

COMMITTEE REPORT

APPLICATION DETAILS

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

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

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

The Proposal

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

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

PLANNING HISTORY

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

PLANNING POLICY

NATIONAL POLICY

6. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
7. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
8. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
9. *NPPF Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
10. *NPPF Part 4 Decision-Making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
11. *NPPF Part 5 Delivering a Sufficient Supply of Homes* - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of

groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

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

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

NATIONAL PLANNING PRACTICE GUIDANCE:

19. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance

Suite. This document provides planning guidance on a wide range of matters. Of relevance to this application is the practice guidance with regards to; conserving and enhancing the historic environment; design; and use of planning conditions.

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

LOCAL PLAN POLICY:

The County Durham Plan:

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

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

24. *Policy 31 Amenity and Pollution* - states that new development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and should be integrated effectively with any existing business and community facilities.
25. *Policy 39 Landscape* - This policy requires that development proposals should not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Whether harm is considered unacceptable will depend partly on the significance of the effects of development on those attributes, and partly on the extent to which the benefits of the development outweigh that harm in the balance of considerations.
26. *Policy 41 Biodiversity and Geodiversity* - Proposals for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for. Proposals for new development will be expected to minimise impacts on biodiversity by retaining and enhancing existing biodiversity assets and features and provide net gains for biodiversity including by establishing coherent ecological networks. Proposals for new development will be expected to minimise impacts on biodiversity by retaining and enhancing existing biodiversity assets and features and provide net gains for biodiversity including by establishing coherent ecological networks. Measures should be appropriate, consistent with the biodiversity of the site and contribute to the resilience and coherence of local ecological networks.

www.durham.gov.uk/cdp

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

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

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

CONSULTEE RESPONSES:

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

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

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

PUBLIC RESPONSES

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

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

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

APPLICANTS STATEMENT:

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

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

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

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

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

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at

<https://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

PLANNING CONSIDERATIONS AND ASSESSMENT

56. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate

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

Principle of development

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

Policy 18 criteria a :- the applicant is able to demonstrate that the development will address any gaps in service provision to the satisfaction of the Local Planning Authority; and

Policy 18 criteria c:- the size/scale of the children's home will allow the occupants to be appropriately matched with regard for each child's welfare and taking into account their individual circumstances;

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

Policy 18 criteria b:- sites offer a positive and safe environment for the occupants of the premises ensuring that there is appropriate access to local services and community facilities;

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

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

Policy 18 criteria d:- the occupants would not be placed at risk having regard to the latest crime and safety statistics in the area and that this has been agreed in advance with Durham Constabulary, the council's Children and Young People's Services and other appropriate agencies;

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

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

71. Policy 31 of the CDP seeks to support proposals only where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment. Development which has the potential to lead to, or be affected by, unacceptable levels of air quality, inappropriate odours, noise and vibration or other sources of pollution, either individually or cumulatively, will not be permitted including where any identified mitigation cannot reduce the impact on the environment, amenity of people or human health to an acceptable level.

72. Part 8 (paragraph 91) of the NPPF seeks to ensure that planning policies and decisions achieve healthy and inclusive places which are safe and accessible so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. Crime and security as a planning matter increased in profile after Section 17 of the Crime and Disorder Act 1998 required all local authorities to exercise their functions with due regard to their likely effect on crime and disorder, and to do all they reasonably can to prevent crime and disorder. The prevention of crime and the enhancement of community safety are matters that a local authority should consider when exercising its planning functions under Town and Country Planning legislation.

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

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

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

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

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

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

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

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

Impact on the Landscape / Streetscene

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

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

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

Highway Safety/Access

84. NPPF Part 9 seeks to ensure that development is only prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
85. CDP Policy 10 requires development is not prejudicial to highway safety. CDP Policy 18, criteria g, requires satisfactory access, parking and servicing and access for emergency vehicles.
86. CDP Policy 21 seeks to ensure that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestion or air pollution and that severe congestion can be overcome by appropriate transport improvements. New developments should provide for appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users.
87. The County Highway Officer has raised no objection to the application and considers the access is suitable and an acceptable level of parking would be provided for the children's home. The level of activity in terms of vehicle movements is unlikely to be significantly greater than that of a large family residing at the property with multiple vehicle users. The timing of such movements would also be in keeping with the normal daily activity to and from a dwelling relating to school runs, travel to work in addition to shopping and recreation trips. Whilst the property may on occasion have an increase in vehicle movements it is not considered that this would be significantly greater than that which could potentially result from a single family with high vehicle use occupying the property.

Other Matters

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

CONCLUSION

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

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

RECOMMENDATION

That the application be approved subject to the following conditions:

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

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

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

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

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

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

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

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

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

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

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

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

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

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



Planning Services

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

Date
January 2021