

At an extraordinary meeting of the PLANNING AND HIGHWAYS COMMITTEE held in the CITY HALL COUNCIL CHAMBER on MONDAY 7 OCTOBER 2024 at 5.30 p.m.

Present:-

Councillor Thornton in the Chair.

Councillors Dixon, Foster, Haswell, Herron, Laverick, Scott, D.E. Snowdon, D. Trueman and Wood.

Declarations of Interest

Application 1 – 24/01562/FU4 – Red Gables, North Street, East Rainton, Houghton le Spring

The Committee's Solicitor advised that he was aware that Members had received emails from objectors, there was no requirement for Members to declare this as long as they had not replied to the emails and retained an open mind on the application.

Councillor Scott declared that he had responded to an email from a resident on the previous application however he still retained an open mind on the proposals.

Councillor Foster declared that he had spoken to local residents after the alleged incident involving the security guard; he still retained an open mind.

Councillor Dixon declared that he had responded to an email but retained an open mind on the application.

The Chairperson declared that a relative owned a property in the vicinity of the application site but she still retained an open mind on the proposals.

Apologies for Absence

There were no apologies for absence.

Planning Application 24/01562/FU4 - Proposed Change of Use from Residential Dwelling (Use Class C3) to Short Break Care Facility (Use Class C2) for up to 5 persons aged 5 – 17 years, with external alterations to include the demolition of external stores, the construction of new

**ramps to the front entrance and patio to the sides, the erection of brick walls and balustrades to enclose the rear patio, the removal of the front portico entrance and rear first floor balcony, alterations to front entrance door and window openings, increased area of hardstanding for parking and the erection of a 2m boundary fence.
Red Gables, North Street, East Rainton, Houghton le Spring, DH5 9QF**

The Executive Director of City Development submitted a report (copy circulated) in respect of the above matter.

(for copy report – see original minutes)

The representative of the Executive Director of City Development presented the report advising the Committee of key issues to consider in determining the application.

The Chairperson thanked the Officer for their presentation and opened up the meeting for questions from Members.

Councillor Foster queried what material the new access ramp would be constructed from and also queried the 9 parking spaces. The Representative of the Executive Director of City Development advised that the 9 spaces were considered to be sufficient; there would be at most 8 members of staff on site at any time, with this only occurring during shift changes, and there would be no families visiting during the shift changes. There would also be a management plan in place to ensure that these mitigations were implemented. The details for the materials the ramps would be constructed from was yet to be agreed.

Councillor Snowdon queried whether there would be any disabled parking spaces included. The representative of the Executive Director of City Development advised that there were no specific disabled parking spaces and the Highways Engineer added that there was the scope for some of the proposed spaces to be modified to be accessible spaces.

Councillor Haswell queried what control the management plan would give including what controls there were to ensure that the maximum of 5 residents would not be breached and what controls there were to ensure that the parking spaces were retained. The representative of the Executive Director of City Development advised that there were conditions proposed which limited the occupancy to 5 residents and required the retention of the 9 parking spaces; should either of these be breached then enforcement action could be taken. The requirement for staff to park within the curtilage of the property would be controlled by the management plan.

The Chairperson questioned whether car sharing and use of public transport by staff could be included in the management plan. The Highways Engineer advised that the Local Highways Authority were supportive of sustainable travel plans.

The Chairperson then welcomed the speakers to the Meeting and advised that the opportunity for Members to ask questions of clarification on the speeches would be provided following the conclusion of the presentations by all of the objectors. She advised that each speaker would be allowed a maximum of 5 minutes to address the meeting.

Mrs Jean Stores addressed the meeting in objection to the application, she stated that her property shared a boundary with the application site and that there were concerns that the change of use from a dwelling house to a commercial use would create issues around loss of privacy. She stated that the property towered over its neighbours and she was concerned that the proposed obscured glazing would not prevent the loss of privacy from occurring but would negatively impact on the residents of the facility as they would not be able to look out of their bedroom windows. She stated that the neighbours were currently not overlooked in their gardens however the new commercial use would cause this to happen. The proposed 2m high fence would also not prevent overlooking from occurring from the upstairs rooms.

Ms Lynsey Gibson then addressed the meeting in objection to the application. She stated that the residents of the village supported the need for such a service within the city but they felt that this was not the right location for it. She referred to the highways matters; the report stated that there was no evidence of any issues or any unacceptable impact on safety from the proposals. This was, however, a narrow road where cars would mount the pavement to pass each other; this pavement was narrow and would not accommodate wheelchair users and was also well used by children travelling to and from school. There were concerns that the driveway and the entrance were only one car wide so would not allow vehicles to pass each other and the entrance was also opposite the entrance to Summerhouse Farm and also on the brow of a hill. There were concerns due to maintenance vehicles for the property already parking in nearby streets. She questioned how the traffic could be effectively assessed when there had not been a management plan provided.

Councillor Susan Waterston, Hetton Town Council, then addressed the meeting. She advised that she was not speaking as a town councillor but was representing local residents who had contacted her with concerns. The need for the facility was supported however there were concerns over this location. The proposal would impact on neighbours ability to enjoy their gardens. Visitors would need to travel to the facility by car and these vehicles would block the road and path while waiting for the gates to open. There would be a significant increase in traffic from this proposal when compared with the use of the property as a single family dwelling. She had experience of living next to a similar facility which had then been changed to be accommodation for young adults and had then caused problems for neighbours. There were concerns that events had been referred to in the media but not in the planning application.

The Chairperson then adjourned the meeting for 10 minutes to allow attendees a comfort break before hearing from the remaining speakers. At this time Councillor Laverick left the meeting.

Councillor David Geddis, Hetton Town Council, then addressed the meeting. He advised that he was speaking on behalf of the town council, whose comments reflected the concerns of residents. There was widespread support for the provision of such a facility in the city however residents were concerned that the location was not suitable or sustainable. There were also concerns relating to traffic and parking; noise; and invasion of privacy. There was no supporting information to demonstrate that the loss of a family home was acceptable. Residents wanted assurances that there would not be any future change of use to any different form of accommodation. There was no design and access statement submitted which was contrary to the Council's aims and the parking and access was along a single track driveway with complex manoeuvring required which was a safety concern. There were traffic concerns in the wider area with the main road in the village having a 20mph speed limit and the footpaths being narrow and well used by children travelling to school. There were privacy concerns due to overlooking and it was felt that the obscure glazing was insufficient as it would only provide privacy when the windows were closed.

Councillor Blackburn then addressed the meeting on behalf of two local residents who lived adjacent to the application property. There were concerns over the parking the development would create and the impact that this would have on the local highway network. The road and footpath were both narrow and the entrance to the property was also narrow meaning that vehicles waiting for the gates to open would block the road. The increase in traffic would increase the likelihood of collisions occurring; there had been incidents and near misses when the property was a single family home. There were concerns regarding the likelihood of noise disturbance from the property especially during staff changeovers which would happen in the early morning and late evening. The measures which were proposed to mitigate against noise showed that this was not a suitable site for such a use. It was questioned how the use could be classed as residential when the staff and service users would change on a daily basis. There were concerns around overlooking of neighbouring properties from the bedroom windows; not all of the windows which overlooked neighbours would have obscured glazing. It was felt that there were a significant number of issues with the proposal which had been dismissed within the report and there were concerns over there being a conflict of interest in that the Council was determining its own planning application.

Ms Carol Gordon then addressed the meeting. She was speaking on behalf of herself and also her neighbours. They agreed that the facility was essential but felt that this was not the right location for it. There were concerns around the impact of the increased traffic movements and the potential for disturbance. Local knowledge and safety concerns of residents had been minimised and dismissed. There was a requirement for there to be a management plan and it was a concern that this key operational information

was not available before a decision was made as this plan was vital to ensuring that local residents were afforded protection from issues that would otherwise be caused by the proposal. The neighbouring properties to the rear were significantly lower than the application property and there were concerns around the stability of the land where the fence was proposed to be positioned. The trees that were currently in that area were helping to stabilise and support the land and there was no land behind the trees where a fence could be erected.

Councillor Rowntree then addressed the meeting speaking both as a Ward Councillor and a local resident. She stated that she had concerns over the process as Ward Councillors had not been consulted when the property had originally been identified. There were also a number of residents who had expressed concerns about the neighbour notification as part of the planning process. She had been contacted by a number of residents who had raised noise concerns regarding the proposal. The residents views on the proposal needed to be heard and given consideration. She had concerns over the delays there had been in securing a new short break provision and there was a need to ensure that a quality provision was in place which also addressed the concerns of local residents.

The Chairperson then invited Members to ask questions of clarification in respect of any points raised by the speakers.

Councillor Haswell queried whether there was a history of accidents around the entrance to the property and also asked whether staggered arrival and departure times for service users could be specified in order to minimise congestion concerns. The Highways Engineer advised that the road traffic collision history for the area had been looked at and there were no concerns identified at this location. The representative of the Executive Director of City Development advised that he was also unaware of any accidents in the vicinity of the site and that the management plan would confirm the arrangements around comings and goings at the property and it could be added to the planning conditions that the management plan specify staggered arrival and departure times.

In response to Councillor Dixon, the representative of the Executive Director of City Development advised that the planning permission requested would restrict the use of the property to this specific type of use and the property would not be able to be used for any other purpose without gaining planning permission for such alternate use.

In response to questions from the Chairperson, the representative of the Executive Director of City Development advised that the land stability was not a material planning consideration and the proposed two metre high fence could be erected under permitted development. The original application had proposed staff meetings be held at the property which would have seen up to 29 staff members attending however this had been removed from the current application; the management plan would control the staff numbers on site. The reference to events taking place had been within the previous application

and it had been confirmed that the only events taking place at the property would be visits by parents. The Ward Councillors had been consulted as part of the planning process. The purchase process, including any consultation undertaken, was not a material consideration for the planning process.

The Chairperson then referred to the concerns raised regarding the width of North Road and asked whether the installation of double yellow lines would address the parking concerns raised by residents. The Highways Engineer advised that if Members felt that this was necessary then it could be given consideration; this was a matter which was separate to the planning process and would see consultation undertaken with Ward Councillors and local residents. Any scheme would need to be designed to ensure that there was no knock on effect elsewhere as a result of parking being displaced.

The Chairperson then introduced the speakers in support of the application. The first speaker was Mrs Pamela Mann who stated that all parents wanted the best for their children and that children with special needs were no different to other children, they wanted to be able to access the activities that other children took for granted. The last year since the respite facility at Grace House had been withdrawn had been hard for the parents who had been busy campaigning for a suitable provision; the alternatives offered had been inadequate. Facilities such as these provided parents with a few days off from caring for the children, who often needed 24-hour care. It had been traumatic for the children to lose the access to the provision. The proposal for Red Gables was intended to fill the gap in service provision. The families were facing exclusion and prejudice from the objectors. There had been concerns raised regarding antisocial behaviour however these were disabled children who needed 24-hour care so would not be causing any antisocial behaviour; she failed to see how the objectors had been able to come to their conclusions. It was not the intention that parents would visit the children while they were staying at the property given that the purpose of the provision was to provide respite for the families. There was no evidence that the children would cause any problems for local residents.

Ms Deborah Charlton then addressed the meeting. She was a grandparent who looked after her 14 year old grandson full time. Due to his disabilities he acted more like a two year old and needed full time care. It had been a nightmare for the family since the provision at Grace House had been lost. Objectors had raised concerns over the proximity of the property to neighbouring houses however it was important to consider that Grace House had been surrounded by residential properties and there had never been any complaints about the children. A number of the children were unable to speak and even if the property was to remain a family home then there would still be the likelihood of noise from children playing in the garden. Parents and carers had fought to keep Grace House and would not be able to manage another summer holiday period without having respite provision available. The only other provision offered after the closure of Grace House had been at a church in Redcar however this was not the right provision for the children.

Mr James Doyle then addressed the meeting. He stated that he felt that the planning system was flawed as it was adversarial in nature and often did not provide equal representation to those who were in support of an application. The children who would be using the facility were unable to present their case for why they needed the facility themselves. The need for the provision outweighed the potential harms from the development and it was in the public interest for the facility to be available. In response to points raised by the objectors he stated that there was no evidence that there would be noise nuisance created nor was there evidence that there would be an increase in traffic or an adverse impact on highway safety and there was adequate parking within the curtilage of the site. The proposed use was considered to be a residential use, so the proposal did comply with the provisions of policy H5. There would be no significant changes to the building so there would be no adverse impact on amenity, for local residents or residents of the property. The facility would be suitably managed and there would be no risk of antisocial behaviour. All of the concerns raised by the objectors had been addressed in the report and there was no valid policy reason to go against the officer's recommendation.

Mr Simon Marshall then addressed the meeting on behalf of the applicant, Together for Children. He stated that he was happy to require staff to park within the curtilage of the property to address the highways concerns raised and that the arrival of parents would be staggered so that there was only one family arriving at any time. The children would often be brought to the property by specialist transport providers rather than by their family. The total number of staff was 29 and there would be a maximum of 8 staff on site at any time, the maximum number would only be reached during the shift change and handover times. It had originally been proposed for staff meetings to take place at the property which would have seen all 29 staff attending however these meetings would now be taking place off site. The provision would be a controlled, homely environment.

In response to questions from Councillors Scott and Dixon, Mr Marshall stated that there would be information within the management plan that could not be shared with residents but that he was happy to ensure that the information that could be shared was. There may be times when the facility did not accommodate the maximum of five children as the occupancy would depend on the specific needs of the children attending in order to ensure that appropriate resources were provided to each child.

Councillor Dixon then stated that there were similar facilities within his ward and the staff from those attended residents meetings; Mr Marshall stated that he wanted the facility to be part of the community.

Members thanked the speakers for their presentations.

Councillor Haswell stated that the requirement to park within the curtilage of the site should apply to everyone attending the property, not just staff, and that this should be included within the management plan. Councillor Scott seconded this.

There being no further comments or questions, the Chairperson put the officers recommendation and the additional conditions resulting from the discussions at this meeting to the Committee and with all Members being in agreement it was:-

1. RESOLVED that Members Grant Consent under Regulation 4 of the Town and Country Planning General Regulations 1992 (as amended) subject to the draft conditions set out in the report and additional conditions in respect of the management plan requiring all visitors to the site to park within the curtilage of the property and that investigations be made into the feasibility of installing double yellow lines on the road outside of the property.

The Chairperson then closed the meeting having thanked everyone for their attendance and contributions.

(Signed) M. THORNTON
(Chairperson)