



Area Planning Committee (North)

Date Thursday 26 September 2024
Time 9.30 am
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of the Meeting held on 25 July 2024 (Pages 3 - 6)
4. Declarations of Interest (if any)
5. Applications to be determined;
 - a) DM/24/00911/FPA - Fell Cottage, Hedley Hill, Durham, DH7 9EU (Pages 7 - 30)
Change of use of residential dwelling (Use Class C3) to childrens home (Use Class C2) for one child aged between 8-17.
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

Helen Bradley
Director of Legal and Democratic Services

County Hall
Durham
18 September 2024

To: **The Members of the Area Planning Committee (North)**

Councillor E Peeke (Chair)
Councillor W Stelling (Vice-Chair)

Councillors G Binney, J Blakey, L Brown, K Earley, J Griffiths,
D Haney, A Jackson, B Moist, J Purvis, K Shaw, A Sterling,
A Watson and S Wilson

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DURHAM COUNTY COUNCIL

AREA PLANNING COMMITTEE (NORTH)

At a Meeting of the **Area Planning Committee (North)** held in the Council Chamber, County Hall, Durham on **Thursday 25 July 2024 at 9.30 am**

Present:

Councillor E Peeke (Chair)

Members of the Committee:

Councillors W Stelling (Vice-Chair), J Blakey, L Brown, K Earley, J Griffiths, J Purvis, K Shaw, A Sterling and A Watson

1 Apologies for Absence

There were no apologies for absence.

2 Substitute Members

There were no Substitute Members.

3 Minutes

The minutes of the meeting held on 28 March 2024 were agreed as a correct record and signed by the Chair.

4 Declarations of Interest

There were no declarations of interest.

5 Applications to be determined;

a DM/24/00715/FPA - Williams Garage, Front Street, Grange Villa, Chester-le-street, DH2 3LJ

The Committee considered a report of the Principal Planning Officer regarding an application to remove current front brick wall to front and erection of a 2.4 metre v mesh fencing around site with accompanying gates at Williams Garage, Front Street, Grange Villa, Chester-Le-Street (for copy of report, see file of minutes).

Leigh Dalby, Principal Planning Officer advised Members that the application was for the erection of a 2.4 metre fencing and not a 2.5 metre fence as stated in the report. He continued that it was noted on the site visit that a fence had been erected to the side and the rear of the property that were not included in the submitted drawings and would be looked at as a separate matter.

The Principal Planning Officer provided a detailed presentation of the application which included site location, arial photograph, site photographs, site plan, and an example of fencing that comes in various colours. He advised Members that responses were received from Pelton Parish Council who objected to the application and asked that the application be reported to Committee due to concern about the aesthetics of the proposed mesh fence. No objections were received from the Highways Authority and no responses were received from any interested parties, neighbours or anyone consulted on the application.

In terms of the principles of the application these were considered to be acceptable and was in accordance with Policy 6 of the County Durham Plan in line with NPPF paragraph 85. There was no change to the existing site access and no impact on traffic generation on the highway and the Highways Authority had not objected on that basis.

In terms of the character and appearance of the area the site was a mixed area of commercial and residential and there was no single identifiable design characteristics in the area. Surrounding buildings were of various design and material finishes along with various boundary treatments.

It was not considered that the proposed fence would be detrimental to the existing area and would consider to be in accordance with Policy 29 of the County Durham Plan.

In terms of the impact on residential amenity the Officer reported that the closest property was to the East that was the Reading Rooms, and it was not considered that due to the nature of the development would impact any neighbouring residential properties as the site was not overlooked.

In summary, it was considered that the site was acceptable in accordance with the relevant policies as set out in the report.

Members of the Committee had visited the site and were familiar with the location and setting.

Mr Owens, the Applicant stated that since he bought the premises last year, they have had six vehicles damaged. They have cameras installed on site

and stated that the damage was from children chucking stones and was the reason he wished to erect fencing. He continued that they had chosen the v mesh fencing as they did not want to box the site in completely as it would be unsightly. The fencing came in various colours and was a square grided fence that was see through but would stop people chucking stones. The business was serving the disabled community and they tried to bring employment into the area and were trying to make the site better and safer. He stated that all the local neighbours had commented that he had improved the site massively as it was previously run down.

Councillor Blakey referred to the objection from Pelton Parish Council who objected to the application due to the aesthetics of the fence and asked what this was such as the colour or height of the fence.

The Principal Planning Officer read out the comments from Pelton Parish Council that were submitted in the report.

Councillor Brown noted that the fence to the side of the premises was now a wooden fence and asked if they granted planning permission would there have to be a variation of planning permission. She commented that the fence could be climbed, and it may be an idea to install anti-climb paint.

The Applicant responded that the fence was required to stop the throwing of stones.

Councillor Brown asked if the fence to the front of the property could be the same height for aesthetic reasons and integration of policy 31. She also asked if the colour of the fence could be black or grey.

Councillor Stelling asked if the colour of the fence would make a change to the Parish Council given that they were not in attendance at the meeting to confirm what they wanted.

The Principal Planning Officer commented that Members needed to use their best judgement and indicated when they look at the site photographs there was a lot of grey behind the site, and this would help the fence blend into the surrounding area. He stated that they had conditioned that the colour of the materials to be used be submitted and agreed by the planning authority but if Members had a strong opinion, they could take that forward.

Councillor Brown commented that there was a black fence further along from the site that blended in well.

The Applicant stated that the colour was not an issue whatever suits the building. He advised Members that the grey building to the rear of the property they had planning permission to increase the height and would be

speaking to the planners regarding the colour of this building, so it could be painted any colour.

Councillor Shaw indicated if there were no material planning reasons why the application could not be refused, he moved that they agree the Officer's recommendation and approve the application.

Councillor Brown seconded the Officer's recommendation to approve the application and confirmed that the colour of the fence be agreed with the planning authority.

Upon a vote being taken it was unanimously:

Resolved:

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

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/24/00911/FPA
FULL APPLICATION DESCRIPTION:	Change of use of residential dwelling (Use Class C3) to childrens home (Use Class C2) for one child aged between 8-17
NAME OF APPLICANT:	Bowerman - A Wilderness Way Ltd
ADDRESS:	Fell Cottage Hedley Hill Durham DH7 9EU
ELECTORAL DIVISION:	Deerness
CASE OFFICER:	Sarah Seabury Planning Officer Telephone: 03000 261393 sarah.seabury@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site:

1. The application site is Fell Cottage comprised of two smaller cottages which have been combined in the past. It comprises 4 bedrooms, 2 bathrooms, a lounge, dining room, kitchen and storage and utility areas across two floors with additional storage in the basement.
2. The property is located adjacent to the Hedleyhope Fell Nature Reserve within the hamlet of Hedley Hill. There are two residential properties to the east and countryside to all other side.
3. Public Rights of Way Footpath 10 and 12 pass through the site and parts of the garden area are Common Land.
4. The property is not located within an designated areas.

The Proposal:

5. Consent is sought to change the use of the property from a C3 Residential dwelling to a C2 Children's Home for one child between the ages of 8-17.
6. This application is being reported to Planning Committee at the request of Cllr Wilson due to the remoteness of the property.

PLANNING HISTORY

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

PLANNING POLICY

NATIONAL POLICY

8. A revised National Planning Policy Framework (NPPF) was published in July 2023. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
9. *NPPF Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
10. *NPPF Part 4 Decision-making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
11. *NPPF Part 5 Delivering a Sufficient Supply of Homes* - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
12. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
13. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
14. *NPPF Part 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.

15. *NPPF Part 12 Achieving Well-Designed Places* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
16. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

<https://www.gov.uk/guidance/national-planning-policy-framework>

NATIONAL PLANNING PRACTICE GUIDANCE:

17. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters.

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

LOCAL PLAN POLICY:

County Durham Plan

18. Policy 10 (Development in the Countryside) states that development will not be permitted unless allowed for by specific policies in the Plan or Neighbourhood Plan or unless it relates to exceptions for development necessary to support economic development, infrastructure development or development of existing buildings. The policy further sets out 9 General Design Principles for all development in the Countryside.
19. Provision for economic development includes: agricultural or rural land based enterprise; undertaking of non-commercial agricultural activity adjacent to applicant's residential curtilage. All development to be of design and scale suitable for intended use and well related to existing development.
20. Provision for infrastructure development includes; essential infrastructure, provision or enhancement of community facilities or other countryside based recreation or leisure activity.
21. Provision for development of existing buildings includes: change of use of existing building, intensification of existing use through subdivision; replacement of existing dwelling; or householder related development.
22. Policy 15 (Addressing Housing Need) establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure mix of affordable housing, the requirements of developments to meet the needs of older people and people with disabilities and the circumstances in which the specialist housing will be supported.

23. Policy 18 (Children's Homes) will only be permitted where there is a gap in service provision; the site offers a positive, safe environment with access to services and community facilities; the scale will allow the occupants to be appropriately matched regarding welfare; the occupants will not be placed at risk, it is unlikely to result in unacceptable impact on residential amenity, fear of crime or community cohesion; and appropriate measures for emergency access, outside space, highways access, parking and servicing can be achieved. Applications must be supported by information regarding management and safeguarding.
24. Policy 21 (Delivering sustainable transport) requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.
25. Policy 26 (Green Infrastructure) states that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.
26. Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure) supports such proposals provided that it can be demonstrated that there will be no significant adverse impacts or that the benefits outweigh the negative effects; it is located at an existing site, where it is technically and operationally feasible and does not result in visual clutter. If at a new site then existing sites must be explored and demonstrated as not feasible. Equipment must be sympathetically designed and camouflaged and must not result in visual clutter; and where applicable the proposal must not cause significant or irreparable interference with other electrical equipment, air traffic services or other instrumentation in the national interest.
27. Policy 29 (Sustainable Design) details general design principles for all development stating that new development should contribute positively to an areas' character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
28. Policy 31 (Amenity and pollution) sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
29. Residential Amenity Standards SPD – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.
30. Parking and Accessibility SPD – provides guidance on road widths and parking standards for new developments.

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

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY/EXTERNAL RESPONSES:

32. Highways – No objection raised
33. Durham Constabulary – No objection raised and management plan agreed.
34. Durham Wildlife Trust – No comments received

INTERNAL CONSULTEE RESPONSES:

35. Public Rights of Way - This application proposes a diversion of the public footpath that currently crosses within the site grounds (Cornsay Footpath12 /Hedleyhope Footpath 10) to enable site security/ privacy due to a proposed change of use from residential to Children's home. An application to divert the footpath would be considered separately to the planning application.
36. Environmental Health (Noise) – No objection raised
37. Policy – Advice on policy requirements
38. Children and Adults Services – No objection. Concerns regarding the accessibility of the site have resolved.

PUBLIC RESPONSES:

39. The application has been advertised by means of site notice and by notifying neighbouring residents by letter. To date, 18 letters of objection (multiple from some neighbours) have been received with the following concerns:
 - Clarity and reasoning is requested behind diversion of a public footpath / right of way on CRoW land.
 - Concern regarding safety and security of the existing community. Residents currently enjoy a peaceful and tranquil existence, with a close sense of community and shared respect for privacy, security and neighbourly conduct.
 - The change of use of the family residence "Fell Cottage" to a children's home would exacerbate the existing shortage of dwellings available for local rural workers. With affordable housing already at a premium in the area, it is crucial to preserve family dwellings rather than repurpose them for commercial use for a sole occupant.
 - The change would be in contradiction to local and national planning policy
 - Highway Safety Concerns - The influx of staff, visitors and contract workers tasked with property maintenance could potentially alter the character of our small rural hamlet as well as a major increase in unsustainable traffic using the small-unclassified access road. With a

constant minimum of 3 vehicles at the property as well as increased visitor traffic.

- Sustainability of the site, the single-track access road, particularly during the winter months can often be impassable
- The narrow single-track road currently has no passing places and is not able to sustain an increase in traffic, and any increase would have a negative impact on road user safety.
- The proposed change of use does not complement the existing and historic nature and heritage of our community.
- Concerns regarding the inaccuracy of the planning statement.
- The surveillance of the property by CCTV would have a negative impact on the privacy of the existing residents.
- Dangers of the countryside for example, livestock can be very dangerous if someone inexperienced was to disturb them or behave around them in the wrong way. The fell cottages are surrounded by several different groups of stock including beef cattle and sheep which makes me believe it isn't a suitable home for vulnerable children.
- The outward bound activities are likely to have an impact on the adjacent common Cornsay and Hedleyhope Common, a registered pastoral common and local nature reserve. This is not recognised in the application.
- The house is a leasehold property on the common.
- I would like to object to this development and for it to be classed as appropriate as a Business one on a Greenfield site. Fell cottage changing to a business brings changes to a Greenfield site in a Nature Reserve
- CCTV will infringe on other peoples privacy.
- Wilderness Way will be unable to use the common for financial reward. We are only able to profit from grazing.
- The environment for the wildlife on the fell has especially been affected in the past by opencast for coal, and just over 20 years ago, it became a foot and mouth burial site which still requires ongoing maintenance to this day by DEFRA. Further risk assessment may be necessary as this area could be unsafe for children.
- Fully appreciate that the single child that is proposed to be the occupant of the cottage will be monitored and supervised however they could abscond, and this would be across the area where there is a legal right to graze the area
- Much of the curtilage of Fell Cottage has been enclosed from Hedleyhope Common. The boundary of the common follows the parish boundary, which is shown on the site plans. Fencing has been erected beyond this boundary to bring additional land within the curtilage. This additional land would be relied upon by the applicant as providing green space within the site for the use of the children accommodated there.
- The fencing however, does not have the consent of the Secretary of State which is required under s.38 of the Commons Act 2006, and is liable to enforcement action to have it removed. The society will now consider whether to take steps towards that end. The planning authority therefore is unable to be satisfied whether the applicant is able to
- Assure that the grounds of the premises are sufficient to provide adequate recreational space for its proposed use.
- Any further enclosure or alteration to the access of Fell Cottage and the public access land surrounding would be illegal and would also require permission of adjoining land owners.
- There are many public footpaths passing close to houses and through farmyards where redirection has been denied. In this instance the land on

both sides of gate and fence are open access land and its replacement by an impenetrable

- Fence would prevent legal access.
- Rural housing sector is under pressure and this would result in the loss of a house for a single occupant

40. Two letters from Cllr Marion Wilson have also been received with the following comments:

- This property sits in a remote location with no access to public transport or amenities. The nearest retail premises, play area or school are 4.2miles away.
- The access road is an unclassified road which regularly is inaccessible during winter months.
- The proposal results in the loss of a family home within this small hamlet area
- This is a tight knit community and changing a property to a children's home does not bring with it community cohesion but more likely a fear of anti-social behaviour and a possible increase in crime.
- The proposal would be contrary Policy 18 of the County Durham Plan as it does not offer a positive and safe environment for the occupants of the premises ensuring that there is appropriate access to local services and community facilities, it would cause an unacceptable individual or cumulative impact on residential amenity, fear of crime or community cohesion and satisfactory outside space, highway access, parking and servicing cannot be achieved."
- Concerns regarding the content of the travel plan in that is not factually correct or adequate.

41. One letter of support has been received with the following comments:

- Supports the application to move this public right of way away from being close to the house.
- They use the road through Hedley Hill without problem and find it is easy to pull over and pass other vehicles when necessary.
- Knowing the area well, it seems it would make a wonderful environment for the children cared for by A Wilderness Way.

APPLICANT'S STATEMENT:

42. A Wilderness Way have a relentless commitment to providing outstanding care for every child they look after and are one of the country's leading providers of residential care, health and education for children who have suffered trauma and exploitation. As specialists with extensive experience, their vision is to support, nurture and empower children in order to transform their lives now and in the future by providing bespoke short and longer-term care.

43. Homes are carefully chosen and purposefully situated in countryside locations, allowing children to feel comfortable and safe away from the distractions of urban areas, so that they can rebuild their self-esteem, confidence and emotional well-being within a tranquil environment. This application will allow a new home to come forward to progress A Wilderness Way's mission: to transform children's lives.

44. As noted in the submitted supporting information, there is an identified and pressing need for Children Homes within the County, in particular for solo-occupancy provision and smaller Homes. A Wilderness Way have an internal quality infrastructure headed by an ex-Ofsted Inspector who delivers compliance and quality

measures in line with the Children's Home Regulations. The organisation also has a Health and Wellbeing Team (that help with therapeutic care) as well as Education and Outdoor Teams. Furthermore, they are registered and regularly inspected by Ofsted, who have the legal responsibility to inspect the Applicant's service and the accommodations, to monitor the quality of life and quality of care being offered to children and to ensure that the service is run in accordance with all relevant regulations.

45. The home will be the primary residence of solely one child, with two trained members of staff providing care. A staff team of six, which includes 2 x senior staff members to provide additional expertise and experience, would work (in pairs) on a rotation of 2- or 3-day shifts, to ensure the child is at the centre of care and staff attention. A responsible individual and Registered Service Manager will oversee the wider staff team and management of the Home. Placements typically run between 17 and 22 weeks on average. Significant work is undertaken prior to choosing properties and, once Planning Permission granted, ensuring children are appropriately housed.
46. Whilst the site is not readily accessible by public transport, this typical of countryside locations and a deliberate choice made by the organisation for the benefit of the child in care. Staff will travel via private car and be encouraged to car share where possible. There is sufficient in-curtilage parking within the site to accommodate all eventualities.
47. For the interests of dwelling security and child safety, the existing footpath which transects the site will be diverted, this has been agreed by the Rights of Way Officer and Durham Wildlife Trust. Existing boundary fenestration will be altered so that areas of Common Land are no longer encroached.
48. The NPPF and Written Ministerial Statement from May 2023, require Local Authorities to give due weight to, and be supportive of, applications for accommodation for looked after children that reflects local needs.
49. The proposal accords with all relevant Development Plan policy and there are no outstanding objections from key consultees, including: Durham Constabulary, Highways Authority, Nuisance Action Team and Children and Adult Services.

The above is not intended to list every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SBOE97GD0L900>

PLANNING CONSIDERATIONS AND ASSESSMENT

50. As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004 the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
51. The NPPF is a material planning consideration in this regard. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. The NPPF advises at Paragraph 219 that the weight to be afforded to existing Local Plans depends upon the degree of consistency with the NPPF.
52. The County Durham Plan is now adopted and is considered to represent the up-to-date Local Plan for the area. Consequently, consideration of the development should be led by the plan if the decision is to be defensible.

53. In this context, it is considered that the main planning issues in this instance are as detailed below.

Principle of the Development

54. The application site is located within an existing hamlet and is an existing residential dwelling located on a residential estate. Consent is sought to change the use of the property to a children's home falling within Use Class C2.
55. Policy 10 of the County Durham Plan would be applicable given the rural location of the application site. The Policy states that development will not be permitted unless allowed for by specific policies in the Plan or Neighbourhood Plan or unless it relates to exceptions for development necessary to support economic development, infrastructure development or development of existing buildings. The application would fall to be assessed under criteria h, which allows for a change of use of an existing building subject to criteria. Of relevance in this instance is criteria 1 and 2 which requires the building to already make a positive contribution to the character and appearance of the area and can be converted without substantial alterations and that the proposal would result in an enhancement of the buildings immediate setting.
56. The application site relates to a stand-alone detached dwelling, (formerly 1 and 2 Fell Cottage) which would be used to provide a form of residential accommodation. In this instance the dwelling is in good condition and the only proposed external changes to the property is the addition of CCTV cameras. As such it is considered that the dwelling makes a positive contribution to the character and appearance of the area and that the proposed alterations are minor in nature and whilst the immediate setting of the building would not be enhanced it would not be altered to the detriment of the existing building. The proposal is therefore considered to be in accordance with Policy 10(h)1 and 2. Policy 10 also sets out a number of general design principles which development must adhere to, in this instance the relevant criteria are 'l', 'p', 'q', 'r', and 't'.
57. The proposal would make use of an existing building therefore Policy 10(t) is met.
58. In addition to Policy 10, Policy 18 of the County Durham Plan relates to children's homes and is therefore relevant in this instance.
59. The property will be for solo provision for one child between the ages of 8 – 17 years old. There applicants have confirmed there would be a team of six staff attached to the property with a Registered Manager (RM) and an Assistant Manager (AM) present throughout the week. At any one time, two trained members of staff would be living at the property. The six staff would work (in pairs) on a rotation of 2- or 3-day shifts (i.e. x3 shift 'teams' of 2 staff members). This is to ensure that each child is at the centre of the care and attention of staff, reducing external distraction and avoiding 'sibling-type rivalry' to meet the child's unique needs.
60. Changeover times will generally occur between 09:30 – 10:00 and the handover period will last 30 minutes. During changeover, where staff presence will be at the highest, there will be 4 members of staff (2 staff members arriving, 2 leaving). The RM and AM will not be present during changeover periods and will 'drop in' separately throughout the week and only between the hours of 09:00 and 17:00. Placements generally run between 17 and 22 weeks on average.
61. At this point, officers wish to draw attention to a Written Ministerial Statement that was issued on 23rd May 2023 by Baroness Scott of Bybrook, the minister for Faith

and Communities. The statement notes that 'the planning system should not be a barrier to providing homes for the most vulnerable children in society. When care is the best choice for a child, it is important that the care system provides stable, loving homes close to children's communities. These need to be the right homes, in the right places with access to good schools and community support. It is not acceptable that some children are living far from where they would call home (without a clear child protection reason for this), separated from the people they know and love. Local planning authorities should give due weight to and be supportive of applications, where appropriate, for all types of accommodation for looked after children in their area that reflect local needs and all parties in the development process should work together closely to facilitate the timely delivery of such vital accommodation for children across the country.'

62. Policy 18 states that in order to promote the creation of sustainable, inclusive and mixed communities, applications for children's care homes, will only be permitted where they accord with a number of criteria listed under a-g including there being a need for such uses and the suitability of the location.
63. The supporting text associated with Policy 18 states at paragraph 5.179: "The children and young people living in children's homes are among the most vulnerable in society. Whilst children's homes have traditionally been for children under 16, provision for young people beyond the age of 16 years old would also be determined against this policy or Policy 15 (Addressing Housing Needs), where they are 16 years and older. In this instance it is considered Policy 15 is only considered necessary if the children were to be considered disabled which is not the case in this instance. Therefore, Policy 18 is to be considered only.
64. An assessment of each criteria is listed below:
 - 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;*
65. Criteria a) of Policy 18 of the County Durham Plan requires new development to demonstrate an established need for the facility. Durham County Council has a duty, as stated in section 22G of the Children Act 1989, to take steps to secure, as far as reasonably practicable, sufficient accommodation for looked after children within their local authority area.
66. The Council has undertaken an assessment of existing children's home provision as detailed in the Council's document; 'Sufficiency Strategy for Children Looked After and Care Leavers 2020-2023'. That exercise has identified gaps in current service provision within this area of care and a requirement throughout the County for small scale children's homes of the type proposed at the host property in particular solo provision which is proposed here.
67. The Council's Children and Adult Services (CAS) team have been consulted for their views on the scheme. Wilderness Way are an established Children's Social Care Provider with a number of Ofsted registered homes across Cumberland, Westmorland and Furness and Northumberland. Those which have been inspected by Ofsted all have an overall effectiveness rating of 'Good.' Durham County Council currently have 2 young people placed in their existing provisions outside of Durham and feedback from the allocated Commissioning Officer and Care Teams is positive.
68. Smaller homes and specifically solo provision are required in Durham in line with the Council's current sufficiency strategy.

69. In this regard it is understood that the application represents an important element in meeting that demand and is specifically referenced at page 16 of the strategy. In light of the above it is considered that sufficient information has been provided to demonstrate that the development would meet Policy 18 a) of the County Durham Plan in that there is a clearly established need for the facility.
70. *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;*
71. Concern has been raised that the proposal is within an unsustainable location with no facilities in close proximity with limited bus links. Children in care are some of the most vulnerable in our society and therefore the location of the site being at an appropriate distance from local services and other facilities is very important to provide them with opportunities to integrate within the area. The property is located outside of the settlement of Satley to the north west, Cornsay Colliery to the north east and Tow Law to the south west but within the smaller hamlet of Hedley Hill. Given the lack of services within Hedley Hill due to its size, future occupiers would need to travel further afield to access services and facilities.
72. In terms of occupants, the Applicant has advised that this is a unique situation given that the business plan for A Wilderness Way homes is that the locations are within the countryside and away from the distractions of urban life for the occupants. Furthermore, given the nature of the use and the age and circumstances of the potential occupants, even if sustainable transport options were available to them, they would not be used given the priority to ensure the safety of vulnerable children in care, the company provide each home with its own dedicated vehicle to safeguard the occupants. It is therefore considered in this instance access to local services and facilities would not be hindered by the lack of existing sustainable transport options.
73. *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;*
74. The proposed home is intended to accommodate one child only as a solo provision. Concern however has been raised that the site may expand in terms of the number of children accommodated. Given solo provision is in need however it is felt that a condition to restrict the property to one child only would be applicable in this instance. The proposal is therefore considered to suitably comply with part c) of Policy 18.
75. *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 (CYPS) and other appropriate agencies;*
76. Concern has been raised that due to the nature of the occupants occupying the property that the current safety/tranquil nature of the area would be compromised. In addition, concern has been raised regarding the Countryside location in that the occupants could be at risk from cattle etc within the area which can be a safety concern if not treated correctly.
77. The Police Architectural Liaison Officer and the Councils CYPS were both consulted for their views on the proposed scheme and have not objected. Notably, the Police Architectural Liaison Officer undertook a locality risk assessment and raised no concerns with regards issues in the area that would place the children at risk. The proposal, therefore, is considered to be in accordance with Policy 18 d). Whilst the

concerns of residents regarding cattle etc has been noted it needs to be considered that the proposal is for one child which is considered to be no different to a normal family house and as such, it is not considered that a refusal reason could be sustained in this instance.

78. *e. it is unlikely to cause unacceptable individual or cumulative impact on residential amenity, fear of crime or community cohesion;*
79. The National Planning Policy Framework is a material planning consideration in planning decisions. Paragraph 96 in Part 8 of the NPPF states that planning policies and decisions should aim to achieve healthy, inclusive and safe places and beautiful buildings which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. Paragraph 135 in Part 12 of the NPPF states that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
80. Objections have been received by a number of local residents raising concerns in relation to crime/fear of crime that could occur from the nature of the residents who would occupy the site.
81. This will be discussed in more detail within the residential amenity section below however, it is not considered that the use of the property for one looked after child would result in an unacceptable individual or cumulative impact on residential amenity, fear of crime or community cohesion than the existing use of the dwelling as a C3 residential dwelling which given the size of the property could also accommodate 1 or more children albeit in a family setting. There is therefore not considered to be a conflict with Part e of this Policy, although further discussion on this is provided below.
82. *f. appropriate measures will be in place to ensure access for emergency vehicles and safety measures such as fire escapes; and*
83. *g. satisfactory outside space, highway access, parking and servicing can be achieved.*
84. In respect of parts f) and g), the proposal has been assessed by highways officers and the access is considered suitable and an acceptable level of parking would be provided for the children's home. Outdoor amenity space is considered acceptable as it would be for the existing use of the property as a residential family home. However, the issues relating to Common Land will be discussed further later in this report.
85. 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. As such, it is considered that part g is complied with. In respect of part f, it is understood concerns are raised regarding the accessibility of the site especially in winter however this will be discussed in more detail in the highways section below.

86. Policy 18 further states that planning applications for children's homes must be accompanied by information regarding the management of the home, together with an assessment to ensure that necessary safeguards can be achieved to ensure the welfare of the looked after children. This will include consideration of any crime or safety concerns in the area, in consultation with Durham Constabulary, DCC Children and Young People's Services and any other appropriate agencies.
87. A management plan has been submitted in support of the application which has been updated in line with the advice of the Police Architectural Liaison Officer. They have confirmed that the management plan has been agreed and that it contains sufficient details with regard to staffing, adhering to the Philomena Protocol and staff training. As such it is considered that the management plan for the proposed childrens home is appropriate.
88. Part 15, paragraph 191 of the NPPF advises that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
89. In relation to part (a) of Policy 18, The Local Authority has a statutory duty, as stated within Section 22G of the Children Act 1989 to take steps to secure sufficient accommodation for looked after children within their local authority area.
90. Taking all the above into consideration and objections received, it is considered that the proposal would broadly comply with the criteria identified within Policy 18 of the County Durham Plan and is in accordance with Policy 10(h) and as such, the principle of the proposal is considered acceptable, subject to further considerations below.

Impact on Residential Amenity

91. Policy 18(e) states that new children's homes will only be permitted where it is unlikely to cause unacceptable individual or cumulative impact on residential amenity, fear of crime or community cohesion. This is supported by Policy 10(r) which aims to prevent adverse impact on residential or general amenity. In addition, Paragraph 130 of the NPPF advises that planning decisions should create places that have a high standard of amenity for existing and future users. In line with this, Policy 31 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. The proposal will also need to demonstrate that future occupiers of the proposed development will have acceptable living conditions. Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated. In addition, criterion (e) of Policy 29 states that all development proposals will be required to provide high standards of amenity and privacy and minimise the impact of development upon the occupants of existing adjacent and nearby properties.
92. The application has received objection from neighbouring residents who raise a number of issues and concerns particularly in relation to fear of crime and impact on residential amenity in terms of community cohesion due to the loss of a family home within a small hamlet setting which is considered to be a tight knit community. They consider this goes against the aims of the County Durham Plan in respect of

providing affordable housing within rural areas. Concern is also raised regarding the privacy of residents regarding the installation of CCTV.

93. The impact of the development upon residential amenity is a key material consideration in determination of this application with particular regard to the requirements of Policy 18(e) of the County Durham Plan and paragraph 195 of the NPPF.
94. Planning policies and decisions must reflect relevant international obligations and statutory requirements. Relevant here is Section 17 of the Crime and Disorder Act 1998 which places a duty on the local authority in the exercise of its functions to have due regard to the likely effect of the exercise of those functions on, and the need to do all it reasonably can to prevent crime and disorder in its area and the misuse of drugs, alcohol and other substances. Whilst this is a qualified duty, crime and the fear of crime is capable of being a material planning consideration. A planning balance between the established need for the facility and these issues, therefore, needs to be considered.
95. In relation to the fear of crime this needs to be objectively justified, have some reasonable basis and must relate to the use of the land, in planning terms, and not be based on assumptions alone. The approach in criteria e) of Policy 18 is consistent with Paragraph 135(f) of the NPPF which states that planning decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
96. Fear of crime can have a detrimental impact upon residential amenity and an individual's quality of life. However, it is not a forgone conclusion that a children's home for young people would inevitably result in an increase in crime, where the fear of crime is considered a material consideration this must be supported by robust evidence, and each application must be considered on its own merits and specific circumstances, avoiding generalisations.
97. As discussed above, the Police Architectural Liaison Officer have raised no objection to the proposal and raised no issues within their locality risk assessment.
98. The Police Architectural Liaison Officer acknowledges that they would anticipate community concerns in relation to police attending the address, however attendance for Childrens' homes is usually to ensure the safeguarding of the individuals within the address and to provide advice and support, rather than dealing with issues of crime.
99. They also confirm that Neighbourhood Policing Teams regularly attend Childrens' homes to engage with staff and children to provide support and advice as a positive intervention to reduce and prevent incidents from happening in the first place. Attendance at the site can therefore take place whether an incident has been reported or not, although it is acknowledged that police officers may also attend the address after an incident has been reported in order to carry out standard enquiries. They conclude by stating that as a force they engage and work with all Childrens' homes throughout the force and depending on the number of children residing and their individual complexities, police involvement and demand can fluctuate significantly from time to time and between Childrens' homes.
100. Whilst it is acknowledged that residents hold fears that crime in the area would increase as a result of the proposal. As the courts have held that the fear of crime is

only a material consideration where the use, by its very nature, would provide a reasonable basis for concern, it is considered that a refusal reason framed around this issue would not be capable of being sustained. As stated above, issues of crime and the fear of crime are material considerations in the determination of the application but given there is no objection to the application from the Police Architectural Liaison Officer, it is not considered that there is a sufficient evidence base on which it could be reasonably concluded that there would be a material increase in crime as a result of the proposals and as such this should be afforded limited weight in the determination of this application.

101. A similar approach is reflected in a recent appeal decision elsewhere in the County in relation to a 7 bedroom children's home where the inspector (in allowing an appeal against the Council's decision to refuse the application) concluded that there was no substantive evidence to demonstrate that there would be a reasonable evidential basis for the fears expressed by local residents and that in the absence of firm evidence that the appeal scheme would materially increase the risk of, or fear of, crime they did not find that the proposed development in that instance, would have a detrimental impact on the living conditions of local residents.
102. Given this, it is not considered that a refusal reason could be sustained or upheld at appeal on crime or fear of crime in this instance.
103. It is not considered that the loss of one family home would have a significant impact on affordable housing or rural housing stock within the County Durham Area.
104. In relation to issues associated with general noise and disturbance associated with the use of the dwelling, it is acknowledged that this would be difficult to quantify due to the varying needs of individual occupiers at the site, it is nevertheless noted that the number of children proposed to be accommodated would be limited to no more than one, and this would be secured by means of a planning condition should approval be granted. Notwithstanding this, it is important to note the small scale of occupation proposed as well as the ratio of staff to children, which would be similar to what could be considered a traditional home environment. One child within the house with two carers present at all times, would mean that there would be a high level of care and surveillance available, allowing any issues to be addressed promptly. In any case the dwelling could accommodate a larger family with a smaller adult to child ratio without the need for planning permission, which in itself could have the potential to result in a similar impact on neighbouring residents from an increase in noise.
105. The application property is detached and separated from other nearby residential properties, with the closest; School House, 30m to the east, Old School 50m east and The Moorcock 240m to the north west. The Council's Environmental Health Section has been consulted and confirm that it is difficult to quantify the impact a children's home may have on a locality in terms of statutory nuisance. A statutory nuisance would equate to excessive and/or unreasonable use of a premises which directly interferes with the rightful peace and enjoyment of someone's property. They confirm that in terms of impact on amenity, they would not envisage a one child children's home will have a significant impact on the local amenity, providing good practice and guidance is adhered to and there is a reasonable level of supervision at all times which they consider can be controlled through a suitable management plan being provided and adhered to which can be controlled via condition. They therefore conclude, that 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 and the application is unlikely to cause a statutory nuisance.

106. Criteria (e) of Policy 29 requires new development to provide high standards of amenity and privacy. The Nationally Described Space Standards (NDSS) is a government introduced nationally prescribed internal space standard which sets out detailed guidance on the minimum standard for all new homes and was created with the aim of improving space standards within new residential development across all tenures. Whilst this standard does not need to be applied rigorously given that the proposed development would not create a net increase in residential numbers, it is a good tool to use to measure the quality of the development.
107. All bedrooms would have a floorspace in excess of 12sq.m and as a whole the property has a floorspace of 196sq.m. Therefore, the bedrooms and overall floorspace meet the requirements of the NDSS. As such it is considered the property does provide an acceptable amount of internal space. In addition, no changes are proposed that would materially alter the ability for anyone within the property to overlook the neighbouring properties.
108. Policy 18(g) states that satisfactory outdoor space must be provided. With regard to outdoor amenity space, concern has been raised that part of the curtilage of Fell Cottage has been enclosed from Cornsay & Hedley Hope Common and is therefore Common Land. The objectors go on to state that the fencing currently in situ to demark the existing garden space does not have the consent of the Secretary of State which is required under s.38 of the Commons Act 2006 and is liable to enforcement action to have it removed.
109. The applicant has confirmed that the land within the red line boundary which extends into the Common Land is under a 1000 year lease to the property. Nevertheless, they have chosen to amend the proposal to include the installation of a 1.1m post and rail fence to section off the existing garden to exclude the Common Land. As such the outdoor amenity space for the occupants of Fell Cottage would be within this fenced area which would not enclose any area of the Common Land nor prevent the legal access to this land. The remaining garden area to the north of the property would measure 976sq.m with a depth of well in excess of the minimum required 9m as set out in the Residential Amenity Standards SPD. Therefore, even with the Common Land excluded from the proposed garden area the proposal has sufficient outdoor amenity space to satisfy both the requirements of Policy 18(g) and the SPD.
110. In relation to the installation of CCTV, there are separate rules and regulations regarding where CCTV can be positioned and as such, providing these are adhered to, it is not considered that this would have a detrimental impact on nearby residents.
111. In light of the above and subject to conditions, it is considered that the development would accord with the requirements of Policies 10(r), 18(e)(g), 29 and 31 of the County Durham Plan and Parts 8 and 15 of the NPPF.

Impact on streetscene and character and appearance of the area

112. Part 12 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creating better places in which to live and work, therefore helping to make development acceptable to communities. Policy 10(l) states that development must not give rise to harm to the heritage, geodiversity, intrinsic character, beauty or tranquillity of the countryside either individually or cumulatively, which cannot be adequately mitigated or compensated for. In turn, criteria (a) of Policy 29 requires development to contribute positively to an areas character.

113. There are no heritage, landscape or geodiversity assets sufficiently close enough to the site to be impacted by the proposal.
114. Concern has been raised that the business use would be out of keeping with the area however, very few changes are proposed with only the addition of 4no. small dome type CCTV cameras, typical of those found on residential properties. There would be no significant internal alterations. The proposal would not significantly alter the external appearance of the building and would retain the properties existing charm and character in keeping with its rural location. It is therefore considered that the proposal would not impact on the character, beauty or tranquillity of the area.
115. The proposal this is considered to be acceptable and in accordance with Policies 10(l) and 29(a) of the County Durham Plan.

Highway Safety / Public Right of Way

116. Criteria (p) of Policy 10 aims to ensure that development is not solely reliant upon unsustainable modes of transport and that new development must be well served by public transport and if not that opportunities to make the location more sustainable must be exploited. Whilst criteria (q) requires development to not be prejudicial to highway safety. Policy 21 states that any vehicular traffic generated by new development following the implementation of sustainable transport measures, must be able to be safely accommodated on the local and strategic highway network; that car parking at residential developments should ensure that a sufficient level is provided for both occupants and visitors to minimise potential harm to amenity from footway parking, and that appropriate provision for electric vehicle charging, including charge points and laying of cables, should be made on both residential and non-residential development where parking is provided.
117. As set out above the proposal is a unique situation with future occupants unlikely to make use of sustainable travel options, even if available to them given the vulnerability of the children in care. Therefore, in this particular instance the lack of access to local services and facilities would not be the result of a lack of sustainable transport options.
118. Nevertheless, staff accessing the site should have options for sustainable travel. The Applicant has provided a Travel Plan for staff which would encourage car sharing and they will provide cycle storage for those choosing to cycle to the site. Concerns were raised with regard to the accuracy of the travel options listed in the document however it has been updated to correct those errors.
119. This is a particularly remote location with the nearest bus stop located 1.6miles south at Ivesley Cottages, this equates to a 37 minute walk or 4 minute car journey. Buses from this stop would connect to Langley Park, Esh Winning, Bearpark, Crossgate Moor and Durham City Centre. There are other services from other nearby villages which connect to the wider area however the closest would be located approximately 2.7miles to the south west in Tow Law therefore it is unlikely these would be accessed on foot. The bus services would connect the application site to train stations in Durham and Chester le Street which would then connect the site to the rest of the UK. It is however unlikely these routes would be used to commute. As such the site is considered to be in an unsustainable location.
120. It is therefore considered that whilst the proposal does not meet the criteria of Policy 10(p) completely the impact of this must be weighed against the benefits of the proposal overall. As set out above it has been demonstrated that there is a significant need for solo childrens' home provision within County Durham. The

proposal would therefore address an existing gap in service provision within the County and help to address a shortfall in the number of spaces available to children in need of care within the region. On balance it is considered that this benefit outweighs the poor sustainability of the site in terms of accessibility.

121. Concern has been raised regarding access to the site being down a single track roadway and particularly in winter the site can be cut off by bad weather which will restrict any emergency vehicles accessing the site.
122. In terms of access to the site and impact on the surrounding highway network, whilst a childrens' home of this nature with a higher level of staff provision could result in more vehicle movements than the average household it is considered by the Highways Officer that it would be unlikely to be significantly greater than that of a large family residing in the property. The timing of vehicular movements associated with the proposed use would also be broadly in keeping with normal daily activity generated as a typical dwelling with regards to school runs, travel to work, shopping and recreation trips etc. As such they are raising no objection to the proposal.
123. In addition, the property currently benefits from 4 parking spaces together with a turning space to ensure vehicles can leave the site in a forward direction. Access to the highway is direct onto an adopted unclassified road which connects to the B6301 to the south. This would remain unchanged as a result of this application. Therefore, sufficient parking and highways access would be provided for the proposed use.
124. With regard to the accessibility of the site during inclement weather. However, it is noted that no objection has been raised by the Highways Officer and the accessibility of the site would not be altered by the proposal. Therefore, the existing occupants or if the property were to continue to be occupied by a single family they too would face the same challenges of living in a remote location as those occupying the property for a childrens' home.
125. Emergency services are used to attending remote locations or locations which may become cut off and have appropriate procedures in place to deal with these eventualities. Childrens and Adults Service initially raised concerns regarding the accessibility of the site, however the applicant has confirmed that the property would benefit from a dedicated 4x4 vehicle to help to maintain access, an back up Uninterruptible Power Supply (UPS) for essential electronics, winter tyres on other vehicles, dedicated supply of grit together with contracts with local contractors for ploughing and gritting, emergency planning and emergency lighting. Childrens and Adult Services have confirmed they are satisfied with the proposed arrangements. It is therefore considered that the site would be accessible by emergency services and that should the property become cut off in inclement weather they are appropriate arrangements in place to manage the situation.
126. Therefore, it is not considered that this proposal would result in a detrimental impact to road safety or a cause a severe cumulative impact to the surrounding road network and as such accords with 10(q), 18(b)(f)(g) and 21 of the County Durham Plan, Parking and Accessibility SPD and Part 9 of the NPPF.
127. Policy 26 (Green Infrastructure) states that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.

128. Public Rights of Way Footpath 10 (Cornsay) and 12 (Hedleyhope) run through the garden area of the site. Concern has been raised as to why they are to be diverted and the existing route of the PROWs closed off, in addition concern is raised with regard to permission from the relevant landowners. The diversion of the Footpaths is required to ensure a secure outdoor amenity space for the future occupier of the property. The PROW team has raised no objection providing a separate application is received to formally amend the route of the Footpaths. The suitability of the new route will be considered during this separate application in line with the appropriate legislation. It is the responsibility of the applicant to ensure they have the correct permission from both the Rights of Way Team and landowners to proceed with the diversion.
129. The footpath would need to be diverted prior to the beneficial occupation of the proposed use and would be controlled by condition to ensure access is maintained throughout. It is therefore considered that subject to a condition the proposal is acceptable and in accordance with Policy 26 of the County Durham Plan.

Broadband Connectivity

130. Policy 27 of the CDP requires new residential development to be served by a high-speed broadband connection unless it can be demonstrated that this is not appropriate. The development would result in the change of use from a C3 dwellinghouse to a C2 children's home. The property currently has access to standard broadband with ultra-fast broadband being installed in the area by the end of 2026. It is therefore considered that given the remote location the applicant would be unable to arrange the installation earlier than the roll out date in 2026. As such given that standard broadband is accessible and high-speed broadband will be available in due course the proposal is in accordance with Policy 27 of the County Durham Plan.

Biodiversity Net Gain

131. Every grant of planning permission in England is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.
132. While every grant of planning permission in England is deemed to have been granted subject to the biodiversity gain condition, commencement and transitional arrangements, as well as exemptions, mean that certain permissions are not subject to biodiversity net gain. Biodiversity net gain has only been commenced for planning permissions granted in respect to an application made on or after 12 February 2024 for major developments and 02 April 2024 for minor developments. Permissions granted for applications made before this date are not subject to biodiversity net gain. There are specific exemptions from biodiversity net gain for certain types of development, of those exemptions, development granted by a development order (including permitted development rights) and development subject to the de minimis exemption, which is where development does not impact a priority habitat and would impact less than 25 square metres (e.g. 5m by 5m) of onsite habitat, or 5 metres of linear habitats such as hedgerows. Therefore, as the application relates to a change of use of a property with the only external changes being a new boundary treatment which would fall within the remit of permitted development, it is considered that in this instance biodiversity net gain is not required.

Other Issues

133. Concerns regarding further work and the requirement for consent from other parties/legal access arrangements are not considered to be material planning considerations.
134. Objectors have raised concern that the environment for the wildlife on the fell has especially been affected in the past by opencast for coal, and just over 20 years ago, it became a foot and mouth burial site which still requires ongoing maintenance to this day by DEFRA. Further risk assessment may, therefore, be necessary as this area could be unsafe for children. As the proposal is for a change of use, it is not considered that any further investigations are required in this instance. A child could occupy the site now as a family home.
135. Whilst objectors have stated that Wilderness Way will be unable to use the Common Land for financial reward and that they are only able to profit from grazing, again this is not a material planning consideration.

Public Sector Equality Duty

136. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic.
137. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

CONCLUSION

138. The council has a duty, as stated in Section 22G of the Children Act 1989, to take steps to secure, as far as reasonably practicable, sufficient accommodation for looked after children within their local authority area. Where a child cannot remain safely at home and comes into the care of the Local Authority, the council becomes the 'corporate parent' for that child. The term 'corporate parent' means the collective responsibility of the council, elected members, employees and partner agencies, for providing the best possible care and safeguarding support for the children and young people who are looked after by the council.
139. The proposal would as set out above would not entirely meet the sustainability requirements of criteria (p) of Policy 10 as the site is not easily accessible via sustainable transport options. However, the proposal would provide specialist housing provision in the form of a childrens' home for a child or young person in need of specialist care. The applicant has demonstrated a need for small childrens homes within the County and the proposal is therefore considered acceptable in principle.
140. For the reasons detailed within this report the development is considered to accord with Policy 18 of the County Durham Plan along with Policies 10, 21, 26, 27, 29 and 31 of the County Durham Plan subject to the conditions, in as much as it would not have any detrimental impact upon residential amenity, the streetscene or character and appearance of the area, highway safety, public rights of way or social cohesion

and crime and the fear of crime. The proposal was also found to be in accordance with the NPPF.

141. Whilst objections have been raised by nearby residents they were not considered sufficient to sustain refusal of planning permission for the reasons detailed in this report.
142. The proposal is therefore recommended for approval subject to the following conditions.

RECOMMENDATION

That the application be **APPROVED**, subject to the following conditions:

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

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

2. The development hereby approved shall be carried out in accordance with the 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 Policy(ies) 18, 29 and 31 of the County Durham Plan and Parts 8, 12 and 15 of the National Planning Policy Framework.

3. The development hereby approved shall be carried out in strict accordance with the following documents unless otherwise agreed in writing with the Local Planning Authority.
 - a. Site Specific Management and Travel Plan received 10 September 2024 as updated under formal review.
 - b. Home and Surrounding area risk assessment received 24 May 2024 as updated under formal review.
 - c. Statement of Purpose (SOP) received 5 April 2024 as updated under formal review.

Reason - To define the consent and ensure that a satisfactory form of development is obtained, in accordance with Policies 18 and 31 of the County Durham Plan.

4. The property shall be used only as a children's care home to provide supported living accommodation to accommodate no more than no.1 young person between the ages of 8 and 17 with 24 hour support from staff. The property shall not be used for any other purpose falling within Class C2 of the Town and Country Planning (Use Classes) Order 1987, or any order revoking or re-enacting that order.

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

5. Prior to the beneficial occupation of the use hereby approved Public Rights of Way Footpath 12 Cornsay and Footpath 10 Hedleyhope shall be diverted in accordance with an agreed Section 257 (Town and Country Planning Act 1990 as amended)

application as shown on plan 'NB23_48/02B Existing Site Plan Proposed Site Plan' received 29 August 2024.

Reason: In the interests of maintaining public access to the Right of Way in accordance with Policy 26 of the County Durham Plan.

6. The parking area shown on plan 'NB23_48/02B Existing Site Plan Proposed Site Plan' received 29 August 2024, 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 21 of the County Durham Plan and Part 9 of the NPPF.

7. Cycle storage shall be provided on site in compliance with the Parking and Accessibility Standards SPD prior to the beneficial occupation of the property and shall be retained for the storage of cycles at all times for the duration of the use hereby approved.

Reason: To encourage sustainable transport modes of travel in accordance with Policy 21 of the County Durham Plan and Part 9 of the NPPF.

8. Details of any external lighting or floodlighting to be installed on the exterior of the building must be submitted to and approved in writing by Local Planning Authority prior to installation on site. Any external lighting must adhere to the ILP guidance notes for the reduction of intrusive light and installed and maintained in accordance with the approved details.

Reason: In the interests of residential amenity in accordance with Policies 18 and 31 of the County Durham Plan.

9. Only the CCTV shown on plan 'NB23_48/02B Existing Site Plan Proposed Site Plan' received 29 August 2024 shall be installed on site. Details of any additional CCTV to be installed on the exterior of the building must be submitted to and approved in writing by Local Planning Authority prior to installation on site.

Reason: In the interests of residential amenity and in the interests of safety relating to fear of crime in accordance with Policies 18 and 31 of the County Durham Plan.

10. The post and rail fencing shown on plan 'NB23_48/02B Existing Site Plan Proposed Site Plan' received 29 August 2024 to segregate the garden area shall be installed prior to the beneficial occupation of the use hereby approved.

Reason: In the interests of residential amenity in accordance with Policies 18 and 31 of the County Durham Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

Submitted application form, plans, supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2023)

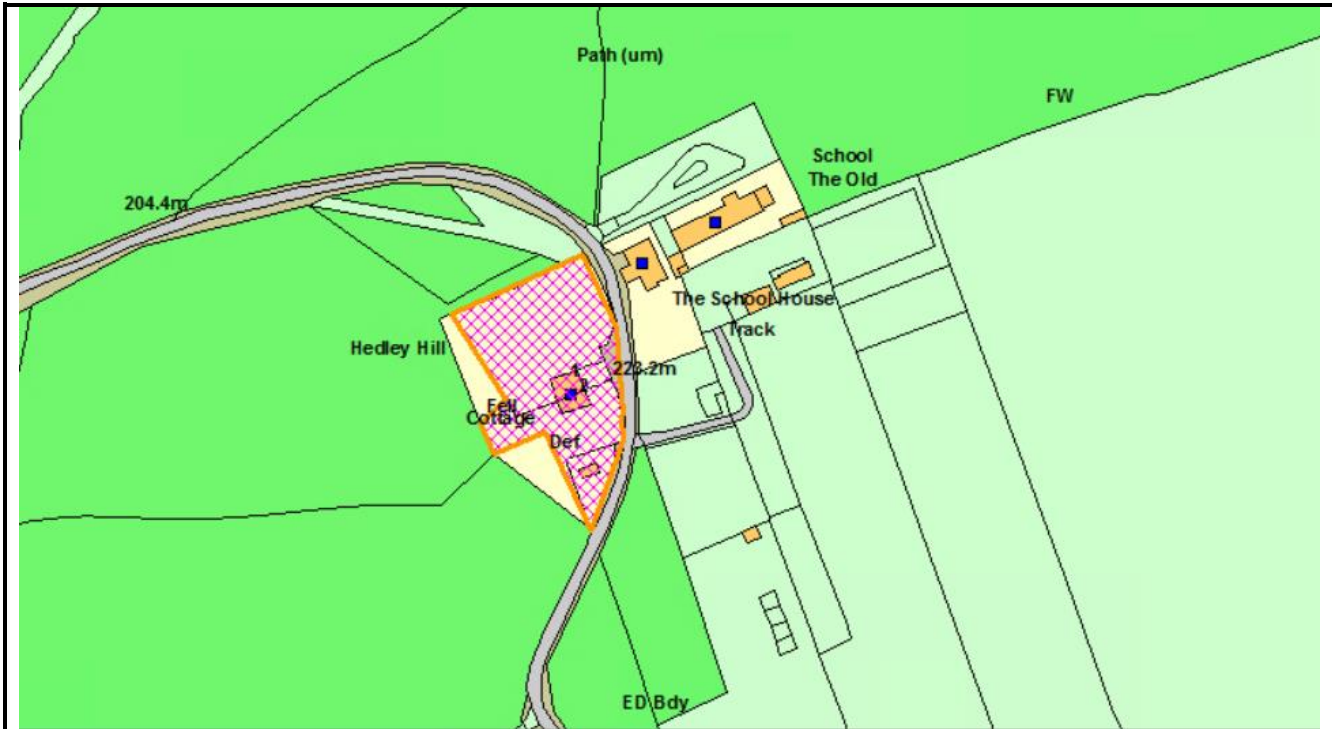
Residential Amenity Standards Supplementary Planning Document January 2023

Parking and Accessibility SPD Adoption Version 2023

National Planning Practice Guidance Notes

County Durham Plan

Statutory, internal and public consultation responses



<p>Planning Services</p>	<p>Change of use of residential dwelling (Use Class C3) to childrens home (Use Class C2) for one child aged between 8-17 at Fell Cottage Hedley Hill Durham DH7 9EU</p> <p>Application Reference: DM/24/00911/FPA</p>	
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	<p>Date: September 2024</p>	<p>Scale NTS</p>

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