

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/14/01112/FPA
FULL APPLICATION DESCRIPTION:	Change of Use from Residential (Class C3) to Residential Childrens Home (Class C2)
NAME OF APPLICANT:	Mr P. Hennessy
ADDRESS:	25 Cumberland Terrace, Willington, Crook, County Durham. DL15 0PB
ELECTORAL DIVISION:	Willington and Hunwick
CASE OFFICER:	Joy Orr Senior Planning Officer joy.orr@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site:

1. The application site comprises a 6 bedroom detached bungalow with double garage. The property is located just outside of but adjacent to the settlement limits for Willington as defined within the Proposals Map of the Wear Valley District Local Plan.
2. Access to the site is from Cumberland Terrace which is a residential terraced street. At the entrance to Cumberland Terrace is Our Lady and St Thomas Roman Catholic Primary School and next to it is the Church. To the north of the application site is a detached neighbouring dwelling.
3. The host property is set within large grounds delineated by brick walls and timber fencing. There is parking within the front of the property for 4 cars, in addition to the double garage resulting in 6 parking spaces within the site. Prior to submission of the application the property had been vacant and boarded up. It has now been refurbished, but the use has not commenced.

The Proposal:

4. Planning permission is sought for the change of use of the existing dwelling house to a children's home that would provide long term and respite short break care for children between the ages of 3 and 17 years old. After initially suggesting the home would accommodate 4 children, the applicant has now confirmed it will be registered for 5 children and one of the existing bedrooms will be used as an office/ sleep in room. The client group to which the proposed home would be registered for Ofsted requirements is a 'Children's Home' catering for children with Learning Disabilities (LD) and Physical Disabilities (PD). Neither category would include children with emotional/behavioural/mental/drug or alcohol problems, which fall within separate Ofsted categories that the home will not be registered for. The range of disabilities

which the home could provide for are: Down syndrome, fragile x, severe learning disabilities, autism, dyspraxia, dyslexia, physical disabilities, spinabifida, muscular dystrophy, communication difficulties and brittle bones. Durham County Council would have priority to the beds, but should the need not be filled within the County, the children could be placed at the home from various North East Authorities within the NE6 Consortium of Local Authorities (Newcastle, Sunderland, Gateshead, Darlington).

5. The home would be administered by non-resident care staff at a 1:1 ratio to reflect the special level of care that each child would need. There would be twelve 37.5 hour/week jobs created with staff working shifts. Staff arriving between 7.15 am and 7.30 am would leave between 2.15 pm and 2.30 pm. At 2.00 pm a sleep-in member of staff would arrive and work until 9.30 am the following morning. 3 further members of staff would arrive for the late shift between 2.35 pm and 2.45pm and leave between 9.30 pm and 9.40 pm. The night shift would arrive at 9.30 pm and leave at 9.30 am. The maximum number of staff on site at one time including the Manager would be 6, but at most times would be 5 depending on the number of children present.
6. At school holidays and weekends it is proposed to operate on a 12 hour shift pattern, 9.00 am – 9.00 pm and 10.00am – 10.00 pm day shift, and 9.00 pm – 9.00 am night shift. Sleeping in staff will remain until 9.30 am the following morning.
7. The children would be transported to and from school in a single service vehicle. School placements would largely depend upon the individual needs of the children and they are likely to attend the same special schools within the area. Any children from bordering Local Authorities may remain in their existing schools and would be provided with a taxi and escort service funded by their own Local Authority. It is also a possibility that the children will be educated at the home using a teaching agency; however this will largely depend upon the individual needs of the children. The applicant is willing to implement a Green Travel Plan to reduce car journeys.
8. The application has been referred to the Planning Committee by the Greater Willington Town Council due to concerns relating to traffic generation and potential for other categories of children (behaviour difficulties) to be accommodated in the home.

PLANNING HISTORY

9. Previous use of the site included a slaughter house and permission was given for conversion to a dwelling under permission 3/1991/0022.
10. The present bungalow was initially refused by the Council on highway grounds, but allowed on appeal under permission 3/1995/0032.

PLANNING POLICY

NATIONAL POLICY:

11. On March 27th 2012 the Government published the National Planning Policy Framework (NPPF). However, the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

12. Key aims relevant to this proposal include widening the choice of high quality homes; recognising that the planning system can play an important role in creating healthy, inclusive communities; and ensuring highway impacts are acceptable.

*The above represents a summary of the NPPF considered most relevant the full text may be accessed at:
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>*

LOCAL PLAN POLICY:

13. The following saved policies of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 are considered to be consistent with the NPPF and can therefore be given full weight in the determination of this application:
14. *Policy GD1 – General Development Criteria.* All new development and redevelopment within the district should contribute to the quality and built environment of the surrounding area and includes a number of criteria in respect of impact on the character and appearance of the surrounding area; avoiding conflict with adjoining uses; and highways impacts.
15. *Policy H3 – Distribution of Development.* New development will be redirected to those towns and villages best able to support it. Within the limits to development of towns and villages, as shown on the Proposals Map, development will be allowed provided it meets the criteria set down in Policy GD1 and conforms to other policies within the plan. Willington is listed as one of those villages where development will be allowed.
16. *Policy T1 – General Highways Policy.* All developments which generate additional traffic will be required to fulfil Policy GD1 and provide adequate access to the development; not exceed the capacity of the local road network; and be capable of access by public transport works.
17. *Policy H20 – Alternative Uses within Residential Areas.* Within existing residential areas various uses, which include residential institutions, may be acceptable having regards to the need to safeguard existing residential amenity; the scale and character of the use; potential for expansion; and potential traffic and parking requirements.

*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>.*

EMERGING POLICY:

18. The emerging County Durham Plan was Submitted in April 2014 ahead of Examination in Public. In accordance with paragraph 216 of the NPPF, decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. At this stage the policies would carry very limited weight and are therefore not relevant to the consideration of this application.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

19. *Willington Town Council* – Has objected to the application on a number of grounds: there is no demonstrable need for the facility; accommodating children from in excess of 20 miles represents unsustainable development; the home could accommodate children with emotional and behavioural difficulties which could result in noise impact and increase the fear of crime; and there will be a significant increase in traffic in a location with significant highway constraints that is unable to accommodate the additional vehicle movements.
20. *The Highway Authority* - Has no objection subject to the parking spaces being laid out prior to commencement of the use and for the garage to be used for parking of vehicles only. It is noted that the bungalow was allowed at appeal despite the Highway Authority concerns at the time. The proposal will increase the level of pedestrian and vehicular activity compared to the existing use, which still causes concern, however the highway conditions are unlikely to result in conditions sufficiently detrimental to sustain a highways refusal, particularly given the location is within walking distance of the settlement and associated facilities.
21. *Durham Constabulary* - Have general concerns about children placed from outside the County because in their experience there is a tendency for young people removed from their home environment to unfamiliar places to abscond or cause nuisance. Willington is an isolated location which does not meet the requirements for residential children's homes. However, it is noted that the application proposes the sole use will be to home physically disabled children, this use would not create the same concerns. Durham Constabulary would withdraw their objection provided there is a guarantee that at no time in the future the use could be changed to a home for children with needs other than a physical disability.

INTERNAL CONSULTEE RESPONSES:

22. *Children and Adult Services* - Offered no formal objection to the proposed scheme and have stated that the Children and Adult's Service Commissioning Team undertook a review of specialist short breaks in October 2013 and through the review identified that there is limited availability in the area for specialist short break provision, both overnight and during the day. One of the actions from the review proposed to develop the provider market further with regards to the provision of specialist short breaks. Having read the statement of purpose for Willow Lodge it would appear that this development looks to provide specialist short break provision in line with the Council's identified needs. This proposed development for specialist short break provision in County Durham would therefore be supported.
23. *Environment, Health and Consumer Protection* - Has no objection in respect of potential noise impacts.

PUBLIC RESPONSES:

24. Letters were sent to all properties in Cumberland Terrace. In response there were 12 letters of objection and 5 letters of support received. The points raised have been summarised below, however full records of all observations received are available on the application file and on public access:

- It is felt that the proposal would significantly increase the number of vehicle movements to/from the property compared to what might be reasonably expected as a normal dwelling, which would increase the number of dangerous manoeuvres on the highway to the detriment of the safety and convenience of users of the highway. There is not sufficient staff/visitor parking for this facility.
- There are also concerns that if approved the property could change use to other more problematic types of institutions within the same use class without the need for planning permission. The site is considered unsuitable for children with emotional or behavioural difficulties.
- There is no need for the facility in County Durham as adequate provision exists within existing facilities in County Durham. Reference has been made to other legislation and controls regarding the operation of children's homes and ministerial concerns over the concept of children being placed in care outside of their local authority area.
- The proposal is not considered to represent a sustainable form of development because of the reliance and distance of car journeys to schools, activities and family outside the local area.
- Potential for a rise in the fear of crime.
- Increase in noise from the site operating 24/7 would impact on the amenity of neighbouring properties.
- There is an existing issue with emergency vehicles accessing the street.
- There is a drainage problem on Cumberland Terrace as water floods off the fields making the footpaths impassable.
- The size of the property is too small for the needs of disabled children.
- Staff will not be properly experienced or qualified.

Letters of support

- Willington is a town that is in much need of employment opportunities.
- The parking for staff and employees should not have an impact on Cumberland Terrace as all parking facilities will be contained within the site.
- Main shift changes will take place outside of business hours therefore not effecting main traffic times.
- Supervised children will be welcomed into the community.

APPLICANT'S STATEMENT:

25. In accordance with the advice in the letter from Durham Constabulary and discussions with the Officers in the Planning Department, the applicant has indicated that he would comply with a planning condition, should consent be granted, which limits the use of the property within Class C2 to providing a home for children who fall within the Ofstead categories PD and LD, i.e. Physical and Learning Disabilities. This would accord with the company's Ofstead Registration and neither category would include children with emotional/behavioural/mental/drug or alcohol problems who could be associated with delinquent and anti social behaviour.
26. There would be no external alterations to the property which can accommodate the use without major alterations. The property will be refurbished and adapted for wheelchair use and both the property and the grounds will be maintained to the highest standards.
27. There will be 1 to 1 supervision of children and no activities would take place on site which would result in noise or disturbance which would deleteriously impact on residential amenity of any nearby properties in the locality.

28. The Management, should planning permission be granted, would implement a Green Travel Plan for the property. This would include a package of practical measures to reduce car use for journeys to and from work and for travel for the children, encouraging the use of other forms of transport than the car, walking, the use of public transport and cycling and minimising car use by implementing staff car sharing schemes, provision of secure cycle parking, rationalisation and planning for essential travel and minimising deliveries to the property. The Green Travel Plan will also cover waste disposal and recycling collections for the property. Compared to single occupancy car travel, the options in a Travel Plan can reduce environmental impacts, help cut congestion on local roads, and are socially inclusive by facilitating travel for those without access to a car. For a new proposal such as this, travel patterns will need to be developed based upon transport assessments and/or similar developments elsewhere. Such targets can then be amended based upon actual travel behaviour as the development comes on line, as part of the development of a full Travel Plan. For a smaller development such is proposed at Willow Lodge a Travel Plan can be properly secured by a planning condition. This will ensure that the Travel Plan will need to be approved prior to either the development starting or being occupied. The developer proposes, should this application be approved, to implement effective and continuous monitoring to maintain the Travel Plan and meet agreed targets. A monitoring report will be submitted to the Council annually highlighting any changes in site travel patterns and the performance of the Plan against the agreed targets.
29. Parking will be provided on site to accommodate all vehicles visiting the site and a turning facility will be retained on site to allow all vehicles to enter and leave the site in a forward gear.
30. The National Planning Policy Framework recognises that the planning system can play an important role in creating healthy and inclusive communities. The scale and character of the proposed use would not adversely impact on residential amenity or on the character of the locality. The proposal accords with Policy H20 of the Wear Valley District Local Plan which allows for alternative uses in residential areas.
31. The applicants have held a public consultation event on site to show the extent of the proposals to local residents and should planning permission be granted, intend to hold a further event to secure social integration with the community.

PLANNING CONSIDERATIONS AND ASSESSMENT

32. Having regard to the requirements of section 38(6) of the Planning and Compulsory Purchase Act 2004 development plan policies and relevant guidance, and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development; impact on the amenity of neighbours; and highway safety.

Principle of Development

33. There are many similarities in how children's homes operate to a normal family home, however, the case of *North Devon DC v FSS and Southern Childcare Ltd* [2003] EWHC 157 Admin provides authority for the view that use as a care home for children, where carers are non-resident, falls within Class C2, hence the need to apply for a change of use of the property from a dwellinghouse to a children's home.

34. This proposal involves reuse of an existing 6 bedroom residential property, which has previously been vacant and boarded up, detracting from the appearance of the area. The house has been refurbished and adapted without any major building and there would be no further physical changes to the property that would differentiate it from other residential properties. The proposal is therefore a re-use of an existing building, which would have a positive effect on the appearance of the area.
35. As a business the proposal would create twelve 37.5 hr/week jobs as well as a 6 hr/week local handyman contract. The children and staff are likely to make some use of local facilities, shops and services in Willington and surrounding areas. These economic benefits are material considerations that can be given significant weight in the balancing exercise in accordance with paragraph 19 of the NPPF.
36. Some of the objections received have questioned the need for the facility, suggesting there is already sufficient local provision. Durham County Children and Adult Services have however confirmed that there is limited availability in the area for specialist short break provision of the type being proposed, particularly for physical disabilities and the proposal would therefore meet an identified need in the area and has their support. It is also noted Durham County Council's Disability Commissioning Strategy Plan 2012/2015 states that in County Durham some 125 children and young people access provision out of the County. These out-of-county placements are required when the needs of a child's statement cannot be met in county due to the specialist nature of a placement. The Plan demonstrates there are gaps in the service provision that can lead to children being placed out of the County. The application proposal would therefore address an identified need and meet the NPPF aims of widening the choice of high quality homes and creating inclusive communities. The support from Durham County Children and Adult Services carries significant weight in the consideration of the application and differentiates this proposal from other proposals for homes accommodating children with emotional and behavioural problems, which Durham County Children and Adult Services have not supported previously.
37. Although the site falls outside the development limits of Willington it is immediately adjacent to the development limits, at the end of a residential street and has a lawful use as a dwellinghouse. The site would have had vehicle movements associated with the residential use of the property and previously was occupied by a slaughter house with commercial vehicle movements. Willington is considered to be well served by an existing bus service with good access to shops, schools and recreational facilities. Policy H3 of the Wear Valley District Local Plan lists Willington as a suitable location for new development. It is considered that Willington is a sustainable location and its facilities can be accessed from the site without reliance on private motor vehicles. The proposal is not sufficiently in conflict with Wear Valley Local Plan Policy H3, or the sustainability aims of the NPPF to justify refusal on the basis that the site lies outside the development limits.
38. There are some general concerns with the travel arrangements of private care homes when children are brought in from neighbouring local authority areas as it often involves lengthy car journeys to the child's existing school or doctor outside the County, or to visit family and friends in their home area, which is contrary to the NPPF aims of reducing car journeys. In this case however, Durham County Children and Adult Services have confirmed that the facility will meet an identified need in the area and the applicant has stated that Durham County Council will have priority for the bed spaces. If the beds are not filled from within the County they will be available for neighbouring local authorities as part of the NE6 consortium. Most car journeys are therefore likely to be within the County or to neighbouring local authority areas. In addition, the applicant is prepared to implement a Green Travel Plan, which would

include practical measures to reduce car use and encourage walking, the use of public transport and cycling, which would comply with the aims of the NPPF in this respect. The details can be agreed by a condition.

39. Finally, Policy H20 of the Wear Valley District Local Plan states that residential institutions (Class C2) may be acceptable within existing residential areas where they fulfil criteria which safeguard the amenities and general living environment of the existing residents within the area, and are appropriate in their scale and traffic/parking impacts. The scale of the proposal, being similar to the size of household that could be accommodated at the dwelling, is considered to be appropriate to the site and locality and therefore the merits of the proposal turn principally on the detailed issues of impact on residential amenity and highway safety.

Residential Amenity

40. The existing property is a dwelling positioned at the northern end of Cumberland Terrace. The nearest residential properties are no.26 approximately 46m to the north and no.24 approximately 40m to the south.
41. There will be no change in existing window relationships and separation distances are well in excess of 21m. The rear garden is well concealed by close boarded timber fencing and children's play will be confined to the rear where they can be properly supervised. Because of the distance to neighbouring properties and the small number of children, noise within the home and garden would be unlikely to result in unacceptable levels of disturbance to neighbours.
42. Many of the objections received have commented on the potential for noise disturbance to properties along Cumberland Terrace as a result of the comings and goings and 24/7 operation of the home. While the home would be run 24/7 it is no different to a residential dwelling in that respect and the size of the property is already capable of accommodating a large family with multiple movements to/from the property. There would be a greater number of vehicle movements compared to continued use of the property as a dwelling, but the timing of the majority of vehicle movements associated with the children's home would coincide with normal daily activity related to work and school journeys, as well as leisure and shopping trips in the afternoon and evening. The earliest staff change over would be after 7.00 am and the latest would be before 10.00 pm. These times can be conditioned. The property is far enough from neighbouring properties that the associated activity within the site at change over times is unlikely to be disturbing to neighbours. Cumberland terrace is also a busy road because of the school and church and therefore the vehicle movements associated with the children's home would not be significant compared to existing traffic. It is therefore considered that there would be no unreasonable noise disturbance to neighbours as a result of the proposed scheme. This view is supported by the Council's Environment, Health and Consumer Protection Section who have considered the proposal in respect of noise impact.
43. Fear of crime and the arrangements for the running of the facility have also been raised as concerns in the objections. Firstly, the management and regulation of children's homes and child protection is a matter for Ofsted and other government legislation under The Children Act and The Children's Homes and Looked after Children Regulations 2013. The New Regulations of 2013 define the qualifications that managers of children's homes and persons working in care roles in children's homes must have, introduce requirements for missing children policy and to consult with local services before implementing that policy, as well as providing requirements for an annual risk assessment. The children's home cannot be registered without

meeting the minimum requirements. The running of a children's home is therefore adequately covered by other legislation and is not a consideration which should be afforded any weight in the determination of this application.

44. Fear of increased crime is however capable of being a material planning consideration in determining the planning merits of a scheme. Paragraph 58 of the NPPF states that *"planning policies and decisions should aim to ensure that developments create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion"*.
45. It is noted that the applicant has engaged with residents in Cumberland Terrace to explain the proposals and attempt to allay any fears about the facility. Nevertheless there have been concerns expressed on fear of crime, but the majority of concerns have been in relation to whether the facility would be able to accommodate children with behaviour, mental, drug and alcohol problems within an open C2 Use Class, as opposed to what is actually proposed. Durham Constabulary have also raised concerns on this basis in respect of such children being more likely to abscond if placed in unfamiliar places, however they have stated that their concerns would be alleviated if there was a guarantee that the use could not be changed from what is proposed.
46. All children's homes have to register with Ofsted and their registration requires them to record which client group the home will service. There are different categories of home including: Secure children's home; refuge, residential special school; boarding school; and children's home. There are also different categories of children: emotional behaviour difficulties; physical disability; learning disability; mental disorders; drug problems; and alcohol problems. The application states that the facility will be registered as a children's home serving only the learning and physical disability categories. These categories of facility and children are less likely to be associated with delinquent and anti-social behaviour, or place demand on local police services and there is no evidence to suggest otherwise. The children would be well supervised with 1:1 staffing levels to reflect the care that each child needs including personal care, help with feeding, accessing the community and general living tasks.
47. However, having regard to the comments received, it is accepted that on occasion, where applications for change of use are not clearly defined, changes in the type or level of use can occur or evolve within the Use Class, potentially increasing the impact on neighbouring occupiers. According to Durham Constabulary children with emotional and behaviour problems are more likely to abscond from children's homes and the increase in the number of associated police visits to the home could be perceived by residents as an increase in crime, thereby increasing fears of crime. In order that there is no ambiguity in the proposed use, conditions defining the consent in terms of the category of facility, age group and category of children that can be accommodated as specified in the application would ensure absolute clarity in the consent, and ensure the detail of it is ultimately enforceable. This would give peace of mind to neighbours on the on-going nature of the use and the Council's ability to control it, as well as addressing the concerns expressed by Durham Constabulary. Any variation would require a planning application.
48. Taking all these matters into account, it is considered that subject to conditions specifying the change of use of the property to a children's care home for up to 5 children with learning and physical disabilities only, the proposal would not have an adverse impact on the residential amenity of those living within close proximity of the site, or lead to a fear of crime so great that it would undermine local quality of life and

community cohesion. The proposal would not therefore detract from the character of the area and accords with Wear Valley Local Plan policies GD1 and H20, as well as paragraph 58 of the NPPF.

Highway Safety

49. The objections received have all expressed concerns about the proposal exacerbating existing traffic and parking problems on Cumberland Terrace as a result of the additional vehicle movements it would introduce.
50. The Highways Authority has considered the proposal taking into account the existing road conditions, predicted number of vehicle movements associated with the proposal and parking provision for 6 vehicles within the application site. They have also noted the planning history of the site where the current dwelling was allowed at appeal despite The Highways Authority raising concerns at the time about the narrowness of the carriageway as a result of parking obstruction, which creates conditions where drivers of opposing vehicles must sometimes wait at either end of long sections of parking. Those concerns are evident in photos provided in the objections. The problems on Cumberland Terrace are therefore acknowledged and the proposed use is likely to lead to an increase in the level of pedestrian and vehicular activity as compared to the existing lawful use of the property, which again gives rise to some concern.
51. However, that being said, The Highways Authority are mindful that this is an existing issue, made largely worse by the school and church traffic, and the concerns expressed previously were not supported by the Planning Inspector at appeal. Although there would be an increase in the number of vehicle movements from the site, potentially to 24 trips per day (worst case scenario), this level of trips would not be particularly significant given the existing traffic levels, particularly those from the school. In addition, the proposed timing and staggering of staff movements, as well as the sufficient provision of parking and manoeuvring space within the site are further factors leading The Highways Authority to conclude that the proposal would not lead to highway conditions sufficiently detrimental to sustain a highways refusal, subject to suggested conditions securing the 6 parking spaces within the site. The applicant has also since expressed a willingness to adopt a Green Travel Plan. The Green Travel Plan would include practical measures to reduce car use. It could include staff car sharing, provision of cycle storage, rationalisation and planning for essential travel and minimising deliveries to the property. The Green travel Plan would accord with the aims of the NPPF to reduce car journeys and would help mitigate the impact on Cumberland Terrace.
52. Subject to the conditions suggested by The Highways Authority and the adoption of a Green Travel Plan it is considered that the proposal would not lead to a severe cumulative residual impact on highway safety. The proposal therefore accords with Wear Valley Local Plan Policies GD1 and H20 and the advice of the NPPF in this respect.

Other Issues

53. Some objections have commented on existing drainage issues in Cumberland Terrace, however, the proposal is for a change of use of an existing building and is therefore unlikely to exacerbate the existing drainage issues.

CONCLUSION

54. The proposal would address an identified local need for specialist short break provision for physical and learning disabilities and is supported by Durham County Children and Adult Services.
55. The proposal is for the reuse of an existing vacant dwelling in a sustainable location and would provide economic benefit in the form of 12 full time employment opportunities and support for local services and facilities. The provision of jobs and support by Durham County Children and Adult Services carries significant weight in favour of the proposal.
56. The fears expressed about the proposal increasing the fear of crime have been mostly in relation to what the facility might become in respect of accommodating children with behaviour, mental or drug problems as opposed to the proposed use for children with physical and learning disabilities. Children with physical and learning disabilities are considered less likely to lead to increased crime and disorder, and there is no evidence to suggest that the proposal should inherently lead to increased crime and disorder. Durham Constabulary have confirmed that their concerns would be allayed if the proposal was conditioned to restrict the home to the categories of children suggested in the application and this should carry significant weight in favour of the proposal.
57. There would be no physical changes to the property to differentiate it from other residential properties and the scale of the proposal, its character, and associated vehicle movements would not unacceptably harm the character or appearance of the surrounding area, nor would they have an unacceptable impact on the residential amenity of neighbours.
58. The Highway Authority considers the proposed parking arrangements within the site, predicted numbers of vehicle movements and manoeuvring to be acceptable and it is considered that along with the adoption of a Green Travel Plan to reduce the reliance on car travel the proposal would not lead to a severe cumulative residual impact on highway safety, subject to conditions ensuring the provision and retention of the parking within the site.
59. Subject to the suggested conditions, the proposed use is considered to be in accordance with Wear Valley Local Plan policies GD1, H20 and T1, as well as the aims of the NPPF in terms of widening the choice of high quality homes, creating inclusive communities, ensuring the fear of crime does not undermine quality of life or community cohesion, and aims to reduce private car travel.
60. All representations have been considered, however, on balance, the issues raised are not considered to be sufficient to warrant refusal of the application and it is felt that the proposal is acceptable in planning terms.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions;

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing No:	Description:	Date Received:
14.44.001	Site Location Plan	28.04.14
14.44.004	Block Plan Proposed	28.04.14
14.44.003	Floor Plan	28.04.14

Reason: To define the consent and ensure that a satisfactory form of development is obtained.

3. The use hereby approved shall not commence until the parking spaces to the front of the property have been laid out and made available for the parking of motor vehicles and thereafter the garaging and hardstanding within the site shall be available at all times for the parking of no less than 6 motor vehicles.

Reason: To ensure that adequate parking provision is made within the site for vehicles in the interests of highway safety. In accordance with policies GD1 and H20 of the Wear Valley Local Plan as amended by Saved and Expired Policies September 2007.

4. The use hereby approved shall not commence until a Green Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

Reason: In order to encourage sustainable means of travel in accordance with Policies GD1 and T1 of the Wear Valley District Local Plan as amended by Saved and Expired policies September 2007.

5. Notwithstanding the provisions of the Town and Country Planning (Use Classes Order) 1987 (as amended) the use hereby approved shall be restricted to that of a children's care home for children between the age of 3 and 17 and no other purpose within Use Class C2.

Reason: In the interests of residential amenity and highway safety. In accordance with policies GD1, T1 and H20 of the Wear Valley Local Plan as amended by Saved and Expired Policies September 2007.

6. Willow Lodge, 25 Cumberland Terrace, shall be operated only as a Children's Home for up to 5 children with Learning Disabilities or Physical Disabilities under categories PD and LD of Ofstead Regulations with 24 hour support from non-residential carers, including a full-time manager.

Reason: In the interests of the reasonable expectations of existing residential amenity in the area and to comply with Policy GD1 of the Wear Valley District Local Plan Local Plan as amended by Saved and Expired Policies September 2007.

7. There shall be no vehicle movements associated with staff changeover before 07.00 and after 22.00 on any day.

Reason: In the interests of residential amenity. In accordance with policies GD1 and H20 of the Wear Valley Local Plan as amended by Saved and Expired Policies September 2007.

STATEMENT OF PROACTIVE ENGAGEMENT

61. In arriving at the recommendation to approve the application the Local Planning Authority has assessed the proposal against the NPPF and the Development Plan in the most efficient way to ensure a positive outcome through appropriate and proportionate engagement with the applicant and carefully weighing up the representations received and impact on the surrounding area.
62. The Applicants have embarked on a Community Consultation event where residents of Cumberland Terrace were invited along to an open day ran by Hennessy Children's Services.

BACKGROUND PAPERS

- Submitted Application Forms, Plans and Statements
- National Planning Policy Framework
- Consultee comments
- Public Consultation Responses

