

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 5 April 2017**

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<b>APPLICATION REF. NO:</b>	17/00106/FUL
<b>STATUTORY DECISION DATE:</b>	5 April 2017
<b>WARD/PARISH:</b>	HEIGHTINGTON AND CONISCLIFFE
<b>LOCATION:</b>	Oakwood Learning Centre, Jubilee Wood Farm Newbiggin Lane, Heighington
<b>DESCRIPTION:</b>	Variation of condition 3 (maximum number of children educated and living within the site at any one time shall not exceed 14) attached to planning permission 13/00855/FUL dated 14 February 2014 to increase the maximum number of children educated and living within the site at any one time to 15
<b>APPLICANT:</b>	Witherslack Group Ltd

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**APPLICATION AND SITE DESCRIPTION**

Planning permission (reference number 13/00855/FUL) was granted by Members of the Planning Committee in February 2014 for the erection of a therapeutic, education and care facility comprising two children's care homes and a learning centre, now known as Oakwood Learning Centre, at Jubilee Wood Farm subject to a number of planning conditions, including condition 3) which stated:

*"The maximum number of children educated and living within the site at any one time shall not exceed 14"*

The condition was imposed to enable the Local Planning Authority to control the number of children associated with the proposal in the interests of residential amenity and highway safety.

This planning application is seeking planning permission to vary condition 3) in order to increase the number of children from 14 to 15 in order to satisfy a continuing need for the specialist education and care afforded by the Centre. Oakwood Learning Centre has recently been shortlisted for the best Special Educational Needs School in the country at a recent National Awards Ceremony and both the new build care homes and the learning centre have been assessed as "outstanding" by Ofsted. Whilst there are currently 14 young people living in the two care homes on the site, there are 13 people being educated in the learning centre as one student, who lives on site, now attends a mainstream school.

The additional living accommodation would be provided by carrying out some internal alterations to the ground floor layout of House 2. The works would involve altering a staff bedroom and ensuite into a bedroom and ensuite for the additional child. The effect of losing the staff bedroom would be that the House would be managed by two “waking watch” staff rather than one “waking watch” staff and one “sleep in” staff which is the current arrangement. There would be no external alterations to the building.

The addition of one child within the learning centre would enable the applicant to employ one further member of teaching staff if, in the future, it is deemed necessary.

The supporting information for the planning application makes reference to the erection of a detached POD building within the grounds of the site. This proposal does not form part of the planning application but the reason for this building being mentioned is that applicant intends to monitor the aforementioned new management arrangement and if it is considered to be more beneficial to return to the original regime of a “waking watch” and a “sleep in” member of staff, the applicant would explore the possibility of converting an existing Managers Office/Meeting room on the ground floor of House 2 into sleeping accommodation for a member of staff and if there is then a subsequent need to create some additional space for a manager’s office/meeting room, the applicant is looking at the possibility of the erection of a detached POD building within the curtilage of the site. It is possible to erect a building within the curtilage of a school without having to apply for planning permission, subject to the proposal meeting criteria relating to the size and location of the proposed building and provided that the building is used as part of or for purposes ancillary to the use of the school. If the applicant wishes to pursue this matter, they have been advised to submit an application for a Certificate of Lawfulness (Proposed Development) and the Local Planning Authority would assess the need for planning permission. As mentioned, this potential proposal does not form part of this planning application and therefore it is not a material consideration in determining this application.

## **PLANNING HISTORY**

The relevant planning history is as follows:

13/00855/FUL In February 2014 planning permission was GRANTED for the development of therapeutic, education and care facility comprising 2 No children's care homes and learning centre with related facilities

14/00797/FUL In October 2014 planning permission was GRANTED to vary condition 14) attached to planning permission 13/00855/FUL to permit a revised landscaping scheme

14/00800/FUL In October 2014 planning permission was GRANTED to vary condition 25) attached to planning permission 13/00855/FUL to permit amendments to the site layout, the learning centre and House 1

15/01127/FUL In March 2016 planning permission was GRANTED to vary condition 14) attached to planning permission 13/00855/FUL to permit revisions to the landscaping scheme

## **PLANNING POLICY BACKGROUND**

The relevant planning policies for this submission are:

**Darlington Core Strategy Development Plan 2011**  
CS2 – Achieving High Quality Sustainable Design

## CS16 – Protecting Environmental Resources, Human Health and Safety

**RESULTS OF CONSULTATION AND PUBLICITY**

Five letters of objection have been received following the Council's consultation and publicity exercises. The objections can be summarised as follows:

- *There will be a further increase in vehicular activity in the area by virtue of an increase in staff, visitors, caterers and utility services. The roads in the locality are rural not urban and any increase will inhibit, still further, farm and other local traffic*
- *We are forbidden to view the increase in crime to the area but suspect reported crime and trespass has increased*
- *The reason for this condition in the consent was in the interests of residential amenity and highway safety. To allow an increase in the number of children will consequentially lead to an increase in vehicle movements with a detriment to highway safety and will have a negative impact of residential amenity. This variation should therefore be declined as it is a weakening of the original conditions determined by the planning committee which were set in the best interests of the community*
- *I originally questioned the size of the school for the number of children taught and it is now apparent that the "drip feed" of an increase in numbers was the reason for such a large building initially. In addition to this, to accommodate another child residentially a building is to be erected on the road side for staff accommodation*
- *Whilst we must accept such a glowing Ofsted report, it must be acknowledged that an annual bill for educating one child of £63,435 – £79,167 compared with a national bill for a state educated school of between £2,800 - £4,500 per annum, exceptional success rates are to be expected.*
- *The Ofsted Inspectors report that children are well supervised during the day in free time. However, children have on numerous occasions left the site unaccompanied and left to wander in the rural area where there are many dangers. This is noted in PACT meetings as a concern. Will an increase in children lead to more unsupervised children wandering around the area without sufficient understanding of the dangers of the countryside?*
- *In the original application, it was stated that there would be 17 cars a day using the site. There are regularly 30 cars a day on site and on some days there are several cars parked dangerously on the corner of the lane because there are no parking spaces. An increase in staff numbers will lead to even more parking problems*
- *One of the reasons for this facility in this location was so it could accommodate children from Darlington and the local surrounding area. The Ofsted report states that some young people's home area is at a distance which contravenes Witherslack's and the Government policy of keeping children close to their home environment suggesting that Witherslack are increasing the number of children for financial gain*
- *The proposal will increase traffic along narrow country lanes and there are already a great number of cars throughout the day going into an overflow car park*
- *The original planning conditions have already been changed and further changes will weaken the conditions determined by the Council in the interests of the community. If the Planning Committee considered that conditions should be applied and the applicant agreed to them, they should be enforced and not constantly changed. I have very little confidence in the Planning Committee to protect our rural community from the expansion of this commercial enterprise*

- *The application letter makes reference to the construction of a “Pod” and that the structure would not require planning permission under the GPDO 2015 covering extensions to schools, colleges, universities and hospitals”. As the “pod” would only be required if the internal development of the house is changed I cannot see that this would meet these requirements*
- *Contrary to assurances given when planning was originally granted, it is clear that the Applicant has failed to ensure the safety of the children attending the facility and the security of neighbours property and premises, both nearby and further afield in Heighington & Redworth. The Council should be ensuring that current obligations are being met before considering allowing the Applicant to expand operations*

### **Consultee Responses**

The Architectural Liaison Officer from Durham Constabulary has advised that the Police have no grounds to object to the variation of the condition.

The Council’s Highways Engineer has raised no objections to the proposal.

### **PLANNING ISSUES**

The main issues to be considered here are whether or not the addition of one further person and potentially one staff member would have an adverse impact on:

- Highway Safety
- Residential Amenity

#### *Highway Safety*

Since the opening of the education facility there has been no reported accidents on the approach roads to the site therefore allowing one extra child and potentially one additional member of staff would not pose a severe impact to the traffic volumes or highway safety and would be difficult to constitute a highways refusal based on these reasons.

The Road Safety Audits have been completed which were required as part of the original application and no major issues were raised.

#### *Residential Amenity*

Officers have sought the advice from the Durham Constabulary Architectural Liaison Officer and he has advised that the Police have no reason to object to the planning application.

#### *Other Matters*

Some of the objections relate to this being a further application to vary planning conditions attached to the original planning permission and that planning conditions, once imposed, should be enforced and met rather than continually revised at a later date. It is not uncommon for the Local Planning Authority to consider planning applications seeking to vary or remove previously imposed planning conditions. Each application is considered on its own individual basis and recommendations to approve or refuse such applications are made based on the merits of each submission.

### **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 involves internal alterations to one of the care homes to facilitate additional living space for one further young person. This application has been assessed against the criteria and reason for imposing the original planning condition and it is considered that increasing the number of people by one and potentially one further member of staff would not raise any significant highway safety or residential amenity issues and the application has been recommended for approval subject to a suitably worded revised planning condition.

### **RECOMMENDATION**

**PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITION:**

1. The maximum number of children educated and living within the site at any one time shall not exceed 15.

REASON: In the interests of residential amenity and highway safety

2. The development hereby permitted shall be carried out in accordance with the approved plans, as detailed below:

- a. Drawing Number 81409 G2 SI-010 – Proposed Site Plan
- b. Drawing Number 81409 G2 GA-175 – Proposed Ground Floor Plan

REASON – To ensure the development is carried out in accordance with the planning permission.

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

#### **Darlington Core Strategy Development Plan 2011**

CS2 – Achieving High Quality Sustainable Design

CS16 – Protecting Environmental Resources, Human Health and Safety