

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE**

**31<sup>st</sup> July 2013**

**REPORT OF CORPORATE DIRECTOR,  
DEVELOPMENT AND NEIGHBOURHOOD  
SERVICES**

**13/1444/COU**

**Fairview, Durham Road, Thorpe Thewles**

**Application for change of use from C3 residential dwelling to C2 residential institution.**

**Expiry Date: 14 August 2013**

**SUMMARY**

Planning permission is sought for the change of use of a residential bungalow within the village of Thorpe Thewles from a domestic property to a care facility. The proposed facility is aimed at providing care for up to 5 children on permanent basis, with the children residing there as their permanent home. Staff will be at the property 24/7 to provide care/support to the children and would operate in shifts.

The proposed use is linked to the councils restructuring of providing care for its vulnerable children. Currently the council sends children outside of the borough to live and be educated and dealing with 20 children in this way costs the authority £3.5m. The Council is in a joint venture with the applicant to provide homes and education for the children within the Borough. The Council would own the properties and provide the renovated King Edwin School as an educational establishment whilst the applicant (Spark of Genius) would run and manage the facilities. It is estimated that this arrangement would save the authority £400k per year and create around 100 local jobs.

98 objections have been raised by local residents which mainly relate to concerns that children within the home will cause anti-social and criminal behaviour within the village, that people will fear this occurring, that this will change the feeling / character of the village, that additional traffic will cause nuisance and that the village has far too few facilities and services to serve such a use. 2 letters of support consider objections based on anti-social behaviour to be unsubstantiated and indicate that existing foster children within the village have not resulted in complaints to their carer's.

The principle of providing care for the vulnerable parts of society and the economic / job creating benefits of the scheme are all considered to accord with the National Planning Policy Framework and the Core Strategy. The site is an existing property and whilst it is within an unsustainable location for new dwellings, the aim of the home is to locate in such locations away from the more urban areas. The reasons for doing this are to provide a better environment in which to bring up the children and this reasoning is accepted.

The significant concerns over the potential for anti-social behaviour are noted, however, it is difficult for a planning decision to factor in the potential behaviour of children and it is argued that this is more of a matter for the management of the facility and others such as the police, were it to

occur. Notwithstanding this, it is considered necessary to ensure the property remains to be a children's home of a limited scale as is being proposed in order to prevent future uncontrolled change. As such, a condition is recommended which limits the age to which cared for residents can be and which restricts the number of cared for residents to 5, which is considered to reflect in part the number of children that could be accommodated within a large family home.

It is considered that there is no undue risk to highway safety, that adequate parking can be provided and although the use of the site and comings and goings will almost certainly intensify as a result of the proposal, this would not be to a degree which would substantially harm the surroundings taking into account the property being a large detached bungalow, within its own relatively extensive grounds on the edge of the village.

## **RECOMMENDATION**

**That planning application 13/1444/COU be approved subject to the following conditions and informatives below;**

### **01 APPROVED PLANS**

*The development hereby approved shall be in accordance with the following approved plan;*

<i>Plan Reference Number</i>	<i>Date on Plan</i>
<i>SBC0001</i>	<i>17 June 2013</i>

*Reason: To define the consent.*

### **02. LIMITATIONS OF USE**

*The use hereby approved shall be limited to serve to care for persons under the age of 18 and shall be limited to care for no more than 5 persons at any time.*

*Reason: In order to ensure the facility is limited to provide care for a use which is relative to the considerations taken and ensure the facility is of a scale which is appropriate for its village location.*

## **INFORMATIVE OF REASON FOR PLANNING APPROVAL**

### **Informative 1:**

*The Local Planning Authority has implemented the requirements of the National Planning Policy Framework.*

## **BACKGROUND**

1. 92/0371/P  
Extension to provide bedroom and bathroom and rear conservatory and single storey side extension to provide lounge.  
Approved 15th May 1992
2. 99/1237/P  
Erection of single storey extension to side.  
Approved 24th September 1999
3. 00.8.5.25

## Tree Preservation Order 20

4. A report was provided to cabinet in March 2013 which formed an update on the development of provision in the Borough for youngsters currently placed in out of borough social and education placement. This sought approval for a joint venture partnership with Spark of Genius (applicant of this application) and for the agreement to the acquisition of properties for care facilities and the renovation of King Edwin School as an educational establishment. The joint venture with the applicant would mean that the council would own the property along with other homes and would also renovate and own the King Edwin School as an educational establishment to serve the children. The applicant would provide care and education services, manage and operate the school and be paid a management fee. The council's business case was prepared based on 20 children who could be located in such facilities but who are currently out of the Borough, at a current cost of £3.5m (social and education provision). The report indicated potential savings of £400k per year based on this venture.

## **SITE AND SURROUNDINGS**

5. The application site is a large detached bungalow and its associated curtilage. The property is the north western most property within the village, located on the highway leading out of the village towards the A177. The bungalow is set within reasonably large grounds which have large mature trees, lawned areas and other garden features within it. A double garage is located adjacent to the driveway. Fields lie to the north and on the opposing side of the highway to the east, a paddock lies to the west and another residential property lies to the south. The southern boundary with the adjacent property includes a large hedgerow and several mature trees. Further residential properties and the wider village area lies to the south east of the site. See Appendix. Ref 1: Site Location Plan.
6. The property has a gated vehicular access directly onto the adjacent highway which is a 2 way road leading into and out of the village. The properties access lies just outside of the 30mph zone on entering the village from the west.

## **PROPOSAL**

7. Planning permission is sought for the change of use of a domestic residential property (C3 Use Class) to a C2 Use Class residential institution in the form of a children's home.
8. The applicant has indicated that they provide houses to accommodate 5 children up to the age of 18 who may have experienced trauma, neglect or family breakdown, that they operate these in semi-rural locations which are accessible for family members and professionals and that the homes are linked with schools to provide education and which seek to engage the children in order to achieve positive outcomes. It is indicated that they provide positive role modelling and mentoring to develop social skills and reduce risk taking behaviour whilst developing the capacity of the children to manage within society.
9. The staffing structure is indicated as being;
  - Residential Manager,
  - Assistant Manager,
  - Senior Practitioner,
  - Residential Workers,
  - Cook / Cleaner

10. The submission indicates that the staffing team are part of a registered professional body.
11. The submission indicates that the young people who are referred to them have had to endure chaotic, uncertain times in their short lives and 'Spark of Genius' has gained a reputation for supporting young people through these difficult times, providing stability and reassurance.
12. The aims of Spark of Genius are indicated as being;
  - To provide high quality and responsive care,
  - Assist young people in developing coping strategies to deal with conflict and anxiety,
  - Implement structure, boundaries and consistency, facilitated by strong staff person relationships.
13. Their objectives are indicated as being;
  - To provide each young person with a highly individualised care plan, keeping them central to their world,
  - To focus on the young person's specific areas of need and develop and empower the young person to use their own strengths and abilities in order to address these areas.
  - To utilise all available resources to meet the young person's care planning needs and to provide them with the highest quality of living possible.
  - To advocate for young people and ensure their opinions are heard and acted upon.
  - To link closely with our colleagues in education and provide a multi faceted 24 hour curriculum.
  - To support the young people to become confident individuals, successful learners, responsible citizens and effective contributors.
  - To work in collaboration with all agencies involved in the young persons care in order to ensure effective information sharing and joined up working.
  - To provide a consistent approach in regards to the management of the young persons behaviour in order to ensure safety, promote learning, impact positively on decision making and encourage the development of their own identify.

## **CONSULTATIONS**

The following Consultations were notified and any comments received are set out below:-

### Head of Technical Services

#### General Summary

Subject to the comments below the Head of Technical Services raises no objections.

#### Highways Comments

In accordance with SPD3: Parking Provision for Developments 2011, a C2 residential institution should provide 1 space per full time equivalent staff plus 1 space per resident. During shift change over the maximum number of staff on site would be 7. Therefore with 4 residents 8 spaces are required. The applicant has demonstrated that at least 8 cars can be accommodated within the site; there are no highway objections.

#### Landscape & Visual Comments

This proposal has no landscape or visual implications.

### Environmental Health Unit

I have no objection in principle to the development. Whilst there are some by members of the public regarding noise from residents I do not think that conditions can be imposed on the development.

## Children, Education And Social Care

### Corporate Parenting – Roles and Responsibilities

Extract from the National Children's Board 2013

All councillors share corporate parenting responsibility and cannot abdicate this responsibility in favour of those they see as being more central, but this does not mean that everyone has the same role. Clearly those councillors who chair corporate parenting groups, or who are involved with thematic scrutiny of children's services, will have a greater role day-to-day than those who are responsible for environmental or planning decisions. Even the Planning Committee, however, will be making decisions that affect looked after children, such as deciding whether to approve an application to open a new children's home.

Councillors may not have direct contact with the social work service but will be involved, for example, in making sure that their communities have adequate leisure facilities or public transport. As corporate parents, they should be considering whether these are accessible to looked after children and their carer's.

Councillors often have multiple roles within their locality, such as school governors. The duty to be an effective corporate parent is paramount, and councillors must consider and promote the welfare of looked after children and care-leavers throughout these various activities. For example, a school governor should advocate that a looked after child be welcomed into the school that will best meet their needs. They will act as a champion for the child in challenging the prejudice that looked after children have a negative effect on the attainment targets of the school or inevitably have behavioural problems. This is what a reasonable parent would do.

### *National Children's Board 2013*

#### Benefits of Children Being Placed Back into the Local Area

Section 22 of the Children Act requires local authorities to take steps that secure, so far as reasonably practicable, sufficient accommodation within the local authorities area which meets the needs of children that the local authority are looking after, and whose circumstances are such that it would be consistent with their welfare for them to be provided with accommodation that is in the local authority's area (sufficiency duty).

All professionals acknowledge that placing children closer to home leads to more positive outcomes.

Children placed within the local authority have more opportunities for contact with family and siblings where appropriate.

The monitoring of Looked After Children's health and educational attainment works more effectively if children are placed in their own Local Authority area.

Children who are placed locally have access to services they are more familiar with.

Where children are placed out of the area, this involves a significant amount of cost and social work time, as children must be visited regularly, and their placements reviewed – the Local Authority has to promote and fund contact arrangements for family members where appropriate.

The recent media interest regarding children who have been sexually exploited has highlighted some of the risks Local Authorities have to manage when placing children out of area.

Establishing homes to be run by a preferred provider is a more reliable means of ensuring their needs are met to a high standard, and is more cost effective, than spot purchasing on an ad hoc basis.

#### Grindon Parish Council

Grindon Parish Council strongly objects to this Change of Use on the following grounds:-

A public meeting held in the Grindon Parish Hall, to discuss the proposed change of use, was attended by the vast majority of Thorpe Thewles residents. Mr Zak McIlhargey, on behalf of Stroke of Genius, was also present at the meeting. It was apparent that every resident who attended was strongly against this proposal with the exception of two.

The point every speaker made, without exception, was 'Is it right to impose this facility upon a settled community who simply do not want it.'

Grindon Parish Council feels that the scale of this facility will be much greater than that of the existing house and, because of this, will impact upon the residents and character of the village of Thorpe Thewles.

Thorpe Thewles is a Tier three unsustainable village, with no prospect of growth. There are no facilities to keep the existing young children engaged and there is a general air of disbelief that such a village, which is detached from areas of interest and with virtually no public links to centres of interest, should be identified as a suitable base for a 'facility' for children with specific needs.

The proposal is that there will be five children living in Fairview along with support staff, care workers, cleaners, and cooks on a 24 x 7 basis. As families and friends of these children will be encouraged to visit there will be a lot more comings and goings than is currently experienced at Fairview. Also the children will be driven to and from school, backwards and forwards to various places in order to provide them with some form of activity as well as daily runs to collect provisions etc. This will result in increased traffic through the half mile stretch of road through Thorpe Thewles and has the potential of causing a bottle neck at the mouth of the traffic calming chicanes which are positioned outside Fairview. This is our belief as within the planning application only six parking bays have been recorded, and as there will be 17 full time equivalent staff living and working in the facility along with the traffic movement, explained above, the Parish Council feels it is inevitable that on-road parking will occur.

The Parish Council also feels that the facility will be sited in the wrong location as there will not be opportunities for the children to interact with anyone in the village as it is largely an elderly population and once again, other than a coffee morning, there is nowhere for them to meet other residents.

It is also felt that, although the SBC Planning department had done the minimum necessary in following the code of practice in informing some residents of the application for 'change of use', the implications for the whole village, should the application be successful, will be so enormous that the planning department should have been minded to ensure that all residents were made aware of the application and Stockton Borough Council's involvement in the proposal to introduce a 'home' for young people with 'special needs' to the village. Infact, one resident commented that he feels it is cruel to place young children in such an area and likened it to a prison sentence, Grindon Parish Council agrees with this comment.

Grindon Parish Council also feels that the method in which the change of use was communicated to the Parish Council and residents of Thorpe Thewles was badly managed. Good practice would require full and meaningful consultation with the local residents to be carried out, including a public meeting attended by speakers from both Stockton Council and Stroke of Genius. Leaving Grindon Parish Council to facilitate such a meeting which the Cabinet Member for Young people refused to attend is not in our opinion meaningful consultation. It is acknowledged that the LPA did the minimum to fulfill the criteria, however, due to such an enormous change, feel that they didn't do enough.

The genuine fears of some residents must also be taken into account in relation to their personal safety and safeguarding of their property. The Parish Council are mindful of their worries that the quiet and peaceful village, occupied predominantly by the more elderly person, will suddenly become a place very much disrupted by an influx of young people who may have serious behavioural problems. One elderly resident is already experiencing emotional problems at the thought of such a facility being introduced into her home village.

Grindon Parish Council objects, on behalf of our constituents, to the imposition of this facility in their village which is not wanted and is objected to in a manner which we as a Parish Council have not experienced before. We believe that this proposal is solely based financial gains ' the emotional price of this to local people in Thorpe Thewles, however, will be massive.

## **PUBLICITY**

Neighbours were notified. A total of 98 objections, 2 comments of support and 1 of general comment were received. Respondents and their comments are summarised below :-

Mark Tinkler, 3 Vicars Close Thorpe Thewles  
Derek Clayton, 1 Vane Arms Cottages Durham Road  
Audrey Clayton, 1 Vane Arms Cottages Durham Road  
J R Sisson, 4 North Close Thorpe Thewles  
Patricia Sisson, 4 North Close Thorpe Thewles  
Jackie Smith, 1 Millbank House Thorpe Thewles  
Paul Craig Smith, 1 Millbank House Thorpe Thewles  
Mark And Helen Willis, 4 Manor Cottages Thorpe Thewles  
Helen Willis, 4 Manor Cottages Thorpe Thewles  
Lisa Lambert, Manor House Cottage Durham Road  
Mr Sean Lynch, 6 Wynyard Road Thorpe Thewles  
Mr P W Staiss, The Cottage Bank Terrace  
Mrs T Staiss, The Cottage Bank Terrace  
John Cavanagh, Hamilton Russell Bank Terrace  
Kara Cavanagh, Hamilton Russell Bank Terrace  
Margaret Owen, 2 Durham Road Thorpe Thewles  
Claire Owen, 2 Durham Road Thorpe Thewles  
Tim Fairs, 27 Wynyard Road Thorpe Thewles  
Nora Fairs, 27 Wynyard Road Thorpe Thewles  
Claire Moffat-Fairs, 27 Wynyard Road Thorpe Thewles  
Mrs B Shaw, Little Garth Durham Road  
N S Waites, 3 Wynyard Court Thorpe Thewles  
David Horner, 7 Wynyard Court Thorpe Thewles  
Mrs Dorothy Smith, 3 North Close Thorpe Thewles  
Mr Eric Smith, 3 North Close Thorpe Thewles  
Jed Brown, 16 North Close Thorpe Thewles

T W Allison, Mill Farm Thorpe Thewles  
Mr Trevor Bell, 3 School Close Thorpe Thewles  
Mrs Joan Elliott, Elm Cottage Bank Terrace  
L Davidson, 19 North Close Thorpe Thewles  
A Whitfield, Orchard Farm Flat Bank Terrace  
Patricia Mains, 1 Will Terrace Thorpe Thewles  
Kim Mitchell, 2 Manor Cottages Thorpe Thewles  
Derek Jones, 2 Manor Cottages Thorpe Thewles  
Alison Mary McPhail, The Old Vicarage Wynyard Road  
Lorraine Webster, Vine Cottage Mill Terrace  
Mark Smith, 2 Mill Terrace Thorpe Thewles  
Mrs Linda Smith, 2 Mill Terrace Thorpe Thewles  
Mr Dennis Brown, 3 Mill Terrace Thorpe Thewles  
Alison M McPhail, The Old Vicarage 8 Wynyard Road  
Mrs Sara Lane, Lauriston House Durham Road  
Mr Ian Shaw, Little Garth Durham Road  
Marcus Perry, 31 Durham Road Thorpe Thewles  
Robert Benson, 29 Durham Road Thorpe Thewles  
Jamie Harley, 23 Durham Road Thorpe Thewles  
Vicky Hindmarsh, 21 Durham Road Thorpe Thewles  
M Thompson, 19 Durham Road Thorpe Thewles  
Mrs Carole Sharkey, 17 Durham Road Thorpe Thewles  
Mrs W Dalton, 7 Durham Road Thorpe Thewles  
Janice And Kevin Etherington, 3 Durham Road Thorpe Thewles  
Andrew Hewitt, 1 St James Close Thorpe Thewles  
Mr Ken Hudson, 9 St James Close Thorpe Thewles  
Paul Gerald Frith, 8 St James Close Thorpe Thewles  
Eric R B Thornes, 6 St James Close Thorpe Thewles  
Mrs Gittins, 5 St James Close Thorpe Thewles  
Wendy Williams, 4 St James Close Thorpe Thewles  
Robert Sidney, 3 St James Close Thorpe Thewles  
Chris James, 2 St James Close Thorpe Thewles  
Mr Chris Dargue, 12 Durham Road Thorpe Thewles  
Susan Hales, 3 Manor Cottages Thorpe Thewles  
Pauline Plenderith, 9 Wynyard Road Thorpe Thewles  
Jade Harley, 23 Durham Road Thorpe Thewles  
Lynn James, 2 St James Close Thorpe Thewles  
Mrs Sandra Hannan, 20 North Close Thorpe Thewles  
Mr Stephen Hannan, 20 North Close Thorpe Thewles  
M Rees, 2 School Close Thorpe Thewles  
Joyce Hewitt, 1 St James Close Thorpe Thewles  
Mr J P Horsburgh, Orchid Lodge Vicars Close  
Mrs I Horsburgh, Orchid Lodge Vicars Close  
Barbara Gillson, 4 Hamilton Court Thorpe Thewles  
Jeffrey Gillson, 4 Hamilton Court Thorpe Thewles  
Robert Smith, Alcott Bank Terrace  
Audrey Smith, Alcott Bank Terrace Stockton On Tees  
Mrs Patricia Hudson, 9 St James Close Thorpe Thewles  
Mr N Alderton, 5 Manor Cottages Thorpe Thewles  
Ronald Kay And Carolyn Kay, 1 Wynyard Road Stockton On Tees  
Mr David Phillips, 11 North Close Thorpe Thewles  
Suzanne Phillips, 11 North Close Thorpe Thewles  
Olwen Smith, 14 North Close Thorpe Thewles  
Margaret Etherington, 2 North Close Thorpe Thewles  
Brian Smith, 14 North Close Thorpe Thewles



Tracy Noddings, 8 Wynyard Court Thorpe Thewles  
Jacueline Sidney, 3 St James Close Thorpe Thewles  
Mr M E Overton, 10 Durham Road Thorpe Thewles  
Gillian Overton, 10 Durham Road Thorpe Thewles  
Kevin Williams, 4 St James Close Thorpe Thewles  
Paul John, 4 Durham Road Thorpe Thewles  
Mrs P L John, 4 Durham Road Thorpe Thewles  
Mr Les Taylor, Aislaby House North Close  
Mrs J Taylor, Aislaby House North Close  
Rory Moffatt, 8 North Close Thorpe Thewles  
Gayle Moffatt, 8 North Close Thorpe Thewles  
Mr D J Bland, 2 Vicars Close Thorpe Thewles  
Gillian Robb, 23 Wynyard Road Thorpe Thewles  
Robert Robb, 23 Wynyard Road Thorpe Thewles  
Michael Lindley, 7 North Close Thorpe Thewles  
Elaine Lindley, Willow Dene School Close,  
Michael Wilson Lindley, Willow Dene School Close  
Mrs E L Shearer, Sunset Cottage Bank Terrace  
Joan Benson, 29 Durham Road Thorpe Thewles

Comments received are summarised as follows;

***Comments regarding the application process / consultation***

In the first instance, may I raise the fact that consultation has not taken place with ALL of the residents of this village and given that an institute such as this will undoubtedly bring about a significant change to this village I believe this is irresponsible and unacceptable. I was extremely upset to have received this information from a fellow resident via our residents association, rather than the council, as I feel such a massive change should have been brought to the attention of residents much sooner for the sake of openness and transparency. Receiving this information late, and convening a meeting at short notice is, in my view, an attempt to avoid the consultation process.

It is suggested that Spark of Genuis approached the owner to buy the property in a somewhat deceptive manner, not indicating its intended use.

Query the cost of the dwelling at the tax payers expense.

The main environmental and sustainability impact of this application is the difference between vehicle usage as a standard family residence and the greatly increased use arising from becoming an institution. The planning application indicates the need for six car parking spaces within the property whereas a standard residence requires three at most. Vehicle movements from the proposed institution would be considerably greater in number than from a family residence taking into account any need for family visitors, staff, healthcare visitors, inspectors, doctors, to transport the children to and from school and other activities out of the village etc. This volume of vehicular traffic would be far in excess of a normal family dwelling. The increase in traffic would increase vehicle based pollutants than currently generated from the site.

The above movements are in accordance with the proposed institutions need to comply with the NMS Care Standard 9 "Promoting and Supporting Contact" which requires access to the housed children by family members as well the obligation to provide health and social care by professionals on a visiting basis.

The planning application states the employment of 17 full time employees (albeit on a rotational basis), some of whom would be residential but still requiring, at various times of the day, the use of transport to and from the proposed institution. For those employees not residential there will be increased traffic at a shift changeover. This will be disruptive, particularly during the night.

The Fairview property exits onto a relatively narrow rural roadway used primarily by the village motorists to eventually access onto the A177 northbound carriageway. Stockton Borough Council recently carried out a traffic survey on the road outside of Fairview that showed sufficient justification to construct a traffic calming measure to reduce excessive speeding. If this measure was considered necessary for the relatively low level of village traffic using this road, the inevitable considerable increase in road users from the proposed institution at all hours of the day and night will no doubt have a considerable impact on the amenities of the residents living adjacent to the traffic calming measure.

### ***Sustainability based objections***

Residents feel it is not in the best interests of the young people placed in this institution to be placed in Thorpe Thewles as there is absolutely nothing for them to do, which gives rise to the concern that bored children with nothing to do to occupy their time constructively will cause crime and anti-social behaviour in the village as a result. The young people have no way of integrating into the village community, and in fact are highly likely to be met with angry responses from residents with whom they come into contact. Surely, these young people need to interact with and be part of a community where there is appropriate facilities for them such as youth clubs, leisure centres, sporting activities etc and by moving here they would be achieving the exact opposite, which in my view is social isolation which may compound their views of themselves as being 'different'. Is this really in the best interests of these young people with such complex backgrounds? Thorpe Thewles offers none of the aforementioned activities for 12-16 years olds and in fact other than a play park that is geared towards much younger children, the only other activity is the two local public houses which clearly is an inappropriate social activity for this age group. Furthermore, activities run in the village hall are not appropriate for this age range, which begs the question what are 'spark of genius' thinking or hoping to achieve by bringing young people here? It seems the only benefit of this proposal is the profit made by the person who is selling the house.

There is a lack of amenities within the village of Thorpe Thewles for children who do not have emotional/behavioural/mental health issues. Therefore children who face emotional/behavioural/mental health issues could become bored possibly leading to anti-social behaviour. The use should be located closer to Stockton Centre where there special needs can be accommodated better.

Thorpe Thewles is already poorly served by public transport and with a potential reduction in future services a bus service directly into the village is not guaranteed. As such, accessing Fairview at all hours of the day will be limited to the continuing use of private vehicles.

In their 2010 'Sustainability Appraisal and Environmental Assessment' document, section 9.10, Stockton Council emphasise 'a key sustainability issue is the need to support a sustainable transport network and direct development to established public transport nodes'. As this is not presently available to residents in Thorpe Thewles at a reasonable frequency and useful timings, it is considered this a situation more likely to deteriorate than improve in the future. Lack of adequate public transport will compound the need for the proposed institution to depend on private transport. In the same paragraph Stockton Council also state 'there is legislation setting out requirements to cut carbon emissions which can also be supported by reducing reliance on private transport'. This statement in itself should legally obligate Stockton Council to reconsider placing such an institution, dependent on private transport, in a relatively remote rural location and seek an alternative and more sustainable urban location for the facility.

In the same document the Council state their Sustainability Objectives. Para 10.6 refers to SA Objective 3 'Living within environmental limits' and SA Objective 9 'Developing sustainable transport and communication'.

Allowing the proposed institution in Thorpe Thewles the Council would be jeopardising existing environmental limits in the village and by not providing or ensuring a sufficient sustainable transport into the village they will be contravening their own guidance and policies.

Thorpe Thewles has already been defined as an unsustainable Tier 3 village (ref. 2008 'Planning for the future of Rural Villages in Stockton on Tees Borough' and also ref the 2008 'Planning for Housing Core Strategy Review Issues and Options and 2012 update report'). Surveys have indicated that the village is lacking in a considerable number of local community facilities. This lack of sustainability should be taken into account when the Council consider the placement of this facility in a relatively remote and unsustainable rural village. Such an establishment would be far better served on a number of levels if located within an urban environment rather than a rural environment.

There are no facilities within the village for children and also the nearest shop is at least one and a half miles away. There is a limited bus service, one an hour and stops running at about 6pm in the evening. There are no buses on a Sunday, the prospects are these will stop completely if funds are stopped by local government.

The village is not suitable for teenagers as there are no amenities for them, there is only two public houses, a church and a small play area which is only suitable for small children. The village and its lack of amenities would not benefit the children with emotional and social problems.

The home would require children's parents, families and friends to travel from further afield and would also require visits from Inspectors, social services, care workers, police etc, all of which would result in a significant increase in traffic from the existing situation.

### ***Social / Anti-social based concerns***

As you will be aware, Thorpe Thewles is a quiet rural village with a strong sense of community spirit. The residents here know, look after, and protect each other. I cannot convey strongly enough that an institute of this nature within our village is most unwelcome. We currently live in a stable community, whereby people pay premium house prices to reside in such a desirable area. I can only imagine the detrimental effect an institute of this nature would bring about.

Of paramount concern is that the level of crime and anti-social behaviour would increase as a result of this institute. According to the Police.UK website in May 2013 there were no crimes recorded within 1 mile of Thorpe Thewles, I very much doubt this would stay at this rate if this proposal was approved. As an example and comparison, Prospect Place Farm Children's Home in Northallerton which is 200 yards from its local community in Northallerton has 140 crimes recorded within 1 mile radius in May 2013. This is staggering and deeply worrying for residents, and I am aware that elderly residents will be fearful of their safety.

As a responsible parent I wonder how I can realistically allow my children to play safely in the village with the knowledge they could potentially mix with or be targeted by someone who has committed sexually harmful behaviour, physical harm or be misusing substances? I fear for the safety of my children, and I do not under any circumstance believe my concerns are invalid here.

We have lived in the village for nearly two years and moved here to raise a family, having recently had a baby girl I worry for her safety and feel if this development went ahead that she would not be safe and unable to enjoy growing up in a village like she would have been able to.

There is a lack of amenities within the village of Thorpe Thewles for children who do not have emotional/mental health issues and extreme behaviours; therefore children who are facing these difficulties could become bored therefore leading to anti-social behaviour.

A further concern is that it is common knowledge that institutes/ children's homes are notorious for being targeted by people who sexually exploit and/or traffic children, which clearly increases the risk to my children and makes them highly vulnerable by virtue of the fact they will be living so close to my home.

I have lived in this village for 25 years and as such believe it to be quiet village with no major problems as to crime or other disturbances.

The institution would not be secure giving cause /concern over crime and conflict with the local population.

The children would rob, vandalise, drive fast cars round the village, set bins on fire, threaten people, ask old men for fights etc.

Residents are concerned that the children housed there would affect and influence the existing children within the village and do not want their children exposed to the type of children that would be likely to be housed there.

There would be concern over extra noise within the village and of the vandalism caused due to there being no outlets for the children / youths.

I have friends who have suffered in Norton from anti-social behaviour relating to the school in Mill Lane which is similar to the proposed above institution.

Residents raise a concern for their personal safety and that there are a number of people in the village that live alone. .

There is currently virtually zero crime and anti-social behaviour in the village.

Residents have viewed web pages which suggest that anti-social problems will occur as a result of the proposal and indicate that the Spark of Genius web site has a quote from a Scottish MSP concerning exclusions from school saying that it isn't acceptable that these pupils are allowed to remain in mainstream school.

It has took a long time to become a good safe village, over the past years we had young children living in the village in this age group who had behavioural problems, these children had ASBO's on them by the police and they robbed and vandalised the village and upset the elderly and we also had children coming in to the village to see them.

We have a very limited police presence in the village and if there is such a facility in the village there should be a 24hr police presence in the village.

With reference to the "Pen Picture" in the referral form: 'Does the young person have a history of the following'

- Physical harm to another young person?
- Sexual harm to another young person?
- Violence against an adult?
- Violence against property?
- Criminal charges?
- Fire raising?

This list is very concise and frankly very worrying both to the young people, families and the elderly who live in Thorpe Thewles.

The National Institute for Health and Care Excellence guideline 158: Anti-Social behaviour and conduct disorders in children and young people: found that almost 40% of looked after children had

a conduct disorder which are characterised by repetitive and persistent patterns of anti-social, aggressive or defiant behaviour that amounts to significant and persistent violations of age appropriate social expectations. On average 2 of the 5 children at Fairview would meet these criteria.

Crime statistics for residential institutions was acquired through the information compliance and records management unit, information services branch. From the period 1<sup>st</sup> March 2009 to 1<sup>st</sup> September 2012 (42 months) police attended 2063 incidents or crimes at 5 residential care homes which equated to 8 incidents or crimes per care home per month over the 3 ½ year period which is not consistent with a normal family home.

### **Noise / traffic based concerns**

The residential institution would indeed cause noise and possible traffic problems with cars passing through the village day and night as staff work to their rotational shifts and visitors, multi-disciplinary teams travel through.

There are traffic measures outside the property which would restrict on street parking and vehicular access.

Where will all the staff park.

### **Other Matters**

Residents consider that having a residential institution in the village will devalue their properties as a result of people not wanting to reside in an area where they would feel anxious.

Concern is raised that were permission to be granted, further children could be accommodated here and the property could be extended to further assist this.

Query is raised as to why this facility is required if King Edwin's School is being renovated.

The residential institution will be manned 24/7 for 352 days of the year!! This sounds to me like a low/medium secure unit/institution.

Who refers these children to the residential institution, CPS? Social Services? does this suggest extreme emotional/behavioural/mental health issues?

I am extremely curious to know more about the actual intentions of 'Spark of Genius' and the type of home they plan to build. I am absolutely worried at the proposed staffing level of 2 staff to 4 children as surely this cannot provide effective supervision of children with emotional and behavioural difficulties? I would like specific answers on their policies and practice in relation to how secure the institute is, what their accepted levels of behaviour are for their own and village properties, and what plans they would have in place should a young person from their institute abscond. It concerns me greatly that local residents will be affected by the young people placed within close proximity to our homes and the responses of dealing with such unacceptable behaviour. I would also like to know what contractual agreements have been made between Stockton Borough Council and Spark of Genius in order to understand what alternative provision is in place if the current proposal is rejected. Effectively, what is the plan B?

How independent will these children who live in the residential institution be?

Why are these children not offered foster care? Why do they have to be put into a residential institution?

Why has this process been very secretive until now?

There would be limited if any economic benefit to the village which would be greatly offset by other factors.

I am happy to support all children but am not happy to support charities spending our taxes on projects that I have little control or input over.

There will be a marked lack of privacy for the adjacent property to the south (Littlegarth), children will wander and will inevitably stray onto the Littlegarth property.

There are several dead or dying trees within the site boundary which can drop branches from time to time. Perhaps this is not the safest place to house children.

Children absconding from the home or walking between locations due to the limitations of a bus service will be put at risk due to the presence of the A177 (800m) away which is used by fast moving vehicles. Looked after children are identified as a group whose mental health needs are known to be greater than those of the general population of the same age. A village location is not the appropriate place for these children to receive the care they need. Children in care who need round the clock attention have been known to regularly disappear from homes and in one case in Rochdale, it emerged that the child was being groomed and abused by a group of men.

Children are driven by aspects of the internet these days and the internet facility in Thorpe Thewles is particularly poor.

The sewerage associated with Fairview joins with other properties further along the system. Fairview was constructed as a small 2 bed bungalow originally and this will result in a material change in the amount of effluent from the site. The adjacent property risks being flooded with sewage.

### ***Support comments***

See no reason why the development should not go ahead and indicate that the list of objections within the recent handout from the local residents association was biased and aimed at causing panic to residents that their lives will be greatly changed and there is no evidence to substantiate this. There is a Tesco nearby and a bus service that runs hourly to the village. It is assumed that the children would occupy themselves like any other children in the village would with the parents / carers taking them on outings or by walking to the nearby country park / Castle Eden Walkway. I am a foster carer and have had three children living with me which are 13, 15 and 17 and for the last 18 months who all have emotional, behaviour and social problems and have all been excluded from school at some time. The majority of residents in the village are oblivious that they are looked after children. I have never had any complaints.

Fairview has a long drive, huge garden, 2 garages and the previous occupants had 6 cars. There is no reason for occupants or visitors to park on the road.

As for the suggestion that there is the potential of increased anti-social behaviour and crime, this is ludicrous, why would this be true. These children are going to have more supervision than the average child in the village so would pose less of a threat.

### **PLANNING POLICY**

Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material

considerations indicate otherwise. In this case the relevant Development Plan is the Core Strategy Development Plan Document and saved policies of the Stockton on Tees Local Plan

Section 143 of the Localism Act came into force on the 15 Jan 2012 and requires the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application [planning application] the authority shall have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations

The following planning policies are considered to be relevant to the consideration of this application:-

### ***National Planning Policy Framework***

Paragraph 14. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking;

For decision-taking this means:

approving development proposals that accord with the development without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or-
- specific policies in this Framework indicate development should be restricted.

### ***Core Strategy Objectives***

Objective 1 of the Core Strategy is to enable all of Stockton Borough's residents to live in prosperous, cohesive, and sustainable communities.

Objective 6 of the Core Strategy seeks to provide high quality services and facilities to meet the needs of the Boroughs growing and ageing population.

Objective 7 of the Core Strategy seeks to; promote equality, diversity and strengthen community cohesion.

Objective 11 of the Core Strategy seeks to provide a safe, healthy and attractive environment, indicating that Stockton Borough will be a safe place with crime rates remaining below the national average.

### ***Core Strategy Development Plan Policy CS8 – Housing mix and affordable housing provision***

10. The Council will support proposals that address the requirements of vulnerable and special needs groups consistent with the spatial strategy.

## **MATERIAL PLANNING CONSIDERATIONS**

14. There are no policies within the saved Local Plan which are directly relevant to this proposal. The Core Strategy has a number of relevant paragraphs although these are limited in terms of being specifically relevant to detailed considerations of such an application. The National Planning Policy Framework is similarly limited. Core Strategy Development Plan Policy CS8(10) indicates that the Council will support proposals that address the requirements of vulnerable and special needs groups consistent with the spatial strategy.

15. In addition to the above, residents have raised a wide range of material planning considerations which are in part linked to the objectives of the Core Strategy and the NPPF, all of which are considered below.

### ***Principle of development***

16. The Head of Children, Education and Social Care (CESC) has highlighted the roles and responsibilities of corporate parenting quoting from the National Children's Board. This quote indicates that all councillors share corporate parenting responsibility and cannot abdicate this responsibility in favour of those they see as being more central, but this does not mean that everyone has the same role. Clearly those councillors who chair corporate parenting groups, or who are involved with thematic scrutiny of children's services, will have a greater role day-to-day than those who are responsible for environmental or planning decisions. Even the Planning Committee, however, will be making decisions that affect looked after children, such as deciding whether to approve an application to open a new children's home. Councillors may not have direct contact with the social work service but will be involved, for example, in making sure that their communities have adequate leisure facilities or public transport. As corporate parents, they should be considering whether these are accessible to looked after children and their carer's. Councillors often have multiple roles within their locality, such as school governors. The duty to be an effective corporate parent is paramount, and councillors must consider and promote the welfare of looked after children and care-leavers throughout these various activities. For example, a school governor should advocate that a looked after child be welcomed into the school that will best meet their needs. They will act as a champion for the child in challenging the prejudice that looked after children have a negative effect on the attainment targets of the school or inevitably have behavioural problems. This is what a reasonable parent would do.
17. The Head of Children, Education and Social care has further indicated that Section 22 of the Children's Act requires local authorities to take steps that secure, so far as reasonably practicable, sufficient accommodation within the local authorities area which meets the needs of children that the local authority are looking after, and whose circumstances are such that it would be consistent with their welfare for them to be provided with accommodation that is in the local authority's area.
18. It is further indicated that professionals acknowledge that placing children closer to home leads to more positive outcomes, that they would have more opportunities for contact with family and siblings where appropriate and that the monitoring of looked after children's health and educational attainment works more effectively if children are placed in their own Local Authority area. The problems associated with locating children outside of the borough is that it involves a significant amount of cost and social work time, as children must be visited regularly, and their placements reviewed and the Local Authority has to promote and fund contact arrangements for family members where appropriate. The Head of CESC has indicated that the recent media interest regarding children who have been sexually exploited has highlighted some of the risks Local Authorities have to manage when placing children out of area and that establishing homes to be run by a preferred provider is a more reliable means of ensuring their needs are met to a high standard, and is more cost effective, than spot purchasing on an ad hoc basis.
19. Taking these points into account and Core Strategy Development Plan Policy CS8(10) supporting proposals that address the requirements of vulnerable and special needs groups, it is considered that the principle of the proposed change of use is generally in accordance with Policy CS8.

### ***Sustainability, highway and traffic related considerations***



20. Thorpe Thewles is a village which is defined within the councils 'Villages Study' as being an unsuitable place for new residential development due to a lack of services. Whilst this is noted, the application relates to the conversion of an existing dwelling, and one which is of a size whereby a large family could reside there and have some similar demands to those of the proposed use, although clearly, changes in staff and the likelihood of more regular visits from others such as family members, health care workers etc. would intensify the use.
21. A number of objections relate to the unsustainable nature of the village, the lack of facilities for such a use, the limitations of the existing bus service accessing the village (which may be reduced in the future) and there being a high reliance on the private motor car for existing residents and the proposed use. Objectors consider that this proposal is not in line with council objectives to locate uses within sustainable locations, aiming to cut carbon emissions. Residents further indicate that there is a poor internet connection within the village which plays a significant role in the activity of children with all the reliance / use on social media.
22. In designating Thorpe Thewles as being an unsustainable place for new dwellings, the aim is to prevent any notable increase in its population and reduce the reliance on the private motor car or unsustainable travel in peoples day to day functioning as they access jobs, schools, retail locations, sport and recreation facilities, leisure destinations and other places where their daily demands for such are met. As existing residents would already access the majority of these facilities outwith the village the proposal relates to an existing property and this is a more sustainable prospect to housing children than sending them outside the borough, it is considered that the proposal is sufficiently sustainable. In addition, the use itself aims to provide children with a semi rural home environment, away from the more urban core, which is linked to the aim to provide more positive surroundings for the children. This is considered to justify the likely extent of intensification of the sites use.
23. The Head of Technical Service has advised on the need to provide an adequate level of parking in line with the Councils standards. This is indicated as being 8 spaces, which has been demonstrated by the submission on plan. Objectors consider that a much greater level of parking would be required for such a use. Whilst this is noted, officers have no reason to anticipate this facility to generate notable demands for more parking and as such no more than 8 spaces are being requested. Notwithstanding this, at the time of making the site visit it is clear that a greater number of parking spaces are available at the site should this be required for any specific reason.
24. Objectors have raised concern that the application form states there would be 17 full time employees which would be on a rotational basis, all of whom will enter and exit the site at shift change as well as other movements in between, considering that these movements will cause noise nuisance and be disruptive, especially during the night. These comments are noted and clearly, shift changes will require movement of traffic, however, due to the relatively limited number of staff expected to be using the site and the property being on the edge of the village within its own grounds, it is considered that the potential for disruption would also be limited.
25. An objection has been raised indicating that the site access is onto a narrow rural lane and that the council recently considered it necessary to install a traffic calming measure at the entrance to the village to reduce speeding. The access is an existing one and located in close proximity to the 30mph limit for the village where traffic speeds should be relatively limited. The Head of Technical Services has raised no objections in respect to the site access and the nature of the highway which the site is accessed off.

### ***Social impacts on the surrounding area / village***

26. Section 8 of the National Planning Policy Framework encourages the promotion of healthy communities, indicating that planning decisions should aim to achieve places which promote '*safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion*'. Whilst this section of the NPPF is aimed more at the provision of facilities such as open space and recreation, shops and other services, it is considered that the proposed change of use could be viewed as a service and that this statement within the NPPF could therefore be relevant to the consideration of this application.
27. As can be appreciated by the consultation responses, the significant basis of objection to the application relates to resident's concerns about the actions and behaviour of the children residing at the property. Residents are concerned that the use will result in unacceptable levels of anti-social and criminal behaviour (various types detailed within the publicity section of the report) and that the potential for this to occur will be exacerbated by locating the children within a village where there is very little to do due to there being only limited services, particularly for children. (Village services include a church, 2 public houses, village hall and children's play area). The lack of provisions within the village make it a relatively unsustainable place to live, however, the proposal relates to an existing property and the aim of the use is to provide a home for children within a good environment, which is generally away from the more urban area.
28. Residents consider that it will affect what is currently a quiet rural village with a strong sense of community and one which is stable. Residents have given examples of problems indicating that 2013 police figures indicated in May 2013 there were no crimes within 1 mile of Thorpe Thewles and that in May 2013 there were 140 crimes recorded within a 1 mile radius of the Prospect Place Children's Home in Northallerton. Residents indicate that this is deeply worrying and that elderly residents and residents with children are concerned that their lives will be affected by anti-social and criminal behaviour as the proposed use affects the existing community. Residents further indicate that children's homes are notorious for being targeted by people who sexually exploit and / or traffic children which they consider will increase the risk to local children, making them highly vulnerable. Residents are also concerned that the children in the home would negatively influence other children within the village. Due to these concerns and there currently only being a limited police presence within the village residents suggest that were the use to go ahead there should be a 24/7 police presence.
29. One objectors comments indicate that The National Institute for Health and Care Excellence guideline 158: *Anti-Social behaviour and conduct disorders in children and young people*: found that almost 40% of looked after children had a conduct disorder which are characterised by repetitive and persistent patterns of anti-social, aggressive or defiant behaviour that amounts to significant and persistent violations of age appropriate social expectations. The resident highlights that on average 2 of the 5 children at Fairview would meet these criteria. The resident further advises that crime statistics for residential institutions was acquired through the Information Compliance and Records Management Unit, Information Services Branch. From the period 1<sup>st</sup> March 2009 to 1<sup>st</sup> September 2012 (42 months) police attended 2063 incidents or crimes at 5 residential care homes which equated to 8 incidents or crimes per care home per month over the 3 ½ year period which is not consistent with a normal family home.
30. With regards to the concerns from the local population in respect to anti-social and criminal behaviour, it is particularly difficult for planning considerations to give any significant weight to the 'potential' behaviour of individuals. The use could generate significant anti-social behaviour, as could any residential property and likewise, it could generate limited or no anti-social behaviour like many residential properties do. It is anticipated that the potential for anti-social behaviour would be mainly related to the nature of the children residing at the

site (which is not fixed) and its management. Were permission to be granted, the planning permission and any associated conditions could not reasonably control the nature of the children and the day to day management of the use. Instead, were permission to be granted and anti-social behaviour to occur, this would be a matter for the staff / management of the facility and any others responsible for dealing with the nature of the behaviour such as the police.

31. Objectors are concerned that 'associates' of the housed children would visit the site and this would further exacerbate anti-social behaviour. Again, this is noted and may well be possible, this remains to be an issue relating to the behaviour and actions of individuals which is difficult to quantify in respect to this proposal. It is considered that planning and the control of an application via conditions or through its refusal is not the appropriate tool to deal with the behavioural actions of an individual.
32. A number of comments have suggested that such uses should be located within Stockton / the urban centre where there is a greater level of service provisions to meet the needs of the children being housed. Comments suggest that children should be able to access youth facilities such as clubs, leisure centres, sporting activities rather than being socially isolated within a village such as Thorpe Thewles. This suggestion makes reasonable sense, although the intentions of the applicant indicates that they operate houses in semi-rural locations which are accessible for family members and professionals and that it is their intention to provide the best quality of care and support.
33. Officers consider that the planning function is not in a position to control the day to day running of such a use and that it should not automatically be assumed that anti-social and criminal behaviour will occur, particularly to the extent that comments received suggest. Were it to be understood that anti-social / criminal behaviour is part and parcel of such a use, locating it in an urban area would simply impose any impacts on a different group of people. Notwithstanding this, it is appreciated that the more services and access to activities that people have the more active they can be kept and the less likely they may be to stray, but similarly, the argument to house children away from the urban areas where temptations exist also appears to have merit. Whilst these matters have been considered, it is also considered that an individual's mind and desire to act in a specific way is entirely beyond the role of planning and this has to fall to the responsibility and the function of the facilities management.
34. The benefits of a home for children in a village location, away from what may be considered as some of the temptations or existing problems associated with the more urban areas is understood when considering the potential for improving a child's outlook / prospects in life. It is considered that these aims are sufficient to justify the location of the proposed use.
35. Notwithstanding these considerations, there needs to be recognition that in this instance, Thorpe Thewles is a village of a limited scale and limited resources and amenities. As such, with any development or use, it needs to be of a scale which is representative of the settlement which it is within and that the use should in no way dominate the village. With this in mind it is considered appropriate to condition the extent of the use to care for no more than 5 individuals. Whilst this is an arbitrary figure, it represents the circumstances of a large family which may otherwise reside in such a property and it is considered that beyond this, the use would start to represent a larger facility which may no longer fit within the village scale of its surroundings.
36. Consideration is given to whether there is a need to control the age limit for children intended to be housed at the site. It is understood that the property is not being used for transitional accommodation and as such, this will be home for the children who could spend a number of years at the property. With this in mind it seems inappropriate for a planning

control to prevent a child to leave what has become their home once they get to a certain age, however, it is also understood that the business provides accommodation for children up to 18. Beyond 18 and the individuals would no longer be considered to be children. In view of these matters, and to prevent ambiguity it is considered necessary to prevent care being given to people 18 or over at this property. This would allow the use to provide care within the bounds of which consideration has been given to the proposal.

### **Other Matters**

37. Comments have been received which consider the Council's consultation exercise to be too limited. Neighbour letters were initially sent to nearby property owners. Following comments from some local individuals, further consultation was undertaken by way of 2 site notices within the village. Officers consider that adequate consultation has been carried out.
38. Objectors' comments complain about the way in which the applicant approached the viewing of the application property and that they did not undertake consultation with residents at an early stage. This is a matter which the Local Authority do not control.
39. Concern is raised from residents that the additional traffic will increase vehicle based pollutants than would currently be generated from the site. It is considered that any increase would be limited when considering the overall traffic movements within the village and as such would not make any significant increase across the village.
40. Objectors consider the use would devalue their properties, however, this is not a material planning consideration and as such cannot be taken into account.
41. Question is raised by objectors about who would refer the children to the site although this is considered to be a matter for the relevant authorities responsible rather than for planning.
42. Query is raised by objectors as to why this facility is required if King Edwin's School is being renovated. It is understood that King Edwin School would be used for educational provision rather than as a home and as such, there remains to be a need to house the children of Stockton within alternative homes.
43. Objectors question why are these children not offered foster care, why they have to be put into a residential institution and who refers these children to the residential institution, however, these matters are considered not to be a material planning consideration but instead a matter for the individual responsible departments. The consideration of this application needs to consider the merits or otherwise of the proposal rather than the mechanisms which lead to the need for the provision.
44. Within comments received question is raised as to how independent the children would be. It is understood that the home would not be a 'secure unit' but would act more like a home, although children would have the benefit of being transported to school etc.
45. Residents have indicated that they would like to know what contractual agreements have been made between Stockton Borough Council and Spark of Genius in order to understand what alternative provision is in place if the current proposal is rejected. This is detailed within the background section of the report. Were this application not successful then alternative accommodation arrangements would need to be made.
46. Objection has been received from the occupiers of the adjacent property which suggests that there will be a marked lack of privacy for their property (Littlegarth) as children will wander and will inevitably stray onto their property. The application site is a large property

within relatively extensive grounds which are considered to provide sufficient space for the use being proposed to operate without undue impacts for the neighbouring property. There are high hedges between the two properties along with large mature trees along its boundaries. It is not assumed that residents from the home would stray onto the adjacent or other properties, however, were this to occur, it would be a matter for the management of the home / relevant authorities to deal with.

47. One objector has highlighted that there are several dead or dying trees within the site boundary which can drop branches from time to time and that perhaps this is not the safest place to house children. This is noted, however, it is considered to be a matter which is relevant to the sites management rather than something that would materially affect a planning decision.
48. Objectors highlight that children absconding from the home or walking between locations due to the limitations of a bus service for the village will be put at risk due to the presence of the A177 (800m away) which is used by fast moving vehicles. Objectors comments indicate that looked after children are identified as a group whose mental health needs are known to be greater than those of the general population of the same age and that a village location is not the appropriate place for these children to receive the care they need. Comments indicate that children in care who need round the clock attention have been known to regularly disappear from homes and in one case in Rochdale, it emerged that a child who was supposed to be receiving round the clock attention was being groomed and abused by a group of men. Children could abscond from any property and place themselves at risk within the surrounding environment and although these points are noted, these are considered to be a matter for the management of the home were permission to be granted.
49. Objection comments query the cost of the dwelling which is at the tax payers expense. The proposed change of use is linked with the council in that this is a venture between the Council and the applicant to provide homes and an educational facility for children from the borough rather than sending them out of the borough. The council would own the properties and the applicant would manage and run the facilities. A recent report to cabinet indicated that sending 20 children out of the borough currently costs the authority £3.5m and that the cost of acquiring properties and renovating King Edwin School will result in a saving of £400k per year (if 4 homes are required). It further indicated that the initiative would create approximately 100 local jobs once the homes and school were in operation. The economic benefits of the proposal are capable of being a material planning consideration as supported in paragraphs 18 and 19 of the NPPF which indicate that government is committed to securing economic growth in order to create jobs and prosperity and commits to ensuring that the planning system does everything it can to support economic growth. Residents have objected to the scheme citing that there would be limited if any economic benefit to the village and that it may have a negative impact on the economy of the village such as reducing the use of the public houses etc as there may be youths hanging around causing anti-social behaviour etc. Many villagers consider that if there are any economic benefits to the village, these would be greatly offset by other factors. The concerns raised are based on unknowns whereas the economic benefits detailed for the borough and the wider area are considered to be more tangible.
50. Whilst there has been a significant number of objectors to the scheme, it is important to note that there has been 2 letters of support. Support comments have come from existing foster carers within the village who consider that there is no evidence to substantiate the panic that objectors have detailed, that they care for children with behavioural problems who have been excluded from school at some time and that residents are generally oblivious to this and they have never received complaints about the children.

## **CONCLUSION**

51. The principle of providing care for the vulnerable parts of society and the economic / job creating benefits of the scheme are all considered to accord with the National Planning Policy Framework and the Core Strategy. The site is an existing property and whilst it is within an unsustainable location for new dwellings, the aim of the home is to locate in such locations away from the more urban areas. The reasons for doing this are to provide a better environment in which to bring up the children and this reasoning is accepted.
52. The significant concerns over the potential for anti-social behaviour are noted, however, it is difficult for a planning decision to factor in the potential behaviour of children and it is argued that this is more of a matter for the management of the facility and others such as the police, were it to occur. Notwithstanding this, it is considered necessary to ensure the property remains to be a children's home of a limited scale as is being proposed in order to prevent future uncontrolled change. As such, a condition is recommended which limits the age to which cared for residents can be and which restricts the number of cared for residents to 5, which is considered to reflect in part the number of children that could be accommodated within a large family home.
53. It is considered that there is no undue risk to highway safety, that adequate parking can be provided and although the use of the site and comings and goings will almost certainly intensify as a result of the proposal, this would not be to a degree which would substantially harm the surroundings taking into account the property being a large detached bungalow, within its own relatively extensive grounds on the edge of the village.
54. In view of all of the above, it is recommended that conditional planning permission be granted.

**Corporate Director of Development and Neighbourhood Services  
Contact Officer Mr Andrew Glossop Telephone No 01642 527796**

## **WARD AND WARD COUNCILLORS**

**Ward Northern Parishes  
Ward Councillor Councillor J Gardiner**

## **IMPLICATIONS**

### Financial Implications:

As detailed within the report, the council has entered into a joint venture with the applicant to provide accommodation and care for children currently sent outside of the Borough. This is estimated at saving the Council £400k per year.

### Legal Implications:

There are no known legal implications in determining this application.

### Environmental Implications:

The proposal relates to the reuse of an existing dwelling for the purposes of providing housing. The use is likely to intensify the comings and goings to the site, thereby increasing traffic and associated noise and disturbance. It is considered that these would not be outwith the existing character of the wider village.

### Human Rights Implications:

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report. Consultation has been undertaken and where material planning considerations, have been raised by residents and others, these have been considered as part of the assessment of the proposal and the recommendation.

#### Community Safety Implications:

The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report. Significant objection has been raised to community safety, however, this generally relates to the behaviour of individuals which would reside at the site and it is considered that the determination of this application cannot assume that residents will act in the manner in which objections suggest and that the home's management and other agencies would ultimately be responsible for any occurrences of anti social behaviour. The recommendation take into account the need to limit the scale of the use.

#### Background Papers:

The Town and Country Planning Act 1990.

National Planning Policy Framework

Core Strategy Development Plan Document March 2010

Supplementary Planning Document 3: Parking Provision for New Developments

Cabinet Report 7<sup>th</sup> March 2013.