

## **DURHAM COUNTY COUNCIL**

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, County Hall, Durham on **Thursday 12 December 2024 at 10.00 am**

**Present:**

**Councillor J Quinn (Chair)**

**Members of the Committee:**

Councillors A Savory (Vice-Chair), E Adam, V Andrews, J Atkinson, D Brown, L Maddison, S Quinn, G Richardson, G Smith and M Stead

**Also Present:**

Councillors L Hovvels and C Varty

### **1 Apologies for Absence**

Apologies for absence were received from Councillor Liz Brown and Councillor Sam Zair

### **2 Substitute Members**

There were no substitute members.

### **3 Declarations of Interest**

There were no declarations of interest.

### **4 Minutes**

The minutes of the meeting held on 21 November 2024 were confirmed by the Committee as a correct record and signed by the Chair.

## 5 Applications to be determined

### a **DM/24/02385/FPA - 39B and Part of Garden Area of No. 40 Front Street North, Trimdon, Trimdon Station, TS29 6PG**

The Committee considered a report of the Senior Planning Officer for the change of use from dwelling (use class C3) to children's home (use class C2) (amended red line boundary received) and retention of outbuilding in the rear garden area at 39B and Part of Garden Area of No. 40 Front Street North, Trimdon, Trimdon Station, TS29 6PG (for copy see file of minutes).

L Morina, Senior Planning Officer gave a detailed presentation with included a site location, aerial photos, the proposed floor plans and site photos which showed the front and rear of the property. She explained that photographs showing the front street were taken between 10am and 11am to demonstrate what parking would look like during staff handovers to address concerns raised. The property was to house two children and two staff who worked on a shift pattern along with a registered Manager working 9am until 5pm. A site visit had taken place prior to the Committee meeting to enable Members to assess the impact of the proposed development and the relationship with their surroundings. The property was in a conservation area and had been called to committee at the request of Councillor L Hovvels and Alan Strickland MP as they had concerns over noise, parking and highway safety.

Objections were raised by Trimdon Parish Council around parking, privacy, the installation of CCTV and no street lighting to the rear of the building. Highways had no objections as the application met the Parking and Accessibility SPD (Supplementary Planning Document) criteria. There were no objections from Durham Constabulary, Spatial Policy, Environmental Health or the Children and Young People's service. There were 220 letters of objection from residents due to the impact it would have on highways, design and amenities which had all been considered in the report. She added that there was a legal duty on the council as stated in section 22G of the Children Act 1989 to secure sufficient accommodation for children looked after within their local authority. The application was considered to accord with Policies 18, 21, 29, 31 of the County Durham Plan and it was officer's recommendation to approve the application subject to conditions highlighted in the report.

Councillor L Hovvels, local member addressed the Committee in objection to the application. She had attended a parish council meeting where 220 residents had voiced their strong feelings and concerns about the application. She was not against these facilities but they needed to be in the right location and this was in the wrong place. She voiced concern that the outbuilding did not have the correct permits which should have been identified.

She noted that the former pub had highways issues which had not been resolved and acknowledged there had been investment made in the property. It was a nice place to live but the streets were narrow where two cars could not pass.

These issues would be heightened with potentially 5 cars associated with the property at staff handover. She had experience of care facilities and noise would be generated with collection and drop off's and deliveries. She requested that the Fire Service check the safety of the outbuilding to give her peace of mind.

Councillor C Varty, local member addressed the Committee and advised that she was a member of the Corporate Parenting Panel and had visited children's homes to see how they were run and had spoken to the lovely staff involved with the children. She had seen facilities closed as they had not worked as residents had not been consulted at the start of the process. She believed the house was not set up to be a children's home and understood the concerns from residents. She thought the outbuilding was to be used as accommodation for parents to stay over and not an office.

Ms J Dent, addressed the committee on behalf of 200 residents who had objected to the application. She lived very close to the property within the close-knit village which was made up of families who had built up relationships. As this was proposed to be for short stays there was less likely to be community cohesion as detailed in the management plan to create a family home from the increase in comings and goings of staff arriving either on foot or by vehicle. The residential institute carried a stigma that young people would have criminal backgrounds which would cause tension in the village as residents would feel intimidated walking past which would be detrimental to their own safety. Residents had expressed concern over the noise and speed of vehicles driving through the village on a B class road. The area was dark at the rear of the building as there were no streetlights creating safety issues. There was only space for two cars creating issues with offsite parking and congestion during staff handovers. The outbuilding overshadowed neighbours causing privacy concerns which was not compliant with building regulations. She requested the committee to refuse the application.

Ms H Broadhead, applicant addressed the committee in support of the application as she saw this as an opportunity to provide a positive impact on children, they would be lucky to support. The application was for a proposed new Ofsted registered provision by Willow Bloom. All founders of Willow Bloom apart from one, were born, raised and lived in County Durham who brought a mix of experience and knowledge to create an outstanding residential service to give children and young people an opportunity to thrive.

She advised that they were being guided by an experienced individual who had over 50 years of experience working alongside Children and Families and in particular Children and Young People Looked After and would work closely with their team, providing overall responsibility for the effective operations of the home. The home would be managed by a qualified Registered Manager, who would run the home and be the key point of contact for any concerns relating to the home. The staffing team would consist of experienced and trained staff, who would provide care and support for children and young people 24 hours a day.

They had worked closely with Durham Police to ensure that the best possible care would be provided to young people and ensure that they would be safe within the community. They wanted to provide high quality care for children and young people within the area through their commitment to the Durham First Approach. She understood the need to integrate the home with the local community and to develop positive relationships with neighbours and was willing to share contact details and set up meetings with the community to help with the integration. She asked that the committee approve the application.

The Senior Planning Officer confirmed that during the consideration of the planning application, it was noted that the outbuilding had been constructed without the benefit of planning permission and was therefore unauthorised, due to removal of permitted development rights from the properties. However, full consideration of the outbuilding had been included as part of the current application. All consents were to be carried out to meet the criteria of the building regulations, which was separate to planning regulations. She verified that the outbuilding would not be used for sleeping accommodation as condition 9 stated that it could only be used from 9am until 5pm as an office area. She clarified that the property was to be used as a children's home and if this changed in the future further consent from the planning authority would be needed.

D Battensby, Principal DM Engineer confirmed that there were no highway issues in relation to the application. He advised that when an application was determined highways looked at the risk based on what was constituted in the National Policy Planning Framework, County Durham Plan, Highway Standards and best practice. He was mindful of the unadopted road approach to the property but this had an established right of access to the proposed development. The application had been assessed in terms of parking and the proposal complied with the requirements of the Parking and Accessibility SPD.

He noted that it was a four bedroomed property and if it was occupied by a family with grown up children there would be a possibility that there could be multiple vehicles attached to the house making no difference to the property being used as a children's home with cars attached to members of staff. However staff cars would be parked for shorter periods of time. In relation to congestion he stated that the road currently operate with a traffic flow of less than 20% of the capacity of the road at peak periods. As for deliveries and picking up children at the home this would be no different than a family living at the property relying on food deliveries or if they had a child with special needs relying on a taxi service. The speed of the road was not material as this would be classed as an existing issue and would be rejected by the Inspectorate.

With regard to the issue of a lack of street lighting he advised the committee that Garden Mews at the rear of the property was a private road and was not in the control of the council therefore it would be the responsibility of residents to install streetlights. He advised that there were streetlights to the front of the property associated with the adopted public highway. There would be no difference regarding road safety between the property being used as a children's home or a family home. There were no grounds for refusal on a highway's element.

The Chair opened up the meeting for questions.

Councillor S Quinn asked if the applicant had other similar care homes established in County Durham.

The Senior Planning Officer advised that the organisation was new to the area.

The applicant confirmed that this was their very first care home overall.

Councillor V Andrews was concerned with the staff ratio and shift patterns as there were no guarantees that staff would get any sleep within 24 hours if they had to care for the children through the night.

The Senior Planning Officer explained the shift patterns were essential to mimic a normal family home environment. Therefore there would be no difference between staff being present or a parent in a family home being up through the night with a child and being at work during the day.

Councillor V Andrews believed that if there were two children with significant needs this may be challenging for staff if the children required one to one support.

The Senior Planning Officer stated that the facility would be run in shift patterns according to need but this would be amended accordingly should more support be required.

Councillor E Adam sought clarification on the use of the outbuilding on whether this was for an office space or as overnight accommodation as suggested by Councillor C Varty and objectors.

The Senior Planning Officer confirmed that although the sleeping use had been brought up as an objection, she was satisfied that it would not be used for that purpose. If this was to be a planned use for the future further planning consent would be required. She reiterated that there was a condition attached to the application that only allowed the outbuilding to be used as an office/meeting space between the hours of 9am and 5pm.

Councillor E Adam referred to paragraph 38 of the report stating that the children and young people' service had not objected to the proposal which he felt was strange.

The Senior Planning Officer responded that more information had been supplied at paragraph 68 of the report from the children and young people's service who were happy to work with this new provider. She noted that the development would be subject to Ofsted registration.

Councillor E Adam stated that Willow Bloom was a new organisation which had been based in Belmont since 2023. However it was associated with two further companies on Company's House website who named Mr Frater as a sales director.

The applicant advised that the two companies on Company's House had not been active for a while. As it was an emotional subject it was agreed that shareholders would attend the committee.

L Ackermann, Legal Officer (Planning and Highways) advised Councillor E Adam that it was relevant to ask questions about the company but not about an individual which fell outside the planning remit.

Councillor E Adam responded that he was trying to establish the experience of the individual running sustainable companies and their suitability to run a company looking after vulnerable children.

The applicant reiterated that they were being guided by an individual who had 50 years of experience working with children in care and their families. She herself was involved as a shareholder and had a duty of care to engage with the right people to create a safe and natural place where children could develop and grow and be given the same opportunity as her own kids.

Councillor E Adam believed the applicant had no experience of running a children's home and he could not ignore the concerns of the local councillors and residents. He felt the applicant had not sufficiently answered how they would manage.

The applicant advised that the company should be looked at as being two organisations. The first made up of shareholders who were not always involved in the day-to-day management responsibility of the home and the second made up of a registered level 5 manager and their team who were qualified to either a level 2 or level 3 who would be responsible for the day to day running the home.

The Senior Planning Officer stressed that any children's care home would need to be registered with Ofsted which required rigorous checks to be completed before a certificate was issued. Children and Young People's services would not use the facility until a certificate had been produced.

Councillor J Atkinson had been to the children's home at Tofthill which blended in with its environment and you did not know that it was there.

Councillor J Quinn in his opinion believed the house fitted in with its environment.

Councillor L Maddison referred to the private road to the rear of the property and asked if access had been agreed by the owner.

The Principal DM Engineer replied that access had already been established at Garden Mews which could not be changed.

Councillor L Maddison asked if there were only two parking spaces allocated at property where would other parking sites be based.

The Principal DM Engineer was satisfied that the property adhered to the Parking and Accessibility SPD. Any additional parking required would be like any other residential property in the area which would be down to the responsibility of the motorist to park on the highway which gave ample capacity. He believed that staff handover periods would occur at nonpeak times when many residents in the area had gone to work. Site observations at the proposed hand-over period indicated that there was more than sufficient space in the area to accommodate additional vehicles.

Councillor L Maddison queried what would happen if the outbuilding was used outside the hours stated in the condition as a time out for the children. She asked whether the fire authority had inspected the outbuilding and if it had sound proofing.

The Senior Planning Officer was not aware that the outbuilding had any sound proofing. Environmental Health had prepared a report and had not made any noise implications known. She was not aware that the outbuilding would be used for a time out space for the children and the condition had been placed on its use from 9am until 5pm. If it was used outside these hours a complaint would need to be made and this would be investigated.

The applicant confirmed that the outbuilding would not be used as a time out space for the children.

Councillor Stead believed that potentially another individual should be relied upon for guidance other than the individual with 50 years experience as they potentially would not be working for too much longer.

The Legal Officer (Planning and Highways) advised that staffing fell outside of the planning remit.

Councillor G Richardson explained that he had attended the site visit which could have answered questions from members had they attended.

Councillor J Quinn advised that site visits were necessary but it was sometimes difficult for everyone to attend.

Councillor D Brown asked for clarification on how the CCTV which was to be installed would operate.

The Senior Planning Officer had discussed the installation of CCTV with the applicant for additional security. This would not be intrusive with a camera on the front and rear doors.

The Chair opened up the meeting for debate.

Councillor G Richardson had a firsthand view of where the property was situated including the outbuilding from the site visit. He was able to peek inside the outbuilding which included an office set up with a sofa and gym equipment. It was pristine. He had sympathy with the residents who had come to committee but clarified that although Councillor C Varty was a member of the Corporate Parenting Panel he stressed that every member of the council was a Corporate Parent. He himself had been a member of the Corporate Parenting Panel from 2008 until 2021 and had firsthand knowledge of visits to children's homes to see how they were run. When he was a member there were 400 children in care and now there was 1220 who had to be placed somewhere and cared for. Staff he had met over the years were professional and caring. He had no reasons why the application should be turned down and **moved** to agree with officer recommendation to approve the application.



Councillor A Savory had listened intently to the debate and agreed with Councillor G Richardson that children's homes were in the community and people did not know they were there. She was also a member of the Corporate Parenting panel and could not see any valid reason to refuse which could be overturned on appeal. She **seconded** the proposal to be approved.

Councillor E Adam had been swayed to accept the decision before the debate but he believed that the company was not sustainable to provide a home for vulnerable children. He did not think the property was suitable and he had a duty of care to listen to residents, the Parish Council and local councillors who were embedded into the community. The area would struggle with car parking and the application would impact on the residents' amenities.

Councillor J Atkinson apologised to residents for not attending the site visit. He did have concerns at the number of objections which had been received and that it would be awful for children living there knowing residents did not want them there. He believed if the application was refused and it went to appeal the Inspectorate would overturn the decision.

Councillor S Quinn was a member of the Corporate Parenting Panel and carried out Reg 44 visits on children's homes. She was concerned that the building was on the main road, there would be parking issues and as it was a small community everyone would know it was a children's home.

Councillor M Stead had listened to everything and was concerned over how many residents had objected to the application. He had also looked on the Company's House and he thought everything looked alright. He believed that someone had to start off children's homes and this application ticked all the boxes. There were no material planning reasons to refuse the application except potentially on the grounds of access to the rear.

Councillor S Quinn asked if the outbuilding was to be used as an office how would confidential documents be stored.

J Jennings, Principal Planning Officer responded that staff would need to comply with data protection regulations in relation to the storing of confidential information.

Councillor J Quinn thanked all the residents who had attended the committee.

Upon a vote it was:

**Resolved:**

That the application be **APPROVED** subject to conditions contained in the report.