

DELEGATED

**AGENDA NO 4
PLANNING COMMITTEE**

31st 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

UPDATE REPORT

Additional Comments Received are summarised below;

Alex Cunningham MP Stockton North

Concerned local residents have contacted me to discuss their apprehension about these plans. The main objections which have been raised include the possible impact of these changes on neighbouring properties, on traffic and parking in the village and on community safety. Given the controversy around the application and the strength of feeling in the village it is hoped the application will be determined by committee rather than being delegated and that the committee might visit the site and speak with residents as part of the decision making process.

Children, Education and Social Care (CESC)

Have provided information which details the extent of offending by children which the council has responsibility for. They have indicated the following;

In the year 2012 – 2013, from a cohort of 361 children, 12 young people committed a total of 27 offences.

6 of the 12 were placed out of borough

3 of these were residing at the Princess Avenue facility

2 of these were living independently in the community in supported housing.

1 of these was in a children's home within the Borough which was similar to the type of home which is the subject of this application.

Therefore, for the last financial year, out of 361 children, there was only 1 child that offended who was in a care home which was similar to the Spark of Genius Model.

Cleveland Police comments to CESC

An update on Cleveland Police's position on the issues of the intended development of new Children's Residential Homes in the Stockton area.

Firstly the Force does not intend to raise any potential issues whatsoever with these proposals and we are fully supportive of the local authority in developing improved local services and opportunities for 'Looked After Children' (this is the view of both the Force and Local Policing teams at Stockton). The second issue regarding the intended meeting with representatives from the development company (Spark of Genius) which was due to take place on Monday – I

understand the meeting has now been postponed to enable a further meeting to be rescheduled which will involve the new Neighbourhood Chief Inspector for Stockton (Chris Downes)

I have held a meeting with the local police Inspector Andy Fox to clarify his position – I am satisfied that he was keen to work with the developers to ensure that any local issues / concerns around crime and anti social behaviour were considered and that the local police and developers were working effectively together on this . I would encourage these discussions to take place which I am sure will develop effective working arrangements for the future once the home is opened .

As Force lead for Missing Persons and Local Safeguarding Children representative for the force I am more than happy to become involved in any future meetings if you feel I would add value to the discussions although I am confident that Chris and Andy will support future discussions as necessary

The Head of Technical Services

I refer to the supplementary information contained in the email from Prism Planning dated 26th July 2013 the following response is given:

Q: This proposed change of use is no different to the principle of not permitting residential development in Thorpe Thewles and is contrary to policy restricting new development in the smaller villages

A: This development is different – it is not a new development but a redevelopment of an existing site. The current site is a residential dwelling.

Q: The proposal will increase trips way above a typical family – the proposal will have in excess of 50 movements each day and every day of the week.

A: The data for 50 trips is based on assumptions rather than evidence. Assumptions include 28 daily staff movements based on 7 staff across 2 shifts (7 x 2 x 2). However there are only 3 to 4 staff members per shift hence the comments by Urban Design that the maximum staff on site at any one time would be 7 staff during shift changeover. Based on 3 shifts a day, this would amount to 18 daily trips in total (3 x 2 x 3).

Prism Planning have also stated that there would be 16 parent visitor trips per day but the applicant has confirmed that parents rarely visit (nature of the development). The assumptions also suggest 4 trips per day from additional staff, 4 trips from teachers and 4 social worker trips. There is no evidence in the supplementary information to support these assumptions and nothing on the application form to support the statement on additional staffing (17 full time staff members in total were stated in the application but they are to be employed on rotational shifts) whereas TRICS data can be used to validate traffic movements associated with developments.

TRICS is a national trip generation database based on transport surveys at existing developments. The details of the sites included within the survey are on the attached documents.

TRICS data for small care homes (*definition - supervised residential homes not specifically for the elderly, not to be confused with nursing homes. May be an element of non-residential day care. Trip rates are calculated by Residents or Parking Spaces*) forecasts 13 arrivals and 13 departures per day with a max of 3 trips during the evening peak hour. This is considered to be a more realistic estimate. Whilst noting that the proposal will generate more trips than a typical family home, the additional amount would not have a significant impact on the highway and would not therefore be justification to object to the development on highway grounds.

TRICS outputs for Fairview attached – the first attachment is based on a selection of small care homes (less than 20 residents) and the second is all care homes in TRICS..

The care homes are not directly comparable to the proposal (i.e. not all young people institutions) the definition of C2 use in TRICS is - *supervised residential homes not specifically for the elderly, not to be confused with nursing homes. May be an element of non-residential day care.*

Q: It is not clear that the engineers have been provided with an accurate assessment of the likely traffic flows to/from the development.

A: The Local Highway Authority used the car parking standards as defined by adopted SBC Planning Policy SPD 3 and applied the trip estimates of this application for 5 residents on the first selection from TRICS (small care homes to assess the anticipated level of highway impact. See following reports.

Spark of Genius the applicant has confirmed that the trip estimates provided by Prism Planning are much higher than they would expect. They operate a number of properties that accommodate up to 5 children in semi-rural locations. Evidence is being collated for presentation at committee.

Q: The Head of Transportation arithmetic is incorrect – the parking standards require 11 spaces for 4 residents and 12 spaces for 5 residents, not the 8 spaces quoted in the report.

A: The Head of Technical Services parking standards were misquoted in the original report (dated Friday 19th July) and this was rectified in an updated report (dated Monday 22nd July). The adopted SPD3 standard require: 1 space per full time equivalent member of staff plus 1 space per 5 residents (visitor provision) and adequate manoeuvrability for ambulances. During shift change over the maximum number of staff on site would be 7 (as shown on the submitted application form) therefore with 4 residents 8 spaces are required.

The application form quotes 17 full time staff members in total but as they are employed on rotational shifts they would not all be on site at any one time.

The applicant has demonstrated that the 8 car parking spaces can be accommodated within the existing hard surfacing of the curtilage of the Bungalow. The Head of Technical Services as part of the consideration of this application has calculated that the site can accommodate a minimum of 10 car parking spaces without encroachment onto the existing lawns or using the existing garage which could provide an additional 2 spaces.

Q: In reality with such poor bus service the actual level of parking provision should be significantly higher.

A: SBC parking standards have been developed to apply to all sites within the Borough (separate standard for Stockton town centre) and there is no established precedent to alter the adopted planning policy on parking standards based on the accessibility of the development. Also see answer above.

Q: Wanda Cottage Appeal – demonstrates that the proposals would generate significantly more traffic than a comparable house and the excess parking is not compatible with the domestic character of the property.

A: The appeal notes that dismissal of the appeal on the grounds of on-street parking and detriment to highway safety could not be justified.

Prism Planning – On behalf of residents of Thorpe Thewles

Prism highlight that the application needs to be determined in accordance with the Local Development Plan of which there are no policies relevant to this proposal and that no other legislation related to the care and management of children alters this fundamental requirement.

A former Local Plan Policy is highlighted (Policy HO8) and it is pointed out that the council formerly supported C2 uses only where they did not cause nuisance to local residents and were within easy reach of public transport, shopping and community facilities. It is suggested that the majority of residents in the village do not consider that they are well served by public transport, shopping or

community facilities and note is made that the village is within tier 3 of the villages making it an unsustainable village.

Prism consider the proposal to be at odds with the stated objectives of the Core Strategy which is the need to develop prosperous, sustainable and cohesive communities and to reduce reliance on the private motor car by ensuring sustainable patterns of development.

Prism consider that the report to committee asserts that concern over crime and disorder is not a material planning consideration and needs to be left to the controlling authorities, which Prism consider to be fundamentally flawed. Prism highlight paragraphs 58 and 69 of the NPPF and consider these make it clear that crime and fear of crime are important planning considerations and goes on to advise that planning decisions should not undermine quality of life or community cohesion. Prism consider that the proposal is contrary to the NPPF in this regard. Prism accept that the planning system cannot be responsible for the day to day operation of the home but that it is responsible for considering what the general impacts of the development are likely to be on the community.

Prism indicate that two Freedom of Information requests have been made to Greater Manchester and Durham Police forces, relating to the frequency of call outs (incidents) and recorded criminal activity associated with the operation of care homes (current situations). In Manchester, information related to 6 care homes, each with a different operator. The information indicated that on average, each care home generated approximately 98 police interventions per year. In County Durham, information related to 4 care homes over a 17 month period and showed on average 35 interventions by police per home and of these recorded incidents, each home generated 7 recorded crimes over the period. Prism consider that it is clear from these statistics that there is a strong likelihood that the proposed development will generate a significant number of call outs of the police and emergency services. Prism consider that the officers report makes no assessment on the likely impact of this on the quality of life within the village and is therefore flawed as this is an important material planning consideration. Prism consider that the Freedom of Information request provides direct evidence that the operation of children's care homes can lead directly to localised increases in recorded crime and that disturbance and anti-social behaviour is directly attributable.

Prism indicate that one common aspect of a care home is abscondment and that this was the subject of an All Party Parliamentary Group critical report published in 2012 which highlights the frequency of abscondment and the ensuing problem this causes. Prism consider that by putting children in an isolated location away from their friends, contacts and leisure facilities, the risk of abscondment is likely to be higher than a more centrally located facility.

Prism highlight that foster care and residential care are two entirely different systems of care, suggesting that residential care relates to 7% of placements who cannot be accommodated within foster care placements and that the two have very different impacts. Prism indicate that those in residential care will have tried and been rejected from foster care arrangements, often because of behavioural challenges. Prism suggest that the residents of the proposed care home have significantly greater behavioural challenges with commensurately greater impacts on the local community.

With regards to traffic and parking, Prism reiterate the village as being an unsustainable location for new development and that residents make greater use of their cars to access everyday facilities and suggest that this proposed change of use is no different to that principle. By supporting this proposal Prism consider that the council are setting a new precedent that is contrary to their policy to restrict new development within the villages. Prism suggest that the use will significantly increase vehicle trips beyond those associated with a larger family. Prism suggest an average family may have 8 movements per day and have estimated that the proposed use may have in excess of 50 movements per day. Prism consider that this has not been adequately assessed and

question the findings in relation to the safety of highway users. Prism challenge the parking requirements provided by the Head of Technical Services. Prism consider that the provision of 8 spaces will not accommodate shift changes of visitors to the property, let alone any children who own their own car. Prism consider that whilst it is accepted that the site may be large enough to accommodate suitable parking numbers, unless it is conditioned, the proposals will result in the parking of cars on verges and the public highway around the site.

Prism have submitted an appeal decision which relates to the provision of a care home within a village in Suffolk, which they consider the planning issues to be virtually identical to those of this application. Prism indicate that the Planning Inspector finds that

- the proposals would generate significantly more traffic than a comparable house,
- whilst there may be a need for the facility, there is no reason why it could not be located within a larger and more sustainable village with greater levels of service,
- if an unsustainable location is selected, the onus is on the application to demonstrate why a more sustainable location is not appropriate, and
- that the excess parking associated with the use is not compatible with the domestic character of the property.

In summary, Prism have no dispute with the principle of housing children within the borough but consider it should be within a more sustainable location. They consider it 'flies in the face' of objectives 1 and 5 of the Core Strategy and therefore is contrary to Core Strategy Development Plan Policy CS8 which supports proposals for special needs accommodation only when it is consistent with the Core Strategy. Prism also consider it is contrary to the National Planning Policy Framework in respect to crime and anti-social behaviour and that it will result in significantly increased traffic through the village and there will be an unacceptable increase in noise and disturbance to local residents and that the fears of crime and anti social behaviour are founded on valid grounds and are exacerbated by the correspondingly quiet nature of Thorpe Thewles. Prism also consider a flawed traffic assessment has been made which will lead to on street parking in a minor rural road, to the detriment of highway safety.

Additional residents objections

Madge Pailor, 29a Wynyard Road

Judging by the size of the proposed new property, it is highly likely that the house will be occupied by a family, thus increasing the number of children living in the immediate area and therefore the access onto Wynyard Road is potentially dangerous.

Margaret Johnson, Thorpe Thewles Resident

Has raised queries with the officers assessment of the parking requirements of the proposed use indicating 11 spaces are required not 8. From comments made by Spark of Genius it is considered that 16 spaces would be required to provide for the facility and that the property owner has suggested that Spark of Genius have told them that 20 spaces would be provided. It is considered that the amount of vehicles at the site will have an immense visual implication.

The introduction of the home will lead to increased crime and anti-social behaviour within the village. Information provided from Manchester and Durham constabularies, has indicated that;

Durham – Over an 18month period, there were 28 crimes and 173 incidents recorded for the 4 care homes (all in Bishop Auckland) which is an average of 3 crimes or incidents per month per home. As new batches of children come into the home, these issues will be constant.

Manchester – reported 2063 incidents or crimes at 6 homes over a 42 month period which is on average 14 crimes or incidents per home per month.

These facts show that there is a pattern in relation to crime in these homes and it cannot be dismissed but should be considered as a key factor.

A government paper has been submitted which reports on children who go missing from care which states that getting the right placement for children is of paramount importance and failure to do this will in many cases lead to children running away which can expose them to lots of dangers. Placing children in an environment where there is nothing to do and no one to interact with is probably very alien to the environment they have come from. Based on the report, the likelihood of children absconding from the proposed home is highly likely and when they do this the report states that they will get up to mischief in the form of crime and anti-social behaviour.

It is requested that more time be given to allow residents to fully understand the implications of the change of use in order to ensure a reasonable decision is made.

Jo Crook, 2 Vane Cottages, Thorpe Thewles

Objects to the application due to the lack of social facilities that can provide for this age group, The difficulties these young people have can result in behaviour that could impact on the village and could affect peoples concerns for their own security. Public transport is limited so with limited access to the wider area will increase independence on staff and concern that behaviour outside of the home, within the village, may be anit-social and possibly criminal.

Lynne Williams, 25 Durham Road, Thorpe Thewles

This change of use is not conducive with the three dimensions of sustainable development set out in the National Planning Policy Framework (para.7).

Economic - the change of use will add nothing to the development of a competitive economy and there are no plans to develop any supportive infrastructure such as shops, bus services or school etc.

Social – the use would reduce the supply of housing within the village thereby reducing the ability to provide family accommodation for future generations, particularly bungalows which are in great demand within Tees Valley. There are no accessible local services within the village and there are therefore limited opportunities, if any for residents of the home to develop healthy social interaction not only with the villagers but with the wider community of Stockton and the surrounding estates.

Environmental – The change of use will do nothing to enhance the environment, it will increase traffic due to poor public transport and increase the CO2 emissions.

The Change of use does not assist in actively managing patterns of growth or make the fullest possible use of public transport. It doesn't encourage use of public transport. The change of use is not sustainable development. If it goes ahead then I would like to see sustainable measures put in place such as energy efficiency to the building and renewable energies on the building or in the community, improvements to the footway and cycle ways and improvements in public transport.

Gareth Rees, 2 School Close, Thorpe Thewles

The proposed use would increase traffic with visitors, professionals, and staff visiting the property 24/7. The property is situated in a part of the village where speed reduction measures have recently been installed by the Council and the access to the property is situated near to the entrance to this chicane, giving great concerns for safety of residents and public. There is no pavement access in or out of the village from the property.

Other concerns raised include those already detailed within this update report and the main report which include the road outside the property being narrow thereby adding to safety concerns, daylight is restricted to the property due to tree cover, Thorpe Thewles is classed as an unsustainable village, with no provisions for the children to use and provisions such as shopping and entertainment, thereby increasing traffic usage, The age structure of the village is predominantly elderly and could be disconcerted / threatened by the residents of the use.

There would be a significant increase in vehicle usage between the existing and proposed uses which would be accessed by family & friends, staff, commercial vehicles, moving children to and from amenities etc, increased air pollution, poor public transport serving the village, likely deterioration of the bus service, such an establishment would be far better served on a number of levels if it were to be located in an urban environment rather than a rural environment.

MATERIAL PLANNING CONSIDERATIONS

In considering traffic related comments, although the objectors planning consultant has suggested around 430 to and from vehicle journeys are likely to be generated each week by the use, the Head of Technical Services indicates there is no evidence to support this. The Head of Technical Services has noted that these figures would be reduced taking into account the intended staffing and shift patterns, the limited likelihood of parents visiting as advised by the applicant, and with no evidence to suggest that there will be daily trips to the extent indicated, by teachers, social workers and additional staff. The Head of Technical Services has advised that the Trip Rate Information Computer System (TRICS), forecasts that for small care homes (residential homes not specifically for the elderly) there would be 13 arrivals and 13 departures per day with a maximum of 3 trips during the evening peak hour. The Head of Technical Services consider this to be a more realistic assessment and whilst this would be more than a typical family, considers the additional traffic would not have a significant impact on highway safety.

The Head of Technical Services has clarified the parking requirements for the use based on the Councils adopted Supplementary Planning Guidance on parking provision (SPD 3). Standards require 1 space per full time member of staff and 1 space per 5 residents. Whether the use accommodated 4 or 5 residents, the parking requirement would be 8 spaces. Notwithstanding this, the Head of Technical Services has advised that based on their own assessment, 10 cars could be parked on site without the need to encroach onto lawns or the adjacent highway and the garage could provide a further 2 spaces. In addition, the driveway is a loop drive which allows cars to drive in and out without the need to turn. In view of these matters, it is considered that the use would not result in parking on the adjacent highway and that the proposal accords with SPD 3 and Core Strategy Development Plan Policy CS2(3) in this regard.

With regards to criminal and Anti-Social Behaviour and the concerns raised, whilst the figures for care homes in Manchester and Durham are noted, the locally derived figures need to be taken into account. Importantly, the type of care home and the way in which it is managed is considered to be an important factor which cannot be easily appreciated from the figures provided for Manchester or Durham. The information provided by CESC indicates that in 2012 – 2013 12 out of 361 children committed offences and that only 1 of these offended from a children's home similar to that being proposed by the applicant. In addition to this, within the appeal decision submitted by the objectors planning consultant (paragraph 44.) which related to a care home for 4 children in a small village locations, the Inspector indicated that, given that the appellant catered for children with behavioural difficulties, some issues are to be expected, but these children were not criminals and, with proper management, unacceptable problems are not inevitable. The inspector considered that the use would not necessarily cause significant or unacceptable harm to neighbours living conditions in terms of noise, disturbance, crime, anti-social behaviour or the fear

of crime and anti-social behaviour so as to justify the appeal on this basis. In view of these matters, notwithstanding the information submitted by objectors, it is considered that the concern over crime and anti-social behaviour carries insufficient weight to result in the refusal of this proposal, particularly as the numbers of children would be controlled by the condition.

Sustainability of the village has been detailed within the main report and it is considered that additional comments raised do not change the balance of these considerations. Indeed, the additional information submitted by the Head of Technical Services assists in detailing the likely extent of traffic movement into and out of the village.

With regards to the potential for the use to notably increase noise and disturbance within the village, the property is on the western edge of the village, being the last property before leaving the village. The property is set within extensive grounds and away from the majority of other properties. There is a large mature hedge forming the boundary between the application site and the adjacent property. In view of these matters, it is considered that the proposed use would not automatically result in noise and disturbance to other residents.

Concern raised over the site having restricted daylight due to tree cover within the site is considered to be a management issue for the operator.

Comment that the proposal will reduce available housing in the village are noted, however, the proposal will provide housing for the children and in this sense, will remain to be in residential use.

Whilst suggestion is made by a resident that, were permission to be granted, improvement should be made to footways / cycleways and bus services, it is considered that the scale of the proposal does not justify such provisions.

Comments have been made by objectors in respect to abscondment from the home, and that this development will generate a significant number of call outs from the police and emergency services. This is generally considered to be a matter for the management of the home as good management should reduce this. Notwithstanding this, the police have advised that they do not wish to raise any issues and encourage discussions to develop effective working arrangements once the home is opened.

CONCLUSION AND RECOMMENDATION

It is considered that the details within this update report do not alter the recommendation made within the main report.

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Contact Officer Mr Andrew Glossop Telephone No 01642 527796

WARD AND WARD COUNCILLORS

Ward Northern Parishes
Ward Councillor Councillor J Gardiner

IMPLICATIONS

As detailed within the Main Report.