

# **DURHAM COUNTY COUNCIL**

## **AREA PLANNING COMMITTEE (NORTH)**

At a Meeting of the **Area Planning Committee (North)** held in the Council Chamber, County Hall, Durham on **Thursday 26 September 2024 at 9.30 am**

### **Present:**

**Councillor E Peeke (Chair)**

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

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

### **Also Present:**

Councillor M Wilson

### **1 Apologies for Absence**

Apologies for absence were received from Councillors G Binney, K Earley, J Griffiths, D Haney, A Jackson, B Moist and S Wilson

### **2 Substitute Members**

There were no Substitute Members.

### **3 Minutes**

The minutes of the meeting held on 25 July 2024 were agreed as a correct record and signed by the Chair.

### **4 Declarations of Interest**

There were no declarations of interest.

### **5 Applications to be determined;**

#### **a DM/24/00911/FPA - Fell Cottage, Hedley Hill, Durham, DH7 9EU**

The Committee considered a report of the Principal Planning Officer regarding an application to a change of use of residential dwelling (Use Class

C3) to childrens home (Use Class C2) for one child aged between 8-17 at Fell Cottage Hedley Hill Durham DH7 9EU (for copy of report, see file of minutes).

Leigh Dalby, Principal Planning Officer shared a detailed presentation with Members that included site location, ariel photograph and a site plan with the property boundary edged in red showing the proximity to the adjacent Hedleyhope Fell Nature Reserve within the hamlet of Hedley Hill.

There were two residential properties to the east and countryside to all other sides. The map included a Public Rights of Way Footpath 12 Cornsay and Footpath 10 Hedleyhope passed through the site and parts of the garden area were Common Land.

The Principal Planning Officer went onto say that there would be no significant alteration to the existing property which related to a stand-alone detached dwelling and used to provide a form of residential accommodation for 1 child aged 8-17 years. In this instance the dwelling was in good condition and the only proposed external changes to the property the addition of CCTV cameras and one and a half metre post fence to the property boundary with a small parking area for staff with Cycle storage and an EV charging point (subject to planning consent). The public right of way 10 and 12 would be diverted around the property for safety. The applicant would be required to submit a new the travel and management plan for review for winter and extreme weather conditions subject to policy 13 and 21.

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

Councillor Wilson, Local member for the area addressed the committee. She stated that the property sat in a remote location with no access to public transport or amenities. The nearest retail premises, play area or school were 4.2 miles away. There were concerns with the safety of the access road which was an unclassified road and as a result regularly inaccessible during winter months for service vehicles such as refuse collections and emergency vehicles. As such, unless staff had four-wheel drive vehicles in inclement weather, they would not have access to the property by vehicle.

There were four properties in the hamlet and taking one away for business use reduced the amount of family homes in the area. This was a tight knit community and changing a property to a children's home didn't bring with it community cohesion but more likely fear of anti-social behaviour and a possibility of increased crime. Policy 18 of the Durham Plan stated that " sites offer a positive and safe environment for the occupants of the premises ensuring that there was appropriate access to local services and community

facilities;" "it was unlikely to cause unacceptable individual or cumulative impact on residential amenity, fear of crime or community cohesion" " satisfactory outside space, highway access, parking and servicing can be achieved." None of these points were met by this application.

Councillor M Wilson expressed her concerns with a travel plan provided as it was both unrealistic and inadequate with information included that was factually incorrect. The plan claimed that the nearest railway station was Chester le Street at 6 miles away when in fact it was 15 miles away. The nearest railway station was Durham at 9 miles away. The frequency of buses servicing the area was outlined in the Travel Plan, but it needed to be noted that this was a very limited service due to both operating hours and service disruptions during winter weather. The closest bus stop was a 37-minute walk in good weather from the property. It was also noted in the travel plan that if staff were required to be picked up from a bus stop or station arrangements could be made. However, this would reduce the staff available for supervision in the home that was required 24 hours. Councillor Wilson said she had requested information from Mark Readman, Head of Highway Services, and been informed by email that it would not be possible for a private company to grit the road in winter.

Ms Dixon, Objector to the application, highlighted concerns raised regarding the land at Fell Cottage that was currently enclosed by fencing was largely located on common land. It was noted in paragraph 47 of the Committee Report that the applicant had applied to amend the current fencing to no longer encroach on common land, residents had concerns that these matters had been agreed behind closed doors without any local consultation. Which leads to concerns that the amount of land remaining, that was not common land, would be insufficient for the purposes of a children's home.

As part of the National Planning Policy Framework at section 8, paragraph 96, part of the commitment was to ensure that fear of crime would not "undermine the quality of life or community cohesion." The focus isn't solely upon the new development and the impact of crime on them, but also on the existing community on which the change was being imposed". It stated in the report that the fear of crime needed to be objectively justified.

During June 2024 plans for a new children's home in Bowburn, County Durham, were rejected on the basis of antisocial behaviour, despite the application being to house 2 children and with only one being currently resident in the then non approved home.

The applicant's own Management Plan, in the Police Liaison section, references that there may be instances where behaviours from the residents in care could present "a significant concern to the community,". The level of crime was so low and the impact of any increased risk profile was one that causes genuine concern to all residents.

Mr Barton, Applicant (A Wilderness Way Ltd) (AWW) gave an overview of the organisation who worked to better the lives of children. They provided clinically informed therapeutic care and support for a relatively short period of time with the intention of enabling return to family or a suitable alternative.

By utilising countryside locations to provided children with outdoor activities and experiences which were truly life changing. AWW highlighted that as an organisation they were well versed in rural living and the work needed to work around weather conditions. As such teams were suitably equipped with appropriate vehicles and back up supplies in the event this was ever required.

He stated that fitting into the community follows when people recognise the significant, social benefits that AWW provided enabling us to work in co-existence and in most cases became active participants in community life.

Mr Franklin, Agent, spoke in support of AWW. He stated that The Council had identified gaps with current service provision for small scale Childrens homes, with a requirement for solo occupancy provision, which this application was seeking to address.

The operation model was seeking homes in remote locations so that children had the opportunity to feel safe and experience nature. It was typical of such locations that public transport options were not readily available; and, as detailed within the Management Plan, whilst staff would be encouraged to car share where possible, sufficient space for vehicles on site had been fully accounted for in all scenarios.

Regarding comments around emergency access during bad weather events, that these events were rare, and AWW had vast experience of operating within remote locations with staff trained and suitably equipped for all eventualities. In such instances, ensuring the vehicle on-site was equipped and capable to drive in these conditions and as such The Highways Authority had re-affirmed, they had no highway safety concerns.

Mr Franklin went on to highlight that there were no adverse impacts on the amenity of neighbouring residents, as the Applicant had a long track record and seeks to integrate into communities. As confirmed within the Committee Report, it was not considered a refusal reason could be upheld on fear of crime in this instance as there was no sufficient evidence presented which would justify a refusal.

Relating to matters around the adjacent Common Land, existing boundary treatment would be altered to exclude this area from the proposal and the footpath would be suitably diverted, as controlled by Condition 5.

There were no further registered speakers in relation to the application therefore the Chair opened the meeting to questions and debate from members.

Mr Barton responded to questions from Councillor L Brown regarding activities in a remote location and the engagement with residents in the local community. He outlined the approach AWW take to nurture and support individual children through a programme of outdoor pursuits delivered by staff on site. The organisation also engaged with local residents through meet and greet and the opportunity for tours inside the facility.

Councillor J Blakey requested assurances on the level of training which staff who worked at the Childrens home would receive. She noted that the care home at Bowburn was a totally different planning application with different circumstances as it was surrounded by 300 residential properties. This had been refused as it was also operating illegally.

Mr Barton responded that they looked at properties in rural communities to safeguard children and were trained to the highest level.

Councillor L Brown sought clarification on the arrangements for private gritting to access roads as it had been highlighted in the application that access in winter was challenging.

David Smith, Principal Highways Development Management Engineer, confirmed that there was a policy for the assessment of gritting routes however this was not a material planning consideration. Strategic Highway Operations categorise the roads access and gradient to determine where a gritting plan would be required. However, in terms of a planning application we would not assess which highway does and does not need gritting.

Laura Ackermann, Legal Officer, clarified that gritting of roads fell outside the planning system. Councillor L Brown queried why it was acceptable for her to grit an area of footpath outside her home but not for a private company to grit the road. The Legal Officer explained that the response that had been sent to Councillor M Wilson from the highways department regarding gritting explained that the private provider would not be gritting the roads with grit provided by the Council and therefore there were concerns around the quality of the grit being used and there was a liability issue for any non Council vehicles being used to grit an adopted highway. This was fundamentally different from residents accessing Durham County Council provided grit to self-grit areas of adopted highways and footpaths outside their homes.

In response to a question from Councillor K Shaw, The Principal Planning Officer stated that there was no evidence of increased crime following a

change of use. Police may be present on site more frequently carrying out safeguarding and engagement with visits not being as a result of a crime. In previous similar applications that were refused it would have been reviewed and rejected on the MPPF data.

Councillor A Sterling noted for the purpose of the minutes that the report referred to 'looked after children' this terminology should read 'children looked after'.

She added that as an independent visitor to Childrens homes, as part of her duties for the Corporate Parenting Committee, staffing in these homes was high level with the children needing the care and protection provided. She acknowledged that the Council has a duty under Section 21 of the Childrens Act 1989 that places an obligation on local authorities to provide accommodation for children looked after. As such she **moved** that they agreed the Officer's recommendation and approved the application subject to the conditions listed in the report.

Councillor A Watson added that it's hard for the application to be refused to house no more than 1 young person and when it complied with all planning policies. While respecting the views of residents there was no substantiating evidence that increased crime would result from supporting. Councillor A Watson requested clarification of what changes had been made in the conditions.

The Principal Planning Officer outlined changes to the conditions detailed in the report.

Councillor A Watson **seconded** the Officer's recommendation to approve the application subject to the additional conditions presented and an amendment to the conditions listed in the report.

Upon a vote being taken it was unanimously:

**Resolved:**

That the application be **APPROVED** subject to the conditions listed in the report (as amended) and the additional conditions provided as part of the Officer's report to Committee.