

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION No:</b>	DM/22/00186/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	To change the property from a residential dwelling into a Children's Home for up to two children and young people aged between 8 to 17 years old
<b>NAME OF APPLICANT:</b>	Durham County Council
<b>ADDRESS:</b>	Elderhurst 26 Lobley Hill Road Meadowfield Durham DH7 8RQ
<b>ELECTORAL DIVISION:</b>	Brandon
<b>CASE OFFICER:</b>	Jennifer Jennings Senior Planning Officer Telephone: 03000 261057 Jennifer.jennings@durham.gov.uk

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site is a two-storey detached property that sits amongst a line of dwellings fronting the main thoroughfare through Meadowfield. Internally the dwelling has four bedrooms and an attic room, with lounge, diner and kitchen and other rooms. To the rear there is a two storey extension and a small yard area, with access gate leading to an unadopted lane providing vehicle access to the rear of all dwellings along this stretch, with hardstanding areas / garages for car parking. Beyond this, lies the rear garden spaces for each of the dwellings. The garden space associated with the application site is largely grassed over with boundary hedges and trees. To the front of the garden area is a hardstanding area for 4 vehicles.
2. Residential uses immediately surround the site to the north, south and east. Opposite the site, across the main A690 road to the west, there is a large public open space, a sports centre, along with Council Offices and associated parking. Further south of the site are industrial units associated with Meadowfield Industrial Estate.

#### Proposal:

3. Consent is sought for the conversion of this dwelling to create a children's home for up to two children between the ages of 8 and 17 years old. No external alterations are proposed to the dwelling, apart from general maintenance and repairs, but a 1.8

metres high fence is proposed around the garden area, with the rear yard boundary increased in height where required to 2 metres.

4. The home would be operated and managed by the Council's Children's and Young People's Services (CYPS).
5. The application has been referred to committee at the request of Councillor Elmer due to concerns that the application has the potential to undermine the cohesion of the community in the area through possible increases in anti-social behaviour and noise that it may generate.

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## **PLANNING HISTORY**

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

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

7. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
8. 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.
9. 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.
10. 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 and that the needs of groups with specific housing requirements are addressed.
11. 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.
12. 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.

13. 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.

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

#### **NATIONAL PLANNING PRACTICE GUIDANCE:**

14. 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

15. Policy 18 (Children's Homes) states that new 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.
16. 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 to have regard to Parking and Accessibility Supplementary Planning Document.
17. Policy 29 - Sustainable Design requires all development proposals to achieve well designed buildings and places having regard to SPD and sets out 18 elements for development to be considered acceptable, including: positive contribution to areas character, identity etc.
18. 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 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 locating of 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.

##### Neighbourhood Plan

19. The application site is not located within an area where there is a Neighbourhood Plan in force.

*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>*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

20. Highway Authority raise no objection.
21. Police Architectural Liaison Officer – have responded on the scheme and raise no objections. The submitted Statement of Purpose document is considered to meet the requirements associated with the management plan. They request CCTV be installed at the dwelling along with window opening restrictors.

### **INTERNAL CONSULTEE RESPONSES:**

22. Environmental Health – No objections. Noise sources that could impact on future occupiers would be from A690 and Industrial Estate, but given current residential use and neighbouring residential properties no concerns are raised.
23. In terms of proposed use, some potential for increased noise due to needs of proposed occupiers, but management plan indicates this can be suitably addressed. This indicates that the development will not lead to any greater adverse impact than where a family with a similar number of children with specific needs could reside at the address without the support suggested. It is however recommended that a condition be applied limiting occupancy to no more than two children.
24. Trees section – no trees within the garden area that would warrant a TPO.

### **PUBLIC RESPONSES:**

25. The application has been advertised by means of site notice and by notifying neighbouring residents by letter.
26. To date, 25 letters of detailed objection have been received from surrounding residents. The comments are available to view online. The following is a summary of the concerns received:
- Concerns with regards use of a dwelling within a quiet residential area for troubled children.
  - No dwelling along the street has any children, the residents are all elderly
  - Occasionally grandchildren come to visit dwellings along the street and concerns about their safety in close proximity to a home with children with behavioural problems
  - Concerns with regards an existing rise in crime in the wider area with gangs of youths roaming and causing problems. Police already have enough to deal with
  - Concerns with regards the circumstances that have led to the youths needing to be in this home
  - Issues with regards noise and anti-social behaviour that would result from this new use
  - Insufficient car parking available for the number of staff required as well as potential visitors

- Concerns over the amount of traffic it will generate and the disruption to existing residents, particularly on the rear private access road
- Find the application very unsettling and disturbing news as significant concerns over impacts this will have on existing residents in terms of security and general wellbeing.
- Concerns that the children have complex needs and no indication about what this will entail or how this will affect existing residents.
- Specific questions about who the proposed children will be and how the home will operate in terms of visitors
- Concerns over location of site notice for notifying residents and issues raised over number of letters sent out.
- The existing number of bedrooms exceeds the number of proposed children who are intended to stay there and there are concerns there may be more than just 2 children staying at the site.
- Property would better serve a family and should be retained in this use
- Children not from the area and the use of the property would serve a transient population and would not contribute to the community
- These homes create huge service requirements from police and other local services.
- There is no wider community benefit from creating these establishments in this location other than fear and anxiety
- Concerns that location makes it too easy for children to go missing and being exploited, due to ready access to public transport and Durham City
- Children would be better located in a rural location away from populated areas where problems may occur.
- A children's home in this location will attract other youths with behavioural problems detrimentally impacting on existing residents and increasing fear of crime.
- Issues raised with regards future children trying to cross the busy A690 and potential risks of serious injury.
- Do not consider that enough reassurances can be provided that there will not be an increase in anti-social behaviour in the area and the existing residents will not be unduly impacted.
- Queries over maintenance of rear private road resulting from constant comings and goings of various staff.
- Increased fence height would make the property and garden stand out more.
- Consider that the proposal would not accord with policy 18, in particular, the new use would undermine existing residential harmony and amenity.
- No submitted documents provide any indication of how the new use will ensure continued community cohesion and that it will not result in increased fear of crime.
- Concerns that the application is vague and there is no indication or understanding of the types of behavioural problems that the children will have.
- Conflicting information in relation to educational level of staff as well as frequency of Ofsted visits.
- Insufficient assurance provided in relation to parking and no way to ensure excess cars would park across the street at the leisure centre car park. Concerns that proposal will add to an already congested street and impact on the grassed verges in the area
- Consider that it would be unreasonable to expect existing residents to knock on the door of the proposed home in the event that there are issues of noise.
- Objection to the scheme on the basis that it may introduce problems of crime which will impact on local businesses in the area who have managed to operate to date without any problems.
- Concerns over the extent of physical restraint that children will need and the impact on existing residents having to witness this type of distressing situation.

- Noted a similar development at Coxhoe where neighbouring resident had significant issues with residents of the care home. Consider that this sums up all the concerns raised by residents associated with the current property
- Further to discussions with the applicants involved in the current application, residents are more fearful particularly as parents will know where their children live and this could cause further upset and disturbance when they visit.
- Concerns regarding impact on community cohesion – small residential street would be split in half and have a four space, work car park in the middle of the only existing communal area for these residents. A council run facility in this location would result in an imbalance.
- The current communal space is small and well used by residents for socialising and playing and this would be significantly disrupted by business use taking place at the site
- Proposal has generated strong objections and if it goes ahead relations between the facility and residents would be poor, impacting on community cohesion. No reference within the application to the unique community structure that exists and how the new use will impact on this.
- Any issues that would take place at the young persons' facility would be magnified due to the small, unique structure of this residential street.
- Rear lane is a main pedestrianised access to the allotments and gardens and is used by children for playing and residents to socialise, due to proximity of A690 to front of houses. Introduction of a business use would disrupt this through increased vehicular movements, deliveries, and visitors. Size and layout of lane would necessitate a number of manoeuvres, resulting in highway safety issues and the number of visitors would create excessive parking at the rear lane,. This is considered to represent demonstrable harm to communal activities and highway safety and damage to road surface.
- Also use would result in numerous strangers attending the site that neighbours won't easily recognise leading to fear of crime.
- Concerns that the Council has misjudged the street as residents like to keep themselves to themselves and don't do BBQs together and meet for drinks. This would leave these looked after children coming to live on the street feeling rejected, ostracised and worsen their insecurities, which would make them want to get away. They need to be around an area with an increased community feel and families nearby, not elderly residents.
- The Council have not got the best interest of children in mind and have not done a risk assessment of the area. Details of crime figures submitted with the objection taken from streetcheck.co.uk show numbers of incidents of crime in the post code area.
- Concerns for family living next door to house and the fact that home would look like a prison with high fences and CCTV.

#### **APPLICANT'S STATEMENT:**

27. Durham County Council, Children and Young People's Service are seeking to purchase and register the property as a Children's Home with Ofsted. The home will care for no more than two children at any one time. Children are no longer able to live with their parents for a number of reasons i.e. neglect, domestic abuse in the family, parental substance misuse, poor parental mental health, limited parental boundaries and unable to keep the child safe. When it is no longer safe for children to live with their parents or family, the Local Authority become their Corporate Parents.
28. The property that we are seeking to purchase and register as a children's home, is a four bedded, detached property and provides good living space. There is an enclosed rear yard, a garden and dedicated off street parking for four vehicles. The

property is ideally located, is not overlooked, has good access to local transport into Durham City Centre and has good access to local shops and amenities / activities.

29. A skilled and experienced Homes Manager has been appointed who will provide day to day management oversight of the home and will be the point of contact for any questions, queries or concerns relating to the home. The Manager has already introduced themselves to a number of immediate neighbours to the property, providing information about the scope of the proposed home, answering all questions and sharing contact details.
30. A Responsible Individual, will have overall responsibility for the effective operation of the home and will provide scrutiny and challenge, ensuring that the home is compliant with children's home regulations.
31. A broader staffing team consisting of experienced Residential Workers, will provide ongoing care and support to children living in the home with 24/7 staffing provided at all times by two experienced, qualified workers. Staff will closely monitor children, supporting them to access school and encouraging them to participate in hobbies and activities.
32. We maintain a positive, pro-active relationship with Community Police Officers to ensure that our children are safe within the community that they live in. Community Police develop a close working relation with young people that live in the home and they also support staff to develop strategies which support both the young people and the wider community.
33. The property has four dedicated parking spaces to the rear of the property, for staff to park. If additional parking provision is required for a visitor to the home, they will be required to park in the Leisure Centre car park, directly opposite the home, which is owned by Durham County Council.

As highlighted with a number of residents that we have met, it is important that the home integrates within the local community, that we develop positive relationships with our neighbours and that we give back to the local community. We are keen to engage and participate in community life and will remain in regular contact with our neighbours, offering coffee mornings and organising other community fund raising events. We will be a considerate neighbours, and will always support and encourage the children that we care for to do the same.

*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=P8X9C0GDL8J00>*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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34. 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. The NPPF is a material planning consideration in this regard.
35. The County Durham Plan, adopted in October 2020, is the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. Consequently, consideration of the development should be led by the plan if the decision is to be defensible.

36. In this context, it is considered that the main planning issues relate to the principle of development, impact upon residential amenity, including crime, fear of crime and social cohesion, and impacts on parking, access and highway safety.

#### Principle of Development

37. The proposal seeks consent for the change of the existing dwelling house to a children's home for two young people between the ages of 8 and 17 years old. Policy 18 of the County Durham Plan relates specifically to children's homes and is the relevant policy for consideration of this proposal.
38. The policy 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:
- 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;
  - 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;
  - 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;
  - 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;
  - e. it is unlikely to cause unacceptable individual or cumulative impact on residential amenity, fear of crime or community cohesion;
  - f. appropriate measures will be in place to ensure access for emergency vehicles and safety measures such as fire escapes; and
  - g. satisfactory outside space, highway access, parking and servicing can be achieved.
39. The policy 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 are put in place to ensure the welfare of the 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.
40. In relation to part a) of the policy, the Council has produced the following report: 'Sufficiency and Commissioning Strategy for Looked After Children and Care Leavers 2020-2023'. Within this document it makes clear that there has been an increase by some 51% of children looked after by the Local Authority rising from 605 in 2014 to 914 in March 2020, with a further 4 per cent increase from March to September 2020. 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.



41. The report goes on to detail the accommodation strategy for these young children, highlighting fostering and adoption routes for children to live within a family environment where possible, although they further note there is a shortfall in supply for this type of home placement. In-house residential care is a further accommodation solution, and the report highlights how this provision can provide a suitable and positive outcome for some children. However, they note a further shortfall in this type of accommodation, in particular noting there is a requirement to provide further smaller homes (1-2 bedded homes) to suitably accommodate children in need of a smaller setting, as highlighted within page 16 of the report. The current application would be considered to address this service gap and part a) of this policy is therefore considered to be met.
42. The proposals are also considered to accord with part b) of the policy. The application site is an established residential dwelling located within the settlement of Meadowfield. The immediate vicinity is residential in character, but the wider area has a broad mix of uses, including commercial and recreational, offering ready access to a wide range of services, such as shops, schools and community and leisure facilities. The site is also close to bus stops allowing easy connection to Durham City. The dwelling itself is large in size with ample internal space for day to day living for the looked after children, along with a private garden space to the rear. In this regard the dwelling would be considered to suitably provide a safe and positive environment for these children in line with policy 18b).
43. The proposed home is intended to accommodate no more than 2 children and this could be secured through planning condition. As referenced already, the provision of small-scale homes has been identified as a service requirement to ensure appropriate level of care can be provided which can suitably match the particular child's needs. The submitted 'Statement of Purpose' document that accompanies the application sets out a clear mission and standard of care that is centred on providing a nurturing environment that is welcoming, safe and supportive of each child's needs. The document sets out how the spaces within the house can be used to help deliver on the level and range of care required for each child. The proposals are therefore considered to suitably comply with part c) of this policy.
44. Criterion d) of Policy 18 states that new children's home should ensure that 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. A locality risk assessment has been submitted in support of the application. Whilst some incidences have been recorded within the wider area, the extent of issues are not considered problematic or of risk to any future children in care moving into the area, such that a refusal could be sustained. The application has been submitted by the Council's CYPS and in accordance with their criteria, as required by this part of the policy. In addition, no objections have been received from Durham Constabulary Architectural Liaison Officer and as such the proposal accords with criterion d) in this regard.
45. In principle, the change of use of this dwelling to a small care home for no more than two children is deemed acceptable and in line with parts a-d of Policy 18. However, any approval is subject to further assessment as provided below, in particular, consideration of concerns raised by residents in the area.

#### Impact on residential amenity, crime, fear of crime and social cohesion

46. Section 17 of the Crime and Disorder Act 1998 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 that it reasonably can to prevent crime and disorder in its area and the misuse of drugs, alcohol and other substances. This means the local planning authority must consider crime and the fear of crime as a material planning consideration. In line with this, policy 18 e) of the CDP 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 in turn is consistent with Paragraph 130 of the NPPF which states that planning decisions should create places that have 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.

47. Other relevant policies in relation to residential amenity include policy 31 which 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.
48. The application has elicited a lot of public interest from neighbouring residents who raise a number of issues and concerns particularly in relation to crime, fear of crime and impact on residential amenity in terms of community cohesion, noise and disturbance. These have been detailed in paragraph 26 above.
49. The Statement of Purpose document submitted by the CYPS in support of the application provides a detailed account of how the site will be managed. This has been prepared in consultation with Durham Constabulary's Safeguarding Unit who, as already stated, raise no objections to the proposals. It outlines the intended service aims and objectives it wishes to provide to the young children kept in their care, including general support, care, guidance and safeguarding. The document also sets out measures for behavioural management and dealing with complaints.
50. The accommodation is proposed to take care of a maximum of two young people aged between 8 and 17 in the house. All referrals and admissions would be risk assessed beforehand to ensure the accommodation is suitable for the child, and plans are then put in place to ensure the home remains as stable as possible for the young people accommodated. The home would have 2 members of the care team on duty to support the children 24/7, 365 days in the year, working on a rota, with a Registered Duty Manager assigned to the dwelling and available to deal with any issues should they arise. The intention is that the environment would be akin as much as possible to a family / single household home, with children having their own bedroom, with shared communal spaces as in any dwelling house. The facility would be Ofsted registered and all staff would have relevant qualifications and be subject to further training to continually develop their skills, knowledge and professional development.
51. It is noted within the objections received, that repeated concerns have been raised over the type of behavioural issues the proposed children residing at the home would have and what the implications of this would be on existing residents. There is a noted reference to residents feeling distress and anxiety over the potential introduction of disturbance and problems in the area resulting from the development and the impact this would have on community cohesion.

52. Specific details on the children could not be conveyed as part of any application, for data protection and safeguarding purposes, and in any case these details would not be a material planning consideration. The overriding purpose and aim of this proposed care home is to provide for the well-being and care of the children intended to reside there, with the whole ethos behind the provision of care to be a positive experience. It is in the interests of the stakeholders, namely the Council's CYPS and Durham Constabulary, to prevent any issues of crime and anti-social behaviour becoming a problem associated with the property and it is noted that the former currently successfully operates a number of similar facilities throughout the County. The management plan and risk assessments associated with any children residing on site would seek to provide the checks and balances that can help in achieving this. Whilst it is accepted that it cannot be guaranteed that issues at the site would not occur, the management of the site has been set out with a robust plan of action to satisfactorily resolve issues should they arise.
53. From assessing the objections received, these appear to reflect assumptions of worst-case scenarios of potential problems on site. However, no specific evidence has been provided to underpin these concerns. Reference is made to another care home that was granted planning permission at the Manse, Coxhoe in June 2021. The circumstances at that site differ from the current application on the basis that prior to the 2021 planning permission being granted the home was operated by a private firm and the property had also been used as a holiday let. Residents objecting to the scheme in that instance had experienced problems with previous occupiers at the property. The 2021 planning permission granted at this site related to a care home operated by the Council's CYPS, who in that instance worked closely with neighbouring residents to address concerns raised and it has been confirmed by CYPS that no further issues have been raised based on new occupancy on site. The CYPS has highlighted that they have made it their priority to work with neighbouring residents at this site to ensure that they are not unduly impacted by the care home use adjacent and it would be the intention to continue this approach at the current application site.
54. It should be further noted that an appeal decision relating to another care home, in this circumstance privately run for 7 children within West Rainton was allowed, following a decision to refuse the application by the Council. In dealing with issues associated with crime and fear of crime, the Inspector concluded that there was no substantive evidence to demonstrate that there would be a reasonable evidential basis for the fears expressed by local residents. It should be noted in this case Durham Constabulary raised concerns with regards to the scheme, but notwithstanding this, the Planning Inspector was clear that in the absence of firm evidence that the appeal scheme would materially increase the risk of, or fear of, crime, the Inspector did not find that the proposed development would have a detrimental impact on the living conditions of local residents with particular regards to the fear of crime.
55. In the case of the current application, there is no objection from Durham Constabulary and the proposed children's home is to be run and managed by the Council's CYPS in line with their policies, in close co-operation with the police and other agencies as part of a multi-partnership endeavour. Officers within the CYPS have also clearly demonstrated throughout the course of the application process a willingness to work with the local community through holding individual meetings with residents and seeking to address various concerns and fears raised. Whilst the residents' fears are genuinely held, there is no evidential basis for fear of crime and therefore this is not something which could form a sustainable refusal reason in planning terms. The CYPS produced a further document to advise about operations

on site as well as to provide details of staff names and numbers to allow ready contact in the event of any issues. This document further states that the CYPS seeks to maintain good relations with surrounding residents and ensure their concerns with regards the children's home are acknowledged.

56. In terms of the impact of the proposals on community cohesion, it is noted that the application site is located within a line of some 12 residential properties. Reference is made to the importance of the rear lane as the only communal space available for residents to socialise and children to play and that the introduction of a business within the street would harm social interactions, due to extent of traffic and parking. The change of use of this single property is highly unlikely to change the character of what would continue to be a predominantly residential street and the development would not prevent continued interactions between remaining residents. The property itself is located at the southern end of the street, with three properties between it and the end of the street. The northern part, and notably the majority of the back lane, would remain readily available to residents and likely wholly unimpacted by any traffic associated with the site. Although concern is raised that the location of the proposal would cut the street in half, the three houses south of the application site (separated from the remaining 8 dwellings by 7 metres) would continue to have ready and easy access to other residents. In any case, these three properties will always have experienced the majority of traffic at this part of the back lane, due to proximity to the industrial estate and providing the main car access point for all twelve dwellings. The introduction of what would be a small children's home in this location is not likely to represent a barrier or hinder community interaction to any meaningful degree, particularly as its objective is to create a home for the care and benefit of the children and ensure it can be in keeping with the character of the surrounding area. On this basis, it is not considered reasonable to conclude that the proposed use would undermine community cohesion to any significant degree such that refusal of the application could be sustained. The area forms part of a well established settlement with ready access to facilities, parks and community centres allowing continued community connections to be maintained.
57. Further objections raised issues of potential for noise and disturbance. Concerns of this nature resulting from the proposed use of the dwelling would be difficult to quantify over and above any other dwelling, particularly as this would depend on the individuals themselves. 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. Two children 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 large 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.
58. As a further point, the dwelling is a detached property, sharing no party walls with neighbouring properties, and given the layout of the existing dwelling and quantity of internal space, it is considered that in practice the day-to-day activity and operation of the premises is not expected to be detrimental to neighbouring residents. In particular shift changes would be once daily, scheduled for 11am so as not to coincide with busier times of the day as well as limit as much as possible disturbance to neighbouring properties at early or late hours.
59. The Council's Environmental Health Section has been consulted and they comment that 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

they note that a residential dwelling could also house a similar number of individuals. However, the EHO concedes that this is anecdotal as the potential for impact is associated with the individuals themselves and as such might differ greatly and the information submitted demonstrates that there would be sufficient trained staff/carers on hand to manage any negative behaviour generated by individuals. This would indicate that the development will not lead to any greater adverse impact than a situation where a family with a similar number of children with specific needs could reside at the address without the support suggested within the information provided with this application. On this basis no objections are raised and the EHO confirms that the development is unlikely to lead to an adverse impact or statutory nuisance.

60. In consideration of the various details above taking into account the range of objections raised, upon further assessment the proposals are deemed to be acceptable and it is not anticipated that residential amenity would be detrimentally impacted through noise or disturbance. In addition, there is no evidential basis to indicate that there would be a material increase in crime, given the police assessment of the proposals and the details of the operations and management of the site.
61. A suitable level of detail has been provided about the running and management of the site and whilst it is not within the remit of the planning system to seek to control the day to day functioning of the care home, it is considered that it would be appropriate to include conditions to exercise some control over the proposals. In particular a planning condition is considered warranted which restricts the use of the property to a children's care home for no more than two young persons between the ages of 8 and 17, and for no other purpose falling within Class C2 of the Town and Country Use Classes Order 1987. This is considered necessary as occupation of the property for other uses falling within Class C2 (for example a nursing home or hostel) would likely create differing residential amenity impacts that would need to be assessed as part of a separate planning application.
62. In light of the above, it is considered that the development would accord with the requirements of policies 18 e) and 31 of the CDP and paragraph 180 of the NPPF.

#### Highway safety and parking

63. Policy 21 of the CDP 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 must also have regard to Parking and Accessibility Supplementary Planning Document. In addition, CDP Policy 18 f) states that new children's homes will only be permitted where highway access, parking and servicing can be achieved. Both Policy 18 and 21 display a broad level of accord with the aims of Paragraph 108 of the NPPF which requires new development to provide safe and suitable access to the site can be achieved for all users.
64. Although no parking is available to the front of the property, the site benefits from four car parking spaces to the rear, accessed from a private road. The information submitted with the application identifies that two members of staff would be at the property per shift, with visits by the Homes Manager and the Deputy also likely during the day. There are a sufficient number of in-curtilage car parking spaces to meet this demand. During times of staff changeover, the provided 4 spaces would be

considered sufficient to cover this. The applicant has further highlighted, that should extra parking be required, car parking across the A690 by the Council office buildings is readily available for use. Due to the relatively low number of vehicles involved, and certainly nothing significantly over and above what might be expected at a residential dwelling, the proposals are not considered to cause any highway safety or substantial residential amenity concerns.

65. Several objections have been received from residents regarding parking and highway safety, particularly in relation to an increase in vehicle movements to and from the development and an increase in parking in the rear lane which would have a negative impact on highway safety in the area, through parking on verges and pedestrian hazards. However, as already highlighted, sufficient parking is available to cater for the proposal on site. In addition, shift changes have been programmed to limit as much as possible traffic movements that would create issues to surrounding residents and would take place once a day.
66. Concerns have also been raised over the impact of the additional traffic on the quality of the road surface, however, the proposal is not expected to create a significant uplift in traffic to any great degree over and above a residential dwelling. In any case, legal obligations as to upkeep of this private lane would be a private law matter for the owners of the property.
67. The Highways Authority has been consulted and raises no objection to the application noting that sufficient parking provision is available to the rear of the site that would adequately service demand. To provide assurances the applicant has confirmed that staff will be advised that additional parking is available at the Council car park over the street should no spaces be available to the rear.
68. In light of the above it is considered that the development would accord with the requirements of CDP Policy 18 (criterion f and g) and 21 and Paragraph 110 of the NPPF in that there would be no adverse impact in terms of highway safety and access by emergency vehicles would be achievable.

#### Character and Appearance of the area

69. In respect of the visual amenity of the area, there are no significant changes to the external appearance of the property and as such the character of the streetscene would remain unchanged. The property is proposed to accommodate a maximum of two children which is considered appropriate and would replicate the existing family surroundings retaining a typical domestic setting. Reference is made to installing a 2 metres high fence, particularly around the rear yard area and some public comments have stated this will stand out in the street scene.
70. As a rear lane, boundary treatments vary between walls, fences and hedges with some rear yards having a garage building providing the boundary at 2.1-2.5 metres in height. As such, heightening the boundary of this property is not considered to create negative visual impacts that would be unduly prominent to the detriment of the area. The addition of CCTV as required by Durham Constabulary would have minimal impact on the appearance of the dwelling given its small size, and in any case would not be visible beyond the rear yard boundary with a visual field limited to the rear yard space.
71. A further 2 metres high fence is proposed around the rear garden space, which would be permitted development and in any case, not dissimilar from typical garden boundary treatments. A minor draughting error on the location plan has been corrected to indicate its location set back 5 metres from the private lane and

following the line of the existing garden fence. The parking area would remain open as existing.

72. Consequently, it is considered that the character of the area would not be significantly affected by the development in accordance with the requirements of policy 29 of the CDP

#### Other issues

73. A number of objections have highlighted how the street is mostly inhabited by elderly residents, however, whilst this is noted, it would not present grounds for refusal of this proposed children's home. In any case policy 18 seeks to promote the creation of sustainable, inclusive and mixed communities. The proposal would go some way towards achieving this, and although concerns centre around how a children's home would negatively impact on the vulnerability of elderly residents, as detailed above, the management and operational plan developed for the site is considered to appropriately address these concerns, and the proposal would be deemed policy compliant in this regard.
74. Further issues were raised that the proposals would bring about a demand on local services which would not be able to cope. However, the scale of the proposed use is limited and it is not expected that there would be any unreasonable pressure placed on local services as a result. Reference is also made to the scheme taking up police time to the detriment of other issues that need to be dealt with elsewhere. Notwithstanding that the scale of the use is considered unlikely to generate any unacceptable increase in crime or antisocial behaviour, in the event that the police do need to attend the site, this would apply irrespective of its location and in any event is a matter relating to police resource rather than a material planning consideration. This issue lies with the individual and not the specific location and there could be no grounds for refusal on this basis.
75. Concern has also been raised at the extent to which the planning authority has publicised the application stating that it has been limited, excluding residents at Church Meadows and that the site notice was not readily accessible. In response, it is noted that the publicity for the application exceeded the minimum requirements set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015, which requires a site notice or neighbour notification letters to be sent. In this case both methods of consultation were undertaken, with neighbour letters extending beyond those properties immediately adjacent to the boundary of the application site. The site notice was placed on the nearest structure available to the application site and given the responses received, it is clear that it successfully drew attention to the existence of a planning application in the area.
76. Objections have been received which cite concerns that the development would devalue properties in the surrounding area. However, such matters are not material planning considerations to which weight can be afforded in determination of this application.
77. Concern raised over maintenance issues associated with the private drive is not a material planning consideration and it would be for the applicant to ensure any relevant issues are considered and this would be a private law matter between the owners and users of the private road.

#### Public Sector Equality Duty

78. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) 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.
79. In this instance, the proposed development is unlikely to have impacts upon those with protected characteristics, as the proposal seeks to permit additional educational facilities for all members of society regardless of their protected characteristics in an open and equal opportunity manner within an educational facility with defined policies and procedures to eliminate any prohibited conduct and good relations between all users of the facilities.

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## **CONCLUSION**

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80. 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.
81. In consideration of the details submitted in support of the application and the representations received from interested parties, it is considered that the principle of the development is acceptable and the development suitably meets the criteria set out in policy 18 of the CDP. A detailed assessment has been undertaken of the potential impacts on residential amenity, crime and disorder, social cohesion and highway safety, and it is deemed that the use can be satisfactorily accommodated in this location without undue detriment, due to the limited scale of the unit and the management plan in place, undertaken in close co-operation with the police. A condition should be applied limiting the number of children in residence at the site and limiting the use to a children's home to mitigate any further concerns regarding residential amenity impacts. The proposals therefore accord with planning policies 18, 29, 21 and 31 of the County Durham Plan as well as the relevant parts of the NPPF.
82. Whilst the concerns raised by neighbours are noted, these have been considered as part of this assessment but it is not deemed sufficient to warrant a refusal of the planning application in this instance. The proposal is therefore recommended for approval.

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## **RECOMMENDATION**

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That the application be **APPROVED**, subject to the conditions detailed below:

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 Policy 18, 29, and 31, of the County Durham Plan and policies 12 and 15 of the NPPF.

3. The property shall be used only as a children's care home to accommodate 2 young persons between the ages of 12 and 17 and for no other purpose falling within Class C2 of the Town and Country Planning (Use Classes) Order 1987.

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

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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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.

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## **BACKGROUND PAPERS**

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

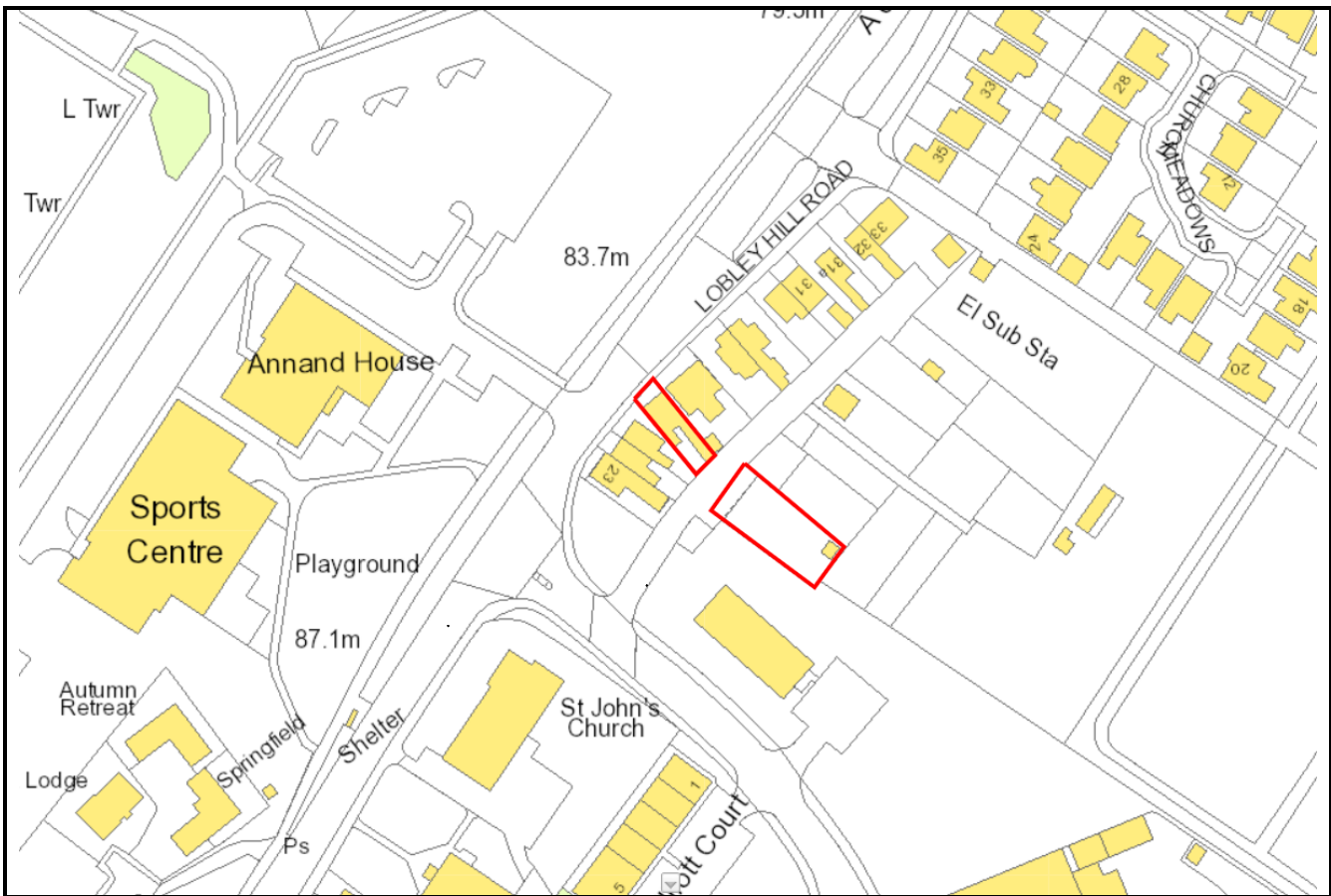
The National Planning Policy Framework (2021)

National Planning Practice Guidance Notes

County Durham Plan

Durham County Council Children's and Young Peoples Services: Sufficiency and Commissioning Strategy for Looked After Children and Care Leavers 2020-2023

Statutory, internal and public consultation responses



<p><b>Planning Services</b></p>	<p>To change the property from a residential dwelling into a Children's Home for up to two children and young people aged between 8 to 17 years old at Elderhurst, 26 Lobley Hill Road, Meadowfield, Durham, DH7 8RQ Application Reference: DM/22/00186/FPA</p>	
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	<p><b>Date:</b> 12 April 2022</p>	<p><b>Scale</b> NTS</p>