

## **DURHAM COUNTY COUNCIL**

At a Meeting of **Area Planning Committee (South and West)** held remotely via Microsoft Teams on **Friday 15 January 2021 at 9.30 am**

### **Present:**

**Councillor J Clare (Chair)**

### **Members of the Committee:**

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

### **Also Present:**

Councillor L Maddison

#### **1 Apologies**

Apologies for absence were received from Councillors E Huntington and G Huntington.

#### **2 Substitute Members**

There were no substitute Members in attendance.

#### **3 Declarations of Interest**

There were no declarations of interest.

#### **4 Minutes**

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

#### **5 DM/20/01831/FPA - Shieldfield House, Loggins Farm, Tudhoe, Spennymoor**

The Committee considered a report of the Planning Officer with regards to the change of use from Dwelling House (C3) to Residential Institutions (C2) - for 3 children between the age of 8 - 18 and associated support staff at

Shieldfield House, Loggins Farm, Tudhoe, Spennymoor (for copy see file of minutes).

Councillor L Maddison confirmed that this application site was not within her electoral division however it would have a direct impact on residents who lived there, some of which had contacted her with concerns about this application.

The property was next to main pathway between Coxhoe and Tudhoe, used by children travelling to the primary school and families regularly walked or cycled along it. The footpath was adjacent to the busy B6288 road which was a main route to Durham from Spennymoor and the surrounding areas and was also used as shortcut from Bishop Auckland. Leaving the 30mph road, motorists often overtook at 40mph on a bend and incline where Shieldfield House was situated. A speed traffic monitor had been placed on this road due to the safety concerns of residents.

Councillor Maddison advised that parking on the road outside of Shieldfield House would be hazardous and the report stated that would be two staff members, a Manager and an additional staff member on site. For the number of staff required and visitors from other services, the driveway was inadequate and there was no turning circle. She had witnessed residents reversing out of the property onto the road and visitors would likely need to park on the road, with double garage having to be utilised for parking.

The report recommended that children from County Durham should be placed in the home but there was not a condition to ensure that would be the case and the police had advised that children from out of the county were more likely to abscond.

Police had also confirmed that whilst low level of issues in this area they were also responsible for Spennymoor area where in the six months previous they had dealt with significant number of issues relating to missing from home children. This was resource intensive and therefore directed resources away from other areas. A home for children with such needs could place increased demand on the police and children's services. These were the reasons a similar application in Spennymoor had been rejected by the police and objected to by residents.

Councillor Maddison advised that an electrical transmission pylon was situated in close proximity to the property and a second across the road and she had read a significant number of technical reports about the health implications of living near these pylons.

She asked the Committee to reject the application on the grounds of highway safety and inadequate access, no local need, increased demand on police services and the effects on residents' mental health and wellbeing.

Mrs Serajian, objector, confirmed that she had lived in her home opposite the proposed development for 20 years and had never felt as afraid and frightened as she did about this development.

She continued by focusing on the objections summarised by Croxdale and Hett Parish Council and raised by almost 60 local residents;

- The location of a children's home in a small village with limited facilities to keep young people occupied and the proximity of the Tudhoe Colliery Primary School – many of the children walked past the proposed development site on the way to school
- The potential increase in crime and anti-social behaviour caused by the facility and concerns that the local community would live in fear of such activities, undermining community cohesion and impact negatively on the character of the area
- Lack of need – County Durham had more children's homes than any other county in the country
- Security – as with the HSE initial concerns over the dangers and the potential increase in demand on the emergency services, mainly the police
- Insufficient access - Car access and parking unsatisfactory particularly at shift change and family visits
- Inexperience of the applicant who had never operated a children's home and no track record to ensure it would be adequately and safely operated

There had been previous applications by the applicant for the change of use of other dwellings to children's homes (one of which was in Spennymoor), which had not been supported by the Councils Children and Adults Services or Durham Constabulary.

Durham Constabulary had previously expressed concern about the number of residential care homes in the area and this proposal could increase the existing anti-social behaviour in the area. The police had also acknowledged that a rural location could be problematic if children went missing from home and could increase fear of crime in the community.

Spennymoor was the nearest town and had already suffered a significant number of incidents involving missing from home young people, which had

proven to be resource intense. The police had advised that placements should be from the local area as children out of area were more likely to abscond, however this was not guaranteed.

Child and Adults Services had advised that a Durham first approach was being adopted so that children from County Durham would have the first option of being placed but this was not guaranteed. On previous similar applications Children and Adults Services had advised that there was no local demand so it was more likely that children would be from out of the area.

The Planning Officer had referred to the Local Plan Policy 18, Children's Homes which stated that the development should have no unacceptable impact on the character of the area and it would not impact on the quality of life or community cohesion through fear of crime. She referred to part 8 paragraph 91 of the NPPF, which sought that planning decisions did not undermine the quality of life or community cohesion.

Mrs Serajian asked the Committee to refuse based on the concerns raised by the Parish Council and nearly 60 local residents who believed it would impact on their quality of life. She also asked the Committee to consider the proximity of the school and concerns raised by police.

The Principal Planning Officer confirmed that Children and Young People's Services had confirmed that they struggled to find appropriate regulated placements within the County and identified gaps for smaller residential homes for these specific types of children with emotional and behavioural needs. Condition 3 required the applicant to agree a management plan to be formulated in conjunction with Children and Young People's Services and Durham Constabulary to ensure a Durham first approach was embedded into their strategies.

With regards to the response from Durham Constabulary, they had highlighted the pressures in the area that these uses generated but had ultimately come to the conclusion that the location was acceptable due to the number of children proposed to be accommodated in the home. In addition, it was in a transitional area of rural/urban environment. Fear of crime and community cohesion was a material planning consideration but overall, the police felt the size of the scheme would not tip the balance.

The Principal Planning Officer confirmed that the proximity of the pylons to the site was not felt to be an issue and he advised that it was currently a 6 bedroom residential property. The Highways Authority had raised no objection with regards to highway safety and therefore an objection on highways grounds could not be sustained.

The Castle Group had been liaising with Children and Young People's Services who had not raised any objection. With regards to previous applications, the Principal Planning Officer advised that they had faced different challenges but reminded Members that all applications had to be determined on their own individual merits.

Mrs M Kelly, supporter, confirmed that she would focus on the objections raised. The proposal was for a 3 bedroom children's home for an age range of 8-18 years. The home would be focused on young people with emotional and behavioural difficulties, which were often as a result of trauma.

The property would operate shifts from 9am to 9.30am the following morning to have consistent staff which assisted with behaviour management. They would build in the additional scope to deploy a third member of staff if needed. Areas that would require police involvement would mainly be children missing from home and anti-social behaviour, however having had 8 years experience working in this environment, challenging behaviour could be avoided with behaviour management and encouraging positive behaviour.

With regards to parking issues, there would be two members of staff on shift who would often car share and would not leave the site until the end of their shift. There would be a car allocated to the home to transport the young people to appointments or educational settings and the potential of a third vehicle for the additional member of staff. As Manager, she did not travel to work in a car and she confirmed that any appointments from external organisations would be carefully managed through diary appointments.

To reduce the feel of an institutionalisation the key was to create a warm environment where young people felt safe, keeping visitors minimalised and therefore it would not be appropriate to have people visiting often. Many of the meetings would take place off site and there would be no need to park vehicles outside of the premises.

Many of the children were trauma based and the proposal would deliver support and nurture to a high level, which reduce crime and antisocial behaviour.

The Principal Planning Officer reiterated that a condition was proposed for a management plan to be submitted with input from key consultees and this could include a strategy to ensure effective car parking on site.

In response to Councillor L Brown, Ms Kelly confirmed that she was the proposed Manager for the children's home. Councillor Brown noted that there was no statement of community involvement attached to the application and asked what steps had been taken to reduce residents' fear or crime and

referring to her statement asked how she would promote positive community spirit.

Ms Kelly confirmed that the young people would be supervised consistently, even when out in the community. Only when a young person was safe, comfortable and engaging positively would they be allowed to go into the community unsupervised. They would engage in various in house activities and any external activities would be supervised, the location of which would depend on whether activities were available in the local area or city centre. She was not fully able to answer as it would be dependent on the young people's needs, age and interests.

Councillor Maitland asked for further details of the shift patterns and Ms Kelly confirmed that the Manager working from 9-5 Monday to Friday and there would be two staff on each shift with a team of ten altogether. They would work on a rotation basis, starting at 9am and completing a 15 minute handover. They would go to bed at 11pm at night, with the young people and the following day they would handover at 9am. The reason why they kept staff to a minimum of two members of staff on a shift, was that it built relationships with the young people and staff members, and from experience consistency managed behaviours.

Councillor Richardson confirmed that he was a member of the Corporate Parenting Panel and wondered why the applicant had applied, having had no experience of running a children's home. There were some concerns with regards to unregulated children's homes that the Council had no control over.

Ms Kelly confirmed that she was aware that one Member of the group had a background of helping young people within the community and that all work within the home would be regulated by Ofsted and would follow legislation and safeguarding procedures.

Councillor Jewell referred to the parking issues raised and asked for clarification of the capacity of the garage and in curtilage parking, noting that there were no objections from the Highways Authority

The Principal Planning Officer referred to the proposed site plan and confirmed that there was capacity within the garage for four vehicles and room for another two to three vehicles in curtilage vehicles. He advised that the access would be retained, there were some gates set back from the highway and a wide access road. No objections had been raised by the Highways Authority. He confirmed that there was scope to manoeuvre vehicles depending on how many were parked.

The Principal DM Engineer confirmed that the parking provision was suitable for a six-bedroom property and given the number of people who would be

working and living at the site, there would be no material change to the number of vehicles. In terms of the access, there had been no accidents and there was not expected to be an increase or an increased problem with vehicles moving in and out of the property. The road was restricted to 40 mph but this was a wide road with adequate capacity and the visibility afforded from the access was more than adequate for the speed of vehicles on the road.

Councillor Zair referred to youths congregating outside of a similar home in his division and asked whether there was a strategy to ensure this would not happen. Ms Kelly responded to confirm that if young people had friends coming they would be invited into the property or they would meet friends off site. She advised that there would be no need to congregate at the front, there was ample room within the boundary of the property and inside to meet. If they were not appropriate friendship groups, they would be challenging it.

Councillor Atkinson confirmed that he was looking at a change of use proposal for three children. The issues raised directly involved the management of the home. Most of the objections could be dealt with if the home was managed correctly. He considered the difference this could make to these young people's lives to be beneficial and if there were issues in future, which was only a presumption, he believed they could be dealt with by relevant bodies and therefore he was minded to approve the application.

Councillor Jewell confirmed that this was an emotive subject however the fears were based on assumptions by the objectors. If this house stayed the way it was now, this would not guarantee that those fears were alleviated as a family of 6-8 people could move and cause the same fears relating to highways, parking and fear of crime. He confirmed that he was minded to approve.

Councillor Richardson confirmed that he was a member of the Corporate Parenting Panel and in the past had visited many children's homes and residents were right to be concerned. Often the staff knew where these young people were however they had to be reported missing. He sympathised with residents but he had experienced the amount of good that children's homes had done for damaged children, despite them making some mistakes along the way.

Councillor Brown said that policy stated that the applicant must alleviate the residents fear of crime and she did not feel that they had done that. She asked if something could be added to the management plan to alleviate those concerns and the Principal Planning Officer confirmed that the condition could be amended to set up a community engagement forum for residents and management of the care home to engage on a regular basis.

Councillor Brown asked for details of the inspection regime of private children's homes and Paul Shadforth confirmed that if subject to Ofsted it would be the same as DCC ran homes.

Councillor Blakey confirmed that as Coxhoe division she had attended Croxdale and Hett Parish Council meetings and had serious concerns about this application. She had no objection to children's homes, she had had both private and DCC homes in her area and problems with both, but there was no guarantee that children placed would be from County Durham. There were concerns with the speed of traffic which had been ongoing for six years and more recently increased since the installation of a bus lane. Young children walked from Coxhoe to Tudhoe and she believed the access and egress could cause a problem despite the comments from the Highways Authority.

Councillor Blakey advised that police had to be called when a child went missing from home and when considering activities locally and Spennymoor Town Centre already had major antisocial behaviour problems. Durham City Centre was not suitable for young people either.

With regards to community involvement, Councillor Blakey could not foresee any engagement as this was a rural house, she considered the location to be unsuitable and noted applications for other private and Council ran homes, which confirmed that there was a need, but not in this location. She was minded to vote against the recommendation.

Councillor Atkinson moved the recommendation for the application, seconded by Councillor Jewell subject to the amendment of condition 3.

Councillor Brown proposed going against the recommendations, subject to paragraph 5.186 of the NPPF seconded by Councillor Blakey.

**Resolved:**

That the application be approved subject to the conditions outlined in the report subject to the amended condition 3 as follows;

Before the building is occupied, a management plan for the children's home which shall include the level of staffing, 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, and a policy for the establishment of a community engagement strategy and forum, shall be submitted to and approved in writing by the Local Planning Authority. The management and operation of the site shall thereafter be adhered to in accordance with the approved document.

**a DM/20/03305/FPA - The Oaks Secondary School, Rock Road, Spennymoor**

The Committee considered a report of the Planning Officer with regards to an extension to the school, relocation of external gym area, additional parking and extensions to car park at The Oaks Secondary School, Rock Road, Spennymoor (for copy see file of minutes).

Councillor Maddison, Local Member, confirmed that the report had detailed her representations and that some action had been taken to alleviate her concerns. She referred to traffic issues along Rock Road which had resulted in road markings and the installation of bollards, confirmed that further road markings were still to be completed.

Councillor Maddison confirmed that vehicles transporting children, which were usually minibuses, parked up on Rock Road in advance of the school gates being opened. The vehicles were tailed back to Kirk Merrington and pedestrians had to cross the road between parked cars.

Councillor Maddison had asked Planning Officers to look at car parking arrangements and they had done so, providing an additional ten car parking spaces. She referred to the document which indicated the number of staff attending the school and highlighting that the visitor spaces were occupied by the staff and it was therefore extremely difficult for to park on site.

She continued that there were 140 staff and 73 existing car parking spaces and the proposal would increase this by 42 spaces. This was not enough as staffing was to be increased by 22 leaving a shortfall of spaces. There would also be an increase in large vehicles queuing along rock road due to the increased school capacity. Councillor Maddison referred to the large grassed area between the perimeter fence and the building and asked why that was not considered to be parking provision when the application was below the normal requirement.

Councillor Maddison confirmed that she did not object to the application as this was a good school providing much needed facilities, however she had concerns from residents and local members with regards to the parking on site and the vehicles on the road, that she would like to overcome.

There had been the introduction of a travel plan but when the building was finished and there was additional traffic she asked for a further review to take place to see if there was a possibility to create additional parking spaces.

Councillor Blakey referred to the green area within the school and asked whether consideration had been given to a loading road on the site and

Councillor Brown sympathised with the residents and queried the public transport arrangements on Rock Road.

The South and West Planning Team Leader responded to suggestions on additional parking provision and advised that the school needed to be able to operate as a special school with pupil needs and to start removing green space may result in objections from Sport England. He advised that when the application was first approved in 2003 it had 43 spaces which was an over provision at the time. There was a limit to what could be done in terms of additional parking without affecting the way the school operated. With regards to issues off site, it was particularly quieter at this part of Rock Road and issues tended to be further up towards the other primary school, something which was not able to be alleviated by this application.

The Strategic Manager (SEND Strategy, Asses) spoke on behalf of the Applicant and confirmed that the extension was in response to the strategic intention set out by the Council for children and young people with SEND who needed support to stay in education. This was detailed in the High Needs Block report which went to cabinet on 15 January. This had been agreed in order to look at local services rather than the use of high cost, independent provision which was out of county.

The Cabinet further agreed to continue work with Head Teachers in special schools to extend the range in County Durham. He continued that the strategic need was to accommodate a specific group of children with autism which required high levels of staffing. The reason for choosing The Oaks site was that it was a central school and young people attended from all over the County. Most went to the nearest and most appropriate but parental preference had to also be considered and this was a quality school, with Ofsted rated outstanding provision and this guided preference and also decision making, to build on excellence.

Despite challenges with transport this was quite a new provision and there was a large and extensive playing field. It had been considered however was not appropriate due to playing field and green field strategies.

The Principal DM Engineer advised that there were bus routes running around the area, although not directly outside of the school which had been considered with regards to parking provision. The site was just on the periphery of the 800m accessible walking route from the Town Centre, which would have reduced the parking space requirement within the Councils policy. Because it was just outside of the 800m, the Highways Authority had required as many spaces as could be provided. In order to provide more they would have to remove some of the grassed areas that were playing fields and that would create a risk of an objection from Sport England.

The Principal DM Engineer confirmed that they had also considered whether a layover position could be provided and the options which were considered would require removal of green space and would create safety issues. With regards to visitor parking, there would be dedicated visitor bays provided.

The Chair reminded Members that the Committee could not amend the plans they could only consider the application in front of them.

Councillor Tinsley confirmed that the application had been called in on grounds of concerns relating to traffic generation, highways safety, road access, adequacy of parking and road access but there had only been one public representation received and it was neither for or in support or objecting to the proposal and therefore he did not see it was an issue in the local community.

Councillor Jewell advised that as a country we were trying to reduce the use of cars and yet a parking application that was in part driven by additional parking spaces. Also trying to use the planning process to address the taxi vehicles when there were other processes that could

Councillor Shuttleworth confirmed that this application would benefit children in County Durham and moved the recommendation for approval, seconded by Councillor Tinsley.

**Resolved:**

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