

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/24/00334/FPA
FULL APPLICATION DESCRIPTION:	Temporary change of use of the property from a C3 Residential dwelling to C2 Children's Home for a period of up to 3 years.
NAME OF APPLICANT:	Mr Lee Sowerby - Juniper Care and Support LTD
ADDRESS:	131 Grange Way Bowburn Durham DH6 5PL
ELECTORAL DIVISION:	Coxhoe
CASE OFFICER:	Lisa Morina Senior Planning Officer Telephone: 03000 264877 Lisa.morina@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site:

1. The application site is a two-storey detached dwelling located within a residential estate in Bowburn. Land levels to the site are flat. The property benefits from an open plan front garden area with a detached garage to the side of the property. The rear garden area is enclosed by fencing.

The Proposal:

2. Consent is sought to temporarily change the use of the property from a C3 Residential dwelling to a C2 Children's Home for a period of up to 3 years. The home will accommodate up to 2 children aged 8-17 years.
3. It is understood the property has been in use on a sporadic basis as an unregulated crisis arrangement provision for one looked after child. The tenancy started on the 24 February 2023 with young person care starting on the 10 March 2023. The applicants have confirmed that they have cared for 3 young people to the date of submitting the full planning application.

4. For transparency they have confirmed that they are currently caring for a young person that came to them on 9th February 2024 on a short term placement and as such the proposal is considered on a retrospective basis.
5. Members may recall this application was recently reported to May Planning Committee where it was resolved to defer the application to allow further information to be requested from the police in the form of understanding crime and anti-social behaviour levels before and after the care home opening. This is set out in more detail in paragraphs 95-103. In addition, the applicant has also provided a more detailed management plan with the main changes relating to parking arrangements during staff change over and provision of direct contact details for residents should issues arise.
6. This application is being reported to Planning Committee at the request of Cllr Jan Blakey due to anti-social behaviour issues.

PLANNING HISTORY

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

PLANNING POLICY

NATIONAL POLICY

8. A revised National Planning Policy Framework (NPPF) was published in July 2023. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
9. *NPPF Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
10. *NPPF Part 4 Decision-making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
11. *NPPF Part 5 Delivering a Sufficient Supply of Homes* - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

12. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
13. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
14. *NPPF Part 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.
15. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

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

NATIONAL PLANNING PRACTICE GUIDANCE:

16. 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

17. Policy 6 (Development on Unallocated Sites) supports development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.
18. Policy 18 (Children's Homes) will only be permitted where there is a gap in service provision; the site offers a positive, safe environment with access to services and community facilities; the scale will allow the occupants to be appropriately matched regarding welfare; the occupants will not be placed at risk, it is unlikely to result in unacceptable impact on residential amenity, fear of crime or community cohesion; and appropriate measures for emergency access, outside space, highways access,

parking and servicing can be achieved. Applications must be supported by information regarding management and safeguarding.

19. Policy 21 (Delivering sustainable transport) requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.
20. Policy 29 Sustainable Design details general design principles for all development stating that new development should contribute positively to an areas' character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
21. Policy 31 (Amenity and pollution) sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
22. Residential Amenity Standards SPD – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.
23. Parking and Accessibility SPD – provides guidance on road widths and parking standards for new developments.

Neighbourhood Plan

24. The application site is located within the Cassop-Cum-Quarrington Neighbourhood Plan area and the following policies are considered of relevance:
25. Policy CCQ4 (Achieving Beautiful and Successful Development) seeks to deliver beauty and successful place-making and be efficient in terms of functionality and use of resources. To achieve this development should be appealing and foster a sense of delight and wellbeing for occupants, visitors and passers-by, have a positive and coherent identity and character, thereby creating or contributing to a distinct sense of place and belonging, enhance the positive qualities of the site and setting and improve negative ones, and be efficient in terms of functionality and resource use.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY/EXTERNAL RESPONSES:

26. Highways – No objection raised

27. Durham Constabulary – No objection raised and further information has been provided in respect of crime and anti-social behaviour figures.
28. Cassop-Cum-Quarrington Parish Council have expressed concerns about the application. It is our understanding that the property has already been operating as a children's home and that the residents from neighbouring properties have raised a number of complaints regarding the impact which the home has had on the area. Whereas a change of use application may enable certain conditions to be imposed on the property, it is currently not operating in a way which minimises the impact on local residents and has been disruptive to the community.
29. Given the level of complaints from parish residents, the Parish Council has serious concerns about this application and asks that you take this into account when considering the change of use.

INTERNAL CONSULTEE RESPONSES:

30. Environmental Health (Noise) – No objection raised
31. Policy – Advice on policy requirements
32. Children and Adults Services – No objection, need within the area for Childrens Homes.

PUBLIC RESPONSES:

33. The application has been advertised by means of site notice and by notifying neighbouring residents by letter. To date, 47 letters of objection has been received with the following concerns:
 - Concern regarding whether the information provided is factually correct.
 - The Management Plan states that "We acknowledge that until we are a registered provider we are unable to support young people in County Durham but we are agreeable to the Durham First Approach and we look forward to being in a position to provide care for young people from our own community in the future." This is not true as Juniper Care are already caring for young people at this property.
 - Parking Provision on the estate is already at capacity with most properties having more vehicles than the allocated number of parking spaces.
 - Inconsiderate parking is causing anxiety and conflict with residents and creating highway safety concerns.
 - No evidence that Juniper Care have made any attempt to develop positive relationships with the local community as stated in their Management Plan.
 - The property is already in use as a children's home for the last 11 months
 - There has been a noticeable impact on resident's mental health and wellbeing and community spirit which is considered detrimental.
 - Reasons for objection are based on factual evidence that the issues are already occurring rather than speculation about what may happen
 - Various Incidents of Anti-social behaviour/noise and disturbance including:
 - loud music
 - foul language and shouting
 - Litter from overflowing bins / cigarettes
 - Trespassing in neighbouring gardens with abusive language to neighbours

- Revving car engine
- Abusive behaviour to ambulance workers
- Intoxicated resident children
- Strangers looking through windows and nearby vehicles
- Intimidation – feeling unsafe
- Criminal Damage including windows of the property have been smashed
- Property belonging to neighbouring ESH offices has been vandalised.
- Devaluation of properties
- Lack of communication with the applicant
- Increased police presence and pressure on police
- Concern regarding the number of children to carer ratios given existing issues
- The proposal would be contrary to policy 18 of the CDP
- The proposal is totally driven for profit.
- The company has a total disregard for legislation
- The business use is out of character on the estate.
- Restrictive covenants on the site restricts the use of the property

34. PCC Joy Allen, as Police and Crime Commissioner for Durham has also provided concerns regarding the demand on policing from the private, charity sector and unregulated children's homes and as such they are concerned – both for the vulnerable children and young people who are placed there, often from out of area whereby little information is known about the child locally, the amount of police resources this takes up responding to children reported missing from these homes and community concerns that are raised with me, linked to the increase in crime and ASB.
35. They go on to consider that children can often be placed in areas (without consultation with the force) associated with high crime and high harm which can put these vulnerable young people at significant risk. As Corporate Parents, Durham County Council have a responsibility to look after County Durham's children and although I know that children and young people's services across the country are in crisis due to an underfunded system which is in-need of reform, the impacts on policing locally are significant.
36. One child alone could be responsible for over 100 calls for assistance. Sadly the absent home owners do not contribute to policing or other services in our area, whilst making significant profits from young people's vulnerabilities, and for me this has to stop.
37. They conclude with that they feel we have reached saturation point in County Durham whereby we cannot continue to put children in accommodation that is not appropriate for their needs, They deserve better than this and consider that the Planning Committee have a moral and legislative responsibility as Corporate Parents to refuse this application.
38. Four letters of support have also been received, stating they have become aware of the application following the media coverage and confirm that looked after children deserve just as much right as any other child to a decent home and they are concerned regarding the bias towards looked after children and ask the Councillors to support and work with this project.
39. Reference is also made to the increase in the number of looked after children in County Durham and therefore there is a need for small/solo provision homes. In addition, that the level of anti-social behaviour in the area has reduced.

APPLICANT'S STATEMENT:

40. This planning application is submitted by Juniper Care and Support for a change of status from C3 to C2. This application is for a proposed new Ofsted registered provision. The planning submission is temporary and for a duration of 3 years. Our robust management plan outlines that the home will provide care for up to 2 looked after children between the ages of 8 – 17.
41. Juniper Care and Support LTD was established in 2022 and we have been caring for and making a significant positive impact to young people since 2023. We have been operating as a short term crisis response service that provides high quality care, rapid psychological intervention, considered and bespoke activity and education for young people to break cycles of risk taking behaviour. The positive impacts we have made in collaboration with our young people alongside internal and external support would be impossible to capture within this statement. We support the most vulnerable young people in society and the progress they make with us is unmeasurable, our support has and will continue to save lives. Our young people come to us when they have no one, and when they are rejected by everyone! Their lives have been destroyed by unimaginable trauma and loss that is completely outside of their control. We carefully help them open up to the care, love and support they need, and we do this together. This support includes fast tracked clinical intervention and education and has helped all our children onto a positive next stage of their lives that was not available to them prior to their time with our amazing team. Below is a summary of one of many independent comments about the service we provide.
42. “Juniper Care and Support have cared for a young person who has come on leaps and bounds and are able to have much more mature conversations, have settled in school and are able to control their emotions, which they were unable to do in previous placements. They are now starting to lead more of a normal childhood which I didn't think would be possible because of their own struggles. They have an amazing relationship with the staff. Management are excellent and are always welcoming and I cannot believe the difference in the young person, their progress has been huge. The difference is that I believe that the young person understands they are cared for. I cannot recommend Juniper Care highly enough. I have had a lot of experience with children's homes/residential units over the last 10 years and I cannot speak highly enough of my experience with Juniper Care.”
43. We have increased our management oversight significantly in February 2024, our new Deputy Manager has experience within a senior role working with looked after children and is also an experienced primary deputy head teacher working in County Durham schools. He is very well placed to support our also recently appointed highly competent and experienced registered manager. We are unique in that we are a small family company with both directors coming from a children support background. We employ amazing care workers that have a combination of children's care and educational experience. We also have a professional relationship with a senior psychologist who supports our children from the beginning and throughout their time with us. We have also introduced more stringent controls on parking. Initially this was a challenge as staff viewed large numbers of cars parked on the footpath on their way to our home and subsequently deemed this as acceptable. To counter this perception, and to ensure adherence, the parking plan now falls under company policy as a direct management instruction.
44. We have also highlighted our strong agreement with the Durham First Approach within process and all local authority correspondence. This is a significant priority for us and additional measures are in place to ensure we can register our home empty if

planning is granted. The Council's Sufficiency and Commissioning Strategy states "There are very few 1 or 2 bedded homes in County Durham, that can offer specialist care and support to meet the needs of our most challenging children and young people. We have an increasing need for smaller homes" Our service, if planning is granted will help support Durham with this identified need.

45. We have liaised with Durham Constabulary, Commissioning and Planning since 2022 and they have provided essential information to our service, this is something we are very grateful for.

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>

PLANNING CONSIDERATIONS AND ASSESSMENT

46. 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.
47. The NPPF is a material planning consideration in this regard. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. The NPPF advises at Paragraph 219 that the weight to be afforded to existing Local Plans depends upon the degree of consistency with the NPPF.
48. The County Durham Plan is now adopted and is considered to represent the up-to-date Local Plan for the area. Consequently, consideration of the development should be led by the plan if the decision is to be defensible.
49. In this context, it is considered that the main planning issues in this instance are as detailed below:

Principle of the Development

50. The application site falls within the built-up area of Bowburn and is an existing residential dwelling located on a residential estate. Consent is sought to change the use of the property to a children's home falling within Use Class C2.
51. The property will accommodate up to 2 young people between the ages of 8 – 17 years old, there will also be 2 members of staff on duty each day. The shift pattern is 24 hours on, 48 hours off on a rolling rota. Shift change will occur at 10am.
52. At this point, officers wish to draw attention to a Written Ministerial Statement that was issued on 23rd May 2023 by Baroness Scott of Bybrook, the minister for Faith and Communities. The statement notes that 'the planning system should not be a barrier to providing homes for the most vulnerable children in society. When care is the best choice for a child, it is important that the care system provides stable, loving homes close to children's communities. These need to be the right homes, in the right places with access to good schools and community support. It is not acceptable that some children are living far from where they would call home (without a clear child protection reason for this), separated from the people they know and love. Local planning authorities should give due weight to and be supportive of applications, where appropriate, for all types of accommodation for looked after

children in their area that reflect local needs and all parties in the development process should work together closely to facilitate the timely delivery of such vital accommodation for children across the country.'

53. In respect of the County Durham Plan, it is considered that both policy 6 and 18 of the County Durham Plan are of relevance. Policy 6 (Development on Unallocated Sites) states that the development of sites which are not allocated in the Plan or in a Neighbourhood Plan which are either (i) within the built-up area; or (ii) outside the built-up area (except where a settlement boundary has been defined in a neighbourhood plan) but well-related to a settlement, will be permitted provided the proposal accords with all relevant development plan policies and:
- a. is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;
 - b. does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;
 - c. does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;
 - d. is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement;
 - e. will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;
 - f. has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;
 - g. does not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;
 - h. minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;
 - i. where relevant, makes as much use as possible of previously developed (brownfield) land; and
 - j. where appropriate, it reflects priorities for urban regeneration.
54. The application site is within the built up area and in respect of criteria a, the site is within an existing residential estate and as such it is considered that the use would be compatible with the surrounding residential uses. Criteria b, c and d are not considered relevant to this proposal as the development would not result in the loss of open land or backland development and being a change of use no design changes are proposed. Part e is considered in more detail elsewhere in this report however, it is not considered that there are any significant concerns.
55. The site is located within a sustainable location close to shops and services in Bowburn and within walking distance of a bus route with regular services to Durham City. As such the proposal would accord with criteria f of Policy 6. The property is an existing dwelling and as such criteria g would be complied with. Criteria h to j are not considered relevant to this proposal.
56. Policy 18 (Childrens Homes) states that in order to promote the creation of sustainable, inclusive and mixed communities, applications for children's care homes, will only be permitted where they accord with a number of criteria listed under a-g including there being a need for such uses and the suitability of the location.
57. The supporting text associated with policy 18 states at paragraph 5.179: "The children and young people living in children's homes are among the most vulnerable

in society. Whilst children's homes have traditionally been for children under 16, provision for young people beyond the age of 16 years old would also be determined against this policy or Policy 15 (Addressing Housing Needs), where they are 18 years and older. Many have special educational needs or disabilities, including social, educational and mental health difficulties and many are victims of abuse or neglect. It is therefore vital that we do everything possible to provide consistent high quality provision for children and young people to improve their experience of being looked after in care, helping them to overcome their previous experiences, and setting them up for futures which allow them to achieve their potential.”

58. An assessment of each criteria is listed below:
 - a. the applicant is able to demonstrate that the development will address any gaps in service provision to the satisfaction of the Local Planning Authority;
59. Criteria a) of policy 18 of the CDP requires new development to demonstrate an established need for the facility. Durham County Council has a duty, as stated in section 22G of the Children Act 1989, to take steps to secure, as far as reasonably practicable, sufficient accommodation for looked after children within their local authority area.
60. The Council has undertaken an assessment of existing children’s home provision as detailed in the Council’s document; ‘Sufficiency Strategy for Children Looked After and Care Leavers 2020-2023’. That exercise has identified gaps in current service provision within this area of care and a requirement throughout the County for small scale children’s homes of the type proposed at the host property.
61. It is noted that the Police and Crime Commissioner have raised a general concern regarding the number of Children/s homes within the area and that we should not be allowing any more.
62. The Council's Children and Adult Services (CAS) team have been consulted for their views on the scheme. They confirmed that they have had discussions with the provider and confirm they are a relatively new provider to market and have only been operational since January last year.
63. It is understood they are intending to register a dual home for two children but potentially run as solo provision in the first instance. They are seeking permission to allow for the dual registration to give the home flexibility to safely match an additional young person into the home if progress is made by first placement.
64. Smaller homes and specifically solo provision are required in Durham in line with the Council's current sufficiency strategy. Whilst Durham County Council have not worked with this provider before they have indicated that they are agreeable to the Durham First approach.
65. The site is currently being used as an unregulated crisis arrangement however Durham are not utilising the crisis provision currently running at the address and in order for Children and Adults Services to use them, they would be required to register with OFSTED and meet all regulatory requirements which would be separate to the planning process. The applicants have confirmed they are in agreement to meet with this regulatory requirement.
66. In this regard it is understood that the application represents an important element in meeting that demand and is specifically referenced at page 16 of the strategy. In light of the above it is considered that sufficient information has been provided to

demonstrate that the development would meet policy 18 a) of the CDP in that there is a clearly established need for the facility.

67. 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;
68. Given the application site is within an existing residential area the site would provide a safe and suitable environment for future occupants being framed by other similar uses and benefitting from a good level of access to local shops, services, transport links and other community facilities. As such criteria b is considered to be complied with.
69. 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;
70. The proposed home is intended to accommodate a maximum of 2 children however it is understood in the initial instance it would be a solo occupancy. Concern has been raised that the site expanding in terms of the number of children accommodated has potential for further issues to be raised. However, it is considered that a maximum number of two children could be accommodated on the site. It is also noted that this could be restricted via planning condition to prevent any further increase in children. The proposal is therefore considered to suitably comply with part c) of policy 18.
71. d. the occupants would not be placed at risk having regard to the latest crime and safety statistics in the area and that this has been agreed in advance with Durham Constabulary, the council's Children and Young People's Services (CYPS) and other appropriate agencies;
72. Concern has been raised that the proposal has resulted in an increased presence and pressure on policing in the area but no concern has been raised as part of the objections as to the risk to occupants, which is the policy test in this case.
73. Durham Police and the Councils CYPS were both consulted for their views on the proposed scheme and have not objected. Notably, Durham Police undertook a locality risk assessment and raised no concerns with regards issues in the area that would place the children at risk. In addition to this the case officer has been made aware of other agencies which includes social workers working with children who have been looked after at this property and they have provided support for the proposal. The proposal therefore, is considered to be in accordance with policy 18 d).
74. e. it is unlikely to cause unacceptable individual or cumulative impact on residential amenity, fear of crime or community cohesion;
75. The National Planning Policy Framework is a material planning consideration in planning decisions. Paragraph 96 in Part 8 of the NPPF states that planning policies and decisions should aim to achieve healthy, inclusive and safe places and beautiful buildings which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. Paragraph 135 in Part 12 of the NPPF states that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

76. Objections have been received by a significant number of local residents raising concerns in relation to crime/fear of crime and noise and disturbance issues which they consider has already occurred resulting in the property not being suitable for a children's home and as this consent proposes to increase the number of children this could further exacerbate the concerns.
77. This will be discussed in more detail within the residential amenity section below however, it is not considered that the use of the property for two looked after children would result in an unacceptable individual or cumulative impact on residential amenity, fear of crime or community cohesion than the existing use of the dwelling as a C3 residential dwelling which given the size of the property could also accommodate 2 children albeit in a family setting. There is therefore not considered to be a conflict with Part e of this policy, although further discussion on this is provided below.
78. f. appropriate measures will be in place to ensure access for emergency vehicles and safety measures such as fire escapes; and
79. g. satisfactory outside space, highway access, parking and servicing can be achieved.
80. In respect of parts f) and g), 6no off-street parking spaces would be provided at the side of the site. Access to the property can be via the front or rear and while objections have been received in relation to parking provision on the highway, it is not considered that the proposal in itself would cause this issue. Given this, it is considered that emergency access vehicles would be able to access the property safely as they would any other existing property within the street.
81. Outdoor amenity space is considered acceptable as it would be for the existing use of the property as a residential family home. It is therefore considered that criteria f and g of policy 18 would be complied with.
82. Policy 18 further states that planning applications for children's homes must be accompanied by information regarding the management of the home, together with an assessment to ensure that necessary safeguards can be achieved to ensure the welfare of the looked after children. This will include consideration of any crime or safety concerns in the area, in consultation with Durham Constabulary, DCC Children and Young People's Services and any other appropriate agencies.
83. A management plan has been submitted in support of the application which has been agreed by the Police and as such is considered acceptable and will form part of the approved plans. A condition will also be added to ensure the management plan is complied with at all times.
84. Part 15, paragraph 191 of the NPPF advises that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
85. In relation to part a) of policy 18, The Local Authority has a statutory duty, as stated within Section 22G of the Children Act 1989 to take steps to secure sufficient accommodation for looked after children within their local authority area.

86. Taking all the above into consideration and objections received, it is considered that the proposal would broadly comply with the criteria identified within policy 18 of the CDP and as such, the principle of the proposal is considered acceptable, subject to further considerations below.

Impact on Residential Amenity

87. 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 is considered to present an approach consistent with paragraph 195 of the NPPF which advises that planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Paragraph 96 in Part 8 of the NPPF states that planning policies and decisions should aim to achieve healthy, inclusive and safe places and beautiful buildings which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.
88. The application has received significant objection 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 including:
- loud music
 - foul language and shouting
 - Litter from overflowing bins / cigarettes
 - Trespassing in neighbouring gardens with abusive language to neighbours
 - Revving car engine
 - Abusive behaviour to ambulance workers
 - Intoxicated resident children
 - Strangers looking through windows and nearby vehicles
 - Intimidation – feeling unsafe
 - Criminal Damage including windows of the property have been smashed
 - Property belonging to neighbouring ESH offices has been vandalised.
89. Concern has also been raised that this information is based on factual evidence given the issues are already happening and that there has been a noticeable impact on resident's mental health and wellbeing and community spirit which is considered detrimental. Concern has also been raised regarding the ratio of carers to young people and the management of the site.
90. The impact of the development upon residential amenity is a key material consideration in determination of this application with particular regard to the requirements of policy 18 e) of the CDP and paragraph 195 of the NPPF.
91. Planning policies and decisions must reflect relevant international obligations and statutory requirements. Relevant here is Section 17 of the Crime and Disorder Act 1998 which places a duty on the local authority in the exercise of its functions to have due regard to the likely effect of the exercise of those functions on, and the need to do all it reasonably can to prevent crime and disorder in its area and the misuse of drugs, alcohol and other substances. Whilst this is a qualified duty, crime and the fear of crime is capable of being a material planning consideration. A

planning balance between the established need for the facility and these issues therefore, needs to be considered.

92. In relation to the fear of crime this needs to be objectively justified, have some reasonable basis and must relate to the use of the land, in planning terms, and not be based on assumptions alone. The approach in criteria e) of policy 18 is consistent with Paragraph 135f) of the NPPF which states that planning decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
93. Fear of crime can have a detrimental impact upon residential amenity and an individual's quality of life. However, it is not a forgone conclusion that a children's home for young people would inevitably result in an increase in crime, where the fear of crime is considered a material consideration this must be supported by robust evidence, and each application must be considered on its own merits and specific circumstances, avoiding generalisations.
94. As discussed above, Durham Constabulary have raised no objection to the proposal and raised no issues within their locality risk assessment. Whilst the Police Crime Commissioner has commented and advised that in general terms these uses have a significant impact on policing locally, the Constabulary's Architectural Liaison Officer has raised no objection.
95. Since the deferral of this application last month, further information however has been requested and received from Durham Constabulary in respect of crime and anti social behaviour incidents at or near the application site as well as data for the whole of the Bowburn area.
96. The data associated with the level of Anti-Social behaviour (ASB) for the whole of the Bowburn area are as follows:
 - 2021 – 142 reports
 - 2022 – 106 reports
 - 2023 – 79 reports
 - 2024 to 16/05/2024 – 42 reports
97. The police confirm that 5 reports of ASB have been recorded from Grange Way itself between 2021 and May 2024 however none of these relate to the host property.
98. More detailed figures were also provided relating to the application site. These figures were produced on the 16 May 2024 and date back to January 2021, well in advance of the dwelling commencing use to care for children. The figures confirm that there were zero incidents reported in 2021 and 2022. In 2023, there were 54 incidents reported, with the first recorded incident being on the 15th March 2023. It is understood that use as a crisis centre commenced on 10 March 2023. With respect to 2024, from January up to the 16th May 2024 there have been a total of 10 incidents reported, a notable reduction since the opening of the home.
99. The police have confirmed that all of these incidents relate to the safeguarding/management of those children residing at the application site, given their complex needs and they consider that none of the reported incidents have a direct impact on the wider community.

100. In response to the information they have provided, the police have confirmed that whilst the number of incidents were high during 2023, these figures are now much lower for the first 5 months of 2024 by comparison to 2023. It should also be further noted that the application site operated in its capacity as a crisis provision without a management plan in place. The proposals presented now include a detailed management plan that would be secured by condition, ensuring the requirements set out within it are adhered to. In addition, the applicant has confirmed their intention to undergo Ofsted Registration.
101. Durham Constabulary also acknowledge that they would anticipate community concerns in relation to police attending the address, however attendance is to ensure the safeguarding of the individuals within the address and to provide advice and support, rather than dealing with issues of crime.
102. They also confirm that as a Neighbourhood Policing Team they regularly attend Children's care homes to engage with staff and children to provide support and advice as a positive intervention to reduce and prevent incidents from happening in the first place. Attendance at the site can therefore take place whether an incident has been reported or not, although it is acknowledged that police officers may also attend the address after an incident has been reported in order to carry out standard enquiries, and this has happened on a small number of occasions at the application site.
103. They conclude by stating that as a force they engage and work with all Child Care Homes throughout the force area and depending on the number of children residing and their individual complexities, police involvement and demand can fluctuate significantly from time to time and between care homes.
104. In relation to the issue of general noise and disturbance associated with the use of the dwelling, it is acknowledged that this would be difficult to quantify due to the varying needs of individual occupiers at the site, it is nevertheless noted that the number of children proposed to be accommodated would be limited to no more than two, and this would be secured by means of a planning condition should approval be granted.
105. 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.
106. The Council's Environmental Health Section has been consulted and confirm that it is difficult to quantify the impact a children's home may have on a locality in terms of statutory nuisance. A statutory nuisance would equate to excessive and/or unreasonable use of a premises which directly interferes with the rightful peace and enjoyment of someone's property.
107. They go on to confirm that it is noted a management plan has been submitted, which states residents in the home will be supervised 24 hours per day. Fundamentally it is this management plan and the supervision of residents which will directly alleviate any impact on the locality in terms of statutory nuisance and anti-social behaviour.

108. They go on to state that the proposed premises are situated in a residential area and on balance the introduction of a small children's home is not unreasonable providing relevant guidance and good practice is adhered to. In their view in order to maintain a reasonable standard of amenity to nearby residents they would suggest adherence to the submitted management plan and the number of residents is conditioned.
109. They therefore conclude that the information submitted demonstrates that the application complies with the thresholds stated within the TANS. This would indicate that the development will not lead to an adverse impact and the application is unlikely to cause a statutory nuisance.
110. Policy 18 e) states that new development will only be permitted where it is unlikely to cause unacceptable individual or cumulative impact on fear of crime or community cohesion. Part 8 of the NPPF relates to the promotion of healthy and safe communities, states within paragraph 96 that planning decisions should aim to achieve healthy, inclusive and safe 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.
111. Paragraph 97 further states that in order to provide social, recreational and cultural facilities and services to meet community needs, planning decisions should take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community.
112. It is acknowledged that residents hold fears that crime in the area would increase as a result of the proposals and they have provided information that they consider represents an evidential base associated with their experiences from the current use of the site, noting in particular there have been issues with one of the young people who has been living there. However, the additional information provided from the police has clarified the nature of call outs and indicated that it relates to the safeguarding of the children. In addition, the police have acknowledged that whilst the number of incidents was high in 2023, they have reduced so far in 2024 and can fluctuate depending upon the person residing at the property, a circumstance that could also arise at any dwellinghouse, where a troubled child resides with their family.
113. As the courts have held that the fear of crime is only a material consideration where the use, by its very nature, would provide a reasonable basis for concern, it is considered that a refusal reason framed around this issue would not be capable of being sustained. As stated above, issues of crime and the fear of crime are material considerations in the determination of the application but given there is no objection to the application from the Police Architectural Liaison Officer, it is not considered that there is a sufficient evidence base on which it could be reasonably concluded that there would be a material increase in crime or ASB as a result of the proposals and as such this should be afforded limited weight in the determination of this application.
114. In this case, and at the request of members at the previous planning committee and as stated above, further information was requested from the police with a view to understanding the nature of incidents at this site. The police note a spike in incidents in the first year of running but this has now reduced and despite the figures presented they confirm that they have no objection to the scheme. In addition, the site now has a management plan in place which would be controlled by condition and have confirmed their intention to become registered with OFSTED.

115. A similar approach is reflected in a recent appeal decision elsewhere in the County in relation to a 7 bedroom children's home where the inspector (in allowing an appeal against the Council's decision to refuse the application) concluded that there was no substantive evidence to demonstrate that there would be a reasonable evidential basis for the fears expressed by local residents and that in the absence of firm evidence that the appeal scheme would materially increase the risk of, or fear of, crime they did not find that the proposed development in that instance, would have a detrimental impact on the living conditions of local residents.
116. Given this, it is not considered that a refusal reason could be sustained or upheld at appeal on crime or fear of crime in this instance due to the evidence received from the police where they have clarified the nature of the majority of the visits relate to the care of the occupants as opposed to issues which would affect the community. In addition, the situation is considered to have improved since it first began and it is important to note that the site was previously operating on a crisis basis, without a management plan. A condition securing a revised management plan is now proposed.
117. Concern has been raised that the applicant has not made attempts to develop positive relationships within the local community. In relation to social cohesion the introduction of up to two children to the area in a large detached dwelling is unlikely to result in any unacceptable impact to existing social cohesion and the information supporting the application details measures to aid integration in this regard. The applicant also notes these concerns raised and has confirmed they will work on relationships. 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 96 of the NPPF.
118. 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.
119. In particular, a planning condition is recommended which restricts the use of the property to a children's care home for no more than two young persons 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. A further condition would also be applied for its temporary use for three years, as well as adherence to the management plan which has been updated and is considered more robust, providing further information on parking arrangements during staff change over along with direct contact details for residents should issues arise.
120. In light of the above and subject to conditions, it is considered that the development would accord with the requirements of policies 18 e) and 31 of the CDP and parts 8 and 15 of the NPPF.

Impact on streetscene

121. Part 12 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creating better places in which to live and work, therefore helping to make development acceptable to communities.

122. In broad accordance with Part 12 of the NPPF, Policy 29 (Sustainable Design) of the CDP seeks to ensure that all development proposals achieve well designed buildings and places having regard to supplementary planning documents and other local guidance documents where relevant, and contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities; create buildings and spaces that are adaptable to changing social, technological, economic and environmental conditions. Furthermore, criteria d, of policy 6 requires development to be appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement.
123. Concern has been raised that the business use would be out of keeping with the area however, no external changes are proposed to the property therefore, the proposal is considered acceptable in respect of policies 6d, 29 and part 12 of the NPPF.

Highway Safety

124. CDP Policy 21 states that any vehicular traffic generated by new development following the implementation of sustainable transport measures, must be able to be safely accommodated on the local and strategic highway network; that car parking at residential developments should ensure that a sufficient level is provided for both occupants and visitors to minimise potential harm to amenity from footway parking, and that appropriate provision for electric vehicle charging, including charge points and laying of cables, should be made on both residential and non-residential development where parking is provided. In turn criteria e. of policy 6 requires development to not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity.
125. Concern has been raised that parking provision on the estate is already at capacity with most properties having more vehicles than the allocated number of parking spaces and that inconsiderate parking is causing anxiety and conflict with residents and creating highway safety concerns in that emergency vehicles may not be able to pass the property. Also, that there are too many properties related to the site which park on the public highway.
126. The views of the Highway Authority have been sought and they have confirmed that the property has a double garage and double width, double length driveway, essentially giving the property 6 off street spaces. Given that it is only proposed to have 2 staff on site at any one time, even factoring in visitors, and staff change overs, it is not considered that this development would be prejudicial to road safety or have an impact which could be considered severe as set out in the test in NPPF paragraph 115. Given the position and nature of the application property the proposed development would ensure access for emergency vehicles in accordance with policy 18 of the CDP.
127. Inconsiderate parking is not a matter for the planning system to address and as the road outside is public highway this does not prevent people parking on the highway. Photos have been provided that cars are parking on the highway however there is no evidence to relate them to this property and should people block access, this would be a police matter.
128. Therefore, it is not considered that this proposal would result in a detrimental impact to road safety or a cause a severe cumulative impact to the surrounding road

network and as such accords with policies 6e and 21 of the County Durham Plan and part 9 of the NPPF.

Other Issues

129. Concern has been raised that the property has already been in use as a Childrens home and that there has been lack of consultation with the residents from the applicants. The applicant is aware of these concerns and is willing to work with the residents to improve relationships. A refusal reason could not be sustained in this instance. Planning legislation allows for applications to be submitted on a retrospective basis.
130. Concern has been raised with regard to the extent of the consultation/publicity undertaken by the Local Planning Authority in relation to the current planning application. This consisted of the display of a site notice and neighbour notification letter to surrounding residents which exceeds the statutory requirements outlined in associated legislation. Normally neighbours in front of behind the site and those with an adjoining boundary would be consulted along with the display of the site notice.
131. Devaluation of properties have also been raised however this is not a material planning consideration.
132. It has also been raised that there are restrictions on the property being used as a business under the covenant consent. This would be a private law matter and is also not a material planning consideration.
133. Concern has been raised that the Management Plan states that "We acknowledge that until we are a registered provider we are unable to support young people in County Durham but we are agreeable to the Durham First Approach and we look forward to being in a position to provide care for young people from our own community in the future." But that this is not true as Juniper Care are already caring for young people at this property. Whilst the Company may currently not be able to look after Durham children, they may have been able to look after children from other authorities.
134. Objectors consider that the company has a total disregard for legislation and that it is totally driven for profit only. These are not material planning considerations which can be considered as part of this application.

Public Sector Equality Duty

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

CONCLUSION

137. 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.

138. The applicant has demonstrated a need for small care homes within the County and the proposal is therefore considered acceptable in principle. For the reasons detailed within this report the development is considered to accord with policy 18 of the CDP along with policies 21, 29 and 31 of the CDP subject to the conditions, in as much as it would not have any detrimental impact upon residential amenity, the character and appearance of the area, highway safety, social cohesion and crime and the fear of crime.
139. Whilst significant objections have been raised by nearby residents they were not considered sufficient to sustain refusal of planning permission for the reasons detailed in this report.
140. In addition, the police have provided additional information regarding call outs to the property as well as Anti Social Behaviour Statistics and they maintain that they have no objections to the proposal. Whilst in the early stages of the home operating as a crisis management site, the incident figures from the police were high, this situation has since improved, despite the site operating without the benefit of a management plan and not being registered with OFSTED. As part of the current proposals to retain the use as a care home for a temporary period, for up to two children under the age of 18, the applicant has confirmed their intention to register with OFSTED, and a revised management plan has been provided, which would be conditioned as part of any approval granted to ensure operations at the site are carried out in accordance with the management plan at all times. It is considered therefore, subject to these conditions, that the running of a regulated care home for up to two children would improve the existing situation and comply with the requirements set out in policy 18 of the CDP.
141. The proposal is therefore recommended for approval for a temporary period of 3 years from the date of the decision. By allowing a temporary consent, this will allow officers to assess the running of the site over this period and if issues do arise which are not dealt with effectively this will enable officers to review the proposal as opposed to a permanent consent being granted.

RECOMMENDATION

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

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

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy(ies) 18, 29 and 31 of the County Durham Plan and Parts 8, 12 and 15 of the National Planning Policy Framework.

2. The property shall be used only as a children's care home to accommodate no more than 2 young persons under the age of 18 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.

3. The use of the property (subject to this application) as a children's care home, hereby permitted, shall be discontinued on or before the day 36 months from the date of this permission and shall revert back to its previous use as a dwelling (Use Class C3).

Reason: In the interests of residential amenity and to allow the impacts of the development in this regard to be monitored and reviewed after 36 months in accordance with Policy 18 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

4. The proposal shall be carried out in accordance with the Grange House Management Plan submitted 24 May 2024.

Reason - To protect the amenity of neighbouring residents and the future occupants to ensure that a satisfactory form of development is obtained, 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 form, plans, supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2023)

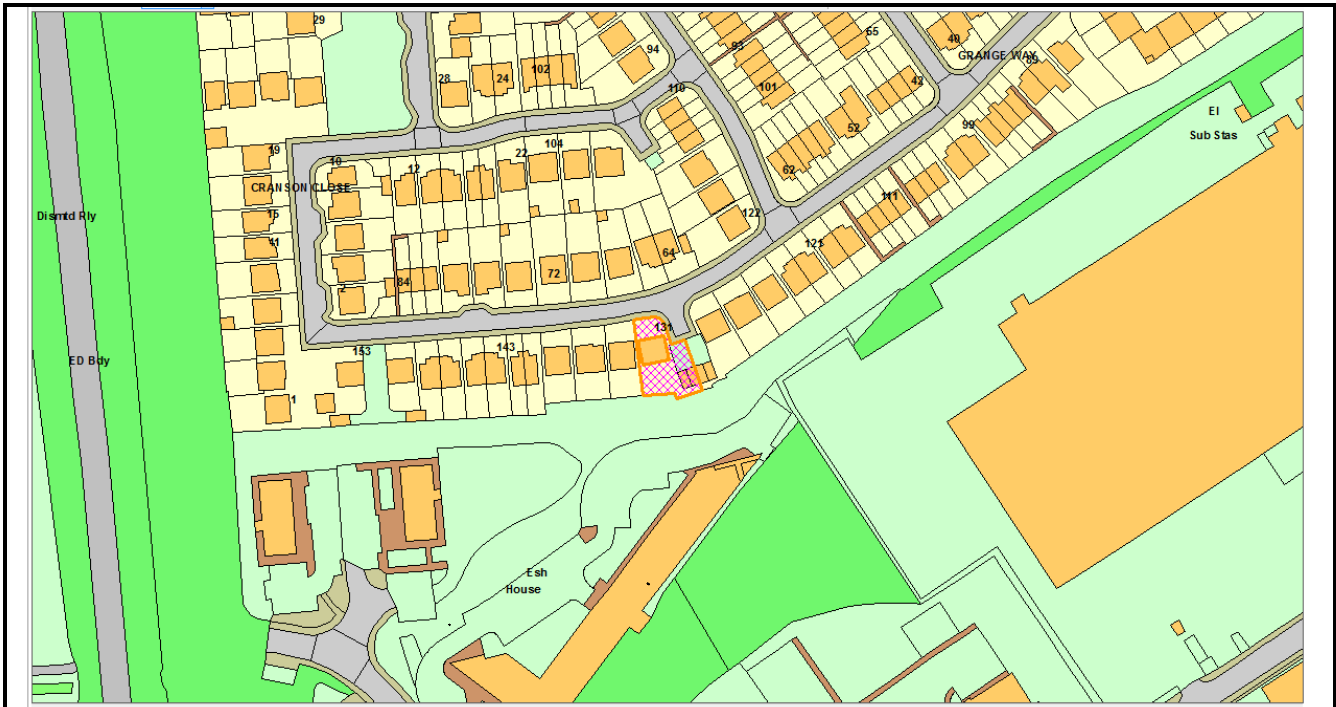
Residential Amenity Standards Supplementary Planning Document January 2023

Parking and Accessibility SPD Adoption Version 2023

National Planning Practice Guidance Notes

County Durham Plan

Statutory, internal and public consultation responses



Planning Services

Temporary change of use of the property from a C3 Residential dwelling to C2 Children's Home for a period of up to 3 years at 131 Grange Way, Bowburn, Durham, DH6 5PL

Application Reference: DM/24/00334/FPA

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Date: June 2024

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