

# Planning Services

## COMMITTEE REPORT

**AGENDA ITEM NUMBER: 3E**

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### **APPLICATION DETAILS**

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**APPLICATION NO:** 3/2010/0523

**FULL APPLICATION DESCRIPTION:** CHANGE OF USE FROM A RESIDENTIAL DWELLING TO A RESIDENTIAL CHILDRENS HOME

**NAME OF APPLICANT:** MS DONNA THORNE

**ADDRESS:** GREY TOWERS, WOLSINGHAM, BISHOP AUCKLAND, DL13 3HQ

**ELECTORAL DIVISION:** WEARDALE

**CASE OFFICER:** Adam Williamson  
adam.williamson@durham.gov.uk  
01388 761970

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### **1.0 DESCRIPTION OF THE SITE AND PROPOSALS**

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#### **1.1 Context**

- 1.2 The site comprises a large dwelling with detached garage. The dwelling sits within a garden which is enclosed by a small stone wall. Access is via a narrow winding single track that also serves other nearby properties.
- 1.3 To the north west of the dwelling lies a parcel of land to which the application relates. Prior to the new development on this parcel of land there was a stable and small garage, along with the foundations of the other outbuildings that had been removed previously. Grey Towers also has the benefit of a 32m wide paddock extending 210m to the north of the parcel of land to which the development relates. Given its previous use this parcel of land is regarded as being within the curtilage of the dwellinghouse.
- 1.4 The site is situated outside of the Settlement Limits for Wolsingham. Therefore, in planning terms, the site is located within the open countryside as defined by policy H3 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
- 1.5 The nearest dwellings are Montford 85m to the north east of the site; Ruffsyde 65m to the north west, and Redgate Villa 109m to the south.
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1.6 The area is located within the North Pennines Area of Outstanding Natural Beauty. In terms of topography the land rises from the south to the north with Montford being on a higher level than the site. Redgate Villa is on a lower level behind a small crag.

## 1.7 Proposal

1.8 Planning permission is sought for the change of use of the site from C3 residential to C2 children's home. No external alterations are proposed. The applicant has stated that there would be a maximum of 4 children at the home aged between 11 and 17, with between 1 and 3 staff on site at any one time as appropriate.

1.9 The application is being reported to Committee as Wolsingham Parish Council has objected to the proposal.

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## 2.0 PLANNING HISTORY

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2.1 3/2005/0700 Kennels and loose boxes - Approved 22.01.2006.

2.3 3/2005/0380 Rebuild kennels and extend outbuildings - Approved 01.07.2005

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## 3.0 PLANNING POLICY

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### 3.1 NATIONAL POLICY:

3.2 **Planning Policy Statement 1:** Delivering Sustainable Development sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.

3.3 **Regional Policy:** The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.

3.4 **Policy 2: Sustainable Development** – Concerned with providing for development which delivers environmental, social and economic objectives to improve the quality of life for all without threatening, either now or in the future, the viability of the natural, built and social systems on which the deliverability of these objectives depends.

### 3.5 LOCAL PLAN POLICY:

3.6 **Policy GD1 (General Development Criteria):** All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.

3.7 **Policy ENV2 (The North Pennines Area of Outstanding Natural Beauty):** Priority will be given to the protection and enhancement of the landscape qualities of the North Pennines Area of Outstanding Natural Beauty. Development which adversely affects the special scenic quality and the nature conservation interest of the AONB will not be permitted.

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- 3.8 Policy H3 (Distribution of Development):** New development will be directed 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 the other policies of this plan.
- 3.9 Policy T1 (General Policy – Highways):** All developments which generate additional traffic will be required to fulfil Policy GD1 and:
- i) provide adequate access to the developments;
  - ii) not exceed the capacity of the local road network; and
  - iii) be capable of access by public transport networks.

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*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.planningportal.gov.uk/england/government/en/1020432881271.html> for national policies; <http://www2.sedgefield.gov.uk/planning/WVCindex.htm> for Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.*

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## **4.0 CONSULTATION AND PUBLICITY RESPONSES**

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### **4.1 STATUTORY RESPONSES:**

- 4.2 Wolsingham Parish Council:** Object to the proposals. The change of use does not accord with the local plan, particularly as it is in the open countryside. There is inadequate infrastructure in the town to facilitate such a development.
- 4.3 Highways Engineer:** Access onto the unclassified road is acceptable and while this will generate slightly more traffic than a single residential dwelling the increase will be relatively small.
- 4.4** The access track leading to the site is private and is not included within the red line site boundary. However, this access track appears to have served the site for over eighty years and I must assume that access rights exist.

### **4.5 INTERNAL CONSULTEE RESPONSES:**

- 4.6 Public Rights of Way:** The route serving as private (vehicle) access to Grey Towers, as well as other properties, is also a Public Bridleway (No. 44 Wolsingham). I note that in the DAS the applicant states that “the property will not increase traffic to the area any more than if it were a residential house”. We do not have any record of any problems associated with private vehicle movements and the public’s use of the bridleway, and I can’t envisage there being any change in this should the property switch from residential dwelling to a residential children’s home.

### **4.7 PUBLIC RESPONSES:**

- 4.8** Occupiers of neighbouring properties have been notified in writing and a site notice has also been posted. One letter of objection has been received, the details of which are set out below:
- a) The use and enjoyment of my property and surrounding land is likely to be affected by the intrusion, lack of privacy and trespass by individuals accommodated at this address.
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- b) It is likely that these children will have behavioural problems and likely to come from families where behaviour has not been addressed and are maladjusted individuals.
- c) The location of the proposal is located outside the village of Wolsingham. The access to the site is not served by footpaths or street lighting.
- d) Vehicular access would be difficult for emergency services due to the narrowness of the access lane.
- e) With an increase of children descending on the village from dubious backgrounds it would tend to indicate that anti social behaviour will be a significant concern and possible a problem. The children will have freedom to come and go from the home; even with good supervision the staff will not be able to control the behaviour of individuals who frequent the village.

34 letters of support have also been received stating that:

- a) This is a great location for a children's home and good for the community with the creation of local employment.

## **5.0 APPLICANT'S STATEMENT**

- 5.1 The criteria for admission to the home is children and young persons ages 11-17 both boys and girls - a maximum of 4 with a workforce structure that will provide between 1 and 3 staff on duty as appropriate, with an on call backup to cover emergencies/sick leave.
- 5.2 The 'home' will not be a specialist learning disabilities or secure unit, however I cannot say that there will never be a young person living there who maybe has difficulties with school (just like many who live with their families) or may have an illness - or at times be challenging, however the staff will be trained and experienced and able to parent confidently with expertise and call in support if required.
- 5.3 With regard to preventing and addressing anti-social behaviour the applicant is committed to ensuring that all children, young people and staff team enjoy the right to a decent, secure and peaceful living environment, without disturbance or harassment from neighbours or others in the community.
- 5.4 The applicant also expects through a contractual agreement that all children, young people and the staff team understand that neighbours and others in the community have the right to a decent, secure and peaceful living environment, without disturbance or harassment.
- 5.5 The staff's working contract and the children and young people's care plan will clearly cover behaviour and what is expected of them.
- 5.6 To further support this there are a range of proposed initiatives, listed below:
  - Online reporting will be made available.
  - An out-of-hours reporting system will be available.
  - A text service will also be made available.
- 5.7 All are designed to support the applicant's commitment to the approach of intervention, prevention and enforcement when tackling anti-social behaviour:

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Every report received will be responded to within 5 working days or 24 hours if the

matter is serious.

- 5.8 Training staff is key to the ability to be able to deal quickly and effectively with all reports of anti-social behaviour:

All staff will be given up-to-date training and support, which is ongoing.

All staff have a working procedure document to ensure consistency of approach when deciding what action to take.

- 6.9 Community and Resident Involvement

- 6.10 The applicant will be directed by the Durham Safe Partnership strategy and will engage with local forums such as:

Neighbourhood Watch

Police and Communities Together

- 6.11 Advice will also be sought from Weardale's Safer Communities Co-ordinator as to how links can be made and strengthened within the local community.

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*The above 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 Crook Area Office.*

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## **7.0 PLANNING CONSIDERATIONS AND ASSESSMENT**

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- 7.1 In assessing the proposals against the requirements of the aforementioned policies, and having regard to all material planning considerations, including representations received, it is considered that the principle of development, highway safety and parking, impact upon the North Pennines Area of Outstanding Natural Beauty and residential amenity represent the principal material planning considerations.

### **7.2 The Principle of Development**

- 7.3 The premises known as Grey Towers is situated outside the development limits of Wolsingham, which is approximately 400 metres to the south of the application site. The property has previously been used as a dwelling.
- 7.4 The proposal seeks to change the use of the premises to a residential care home, for children and teenagers who are unable to be cared for by their parents.
- 7.5 The application advises that the proposed use would be for 4 children who would be resident at the property.
- 7.6 There would be a total of 10 employees required for the use of the premises for this function, with between 1 and 3 workers on duty at any one time.
- 7.7 The premises being sited adjacent to the settlement limits of Wolsingham, which is approximately 400 metres to the south, and involves the re-use of an existing building, would accord with the principles of PPS1 and policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.
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## **7.8 Highway safety and Parking**

- 7.9 The site includes an area of tarmac providing parking to the northwest of the building measuring approximately 20 metres by 20 metres, as well as a detached garage to the west of the dwelling. This is considered to be more than sufficient parking to serve the proposed children's home. It is considered that the scheme would not create a volume of traffic which would exceed the capacity of the local highway network. The proposal accords with policies GD1 and T1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

## **7.10 Impact upon the North Pennines Area of Outstanding Natural Beauty**

- 7.11 The application details only internal alterations to the building. Policy ENV2 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 also advises that development which adversely affects the special scenic quality and nature conservation interests of the AONB will not be permitted. Given the previous uses of the building and the proposed alterations being internal it is not expected that the development would generate any excessive impact that would have a detrimental impact upon the quality of the AONB. The proposal accords with policy ENV2 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

## **7.12 Amenity**

- 7.13 The nearest dwellings are Montford 85m to the north east of the site; Ruffsyde 65m to the north west, and Redgate Villa 109m to the south.
- 7.14 The proposed use is similar in terms of scale to a large family home, which the site currently is used for. The home would house 4 children with between 1 and 3 workers on site at any one time. Given this it is considered that the scale of the development would not cause additional strain on infrastructure in Wolsingham over and above a normal family home.
- 7.15 Grey Towers has no immediate neighbouring properties, and as such it is considered that the intensity of the proposed use would not cause disturbance to occupiers of neighbouring properties, nor any loss of privacy. The proposal accords with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

## **7.16 Other Issues**

- 7.17 Some objections have been received in respect of the potential for more anti-social behaviour problems being caused in Wolsingham as a result of the proposed use of the building. Durham Constabulary's crime prevention officer has been consulted on the application and comments are awaited. Irrespective of this, the applicant is committed to ensuring that all children, young people and staff team enjoy the right to a decent, secure and peaceful living environment, without disturbance or harassment from neighbours or others in the community. The relationship between property and value and a proposed development is not a material planning consideration to be given weight in determining the proposals.
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## 8.0 CONCLUSION

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- 8.1 In summary, the building is situated adjacent the settlement limits for Wolsingham, where the re-use of existing buildings for such purposes as identified in this application is acceptable subject to protecting the amenity of neighbouring occupiers, residential amenity and the character of the North Pennines Area of Outstanding Natural Beauty.
- 8.2 Given the previous uses of this building and taking into account the intensity of the proposed change of use, it is not considered that there are any reasons which would form sound material planning grounds for the refusal of this application.
- 8.3 The strong local objection has been given due consideration, however the main planning issues in respect of the access and parking, impact upon the AONB and protection of amenity have been discussed within this report and found on balance to not warrant refusal of the application.
- 8.4 No objections have been received from statutory consultees other than the objection from Wolsingham Parish Council, and the proposals are considered to accord with both local and national planning policy; as such the application is recommended for approval.

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## 9.0 RECOMMENDATION

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### 9.1 That the application be **APPROVED** subject to the following conditions:

#### Conditions:

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

Plan Ref No.	Description	Date Received
	Site Location Plan	22.11.2010
1	Planned ground floor layout	22.11.2010
2	Existing first floor (no change)	22.11.2010

2. Notwithstanding the provisions of the Town and Country Planning (Uses Classes) Order 1987, (or any Order revoking or re-enacting that Order with or without modifications), the premises shall be used for a children's home only and for no other purpose, including any other activity within the same use class of the schedule to that Order.

#### Reasons:

1. To define the consent and ensure that a satisfactory form of development is obtained.
2. In the interests of the amenity of the area in accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

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## **10.0 REASONS FOR THE RECOMMENDATION**

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10.1. The development was considered acceptable having regard to the following development plan policies: -

- Policy GD1 (General Development Criteria)
- Policy ENV2 (The North Pennines Area of Outstanding Natural Beauty)
- Policy H3 (Distribution of Development)
- Policy T1 (General Policy – Highways)

10.2 In particular the development was considered acceptable having regard to consideration of highways safety, access and amenity.

10.3 There has been strong local objection to this application, however given the previous use of the site and without there being any objections from statutory consultees the proposal is considered to accord with both local and national planning policies.

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## **11.0 BACKGROUND PAPERS**

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- Submitted Application Forms and Plans
- Design and Access Statement
- Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007
- Planning Policy Statements/Guidance, PPS1
- RSS
- Consultation Responses
- Public Consultation Responses





**3/2010/0523 – CHANGE OF USE FROM A RESIDENTIAL DWELLING TO A RESIDENTIAL CHILDREN’S HOME AT GREY TOWERS, WOLSINGHAM FOR MS. D. THORNE**

