be in line with CDP Policy 18 and part 5 of the NPPF with the application site located within a sustainable and accessible location, in reasonable proximity to local shops and services and public transportation routes.
93. Consideration is given to the perceived impact on neighbouring uses with the concerns expressed by neighbouring residents and taken into account in terms of fear of crime and public safety.
94. The applicant seeks to work with the local community and there is no evidence to suggest that the proposed use would in fact be harmful to the safety or neighbouring amenities of the surrounding area providing effective management of the facility is maintained. It is not considered that there is anything within the intended nature of the use that provides a reasonable basis for concern with approval to be strictly conditioned so as to restrict the approved use to that applied for and for a maximum of 3 looked after children. As set out above, the management and regulation of the facility would ultimately be controlled under legislation overseen by Ofsted.
95. Impact on highway safety and the perceived increase in traffic using the site is also considered satisfactory alongside the impact on the landscape.
96. Proposals are considered to satisfy the provisions of Parts 2, 4, 5, 8, 9, 11, 12 and 15 of the NPPF and CDP Policies 10, 18, 29, 31, 32, 39, 40 and 41. Subject to the following conditions, the application recommended for approval.

RECOMMENDATION

That the application be approved subject to the following conditions:

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

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

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

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 10, 18, 29, 31, 32, 39, 40 and 41 of the County Durham Plan.

3. Before the building is occupied a management plan for the children's home which shall include the level of staff training, a policy relating to the geographical placement of children in the home that includes the clarification that Durham County Council children will have priority shall be submitted to the Local Planning Authority and approved in writing. The management plan shall then be adhered to in accordance with the approved document.

Reason - To define the consent and ensure that a satisfactory form of development is obtained, in accordance with Policy 18 of the County Durham Plan.

4. Notwithstanding the provisions of the Town and Country Planning (Use Classes Order) 1987 (as amended) the use hereby approved shall be restricted to the provision of care for children up to the age of 18 and no other purpose within Use Class C2.

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

5. Shieldfield House, shall operate as a Children's Home for up to a maximum of 3 children within Ofsted categories physical disabilities (PD), learning disabilities (LD), sensory impairment (SI) and emotional and/or behavioural difficulties (EBD) with 24-hour support from staff.

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

6. The parking area shown on the Existing and Proposed Site Plan received 10 July 2020, shall not be used for any other purpose other than the parking, loading and unloading of vehicles.

Reason: To ensure that adequate parking provision is made within the site for vehicles in the interests of highway safety. In accordance with Policy 18 of the County Durham Plan

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

- Submitted Application Forms, Plans and supporting documentation
- Internal consultee responses
- Public responses
- Responses from statutory and other consultees
- The County Durham Plan
- National Planning Policy Framework
- National Planning Policy Guidance



Planning Services

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Change of use from Dwelling House (C3) to Residential Institutions (C2) - for 3 children between the age of 8 - 18 and associated support staff.

Date
January 2021

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/20/03305/FPA
FULL APPLICATION DESCRIPTION:	Extension to the school, relocation of external gym area, additional parking and extensions to car park
NAME OF APPLICANT:	Durham County Council
ADDRESS:	The Oaks Secondary School, Rock Road, Spennymoor DL16 7DB
ELECTORAL DIVISION:	Spennymoor
CASE OFFICER:	Hilary Sperring, Planning Officer, 03000 263947, hilary.sperring@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The Oaks Secondary School is situated on a site of approximately 4.3 hectares on the east side of Rock Road Spennymoor from which vehicle access is taken. Residential dwellings lie to the north and east with a terrace of properties to the south and A688 beyond. A cemetery is opposite the site to the west.
2. The school was constructed in 2005 and provides generic special needs education for 11 -19 aged young people. The site comprises a relatively flat parcel of land, with the main school building located centrally to the site and a sixth form centre to the north. There is an outside gymnasium to the east and a MUGA to the south east of the main school building. The north east area is occupied by a school sports field and additional sports fields are located to the west. Tarmac play areas are situated on both sides of the east wing of the school with sensory gardens positioned around the site.
3. The car parking area and bus turning circle with taxi drop off is located to the north of the school and west of the Sixth Form Centre. The car park currently has 73 parking bays with 3 accessible bays.
4. The application involves the erection of a single storey extension to the eastern side of the main school building. An existing WC (east of the main existing building) is to be demolished to allow the formation of the link between the existing school and the new extension.
5. The proposed extension would have a linear form running north to south across the site and would measure approximately 10.34 metres by 53.3 metres in length. It would be approximately 7 metres in height extending centrally from the existing building with lower elements either side approximately 5 metres in height to the ridge and 3.1 metres to eaves. The extension would provide 6 no. classrooms (each around 54m² in area) with an integral store, 2 no. quiet rooms, staff and pupil toilets, hygiene room (which could also act as an accessible WC), store for server cabinet and electric distribution boards and cleaners cupboard. The proposals also include the relocation of the external gym area.

6. The proposed extension would have a pitched roof design and would be constructed in external materials to match the existing school with red brickwork to window level and render above to soffit level. External doors and windows would be powder coated aluminium.
7. Supporting information with the application advises that the proposed extension is required to cater for the increasing demand for places at the school which is currently at over capacity. The school currently have 306 pupil places and the 6 additional classrooms will allow its capacity to be increased to 320 pupils. In the event that planning permission is granted for the works it would be the intention to provide the new accommodation for the start of the new term in September this year.
8. The proposals originally included the provision of 32 additional staff car parking spaces. However, this number has been increased by 10 no spaces during the course of the application.
9. 42 additional car parking spaces are proposed at various locations on the site as part of the development. The main new area of parking would be created on the south side of the existing access road. This would take the form of a row of 29 spaces within an existing grassed area on the edge of the sports field. Further groups of 3 and 4 spaces and 3 sets of 2 spaces on grassed areas are also proposed within the existing car park areas. This will necessitate the removal of a number of trees to facilitate the works. Access to the site will remain as existing.
10. The application is being reported to the Planning Committee at the request of Cllr Maddison because of concerns relating to traffic generation, highways safety, road access, adequacy of parking and road access.

PLANNING HISTORY

11. In 2003 planning permission was granted for the demolition of the existing school and construction of a replacement school (7/2003/0523/CM). The new school was then built around 2005 Since this time there have been numerous applications for classroom buildings, associated structures, parking areas and a MUGA, in and around the wider site.

PLANNING POLICY

NATIONAL POLICY

12. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. In accordance with Paragraph 213 of the National Planning Policy Framework, the following elements of the NPPF are considered relevant to this proposal.
13. *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.

14. *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.
15. *NPPF Part 6 Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
16. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
17. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
18. *NPPF Part 11 Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or 'brownfield' land.
19. *NPPF Part 12 Achieving Well-Designed Places* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
20. *NPPF Part 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
21. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.

RELEVANT POLICY:

The County Durham Plan

22. Paragraph 47 of the NPPF states that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan is the County Durham Plan (CDP). The following CDP policies would be deemed relevant to the determination of the application:
23. *Policy 6 Development on unallocated Sites* - states that the development of sites within the built up area that are not allocated in the plan or in a neighbourhood plan will be permitted provided they accord with all relevant development plan policies and meet specific criteria in relation to existing permitted uses, coalescence of settlements, loss of land with identified value such as in relation to ecology or recreation, is appropriate, is not prejudicial to highway safety, has good access to sustainable modes of transport to relevant services and facilities, does not result in the loss of the settlements last community building, minimises vulnerability and provides resilience to impacts resulting from climate change, maximises the effective of previously developed land and where appropriate reflects priorities for urban regeneration.
24. *Policy 21 Delivering Sustainable Transport* - states that all development shall deliver sustainable transport by (in part) ensuring that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestions or air pollution and that severe congestion can be overcome by appropriate transport improvements.
25. *Policy 29 Sustainable Design* - requires all development proposals to 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.
26. *Policy 31 Amenity and Pollution* - 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. 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.
27. *Policy 32 Despoiled, Degraded, Derelict, Contaminated and Unstable Land* - states [in part] that development will not be permitted unless the developer can demonstrate that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities.
28. *Policy 35 Water Management* - states that all new development should adopt the hierarchy of preference in relation to surface water disposal.
29. *Policy 36 Disposal of Foul Water* - states that all new development should adopt the hierarchy of preference.

30. *Policy 39 Landscape* - states that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views and that development affecting valued landscapes will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of the development in that location clearly outweigh the harm.
31. *Policy 40 Trees, Woodlands and Hedges* - states that proposals will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate standoff distances between them and new land-uses, including root protection areas where necessary, to avoid future conflicts, and integrate them fully into the design having regard to their future management requirements and growth potential.
32. *Policy 41 Biodiversity and Geodiversity* - states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

33. *Spennymoor Town Council* – No comments received.
34. *Highway Authority* – The proposed application is acceptable from a highways perspective
35. *NWL* – Do not offer comments on aspects outside their area of control. Information offered in terms of private drains and sewers, drainage and additional flows.
36. *Sport England* – No objection

INTERNAL CONSULTEE RESPONSES:

37. *Drainage and Coastal Protection* – No objection subject to agreement of permeable paving details and run off calculations
38. *Ecology* – No objections
39. *Education* – No response received
40. *Environmental Health (Contaminated Land)* - No objections, subject to appropriate conditions with respect to land contamination
41. *Environmental Health (Noise)* – No objection. Based on the information submitted with the application the development is unlikely to cause a statutory nuisance.
42. *Landscape* – There is scope across the site for replacement planting to mitigate the losses, which could be delivered through a condition requiring a scheme to be submitted.
43. *Sustainable Travel* – Request a Travel Plan condition
44. *Trees* – As per landscape comments

PUBLIC RESPONSES:

45. The application has been advertised by way of neighbour notification letters to nearby properties and a site notice has also been displayed.
46. One representation has been received neither objecting to or supporting the application, noting that their garden backs onto the area of building and highlighting traffic concerns. From minibuses and taxis dropping off and picking up children, and the amount of traffic on Rock Road associated with the school and also the neighbouring Middlestone Moor Primary school with traffic lining up on Rock Road and spilling out onto South View and the potential for accidents.
47. It is suggested that the school has a one way system in relation to taxis and minibuses so that they come in one entrance and leave via another, on the land of the proposed extension. Would object to the extension unless a one way system is put into place.
48. Councillor Maddison on behalf of local residents notes that she receives regular complaints that there is no onsite facility for the drop off and collection of pupils that arrive from various locations across the County. Noting vehicles park outside of the school perimeter on the grass verges and along Rock Road, creating a hazard for pedestrians and traffic particularly at drop off and collection times. This linked with the traffic generated from vehicles dropping off and collecting children from Middlestone Moor Primary School and Nursery and the Rainbow Nursery along this road causes a complexity of road traffic issues and many complaints regarding road safety.
49. Numerous measures in the past have been put in place to try to overcome these traffic issues including double yellow lines, improved zig zag marking in front of the schools and bollards on footpaths, as well as keep clear road markings in front of residents' drives but still these problems persist. Whilst not against the proposed extension residents consider that there should be more onsite parking to stop cars, taxis and mini cabs from parking up on Rock Road at busy drop off and collection times and that there should be a formalised traffic management plan to minimise the highways issues that are currently being experienced on the main highway along the whole of Rock Road in front of all existing schools.
50. The addition of 32 car parking spaces to accommodate the number of existing and additional staff required for the new 6 classroom extension is believed to be inadequate to accommodate the traffic that will be generated from the increase in staff and pupil numbers at the school and just exacerbate the road traffic problems that currently exist.

APPLICANTS STATEMENT:

51. The extension of provision at The Oaks School is in response to the Strategic Intention for County Durham as set out in the consultation on support for SEND and young people who need support to stay in education and the High Needs Block report agreed by Cabinet on 15 January 2020 to extend the range of specialist places offered in County Durham, so children can access services locally rather than attend high cost independent placements outside of the local area.
52. Cabinet further agreed to continued work with headteachers of special schools to extend the range of specialist places offered in County Durham so that children can access services locally.

53. Generic Special Schools like the Oaks are beyond the place numbers for which they were initially designed to accommodate. This has prevented the schools developing their offer further to meet the needs of some young people who have since been placed in private independent provision, this is a specific problem in making discrete autism provision.
54. The new provision at The Oaks site will
- ensure young people receive the Specialist Education they require nearer to home
 - Provide a discrete autism provision at a scale that meets current demand
 - Avoid out of county provision that results in lengthier travel time for young people, saving to the High Needs Funding Block and savings to the transport budget
55. Why the Oaks Site
1. The Oaks is an outstanding (Ofsted) Special School. The Oaks has been considered the most desirable generic special school in County Durham for families. This has resulted in a high level of parental preference in both the Oaks and more recently Evergreen (the feeder primary).
 2. The provision is one of the most central and accessible Special Schools in Durham with relative with good transport links.
 3. The existing Oaks building is one of the newest Special Schools in Durham.
 4. The site within which the school is placed is large with extensive fields including a brownfield site where a previous school building stood

The above 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>

PLANNING CONSIDERATIONS AND ASSESSMENT

56. 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, privacy/amenity, landscape/visual impact; highways, flooding and drainage, ecology and land stability.

The principle of the development:

57. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise with the NPPF representing a material planning consideration in this regard. The County Durham Plan (CDP) was adopted in October 2020 and as such represents the up to date local plan for the area and the starting point for the determination of this planning application. Consequently, the application is to be determined in accordance with relevant policies set out within the CDP. Paragraph 11c of the NPPF requires applications for development proposals that accord with an up to date development plan to be approved without delay.
58. The proposal would therefore need to be assessed for conformity with the CDP unless material considerations dictated otherwise. One such material consideration is the National Planning Policy Framework (NPPF).

59. Paragraph 94 of the NPPF refers to the importance of ensuring that ‘a sufficient choice of school places is available to meets the needs of new and existing communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should also ‘give great weight to the need to create, expand or alter schools’. In addition, Part 6 of the NPPF seeks to promote a strong competitive economy and conditions where businesses can invest.
60. With regard to open space paragraph 97 of the NPPF advises that open space including playing fields should not be built on unless certain requirements are met. In this case the land is currently not used for active sport participation and Sport England has raised no objection to the application and the proposal therefore accords to paragraph 97 of the NPPF.
61. Part 11 of the NPPF seeks to promote an effective use of land for a variety of uses and strives to make as much use as possible of previously developed land. Paragraph 118 expects planning decisions to give substantial weight to the value of using suitable brownfield land within settlements for a variety of uses. As the proposals relate to development on an existing school site within the main settlement, the application would glean support from these sections of the NPPF.
62. Policy 6 of the CDP 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;
 - 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;
 - 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;
63. It is suggested within the supporting policy text that where buildings already exist on site, their retention will be encouraged where they make a positive contribution to the area or have intrinsic value. In determining whether a site is appropriate for new development, the relationship with adjacent buildings and the surrounding area will be taken into account along with the current use of the site and the compatibility of the proposal with neighbouring uses. Given the site is currently the location for the Oaks Secondary School, the proposal is considered to comply with policy 6.
64. Accordingly, the principle of development is considered to accord with the County Durham Plan and the NPPF and regarded as acceptable subject to detailed consideration of the issues below.

Privacy / Amenity:

65. Paragraph 127 of the NPPF states that developments 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. Para. 180 of the NPPF specifies that planning 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.
66. Policy 29 of the CDP seeks to secure high standards of amenity and privacy and minimise the impact of development upon the occupants of existing adjacent and nearby properties.
67. Criteria a) of policy 6 of the CDP states that development will only be supported if it is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land. In addition, policy 31 of the CDP is also relevant and 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.
68. The application site is located within school grounds, bordered by residential development. The rear of residential properties within Beech Avenue and Chestnut Avenue and their associated garden areas adjoin the application site to the north. Given the design and siting of the extension and separation distances (over 40 metres from the nearest property) the proposals are not considered to give rise to any material overlooking, loss of privacy, overshadowing or loss of light to the detriment of the amenity of neighbouring occupiers.
69. In terms of the proposed car parking, 29 of the proposed spaces would extend the parking area west, in a position to the south of the existing access road, with the remainder contained within the existing car park areas. The rear of residential properties within Beech Avenue bound the area (to the north), demarked in part by hedging and a variety of boundary treatments. The existing outside gym is also to be relocated to a position to the north east of the proposed extension.
70. It is appreciated that the proposals will lead to some increased levels of activity in and around the site. However, given the established use of the site and position of the proposals, it is not considered that the development would give rise to conditions of excessive noise and disturbance, over and above the existing, to sustain a refusal.
71. Environmental Health (Noise) offer no objection considering that based on the information submitted with the application the development is unlikely to cause a statutory nuisance.
72. It is not considered that the residential amenity and amenities of nearby occupiers will be significantly and detrimentally impacted upon and the proposals are considered to satisfy the provisions of Parts 12 and 15 of the NPPF and policies 6 and 31 of the CDP.

Visual/Landscape Impact

73. Part 12 and 15 support high quality design, protection of the natural environment and valued landscapes. CDP policy 29 (Sustainable Design) seeks to ensure that all development proposals will 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.

74. In addition, CDP policy 6 advises that development should be compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land; 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 and in addition proposals should be appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement.
75. The proposed extension would extend the existing building to the east and would be seen in close visual association with the existing school buildings, positioned well within the site. Proposed materials are to match the existing and are thus considered appropriate to the location. The car parking areas are well related to the existing and also considered acceptable in terms of their visual impact. The works are considered to result in a sympathetic form of development which would respect the existing school site and its surroundings in terms of scale, massing and appearance.
76. Policy 39 of the CDP indicates that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals will be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects.
77. Policy 40 also states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees of high landscape, amenity or biodiversity value unless the benefits of the proposal clearly outweigh the harm. Where trees are lost, suitable replacement planting, including appropriate provision for maintenance and management, will be required within the site or the locality.
78. Landscape Officers advise that the proposals do not entail any significant landscape or visual effects. Noting that there would be some localised removal of small trees and shrubs along the access road and east of the building. They consider that there is scope across the site for replacement planting to mitigate the losses and this could be delivered through a condition requiring a scheme to be submitted. They also advise that there would be further opportunities within the site to enhance it with additional tree planting. Noting that the Council are currently developing a programme for planting trees with children and the issue of enhancement (i.e. works going beyond replacement) could be left to that programme as the planting would engage children as part of its educational purpose.
79. Subject to condition, no landscape or arboricultural objections are therefore raised with respect to the current proposals.

Highways:

80. NPPF Part 9 seeks to ensure that development only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
81. Policy 21 of the CDP seeks to ensure that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause

an unacceptable increase in congestion or air pollution and that severe congestion can be overcome by appropriate transport improvements. New developments should provide for appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users. This is also reaffirmed in Policy 6 part e of the CDP that seeks to ensure that proposals will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity.

82. Linked to Policy 21, Policy 29 (Sustainable Design) also places great importance on safe sustainable modes of transport, in the following order of priority: those with mobility issues or disabilities, walking, cycling, bus and rail transport, car sharing and alternative fuel vehicles.
83. The application site is in close proximity to Middlestone Moor Primary School and also the Rainbow Nursery located to the north all of which are accessed from Rock Road.
84. Highway safety, parking and access issues have been raised by Councillor Maddison and nearby residents who express concerns over the impact of the proposed works on existing traffic congestion in the area immediately surrounding the school site. Concerns highlight the existing problems of parking and congestion within the area, particularly associated with pick up and drop offs, with vehicles spilling out onto nearby roads and creating complex traffic and safety issues.
85. Information submitted with the application advises that the school currently has 100 full time and 40 part time staff members. The proposals would see an additional 22 full time staff members.
86. The car park currently has 73 parking bays with 3 accessible bays. The proposals had originally proposed the addition of 32 additional staff car parking spaces. Following comments from Councillor Maddison the proposals have been amended and a further 10 car parking spaces have been added to the proposals, thus creating an additional 42.
87. Access to the site is gained from Rock Road and this would remain unaltered by the proposals. The Highways Authority has provided comments advising that they are satisfied that the existing access onto Rock Road will have sufficient capacity to accommodate the increased number of trips generated by the expansion of the school.
88. Following the submission of amended plans the Highways Officer notes that the applicant has provided clarifications with regards to cycle and visitor parking which is considered acceptable. Further parking provision has also been incorporated into the proposed layout and whilst the overall number is marginally below the standard (in line with the County Durham Parking and Accessibility Standards 2019) it is considered that constraints within the site make meeting the standard impractical and the additional number of spaces is a reasonable compromise. With the additional parking provision and clarifications, it is concluded that the proposed application is acceptable from a highways perspective.
89. The Sustainable Travel Section offer no comments in respect of public transport as the proposals all relate to an existing school site. However, it is requested in respect of walking and cycling that a full Travel Plan is developed for the site, requesting this is secured by way of a condition.

90. Submitted information with the application advises that the school opens at 9.05am and taxis etc enter the driveway where the pupils are met by Oaks Staff. Pupils disembark from the transport between 9.05-9.15am. There are currently 4 bays which are used for tail lift minibuses and wheelchair access, with staff directing transport as people enter and exit the school.
91. The school day finishes at 3.25pm. Taxis and minibuses are able to park on the drive at the school from 3.15pm to reduce congestion on Rock Road.
92. Pupils go to specific classrooms for their bus line and are escorted to the bus by Oaks Staff, again with staff directing traffic as efficiently as possible.
93. The school has a total of 306 pupils on roll and advise that over 70 minibuses and taxis enter the Oaks School. The proposals would increase the number of pupils on roll to 320, an addition of 14.
94. Paragraph 109 of the NPPF advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Whilst there would be additional vehicular traffic associated with the proposals particularly at the dropping off/picking up times, it is difficult to claim that the cumulative impact of the development would be severe to sustain a refusal.
95. It is appreciated that parking issues on the streets surrounding the school site cannot be ignored. However, given the provision of additional onsite parking, provision of a Travel Plan and no objections from the Highways Engineers, no highway objections are raised. Proposals would satisfy the provisions of Part 9 of the NPPF and policy 21 of the CDP.
96. Given the existing layout, arrangements and operations of the site the request for a one way system in relation to taxis and minibuses has not been pursued with the applicant.

Flooding and Drainage:

97. Part 14 of the NPPF seeks to resist inappropriate development in areas at risk of flooding, directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
98. Policy 35 of the CDP requires development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. Development in flood zones should not be permitted unless in exceptional circumstances. Regarding surface water flood risk, the management of water must be considered intrinsic to the overall development, with runoff rates carefully controlled. Policy 36 of the CDP requires proposals to the disposal of foul water, utilising the hierarchy of foul water.
99. The application site is not located within a high risk flood zone 2 or 3 area.
100. The Drainage Engineer has provided comments requesting details of the permeable paving construction details and hydraulic calculations relating to discharge rates. It is recommended that a suitable condition be attached to secure these details.

101. Subject to condition the proposal is deemed to be satisfactory with respect to the management of surface water for the development with proposals considered to satisfy the principles of Part 14 of the NPPF and Policies 35 and 36 of the NPPF.

Ecology:

102. Part 15 of the NPPF seeks to ensure that when determining planning applications, local planning authorities seek to conserve and enhance biodiversity. Policy 41 of the CDP seeks to resist proposals for new development which would otherwise result in significant harm to biodiversity or geodiversity, which cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for.
103. The Ecologist has provided comments advising the building is low risk for use by protected species and therefore have no objections to the proposals on ecological grounds.
104. Proposals would therefore satisfy the provisions of Part 15 of the NPPF and Policy 41 of the CDP.

Land stability

105. Part 15 of the NPPF seeks to prevent unacceptable risks from pollution and land instability. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. Policy 32 of the CDP stipulates that development will not be permitted unless the developer can demonstrate that:
- a. any existing despoiled, degraded, derelict, contaminated or unstable land issues can be satisfactorily addressed by appropriate mitigation measures prior to the construction or occupation of the proposed development;
 - b. the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities; and
 - c. all investigations and risk assessments have been undertaken by an appropriately qualified person.
106. Contaminated land officers have assessed the available information and historical maps with respect to land contamination and are satisfied with the information provided in the phase 1 assessment. The sources of contamination have been identified and they agree with the requirement for a phase 2 site investigation. They note that the phase 2 report focuses on the location of the building extension and not the remaining areas of the site. It is noted elevated levels of PAHs have been identified in the soils beneath the tarmac and ground gas monitoring is ongoing at the time of reporting. The report states there is unlikely to be a risk if the soils remain below the building footprint or it is to be removed from site, advising further clarification is required as to the proposal and sampling locations. They therefore request pre commencement conditions in this regard.
107. With respect to Coal Mining Legacy issues, the application site is located in a coalfield low risk development area.
108. Subject to conditions, no objections are raised, with proposals to satisfy Part 15 of the NPPF and Policy 32 of the CDP.

CONCLUSIONS

109. The application is to be determined in accordance with relevant policies set out within the CDP and therefore the application falls to be determined in accordance with Paragraph 11c of the NPPF which requires applications which accord with an up to date development plan to be approved without delay. The proposals relate to an existing school site and would improve the provision of educational services available. The principle of extending this existing school to provide additional classrooms and improved on site facilities is therefore considered acceptable.
110. The proposed layout, design and scale of the development and parking is considered acceptable and in keeping with the main school building and character and appearance of the wider area. The amenities of neighbouring residents and occupiers are considered to be appropriately safeguarded. The proposals are also considered acceptable in terms of issues relating to landscape, trees, drainage, land stability and ecology.
111. Representations in terms of existing parking problems, access and highways safety issues are fully appreciated. Careful consideration has been given to the concerns expressed by residents and members with regard to highway issues, however, in light of comments from the Highways Authority and subject to condition relating to a Travel Plan, the proposals are not considered to result in an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be so severe to warrant refusal.
112. The proposals are therefore considered to satisfy the provisions of Parts 2, 4, 6, 8, 9, 11, 12, 14, and 15 of the NPPF and in particular policies 6, 21, 29, 31, 32, 35, 36, 39, 40 and 41 of the CDP. The application is recommended for approval subject to the following conditions.

RECOMMENDATION

113. That the application be **APPROVED** subject to the following conditions

Time limit

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.

Approved plans

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

A000-04 Rev 0 Site Location Plan (amended drawing) received 22 December 2020

A100-01 Rev 0 Proposed Site Plan – School received 12 November 2020

A100-02 Rev A Proposed Site Plan - Car Park (amended drawing) received 6 January 2021

A200-06 Rev A Proposed Overall Site Plan (amended drawing) received 14 December 2020

A100-03 Rev 0 Site Plan showing tree, bushes, fencing & external Gym to be removed received 12 November 2020

A200-01 Proposed Plan received 12 November 2020

A200-03 Rev 0 Proposed Roof Plan and Details received 12 November 2020

A300-01 Rev 0 Proposed Elevations received 12 November 2020

A400-01 Rev 0 Proposed Elevations (section details) received 12 November 2020

OAKS A 100-04- DCC – HE -05 – 01 Rev 0/- Drainage Layout – OAKS 1 100-04 (school) received 12 November 2020

Solmek Phase 2: Site Investigation Report The Oaks Secondary School, Spennymoor S200903/SI received 12 November 2020

Solmek Phase 1: Desk Study The Oaks Secondary School, Spennymoor S200903 received 15 December 2020

Reason: To define the consent and ensure that a satisfactory form of development is obtained.

Contaminated Land (Phase 2-3)

No development shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Phase 2 site investigation and Phase 3 remediation strategy and where necessary include gas protection measures and method of verification.

Reason: To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are agreed in order to ensure the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.

Contaminated Land (Phase 4)

Remediation works shall be carried out in accordance with the approved remediation strategy. The development shall not be brought into use until such time a Phase 4 verification report related to that part of the development has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the remediation works are fully implemented as agreed and the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework.

Drainage

No development other than ground clearance or remediation works shall commence until details of permeable paving construction and hydraulic calculations in digital format for audit have been submitted to and approved in writing by the Local Planning Authority. The discharge rate should be QBAR greenfield rate for events up to and

including the 1 in 100 year event plus 40% climate change. The development thereafter shall be completed in accordance with the details agreed.

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

Travel Plan

Prior to the first use of the development, a School Travel Plan, to achieve Bronze Level Accreditation within 1 year of first occupation, shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall use Modeshift STARS to carry out this process and include mechanisms for monitoring and review over the life of the development and timescales for implementation. The approved Travel Plan shall thereafter be implemented, monitored and reviewed in accordance with the approved details.

Reason: To reduce reliance on the private motor car and to promote sustainable transport methods in accordance with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

Parking provision

The car parking spaces shall be installed prior to first occupation of the extension hereby approved and retained for the lifetime of the development. The parking spaces shall be kept free of obstruction and used for no other purpose other than the parking of vehicles respectively.

Reason: To ensure adequate parking and safe vehicle access to the site is provided, in the interest of highway safety and to accord with policies 6, 21 and 29 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

Landscape Scheme

The development hereby approved shall not be brought into use until details of all external hard surfacing, soft landscaping and trees, been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the agreed detail.

Reason: In the interests of the visual amenity of the area and to comply with Policies 29, 39 and 40 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

Landscape Implementation

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development (or occupation of buildings or commencement of use whichever is earlier), and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species

Reason: In the interests of the visual amenity of the area and to comply with Policies 29, 39 and 40 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

Materials

Notwithstanding the details shown on the submitted application, the external building materials to be used shall match the existing building.

Reason: In the interests of the visual amenity of the surrounding areas in accordance with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

Construction Works

No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1400 on Saturday. No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday. No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays. For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

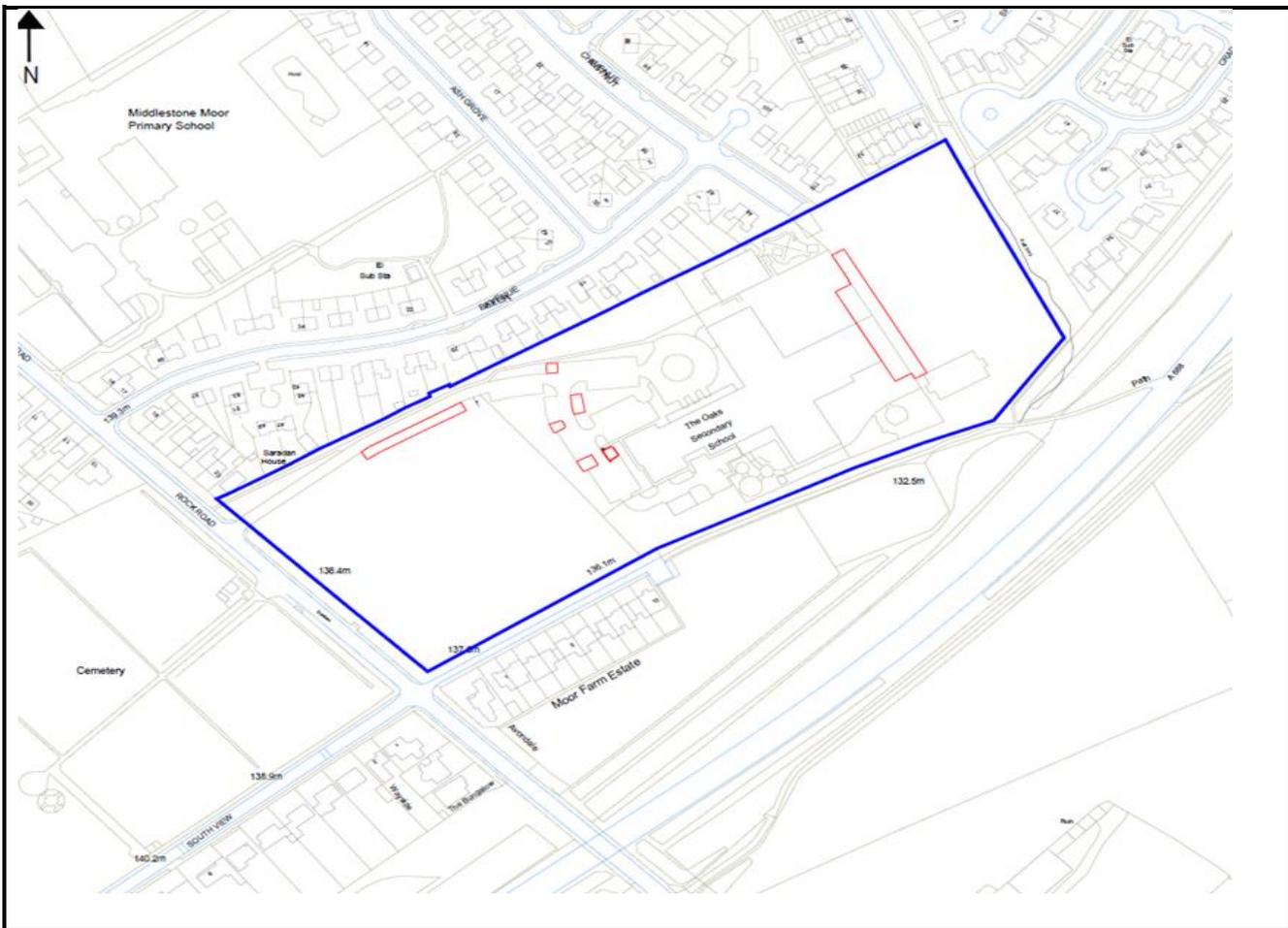
Reason: In the interests of the privacy/amenities of neighbouring occupiers and to comply with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to approve the application 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. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.) It has been necessary to use pre commencement conditions in this instance for matters that cannot be left to a later stage in the development

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
The County Durham Plan (CDP)
Statutory consultation responses
Internal consultation responses
External consultation responses



<p>Planning Services</p>	<p>DM/20/03305/FPA Extension to the school, relocation of external gym area, additional parking and extensions to car park</p>	
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	<p>Date January 2021</p>	