

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 12 February 2014

Page

APPLICATION REF. NO: 13/00855/FUL

STATUTORY DECISION DATE: 6 February 2014

WARD/PARISH: HEIGHINGTON AND CONISCLIFFE

LOCATION: Jubilee Wood Farm, Newbiggin Lane, Royal Oak
Darlington

DESCRIPTION: Development of therapeutic, education and care facility comprising 2 No children's care homes and learning centre with related facilities (additional Protected Species Report received 12 December 2013, additional landscaping, sectional plans, Transport Statement and supporting information received 10 January 2014)

APPLICANT: Mr Hawre Baban (Witherslack Group Ltd)

APPLICATION AND SITE DESCRIPTION

Jubilee Wood Farm measures approximately 3.5 hectares and consists of a farmhouse, an open fronted storage shed and a field currently used for grazing cattle. The site is accessed from all directions by a series of country lanes.

Newbiggin Lane and Corner Bank Lane form the western and northern boundaries, whilst the Jubilee Trout Farm and Fishery lie to the east. To the south is an open agricultural field.

Heighington Village is approximately 1.5 miles to the east of Jubilee Wood Farm and the A68 is approximately 1 mile to the west.

The site slopes downhill from west to east towards the fishing lakes and it is enclosed on all sides by hedgerows interspersed with mature trees on the western and northern boundaries and a mature belt of trees along the eastern boundary.

There are agricultural buildings to the south of the application site adjacent to the existing access and a group of farm buildings converted to residential use (Wood View, Bramble Barn and Primrose Farmhouse) to the south west. The wider surrounding area is predominately agricultural fields interspersed with farmhouses and associated agricultural buildings. Public Right of Way No 20 (Heighington) runs along the south boundary of the application site.

The Witherslack Group is an independent provider of specialist day/residential schools and children's homes. They currently have establishments in the North West, Oxfordshire and the North East with the one of most recent facilities at Low Willington, County Durham (known as The Grange). The Witherslack Group has been providing services to support Local Authorities deliver positive outcomes for young people (4 to 19 years) with special needs ranging from Behavioural, Emotional and Social Difficulties to Communication and Complex Learning Difficulties including Autistic Spectrum Conditions and Asperger's Syndrome. They currently operate 9 schools, 2 integrated provisions (education, care, therapy) and 10 children's homes which are able to provide places for in excess of 500 young people in education and more than 60 in 52 week care for almost 70 Local Authorities. The Witherslack Group is a national leader in providing appropriate facilities, in partnerships with Local Authorities in various other urban and rural locations.

This application is for the development of a therapeutic, education and care facility comprising 2 No children's care homes and learning centre with related facilities. This facility would cater for 14 young people aged between 8 and 18 years old exhibiting a wide range of special educational needs with the aim of allowing vulnerable pupils a break from mainstream society, whilst developmental work in education, care and therapy takes place. The ultimate aim is to ensure that they are able to function again at a level which is acceptable in their home environment. The young people would be in full time care and so they would be educated and live on the same site. The learning centre would operate with staff present between 08:30 – 16:30 Mondays to Fridays during normal school times. The home would be registered with Ofsted.

The ultimate aim of the Group is all the young people are able to function again at a level which is acceptable in their home environment.

The development would result in the creation of approximately 50 new jobs in a range of roles from teaching to care workers to maintenance. An initial staff team of 20 would be employed within the first five months with the increase to approximately 50 taking place over 18 months as the facility expands to capacity. Staff would be dedicated to this site and not transferred from other facilities elsewhere.

The overall development consists of:

- The conversion and extension of the existing farm house to create a 7 bed dwelling;
- The erection of a second two storey 7 bed dwelling;
- The erection of a single storey learning centre consisting of eight classrooms, kitchen, a dining room, reception area and staff facilities;
- An external playground; and
- An external Multi Use Play Area.

Access for the learning centre and the new build dwelling would be taken from Corner Bank Lane to the north of the application site whilst the converted farm house would be accessed by the existing access into the site off Newbiggin Lane. There would be a total of 31 parking spaces provided within the site, including disabled spaces.

The site would be within a landscaped setting incorporating a mix of woodland planting, shrub planting and trees with sections of the site remodelled with earth mounds. The eastern part of the site would be left as a meadow and used for ecology studies as part of the learning centre curriculum.

PLANNING HISTORY

The following entries are relevant:

8/82/176/FUL In May 1982 planning permission was GRANTED for the erection of a detached dwelling house and private garage

8/92/337/FUL In July 1992 planning permission was GRANTED for the erection of a first floor extension to form bedroom and bathroom

09/00007/FUL In March 2009 planning permission was GRANTED to remove Condition No. 1 of Planning Permission 8/82/00176/DM dated 19/05/1982 (The occupation of the dwelling house hereby permitted shall be restricted to a person employed or last employed locally in agriculture, as defined in Section 290 of the Town And Country Planning Act 1971, or in Forestry or a dependant of such a person residing with him (but including a widow or widower of such a person)

PLANNING POLICY BACKGROUND

The relevant policies are:

National Planning Policy Framework 2012

Saved Borough of Darlington Local Plan 1997

- E2 Development Limits
- E4 New Buildings in the Countryside
- E5 Change of use of buildings in the countryside
- E14 Landscaping of Development
- E21 Wildlife Corridors
- H7 Areas of Housing Restraint
- H19 Special Care Accommodation

Darlington Core Strategy Development Plan Document 2011

- CS1 Darlington's Sub Regional Role and Locational Strategy
- CS2 Achieving High Quality Sustainable Design
- CS14 Promoting Local Character and Distinctiveness
- CS15 Protecting and Enhancing Biodiversity and Geodiversity
- CS16 Protecting Environmental Resources, Human Health and Safety
- CS19 Improving Transport Infrastructure and Creating a Sustainable Transport Network

Other Documents

Design of New Development SPD

RESULTS OF CONSULTATION AND PUBLICITY

100 letters of objection have been received in relation to the original submission and the concerns can be summarised as follows

- *Vehicular access to the site is inadequate with many blinds bends and limited access under winter condition*

- *The safety of walkers and horse riders would be at risk with increased traffic*
- *There are no passing places*
- *There will be an increase in traffic through Redworth Village*
- *The narrow roads are not made for the volume of today's traffic*
- *There will be a loss of good agricultural land*
- *None of the surrounding roads and village roads are not constructed for these demands*
- *This is a green belt site which demonstrates the inadequacy of the plan*
- *It appears to represent opportunism on the part of the developer to make use of some buildings and land to the detriment of all else*
- *The development is contrary to the Council's planning policies*
- *The proposed development with its potential 50+ employees and lack of sustainable transport options rides rough-shod over this key consideration.*
- *The site at Jubilee Wood Farm is neither previously developed or in an accessible or sustainable location.*
- *I would like to see evidence that other PDL sites have been considered and the rationale for their rejection before the proposed development is approved. The site at Jubilee Wood Farm is suitable, accessible, or sustainable.*
- *The site is exposed and at risk of becoming isolated in the winter with drifting snow liable to block the roads*
- *I would ask too if the roads here are subject to weight limitations. If so, how does the developer propose moving the raw materials required to build the proposed development*
- *I live at Newbiggin Farm with my partner and young family. The proposed development with its additional accommodation units and glass-fronted main building will be visible from the front aspect of my home. This will have a strong impact on the local scenery and ruin the countryside views from my home*
- *The modern design of the main facility is at odds with the rustic charm of the local area.*
- *I anticipate that the building works initially, and the commuting staff members later, will have a strong impact on the peace and tranquillity of the local area*
- *This proposed development is entirely at odds with the character of the surrounding area. This is a rural farming community. It is not the place to put down a modern education and care facility.*
- *I thought the days of putting 'difficult' children out of sight and mind had gone*
- *I can remember when the Council ran the Redworth Hall School and the problems that arose from that period. My family have already lived through one of your schools and all of the hassles and stress they cause and we do not want to again*
- *The application mentions under section 13 that there are possible protected species issues with the site - but I can find no items that address the impact by this development.*
- *The application mentions car parking for 31 vehicles but then also states there will be 51 full time staff plus 3 part time - as well as residents and day care clients. Surely car parking is clearly inadequate*
- *Due to the nature of what the proposed site is to do what controls are to be in place for security of the premises as well as to guard against any residents absconding*
- *The development allows for car parking for 30 cars which probably means about 100 traffic movements per day. This is totally unacceptable in such a rural location.*
- *Is this a hospital facility for severely disabled youngsters or is it an Approved School or Borstal? Will the occupants be escaping to be a nuisance to the surrounding farms of villages, or will they be effectively hospitalised and safely looked after*
- *Many years ago there was a democratic decision within the village to reject any development outside this envelope. If this has been superseded by more modern planning*

policy, we should know about it, otherwise the application should be rejected on this ground

- *Further, there is no evidence that more suitable alternative sites have not been considered, nor have the needs of other road users (walkers, pedestrians and horse-riders) been considered*
- *There is insufficient justification for siting of this unsustainable development within open countryside*
- *Turning traffic at junctions especially at fast and busy stretches of road such as the A68 or the A6072 is a problem especially when turning right, increasing the number of vehicles using these junctions will have on a significant impact on road safety. I believe that existing junction and roads are already near or exceed capacity*
- *Street Lighting: rural roads are unlit, and should remain so however, this does present safety issues for drivers at night, increasing the volume of traffic will increase the hazard*
- *While Grass crete may have its 'environmental merits' I think on the whole the scale, design and layout of this development in this location will have a negative impact on our rural landscape and environment.*
- *Visually it is out of character and it changes the use of farmland, will increase carbon emissions by adding more vehicles on the roads and is likely to cause damage to mature trees and hedgerows (wildlife corridors) both during and after construction*
- *Planting replacement trees and shrubs will not mitigate against any losses as they will take decades to mature*
- *Agricultural land should be protected and new buildings in the countryside should only be allowed if they are deemed absolutely necessary to maintain the rural way of life*
- *The proposed parking only addresses requirements of the staff. It completely disregards the daily visiting officials, business and family visitors, supplies, deliveries, servicing and maintenance vehicles, law enforcement and emergency services.*
- *The capacity of basic services, particularly sewerage, communications and broadband access are either non-existent or grossly inadequate at this remote location*
- *I note that, whilst consultation has taken place with the police over potential crime rate increase (that mentions a similar site in Willington but gives no figures as to the crime increase experienced); there has been no consultation as to their views on the increased potential traffic accident risks of this site.*
- *Would lanes be widened? How would relatives and friends visit if they have no access to transport? Would a bus service be laid on , making the lanes more dangerous to other road users*
- *Are difficult pupils being hidden from view as they were in Victorian times?*
- *Presumably the proposed facility will need to be staffed 24 hours a day, how can you ensure staff can get to work, night shift workers cannot be expected to trudge across fields , delivery vehicles would get through, but more importantly how could emergency vehicles, doctors, ambulances, fire engines etc in bad weather. I would not consider this to safe environment for children*
- *Highside Road would probably be one of the main routes used for the additional traffic created by the development. The crossing point for children attending the Heighington Primary School is no longer a school crossing patrol at this location and young children going to and returning from school would be placed at additional risk as they cross the road on their own and unsupervised.*
- *This is an area of outstanding peace and beauty. This development would produce noise and disturbance to an unacceptable level*

- *Other planning applications in area, of possibly a different nature have been previously refused. Large developments of this type need to be sited on large conurbations, preferably a brownfield site adjacent to main roads rather than hazardous county roads*
- *We don't know and have not been informed of the purpose of this facility. This together with the fact that application has enjoyed no publicity to inform those who live close to it. This gives the impression that there are matters to hide.*
- *It is a most attractive area and this will be an eyesore*
- *The ancient woodland which is Redworth Wood could be affected during their construction and also by the increased traffic*
- *This will involve extensive building work and construction in a currently rural site and we would argue that we should do everything we can to avoid new developments outside the boundaries of the built up areas*
- *I would like to add a quote made by HRH The Prince of Wales "Our Countryside is as precious as any cathedral"*
- *A new £9 million pound centre has opened at Newton Aycliffe and 950 homes are to be built on this site, utilising services and infrastructure already in place. Why do we need another centre?*
- *It does not seem feasible that a school of this nature should be built in such close proximity to Heighington Village with all the difficulties and problems which could arise. Not only that but the size and amount of vehicles necessary to build this project and the length of time it will take travelling on our very narrow roads, which were not built to accommodate such traffic, will cause a lot of inconvenience and affect a lot of people*
- *Such a large development could easily blight the landscape.*
- *There will be no easy access for the emergency Fire, Ambulance and Fire Services*
- *All four access roads have tarmac surfaces that are in very poor condition, with soft grass verges making it impossible for oncoming vehicles to pass. None of the roads have footpaths or curbed edges*
- *We do not know what problems these children have and we are very worried about crime*
- *This cannot be described as a sustainable development as it would have negative economic, social and environmental impacts. It would affect local rural businesses, the road structure of country lanes and the new buildings would contravene the local development plan policies.*
- *This part of Heighington is considered to be of high landscape value containing Redworth Wood with its valuable wildlife, Ancient Woodland, Scheduled Ancient Monument of Shackleton Hill Fort and irreplaceable ground flora.*
- *The area is not amenable to such a development of this scale and magnitude. No matter which way one uses to get to the proposed site access, it is not an easy option*
- *I cannot understand why any organisation would want to have the children in an area whereby they would be isolated from other adults and children based in the open countryside with no means of transport other than by private means as there is no general transport available*
- *A proper traffic survey needs to be carried out to ascertain the suitability of the surrounding roads and access routes to the proposed development*
- *No consideration has been given to the likely additional surface water run off from the proposed site as a result of the additional buildings and car park. Over the last few years we have increasing numbers of flash floods resulting in erosion to the stream banks as it runs through Todd Fall Farm. The additional surface water will add to this risk*

- *Whilst constriction traffic can be controlled by condition, access and egress to the completed development, should it be approved, cannot. This could therefore have a major detrimental effect on the road through Redworth Village*
- *My understanding is that there are already sufficient places within the Borough so places will be taken by children from County Durham and Tyne and Wear which will again increase road traffic especially when the pupils are allowed to leave at weekends.*
- *The claim that there is a need for this facility in the Borough is an exaggeration and incorrect. Such facilities need to be close to friendly communities built on brown field site and not on remote isolated farm land*
- *This is a farming district and there must be more suitable sites with better access*
- *Whilst there may be a need for this type of facility within the North East, I think the proposed site is unsuitable. It is contrary to the Council's local plan, it has very poor access and will be an intrusive development in a rural area. There has been no conclusive evidence shown by the applicant that all factors outlined in this objection should be disregarded by the authority in making its decision.*
- *The Transport Statement states that provision would be made for the lack of access by widening highways and increasing signage, which would detract from the rural nature of the local environment and would indicate the urbanisation of the area*
- *The care of pupils at the site depends on the easy access to appropriate services within the larger built up area such as leisure centres, other educational facilities and medical centres*
- *The proposal makes no mention of site security or guarding against residents absconding. The site is within close proximity to farms which often contain flammable produce, hazardous materials and valuable livestock and machinery. Surely the safety of the residents and children should be brought into account*
- *There has been no attempt to cluster or group buildings with current buildings within the area so the proposed development as it stands will have a large, negative visual impact on the area*
- *I understand the road at the foot of the hill on Corner Back Lane is often flooded and I have no doubt the huge increase in surface water generated from the proposed site would cause major problems*
- *There is a recently vacated building at Newton Aycliffe which was used for special needs, adult and wellbeing centre owned by Durham County Council. This building possesses a swimming pool, car parks, classrooms, kitchens and offices and has superb access roads, train station, bus routes and local amenities at hand. This building could be used*
- *The roads were laid on to of farm tracks in the late 1930s. The roads had no foundation hence the present need for incessant repair as the top surface breaks into large pot holes. The roads have been poorly maintained ever since and the increased use would increase the need for constant repair*
- *The disposal of sewage would have to be within twenty five metres of a main watercourse which my neighbours rely on for livestock. This would present a danger for animals drinking from these streams*
- *The "new house is more than 100m from existing farmhouse which is going to be significantly increased in size. The school building is materially larger than the farm house and utterly out of character with a rural location. The substantial car parking areas, playground and MUGA detract from the rural location.*
- *It would be impossible to control the direction from which employees and visitors would approach the site and I fear that there would be a severe increase in risk of accidents if approached via Redworth and Heighington*

- *There are no footpaths to protect the regular pedestrians using the roads*
- *It is not a good time to carry out a Flora Fauna Survey as flowers will not be found due to die back and the area would have been cut for feed and grazed with sheep.*
- *The site is used as a forging area for badgers*
- *The development is contrary to the Making and Growing Places Development Plan Document 2013*
- *There is no Risk Assessment submitted for having children in this location. A development containing children from 4 to 19 years old next door to two large fishing lakes is a disaster waiting to happen*
- *The whole area is without street lighting*
- *A previous appeal for a golf course at Redworth Wood was cancelled due to impact on the Wood, Scheduled Ancient Monument of Shackleton Hill Fort, magnesium limestone grassland, sites of Particular Ecological Importance*
- *No justification to use Jubilee Wood Farm*
- *The development will set a precedent. You will be encouraging urban sprawl in the countryside*

A detailed letter from George F White has been submitted on behalf of the owners of Newbiggin Farm objecting to the scheme. This letter raises concerns about the principle of the development, the design of the development, impact upon water supply to their client, highway implications and the need for a Section 106 Agreement to tie the proposed new dwelling to the new build education facility

A detailed letter from England and Lyle has been submitted on behalf of the Jubilee Objection Group objecting to the proposed development. The letters raises concerns about the site and application context, the principle of the development, its location, its design, highway and access matters and other considerations.

Heighington Parish Council has submitted a detailed objection to the planning application stating that the proposal would be contrary to local development plan policies for the following reasons:

- *The proposals involve major construction works on agricultural land and would materially alter the character and environmental assets of the site. The subsequent use of the proposed facility would similarly have a major negative effect on this rural site and the surrounding area;*
- *Development should only be permitted outside of the (development) area in very specific circumstances which are not relevant in this case. The proposals are not vital to the rural economy or the needs of the rural communities which is a requirement for any such proposals outside the development area.*
- *Although the proposals involve an extension to an existing building, the remainder of the construction is major and independent of this building. There are numerous reasons why this site is unsuitable but it is the firm view of the parish Council there that must be many alternative sites which are far more appropriate and suitable for this project and already have the necessary infrastructure to support it*
- *The modern and extensive nature of the proposed buildings in this application means that the development would be extremely unsympathetic to the rural, agricultural setting*
- *The extensions to the existing building will fundamentally change the character and scale of the building*

- *The development would result in significant loss of land in the agricultural environment and would also impact significantly on the rural surroundings with increased traffic flow and overuse of a remote site*
- *These proposals involve not only a change in the use of the rural area involved, but propose very substantial modern buildings with a significant parking area and ancillary facilities such as the MUGA which cannot be appropriate or sympathetic to this unspoilt area of the countryside*
- *These proposals fly in the face of the local plan as they involve significant occupancy of the site and do not fall within the exceptions specified in Policy H8 (Agricultural Occupancy). It is the view of the Parish Council that the proposed use is entirely at odds with the remote, rural setting considered here*
- *Policy EP1 anticipates that such employment uses should be easily accessible by public transport, cycling or walking. This remote site is not serviced by a bus route and the narrow roads could only really be accessed by car. Indeed this can prove difficult in the area in question which was cut off for a lengthy period due to adverse weather last winter and could not be accessed by postal services. The Planning Statement refers to the vast majority of staff at similar developments living locally, but this would not resolve the issue of direct site access which is extremely poor and totally unsuitable for a development of this scale. This area also falls outside the areas identified for new employment development by EP3 of the Local Plan. EP14 explains that development will not normally be permitted outside of these areas unless in specified exceptions. These exceptions would not apply to a large scale development such as this which has significant implications for the surrounding area. The proposal does not require a countryside location that is so remote with substantial access issues and the conversion of the existing building is very small part of the overall development*
- *The existing road infrastructure and traffic to be generated by the proposal are major concerns. The design statement and traffic assessment both acknowledge that the site is accessed by narrow country lanes with sharp bends and without footpaths that are only suitable for single file traffic in places. The statement concludes that these roads will be accessed by private transport. No provision for cycle storage is planned. There are weight restrictions on Newbiggin Lane that may be an issue during any proposed construction. The development will generate traffic from visitors and suppliers as well as staff. The proposals estimate that there will be 52 staff within 18 months and states that the numbers will be even higher when part time roles are accounted for. The Planning Statement also envisages a number of visitors to the site and pupils attending between 9 and 15:30 daily in term time. Taking all of these into account, it is impossible to see how traffic can be safely accommodated within the infrastructure available. Safe access to the highway is also an issue that has not been addressed appropriately. The obvious points from the site to major highways comprise dangerous junctions that are used infrequently at present. It is a major concern that adequate and efficient access to or from the site could not be achieved in an emergency situation.*
- *The applicant's noise survey suggests that the facility will not generate a significant increase in noise in the area but it is difficult to envisage how this can be possible where a site of this magnitude is to operate in a peaceful rural setting. The traffic generation alone will create significant additional noise and the number of staff and visitors and the planned use of the site is extremely likely to generate further noise in the context of a rural environment*
- *These are not houses but commercial enterprises. The treatment of the elevations are mundane, they lack articulation and interest in the facades and would contribute nothing*

to the environment. The learning centre has extensive glazing and would result in light pollution in the countryside

The National Farmers Union has submitted a letter on behalf of the occupier of Newbiggin Farm which states:

- *The roads leading to his farm are unclassified and are single track roads. He is concerned about the increased traffic on these roads when he is using heavy machinery. In winter times the roads are only just passable and he feels that they would not take the additional traffic that the application is suggesting*
- *Mr Cockburn stores his haylage and straw bales on the main field next to the site. The hay and straw is stored in large quantities and at height. Straw is combustible and also a hazard should it topple or worse still, children climb the stacks. Mr Cockburn is unable to move the hay to an alternative site as this is the best place to store it*

Following the submission of the additional information, two letters have been submitted raising concerns about the reliability of the Transport Statement and requesting the deferral of the application whilst the Jubilee Objection Group await the outcome of their own Traffic Assessment from their planning consultant.

A letter has been submitted by Fore Consulting on behalf of a Residents Group raising concerns over the Transport Statement and the additional Addendum.

Further objections to the additional information that have been submitted raise the following concerns:

- *The transport assessment seems flawed to say the least. If there are to be 14 children that is hardly likely to be equivalent to 2 family dwellings. I would suggest that commercial deliveries will be required for food etc. also it would be wrong to suggest that refuse collection will be undertaken by the normal domestic collection as this would not be available to commercial operators. It would require separate and addition traffic. This site is simply not a sustainable location as it is not located near any facilities, staff residences, suppliers etc it will significantly increase traffic movements on single track unclassified roads. Furthermore it is development proposed on green field land a significant distance from any settlement boundary. It should be therefore refused; if this is allowed what is to stop any developer developing on any field within the borough?*
- *Planning authorities do not normally consider the need for a development when considering an application. However in this case the applicants are stating that as there is a need for the school the normal rules relating to building outside the local plan should be waived. It is clear therefore that the planning authority must consider if there is a need for the school before making a decision. The applicant has made generalised statements that they have taken part in meetings with the local councils at which such a need has been stated. However they haven't made available any written confirmation from the local councils of such a need. Without such evidence then the planning committee should not permit this development to take place.*

Following the submission of the additional information, one of the objectors has withdrawn their original comments.

Three letters of support have been received stating the following:

- *After due consideration and taking into consideration all of the available information of the proposed development on my neighbour's land/property, I would like to confirm that I have no objection at all in this regard and can see no good reason as to why it should not go ahead*
- *We would like to comment on the Witherslack Planning Application because as its nearest neighbour (Jubilee Trout Farm) to be most affected. Because we were so close we knew about the application before most. Witherslack had approached us to give us details of the work they planned and also to ask if the children might be taught to fish on our lakes. There has been a suggestion that we support the application because we would gain financially from it. There will be 14 children attending the school. It would be surprising if more than a couple of them wanted to fish - and so we don't see this as a great opportunity to make our fortune. Still we were very keen to find out what Witherslack had in mind and to listen to what they had to say about their plans for the school. We know from bitter personal experience how difficult it is to get a placement for a child with special needs. We know how desperate these children and their families are and how much they urgently need the kind of support this school will offer. Arguments against the school are that this is the wrong place and that the access is unsuitable. We know that many think this is the wrong place to build the home but in our opinion it is exactly the right place. These children especially need peace and tranquillity. There has been comment that this kind of home should be built on a brown site but I have to say that many of those now living in our valley have nothing to do with farming. Farmers no longer live in many of the farmhouses. The farm buildings in many cases have been rented out as holiday cottages. If the rules can be bent to allow non farmers to inhabit this green belt area then surely it is especially appropriate to make an exception for these most vulnerable children. Although we support the school here we fully agree that Witherslack do need to step up to the mark with regard to the access roads. This is a problem they need to address but is it really insurmountable. A mini bus to bring in groups of workers, road clearance in the winter to ensure that the roads stay passable and possibly some new passing places would all help. The staff employed at the school will not all be at the school at the same time and so they won't all be using the access roads at the same time. We understand that initially there will be wagons bringing in building materials but these wagons will be no bigger than the cattle wagons which use these roads with no problem at the moment. Wagons bringing in building materials for local farms, some with buildings now as big as this proposed new development, have not caused a problem. These lanes used to be much busier, used by many more cars. It wasn't a problem then so why should the extra traffic for the school be problem now. We think there will be need for give and take but we have looked into the Company's reputation and see that they do take care to do things properly. They will have only 14 children at the school. As they told us they don't want larger schools and if they did they would have extended the schools they already have. We doubt that a company who relies on its reputation to open homes throughout the country would be likely to take on children who might go on to cause the 'crime wave' in the area that some expect. Why would they because to put it bluntly there are so many children needing a place right now that Witherslack can pick and chose which children they take. Everyone mutters disgust when they see children being abused and neglected on the news but when there is a chance to do something we quickly turn our backs. So long as the access problem is addressed is there really an excuse for not having this children's' home here. If brown belt land isn't good enough for us to live in why should it be good enough for them.*

- *I am fully for the building of the residential school. I cannot see any major issue with the proposed works. Furthermore I believe it will be good for the area, and also building it in this area it will be fantastic for the development of the people at the facility, giving them a better start in life. I also disagree with the scare mongering tactics which are being used by the people against this project, insisting that the local crime rate will soar and that increased traffic to the area will pose a deadly threat to walkers, cyclists and dare I mention the horse riders who think they own the countryside. Not only do I live in the area making regular trips by car, I also cycle and walk the roads which will be used to access the site. I do not believe the increased traffic rumoured to be, 52 vehicles per day, will create any problems. (I'm unsure where that figure came from but I have seen it on some of the flyers) Other local businesses and farms also have daily traffic using the roads which has never really cause issues.*

Consultee Responses

Campaign to Protect Rural England has objected to the application on the following grounds:

- *The development is outside the development limit and conflicts with the local development plan. If permitted we are deeply concerned that a precedent would be set which other developers would use to promote other applications;*
- *We are concerned at the single track access with resulting highway safety issues;*
- *The learning centre building would be better if it was of a design more sympathetic to its rural setting*

The **Environment Agency** has raised no objections to the scheme but they have stated that conditions need to be imposed to secure a scheme for the disposal of foul drainage and the development is carried out in accordance with the Flood Risk Assessment

Northumbrian Water has raised no objections to the proposal

The **Durham Constabulary Architectural Liaison Officer** has raised no objections to the application.

Northern Gas Networks has raised no objections to the application

Northern Powergrid has raised no objections to the application

The **Council's Countryside Access Officer** has raised no objections to the application

The **Council's Highways Engineer** has raised no objections to the application

The **Council's Ecology Officer** has raised no objections to the application

The **Council's Environmental Health Officer** has raised no objections to the application subject to the imposition of conditions relating to the hours of use for the MUGA, a lighting assessment and Noise Impact Assessment and a Construction Management Plan

The **Council's Principal Environmental Health Officer (Commercial)** has raised no objections to the proposed development

The **Council's Sustainable Transport Officer** has requested that a condition should be imposed to ensure adequate cycle parking is provided

The **Council's Senior Arboricultural Officer** has requested conditions relating to the submission of Arboricultural Implications Assessment and an Arboricultural Method Statements and a Tree Protection Plan. However, the proposed landscaping plan is considered to be acceptable

PLANNING ISSUES

The main issues to be considered here are as follows:

- Planning Policy
- Need for a Sequential Test
- Need for the Proposal
- Impact upon the Character and Visual Appearance of the Locality
- Highway Safety and Parking
- Residential Amenity
- Crime and anti social behaviour
- Loss of Agricultural Land
- Rights of Way
- Protected Species and Ecology
- Drainage
- Contaminated Land
- Coal Authority Matters
- Setting a Precedent

Planning Policy

The proposed development site is outside of identified Limits to Development as identified by the Proposals Map of the Borough of Darlington Local Plan 1997. Saved Policy E2 of the Local Plan indicates that most new development should take place within the limits to development and identifies the types of development that may be permitted outside of them such as development for agricultural or forestry operations, small scale development beneficial to the rural economy. The reasoned justification to the policy explains that the limits to development are intended to maintain well defined settlement boundaries and safeguard the character and appearance of the countryside, and that outside development limits, development will be strictly controlled.

Policy CS1 of the Core Strategy 2011 states that outside development limits, development will be limited to that required to meet identified rural needs.

In 2012 the Government published the National Planning Policy Framework which establishes a presumption in favour of sustainable development. The NPPF does not change the statutory status of the development plan as the starting point of decision making and proposals which accord with an up to date local plan should be approved and developments that conflict with the plan should be refused unless other material considerations indicate otherwise.

Section 38 (6) of the Town and Country Planning Compulsory Purchase Act 2004 also states that if regard is to be had to the development for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

It is acknowledged that the proposal would not accord with Saved Policy E2 of the Local Plan or Policy CS2 of the Core Strategy and the default position for this proposal in general planning policy terms is that it should be recommended for refusal. However, the Council is being asked to consider the application against the wider planning principles as set out in the NPPF as by the very nature of the proposal there is no specific planning policy guidance at national and local level. This approach enables Officers to consider all material planning considerations and to decide whether to recommend that following such considerations a departure from the adopted policy is acceptable.

The application is supported by information about the philosophy, ethos and operational requirements for the children's home, the need for a children's home in this geographical location and why it would be desirable to be sited in a rural setting. The applicant has also provided information to demonstrate what other sites were considered prior to the submission of this planning application.

In terms of what can be considered a sustainable development the NPPF discusses three key dimensions of the planning system in determining the sustainability of a proposal, an economic role, a social role and an environmental role. So it is acknowledged that the sustainability of a proposal should not solely be determined by its location however local plan policies have been devised to guide development into the most sustainable locations first.

The proposal must therefore be assessed against the three key dimensions outlined in the NPPF, and also the weight that should be given to other material planning considerations which might justify a departure from adopted policy in accordance with the NPPF and the Town and Country Planning Compulsory Purchase Act 2004

Need for the Proposal

The applicant has advised that there is clear evidence that the North East region, particularly County Durham and the Darlington areas, has a need for more children's homes to provide a stable, nurturing environment for some of the community's most vulnerable children.

National statistics published by the Department for Education in September 2013 show the following:-

- Only 5% of children's homes in the UK are situated in the North East region. This is the lowest figure for all regions in the UK.

The research also reveals the following statistics:-

- Between 26-50% of Looked After children in children's homes from County Durham and Darlington Local Authorities were placed outside the Local Authority boundary.
- Regarding placements made by Local Authorities more than 20 miles from the child's home community, County Durham Local Authority was placed in the up to 20% category and Darlington Local Authority in the 21-40% category. ('Children's Homes Data Pack' September 2013, Department of Education)

The research also highlighted the following points:

- There are significant costs to local authorities in placing children out of their home area
- Recent national cases indicate the most vulnerable children are at risk of exploitation when placed away from their home area
- The Government notes that some Local Authorities are questioning this approach and are developing more localised provision.

Current legislation progressing through parliament (Children and Families Bill) recognises that there needs to be greater choice and local provision for children with special educational needs, including children who are looked after by the Local Authority.

In December 2011, the Witherslack Group were invited by North East Local Authorities to attend a presentation where the Local Authorities outlined the fact that they wanted to attract independent providers to establish children's homes in the region as there is a lack of provision.

Their own statistics for North East Authorities reveal that over the period 1st October 2011 – 20th January 2014, the Witherslack Group received 96 requests from North East Local Authorities to place individual children in one of their Homes and they were able to place 18 of these children. Over the same period there were 22 individual requests from County Durham and Darlington Local Authorities for placements of children in their Homes, of which 6 children were admitted. The main reason that they could not admit or provide places for the 16 children from was due to no places being available. It can be assumed that many of the children from the North East Region and especially from Durham and Darlington who couldn't be placed locally may well have been placed in children's homes many miles away from their home community. The Witherslack Group have had to turn away 73% of the 22 requests for placements of children from County Durham and Darlington Local Authorities due to no places being available within their provision. A total of 17 requests were received from Darlington Local Authority and only 2 could be accepted.

The Grange Children's Home which is another facility owned and operated by the applicant, near Willington currently provides accommodation for 13 children from the North East out of a total capacity of 14 places. Durham and Darlington account for 6 of the children at The Grange and one child has recently had to be accommodated in one of the applicant's Children's Homes in Lancashire.

The proposal would enable local authorities to place children within or close to their homes and families which can have strong psychological and physical benefits and families are not required to travel long distances to visit the children and vice versa.

The Council's Head of Childrens Social Care and Youth Offending Services has advised that the Council are not in partnership with the Witherslack Group but there are occasions when the Council uses independent providers where individual circumstances require provision outside in-house services. As a result the Council could use the establishment. Expansion of market choice is useful as often there are difficulties in procuring provision for particular young people.

Officers consider that evidence has been submitted by the applicant to show that there is a need for this form of development in the Borough and that it would meet an identified demand and that having a centre in the Borough would enable children to be placed within close proximity of their families.

Need for a Sequential Test

Paragraph 24 of the NPPF states *“Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.”*

Paragraph 25 continues “*This sequential approach should not be applied to applications for small scale rural offices or other small scale rural development.*”

The proposal is not a “main town centre use” as defined by the NPPF and therefore it is considered that a sequential test is not applicable to this proposal.

The Witherslack Group state that they considered a number of other properties and sites in the South Durham/Darlington area. Whilst they do operate Children’s Homes in more urban areas, they consider that there is a clear demand for a rural site in the North East which is more appropriate for their operational requirements and to meet a demand for a rural location with a more nurturing, quiet and tranquil environment. In addition, in discussions with Ofsted, Witherslack Group has been advised that a rural location would be a prime site for a children’s home with the client group that it has.

The Group has provided some examples of the properties that they had considered but discounted for reasons ranging from being located too far south for the targeted authorities; too many neighbouring properties; land area too small to achieve the separation requirements for the buildings; too close to a main road; insufficient space to develop the site and to capitalise on the environmental opportunities as part of the children’s therapy and curriculum and financial viability.

Impact upon the Character and Visual Appearance of the Locality

Firstly it is important for Members to consider why the Witherslack Group consider this rural site to be appropriate for their proposal. The Witherslack Group’s operations are based on a philosophy in delivering what is regarded as integrated therapeutic provision through its children’s homes and learning centre facilities and in order to deliver this provision they consider it is fundamental to create the appropriate surroundings and environment. Government guidance contained within the Children’s Homes Regulations 2001 places a specific requirement on the registered body to ensure that any premises used as children’s homes are appropriately located, that children are effectively safeguarded and are able to access services required to meet the needs identified in the care and placement plans of the children using the home. The placement plans for the children in the case of the Witherslack Group often state that a therapeutic facility located in a calm setting is crucial when finding a placement hence the Groups desire to develop Jubilee Wood Farm as a site which can offer the calm setting and surroundings allied with the opportunity to relate to and learn from the environment in which they are located. The site would allow vulnerable pupils a break from mainstream society whilst developmental work in education, care and therapy takes place.

The Group consider that a rural setting is the most appropriate location to enable them to provide the highest quality of care and education for the children ensuring that they have the best chance of success in society.

The site is quite well screened from the public highway by the existing hedges and trees that run along the northern and western boundaries and therefore views across the site from the north, south and west are limited through gaps in the existing mature hedging and trees and at gated accesses. Jubilee Trout Farm is located directly to the east of the site but the views (albeit again through trees and hedges) across site and the surrounding area from White House Lane (further north of the Trout Farm and on higher ground) show how the existing site relates to the dwelling, shop and lakes of the Trout Farm in the foreground and the barn conversions around Primrose farmhouse in the background.

The existing farmhouse (House 1) would be enlarged at ground floor level and above the single storey extension to create a seven bedroom dwelling. Approximately 20m to the north of House 1, there would be a single storey learning centre comprising 8 classrooms and other associated rooms and approximately 100m to the north east of House 1, a new build seven bedroomed dwelling would be built. Suitable materials would be secured by the imposition of a planning condition.

The buildings have been positioned within the site to reflect the need to group them together to minimise their impact upon the visual appearance of the locality but to also ensure that the development works operationally. The children would be both educated and live on the site which can at times be stressful and intensive and so there is a deliberate aim to ensure that both physical and psychological separation is achieved within the site.

Psychological separation is achieved through a variety of working practices such as the learning centre and care homes being staffed separately allowing pupils who have worked hard at the learning centre during the day a break from school staff when they return home. This helps the young people psychologically differentiate between both environments.

Physical separation would be achieved by taking advantage of the gradients within the site for the siting of the buildings and by using extensive landscaping and land regrading.

The scale and designs of the extended farmhouse and new buildings are considered to be acceptable. Officers recognise the need for separation between the buildings and acknowledge that thought has been given to the layout to achieve the operational requirements of the applicant and to minimise the impact of the development upon the visual appearance and character of the rural surroundings. A large section of the site would remain undeveloped and used for land based studies. The addition of the new buildings and the extended farmhouse would not adversely affect the locality when seen alongside the existing buildings within the grounds of the Trout Farm, the existing retained farm buildings and the barn conversions to the south west. The development and existing trees and landscaping would be augmented by further planting and landscaping and the species of the new native woodland trees and standard trees are considered to be acceptable and would be secured by a planning condition.

Highway Safety

The application has been supported by a Transport Statement (TS) and a further Addendum following the comments that had been made by objectors. It is acknowledged that some of the objectors have been critical of the information and measurements contained within the documents.

The TS states that:

- Children's Home would be operational 52 weeks of the year with 4 members of staff per shift during the day and 2 members of staff per shift on a night. There would be a maximum of four cars at each home;
- The Learning Centre operates Monday to Friday and would be operational 39 weeks per year. The maximum number of staff on site at any one time would be 10 with shift patterns staggered to reduce peak access demands with some staff working away from the school site on other projects;

- There would be very few deliveries to the site and refuse collection would be existing traffic as for neighbouring properties. The number of LPG deliveries is once every three months and the septic tank gets emptied twice a year;
- In total the development could see a maximum of 17 vehicles on site during the day Monday to Friday (including occasional visiting staff such as health care professionals)
- Learning Centre staff have also shared vehicles to the site in Willington and the Group support staff travelling to work using a bicycle and they operate a cycle to work scheme at a number of their establishments

All vehicles would be accommodated within the site and would arrive at staggered times throughout the normal working day. The number of vehicles arriving on site would be separated as there are two points of access into the site for each children's home. The applicant has also confirmed that most family contact visits would take place off site but if they are on site they would usually be on a weekend when the learning centre staff are not on site.

The access for the development site is to be taken from an unclassified country lane (Corner Bank Lane) which is narrow (approx 3.5 - 4.0m) without footways and has well established hedgerows and trees along its length and leads to Newbiggin Lane to the west (of similar character) and eventually to the A68 approximately 1.5km to the west. From the junction with the A68, Newbiggin Lane is subject to a 7.5T weight restriction. To the east of the site Corner Bank Lane leads to White House Lane which is approx 3m wide without footways up to the junction of Park House Lane and then widens out to allow narrow but unrestricted 2 way traffic movement.

White House Lane junction with the A68 is a good standard priority junction with good visibility for turning traffic and good forward visibility to the junction for vehicles on the A68. Newbiggin Lane junction with the A68 is a typical priority junction from a country lane of this classification with good visibility to the north and slightly restricted visibility to the south due to the vertical profile of the A68. Desirable stopping sight distance (SSD) for a 60mph single carriageway is 215m with one step below desirable SSD being 160m. Unrestricted SSD from the junction is in the order of 100m and a further 60m slightly limited due to the vertical profile of the A68, however it is felt that this is suitable for the numbers of vehicles using Newbiggin Lane and also taking into account the lack of accidents at this location.

Based on the Police accident records within the last 5 years there have been no reportable accidents within 150m either side of the A68/Newbiggin Lane junction, 2no. accidents (1 serious, 1 slight) within 150m either side of the A68/White House Lane junction and no accidents on the link road up to the proposed site along Corner Bank Lane, Newbiggin Lane and White House Lane.

The routes to the proposed site along the lanes are not gritted routes, therefore in the winter months there is a possibility that some of the routes may be hazardous or impassable due to snow, however this is a risk that the developer takes due to the chosen location. This would not be an ideal scenario for the emergency services should any issues arise with the facility or residents and staff but again, this is a matter for the applicant to consider as part of their assessments on the suitability of the site.

The information provided suggests that staff numbers will be in the region of 50 full/part time staff with around 14 pupils at its peak. The assumed magnitude of traffic could be catered for on the existing highway network, as studies into single track roads with passing places suggest a theoretical capacity in the region of 100-220 vehicles per hour, however these studies

also assume good visibility and adequate passing places being provided, which in this case is lacking in places. It is evident from a recent site visit that vehicle over run occurs on the soft verges of the current highway along the narrower sections based on existing traffic volumes, therefore even a small increase in traffic which could potentially create more opposing vehicle movements could be cause for concern and also increase the risk of collision with non-motorised users including cycles and horses, of which there are many livery stables in the area which often use these country lanes for access.

Given that there are very few dedicated passing places en-route to the development site along Newbiggin Lane, Corner Bank Lane and the northern section of White House Lane up to the junction of Park House Lane the Council's Highways Engineer would request off site highway works to mitigate the impact in the form of passing places, carriageway widening on bends (where appropriate), non-motorised user warning signage and localised widening around the proposed access junction to cater for adequate visibility splays and to accommodate vehicle movements in/out of the site. The Council's Highways Engineer would also ask that additional signage and features are located on the A68 to advise motorists of the junction and make it more visible.

The submitted TS states that no off site mitigation measures would be initially created and the applicant will undergo a review process to ascertain if these improvements are required. Officers consider that it would be unacceptable to implement these measures after the operational commencement of the development as the creation of passing places is required to mitigate the additional vehicle based trips and widening would also help construction traffic for the development to gain access. Therefore, if planning permission is granted, a condition must be imposed to secure the creation of passing places and to agree to their number, design and location.

In terms of the development layout and given the type of development and higher dependency of the children, the car parking numbers seem reasonable and it would be preferable to verge on the high side to avoid overspill onto the highway.

From a sustainable transport point of view the site is not accessible and it is acknowledged that that the developers are fully aware that the main mode of transport to this location will be by car but they obviously feel that this is a suitable location for the facility that they are proposing. The nearest bus stop is located in Heighington village and there would be no connections from there to the site. There are no off road walking or cycling facilities in the vicinity of the school site. The Council's Sustainable Transport Officer has not objected to the proposal however a planning condition has been imposed to ensure sufficient space for cycles to be parked is provided, in particular secure and enclosed parking spaces for residents of the school. Cycle parking should also be available for staff should they choose to cycle to work.

Residential Amenity

The proposal involves the creation of an outdoor play area and Multi Use Games Area (MUGA). These outdoor areas would not be floodlit and therefore their usage would be restricted but the applicant has agreed to the imposition of a condition restricting the usage of the MUGA to the hours of 0830 to 2130 Monday to Sunday.

There are no neighbouring dwellings in the immediate locality of the proposed buildings that would be affected by any loss of privacy or overlooking issues due to the proximity distances between the development and the neighbouring dwellings in the locality

Crime and Antisocial Behaviour

Objectors have raised concerns that the proposal will lead to increased crime and anti social behaviour and it is accepted that fear of increased crime is 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”

Policy CS2 of the Core Strategy states all new development must create a safe and secure environment that will incorporate the principles of Secured by Design.

However, evidence must also be provided to substantiate such fears, for such matters to carry weight in the decision making process and no such evidence has been provided.

The proposal is a self contained development where the children would live and learn within the confines of the site and they are supervised when they need to leave the site. There are recreational facilities within the site. The Durham Constabulary Architectural Liaison Officer has advised that existing development at The Grange, Low Willington, which this proposal is modelled on, is well managed and there is no evidence relating to anti social problems within the locality of that site. The ALO sees no issues with “Designing out Crime” or other Policing issues.

With regard to the detailed management of the site and the children, this is a matter for Ofsted and other government legislation under the Children Act 2004. These matters are not material planning considerations and should not be afforded any weight in the determination of the application.

Loss of Agricultural Land

The land is predominately used as grazing land and it is poor grassland. The buildings have been positioned so that the uptake of land that would be used by the new development is kept to a minimum and a third of the site would remain untouched and used for educational purposes.

Rights of Way

There is a public footpath running along the southern boundary of the site. The Council’s Countryside Access Officer has advised that the development must not affect the footpath, especially where the footpath joins the adopted highway and any damage caused must be repaired to the condition prior to the commencement of any work within the site. The footpath also must not be obstructed both during and after the development period. This advice can be confirmed as an Informative to any grant of planning permission.

Protected Species and Ecology

The application has been supported by an Extended Phase 1 Habitat and Bat Risk Assessment Survey which concludes that the site comprises almost entirely of poor semi improved grassland with an intact mature hedgerow around most of the field boundary. Mature trees can be found scattered throughout the hedgerow. The habitats within the site such as the hedgerows and trees are regarded as being of moderate ecological value with moderate potential for use by breeding birds and bats. The buildings on the site are of negligible value to support roosting bats given the type of construction and condition. The Survey identified no evidence of protected species or notable species and no species specific mitigation measures have been put forward as part of this

development but the Assessment does make some recommendations to protect the onsite hedgerow and to enhance for birds and bats during the operational phase of the development.

The findings and recommendations of the Assessment are acceptable and they can be secured by the imposition of appropriate conditions.

Planning conditions would be imposed to protect any active and potential badger setts in the area and to enhance the site as a badger foraging area.

The proposal involves extensive landscaping of the site which would enhance the biodiversity of the site and the surrounding area and a parkland area would be created on the eastern edge of the site being used by the children for land based studies.

Drainage

The site lies outside of any Flood Risk Zones. A Flood Risk Assessment concludes that the site does not immediately lie adjacent to a watercourse albeit a beck is shown to be further east of the site but it is not considered a flooding risk, nor is it deemed to be at high risk of fluvial flooding in relation to the 1:100 year fluvial flood event in the area. It is proposed that the additional surface water generated as a consequence of the development taking place will be collected via a rain water harvesting system and reused as grey water to supply urinals and toilets etc. The overflow from the rainwater harvesting system shall discharge into a soakaway. It is anticipated that the road surface water run off will percolate into the surrounding ground.

The Environment Agency has raised no objections to the FRA and they have requested the imposition of a condition to ensure the development is carried out in accordance with the mitigation measures in the FRA.

The proposal involves the use of a non mains foul drainage system and the Environment Agency has no objections to such usage. However, percolation tests will need to be carried out in order to determine the suitability of the ground for a soakaway, which must be suitably sized and properly constructed in order to treat the effluent and not cause an adverse impact to the environment. Furthermore a Bespoke Environmental Permit will be required in order to discharge treated sewage to a soakaway and the applicant would need to conduct a percolation test in order to obtain the permit from the Environment Agency. A condition would need to be imposed to secure the submission of a scheme for the disposal of foul drainage

Northumbrian Water assesses the impact of the proposed development on their assets and assesses the capacity within their network to accommodate and treat the anticipated flows arising from the development. Northumbrian Water has assessed the application against this context and they have raised no objections to the scheme.

Contaminated Land

The Geoenvironmental Appraisal Report submitted with the application does not highlight any significant contamination issues,

Coal Authority Matters

The Coal Authority (CA) is a statutory consultee on planning applications for development within the defined coal mining areas. The CA has defined specific Development High Risk Areas and there are circumstances whereby a planning application for certain forms of development should be supported by a Coal Mining Risk Assessment. Any planning application

in any other part of a coalfield is known as the Development Low Risk Area and do not require a Risk Assessment but local authorities must make the applicant aware of the CA Standing Advice.

The Darlington Coal Mining Development Referral Area Plan does show the site and some of the surrounding area to be within a coal mining area but the application site itself is not within a Referral Area and therefore the CA Standing Advice is relevant and has been included as an Informative.

Setting a Precedent

Court and appeal decisions have established that it is legitimate for Local Planning Authorities to give weight to the possibility of creating an undesirable precedent when considering whether to grant permission. However, it is not enough for Local Planning Authorities to have a general anxiety that their decisions may be used in the future to justify other proposals. There has to be evidence that there is a real likelihood that similar applications would be submitted and no such evidence has been provided. Also, it is clear that the Local Planning Authority would consider any proposals on their individual merits and Officers are not convinced that a grant of planning permission for this development would set an unwanted precedent for future applications for residential accommodation in the countryside.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

CONCLUSION

The proposal is contrary to development plan policy but it has also been assessed in accordance with the NPPF and the Town and Country Planning Compulsory Purchase Act 2004 in terms of how much weight should be given to other material planning considerations.

Having regard to the key considerations of the NPPF, the economic benefits for the proposal would be the creation of approximately 50 new jobs and that the children would work towards recognised qualifications. The social benefits of the proposal would be the creation of a safe and therapeutic environment for the children, in a location where a demand and need has been identified and met. Some detail has been provided regarding the favourable Social Return on Investment for such facilities with outcomes suggesting that after 10 years the social return is likely to be nearly £4 for every £1 spent meaning that these are savings to the local authority and society due to the therapeutic intervention. With regard to the environmental benefits of the proposal, the scheme will offer a more varied ecological diverse environment than the site provides at present and the buildings would benefit from efficient use of natural resources and feature solar panels and rain water harvesting facilities. It is acknowledged that the site is not easily accessible by means of transport other than the car but the expected traffic movements associated with the development are minimal, cycle parking spaces will be provided and by having a facility closer to local families with children in care, the need to travel long distances for visits would be decreased.

It is considered that the applicant has provided sufficient evidence to show that there is a need for this form of facility in this geographical location. The reasons given for a rural location are accepted and whilst urban sites have not been given consideration by the applicant (due to their operational requirements and need for a rural setting), other sites had been considered but discounted for the reasons outlined above. It is considered that, subject to appropriate planning conditions, the development will not adversely affect the amenity and general character of the area, the ecology of the locality, the amenities of the neighbouring properties and its impact on the highway network can be mitigated by works to the highway.

Planning conditions have been imposed to restrict the usage of the proposal and also to limit the number of children at the home to enable the local authority to retain control over the future of the development.

Officers do acknowledge that a finely balanced recommendation has to be made in respect of national and local planning policy and to the impacts of the development upon the area. Officers, having considered all other material planning considerations in accordance with planning guidance, believe that there is sufficient justification to depart from the normal policy position in this case.

RECOMMENDATION

PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3 – Implementation Limit (Three Years)
2. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any Order revoking and re-enacting that Order, the use hereby approved shall be restricted to that of a children's care home and associated learning centre for children between the age of 8 and 18 and for no other purpose within Class C2 (Residential Institutions)
REASON: The Local Planning Authority would wish to control future changes of use of the site within the same Use Classes in the interests of amenity
3. The maximum number of children living within the site at any one time shall not exceed 14
REASON: In the interests of residential amenity and highway safety
4. B4 – Details of Materials (Samples)
5. Prior to the commencement of the development a scheme to dispose of foul drainage shall be submitted to and agreed in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details
REASON: To prevent pollution of the water environment
6. The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (File No PO31 dated 21 October 2013) published by Plan Arch Design Limited. The mitigation measures shall be fully implemented prior to the occupation and subsequently in accordance with the timing/phasing arrangements embodied with the scheme, or within any other period as may be agreed in writing with the Local Planning Authority

REASON: To prevent flooding by ensuring the satisfactory disposal of surface water drainage

7. Prior to occupation of the development, a full noise impact assessment shall be undertaken and approved by the local planning authority. Prior to commencing the assessment the scope of the report, which must include noise and vibration, including all plant and machinery associated with this planning permission shall be agreed in writing with the local planning authority. The findings of the noise assessment shall be implemented in accordance with a timescale to be agreed with the local planning authority. The Noise Impact Assessment must show that the noise emissions from the development will comply with the noise limit stated in planning condition 8, at the two residential units included within the approved development. The findings of the noise impact assessment shall be implemented in accordance with a timescale to be agreed with the local planning authority. Use of the development shall not commence until the local planning authority has given notice, in writing, that it is satisfied that the level of noise emissions from the identified noise sources will comply with condition 8, and that any vibration issues identified have been addressed.

REASON: In the interests of residential amenity

8. The Rating Level (as defined in BS 4142:1997), as a result of all plant and machinery associated with the development, shall be at least 5 dB(A) below the background noise level at any residential property, including the two residential units included within the approved development, when measured in accordance with BS 4142:1997. The background noise level to be used shall be measured by the applicant during appropriate day time and night time periods and the levels agreed in writing with the local planning authority.

REASON: In the interests of residential amenity

9. Prior to the occupation of the development hereby approved, a lighting impact assessment shall be submitted and agreed in writing by the Local Planning Authority. The assessment must show that the lighting levels are limited to those specified in Environmental Zone E2 in Table 2 of the Institution of Lighting Professionals Guidance Notes for the reduction of Obtrusive Light. The development shall be implemented in accordance with the approved details

REASON: In the interests of the general amenity of the locality

10. Prior to the commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include detail of the proposed hours of construction, measures to control dust and noise during the construction phase, routes of construction traffic, signage, road maintenance measures and the development shall not be carried out otherwise than in complete accordance with the approved Plan

REASON: In the interests of residential amenity and highway safety

11. Prior to the commencement of the development precise details showing the off site highway works including the site access junctions, the creation of passing places and bend widening on Newbiggin Lane Corner Bank Lane and White House Lane and erection of warning signage and road markings on these road and the A68 shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the approved highway works have been implemented.

REASON: In the interests of highway safety

12. A Road Safety Audit shall be carried out for all of the highways and the scope of the Audit shall be agreed in writing with the Local Planning Authority. The development shall not be carried out unless in complete accordance with the approved Audit.

REASON: In the interests of highway safety

13. Notwithstanding the details shown on the approved plans, details of a secure cycle storage area shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The details shall include the location and design of the storage area and the number of cycle spaces and the development shall not be carried out otherwise than in complete accordance with the approved details

REASON: To ensure that sufficient cycle parking is provided within the development.

14. The development hereby approved shall be carried out in complete accordance with the document entitled "Proposed Plant List" produced by Leeming Associates dated December 2013 and Drawing No 1319.01Rev B entitled "Planting Plan for Planning" produced by Leeming Associates dated October 2013 unless otherwise agreed in writing by the Local Planning Authority. The submitted landscaping scheme shall be fully implemented concurrently with the carrying out of the development, or within such extended period which may be agreed in writing by, the Local Planning Authority and thereafter any trees or shrubs removed, dying, severely damaged or becoming seriously diseased shall be replaced, and the landscaping scheme maintained for a period of five years to the satisfaction of the Local Planning Authority.

REASON: To ensure a satisfactory appearance of the site and in the interests of the visual amenities of the area

15. Notwithstanding the requirements of condition 14 an Arboricultural Implications Assessment, an Arboricultural Method Statement and a Tree Protection Plan relating to the existing trees to be retained shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the landscaping scheme. The development shall not be carried out otherwise than in complete accordance with the approved details

REASON: To ensure a satisfactory form of development.

16. The Multi Use Games Area shall not be used outside the hours of 0730 to 2130 Monday to Sunday unless otherwise agreed in writing by the Local Planning Authority

REASON: In the interests of the amenity of the surrounding area

17. The development shall be carried out in accordance with the recommendations outlined in the document entitled "Jubilee Wood Farm – Extended Phase 1 Habitat and Bat Risk Assessment Survey" dated October 2013 produced by Eco North Ecological Consultants unless otherwise agreed in writing by the Local Planning Authority. In order to accord with the recommendations of the Survey details of the number and location of the bat boxes and the details of a lighting strategy for the site shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development

REASON: To preserve species and their habitats

18. Prior to the occupation of the development a 10 year management plan for the habitat areas shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the Plan
REASON: In the interests of the biodiversity of the site
19. Any excavation work and heavy machinery shall be kept 30m away from any active or potential badger sett
REASON: To preserve the species and their habitats
20. No fires and chemicals shall be used within 20m of any active or potential badger sett.
REASON: To preserve the species and their habitats
21. Any disturbances such as noise of vibrations should be avoided or limited to areas over 30m from active or potential badger setts
REASON: To preserve the species and their habitats
22. Notwithstanding the details shown on the approved plans, a clear pathway between any active and potential badger setts shall be maintained to ensure the setts are not isolated
REASON: To preserve the species and their habitats
23. The use of vermicides (chemicals to kill worms) shall be avoided on amenity grassland and gardens that form part of the approved development and any top soil to be removed should be stripped and piled to avoid compaction up to a maximum of 2 metres which can then be seeded with leguminous seeds.
REASON: To enhance the site for badgers as a foraging habitat
24. The area identified for “Land Based Studies” should remain as a grazed habitat unless otherwise agreed in writing by the Local Planning Authority
REASON: To enhance the site for badgers as a foraging habitat
25. B5 – Implementation Limit (Accordance with Plan)

THE FOLLOWING POLICIES AND DOCUMENTS WERE TAKEN INTO ACCOUNT WHEN ARRIVING AT THIS DECISION:

National Planning Policy Framework 2012

Saved Borough of Darlington Local Plan 1997

- E2 Development Limits
- E4 New Buildings in the Countryside
- E5 Change of use of buildings in the countryside
- E14 Landscaping of Development
- E21 Wildlife Corridors
- H7 Areas of Housing Restraint
- H19 Special Care Accommodation

Darlington Core Strategy Development Plan Document 2011

- CS1 Darlington’s Sub Regional Role and Locational Strategy
- CS2 Achieving High Quality Sustainable Design
- CS14 Promoting Local Character and Distinctiveness

CS15	Protecting and Enhancing Biodiversity and Geodiversity
CS16	Protecting Environmental Resources, Human Health and Safety
CS19	Improving Transport Infrastructure and Creating a Sustainable Transport Network

Other Documents

Design of New Development SPD

INFORMATIVE TO BE INCLUDED SHOULD PLANNING PERMISSION BE GRANTED

Coal Authority

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website (www.coal.decc.gov.uk). Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstabiity.com

Public Rights Of Way

The applicant is advised that the development must not affect Public Footpath (No 20), especially where the Footpath joins the adopted highway and any damage caused must be repaired to the condition prior to the commencement of any work within the site. The footpath also must not be obstructed both during and after the development period.

Highways

The Developer is required to submit detailed drawings of the proposed off site highway works to be approved in writing by the Local Planning Authority and enter into a Section 278/38 agreement before commencement of the works on site. Contact must be made with the Assistant Director: Highways, Design and Projects (contact Mr S. Brannan 01325 388 755) to discuss this matter.

The applicant is advised that contact be made with the Assistant Director: Highways, Design and Projects (contact Ms. P. Goodwill 01325 388760) to discuss naming and numbering of the development.

Environmental Health

Environmental Health (Commercial) is responsible for the enforcement of the Food Safety Act 1990 and associated legislation in the school and the care homes and also possibly the Health and Safety at Work etc Act 1974 in the care homes (depending on what is deemed to be the main activity of the site) and the applicant should contact the department (01325 388566) for advice if necessary.

In particular the applicant should contact Environmental Health (Commercial) for advice on wall, floor and other surface finishes and equipment for the kitchen and for other fixtures and fittings e.g. washing facilities and sanitary conveniences etc as well as the ventilation requirements for the kitchen. This advice should be sought prior to any development taking place to avoid any unnecessary expenditure.