

DELEGATED

**AGENDA NO
PLANNING COMMITTEE
18 JUNE 2014
REPORT OF CORPORATE DIRECTOR,
DEVELOPMENT AND NEIGHBOURHOOD
SERVICES**

14/1212/COU

The Old Vicarage, Morrison Street, Stillington

Change of use from dwelling house (use class C3) to a children's home (use class C2)

Expiry Date: 4 July 2014

SUMMARY

Planning permission is sought for the change of use of a detached residential dwelling at Stillington from a domestic property to a children's home. The proposed facility is aimed at providing care for up to 5 children (aged 8 to 18) who would reside 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.

Objections have been received from local residents which mainly relate to concerns that children within the home will result in increased anti-social and criminal behaviour in the local area, that the proposed home lies immediately adjacent to a primary school / nursery and therefore poses unnecessary risk to the children in the school and is reasonable operation as well as concern over risk to highway safety and the belief that the village is an unsustainable location for such a proposal.

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 whilst the property is in a residential area which is generally considered to be sustainable for residential occupation.

The concerns raised by residents 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. In view of the site being adjacent to a school it is important that the management of the facility is properly undertaken and this was reflected by the Police comments.

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 and which would serve to limit the extent to which it would impact on its surroundings. As such, a condition is recommended which limits the age to which cared for residents can be (up to 18) 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 would be no undue risk to highway safety and that adequate access and parking can be provided subject to some works being undertaken as required by condition.

RECOMMENDATION

That planning application 14/1212/COU be approved subject to the following conditions and informatives;

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>
SBC0001	8 May 2014

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.

03. Car Parking and Access Arrangements

The use hereby approved shall not be brought into use until car parking, turning and manoeuvring of vehicles and an amended access has been provided on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In order to prevent undue risk to highway safety and ensure the site adequately operates from a highway related perspective.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

Informative 1: National Planning Policy Framework

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

BACKGROUND

1. Site Relevant Background

99/0240/TPO

Works to 2 Beech trees and a Atlantic Cedar. 5th March 1999

05/0233/X

Application to remove overhanging branches from 1 no. horse chestnut tree (T14)

Approved 18th March 2005

S1258/85

Change of use to home to care for mentally ill persons.

Refused 18th October 1985 and appeal dismissed 3.7.86.

Reason for appeal being dismissed

The Inspector considered there to be a need for community living for former patients of psychiatric hospitals and that the building (The Old Vicarage) was physically suitable for this. The Inspector considered however that the site was too remote from facilities of a range and type required to assist residents to become assimilated into the community. The Inspector also considered that the property and the immediately adjacent school would be un-neighbourly because of the noise and disturbance associated with large numbers of young children and the privacy which both the residents of the house and those running the school should have. The Inspector considered a screen fence between the two would be insufficient to address this matter.

The Inspector did not raise an issue with regard to children having to walk past the site on the way to and from school.

2. Background to the scheme

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

3. The application site is located in Stillington, a settlement in the north western corner of the Borough. Stillington is one of the Borough's larger settlements having an industrial area, school, community centre and church amongst its services and provisions.
4. The application site is located off the main road through Stillington (Morrison Street), having a Church on one side, with its grounds wrapping round to the rear and a school on the other side. Residential properties lie on the opposing side of Morrison Street.
5. The house is a large detached property providing accommodation over 3 floors, being the former vicarage to the adjacent church. The property is set behind a stone wall, having a single access driveway off Morrison Street which runs to the rear of the plot where there is a garage. The site has lawns to the front and side and has mature landscaping throughout.
6. The adjacent church is a listed building and its grounds contain many trees which are covered by a Tree Preservation Order. Several of these overhang the application site, however, there are no protected trees within the application site.

PROPOSAL

7. Planning permission is sought for the change of use of a domestic residential property (C3 Use Class) to a residential institution in the form of a children's home (C2 Use Class).
8. The applicant has indicated that they would provide a 5 bedroom children's home for children and young people between the ages of 8 and 18, although indicate that there may not always be 5 children living there.
9. The submission details that the home would be staffed 24 hours a day, 7 days a week operating an overlapping shift rota which would be;
7.30am to 3.30pm
2.30pm to 10.00pm
9.00pm to 8.00am
10. The submission advised that they have 17 full time equivalent staff members and that no more than 6 staff would be on site at any one time. The applicant anticipates that there would be no more than 15 visitors to the site through the course of a week and that professionals visiting the children will be encouraged to do so at King Edwin School where their education will be provided.
11. The applicant advises that in instances where children have approval for contact with their family, they would normally encourage this to be at the family home or as part of an outing where meaningful contact can be achieved.
12. It is indicated that the home would not receive commercial deliveries and that items such as food and cleaning products etc will be collected by staff. Mail and refuse would be dealt with as it would at any other dwelling. There will be two allocated vehicles to take the children to and from school.
13. Within the submission the applicant has indicated that they have carried out a letter drop consultation, some door knocking and held a public meeting to inform local residents of their proposal.
14. It is understood that the aims of Spark of Genius are;
 - 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.

And their objectives have been 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 person's 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 person's behaviour in order to ensure safety, promote learning, impact positively on decision making and encourage the development of their own identify.

CONSULTATIONS

Consultees were notified and comments received are summarised below:-

Councillor Stephenson

I as the elected borough councillor for Stillington object to the turning of the old vicarage in to a children's home on the grounds that this will lead to anti-social behaviour due to lack of facilities in the village, increased traffic in a area not geared for traffic, with this sort of home bean untried in the Stockton area they is no guarantee of success. so I therefore call for plans for this are to be rejected.

Stockton Police Station

Section 17 of the Crime and Disorder Act 1998 requires all Local Authorities to exercise their functions with due regard to their likely effect on crime and disorder and do all they reasonably can to prevent crime and disorder.

These type of premises have the potential to increase incidents of crime and disorder it is essential that good management of the facility will be in place and that proper control of the residents is also in place to reduce this risk. I would also recommend that a strict selection process is put in place as to the suitability of any proposed residents prior to them residing at the premises.

Cleveland Police

I have been contacted by Jane Humphreys to provide some clarification of the views offered on behalf of Cleveland Police in respect of the planning application for the above premises.

This is further to the earlier correspondence sent to you dated 23rd May 2014 from P.C. Steve Davies, Architectural Liaison Officer.

Unbeknown to P.C. Davies a number of operational officers from Stockton Police Management Team have previously been consulted. Following further liaison with senior members of Stockton Borough Council I can confirm that Cleveland Police do not wish to raise any objections or concerns in relation to the development of the premises as a Children's Residential Home for young people in long term care. I am satisfied that the children who will be accommodated there are unlikely to impact on levels of crime or anti-social behaviour in the area.

Environmental Health Unit

I have no objection in principle to the development, and would not recommend conditions be imposed on the development, should it be approved.

Head of Technical Services

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

Highways Comments

In accordance with SPD3: Parking Provision for Developments 2011, the proposed C2 use should provide 1 in-curtilage car parking space per full time member of staff (maximum number on site at any given time) plus 1 space per 5 residents (visitor provision) plus space and adequate manoeuvrability for ambulances. It is considered that for this specific use an

ambulance would be able to access the site as with any other dwelling therefore the space should be provided for a professional visitor. With a maximum of 6 staff on site during shift change over and 5 residents and 1 professional visitor space, 8 in-curtilage car parking spaces are required.

There is sufficient space within the site to provide the requisite number of incurtilage car parking spaces and turning to ensure drivers enter the highway in a forward gear, details of which should be conditioned. Morrison Street is 30mph at this point and given the proximity to the primary school pedestrian visibility at the access should be improved by lowering the wall and removing vegetation to either side of the access; a scheme to be agreed should be conditioned. The carriageway adjacent to the site is protected by school time waiting restrictions (08:30-09:30 and 14:30-17:00). Cycle parking can be accommodated within the garage.

Landscape & Visual Comments

This proposal has no landscape or visual implications.

Children, Education and Social Care

Corporate Parenting - Roles and Responsibilities

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 carers.

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.

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 political parties' expectations are that Looked After Children are placed as close to home as possible.

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.

Parish Council

The Members of the Parish Council would like to object to this planning application, their reasons for objecting are detailed below. There has been a well attended public meeting in Stillington about this proposal and a high attendance by residents at a recent Parish Council meeting. On both occasions many concerns about this proposal were raised. In addition a large volume of correspondence has been received by the Parish Council objecting to this application.

Members of the Parish Council are concerned about the limited visibility around the entrance to the property particularly as the path is very well used by pedestrians - mainly children - at a number of times through the day as they walk (and run) to and from William Cassidi School. With the number of staff who will be coming and going from this property as shifts change, as the residents are being taken in and out to school and other activities and as visitors arrive and depart, it is likely that some of this travelling will occur at the start and end of the school day - or during the day when nursery pupils are coming or going. William Cassidi has breakfast and after school clubs which extend the time zone that a significant number of pedestrians are using the footpath. The footpath that runs past the Old Vicarage is fairly narrow so there is little room for error. There will be more vehicles coming and going from this property than there would be if it was a regular family dwelling.

Road safety outside of William Cassidi School has been an ongoing concern for many years. A recent request to the SBC Central Locality Forum for a 20mph zone at certain times of day outside of the school was turned down. Even if the general traffic speed was reduced, the additional traffic from the Old Vicarage will add to the risk that people, particularly children, already face in this area.

Local residents fear that if this proposal goes ahead there will be an increase in anti-social behaviour (ASB) in the Parish. Members of the Parish Council have some concerns about this also - evidence from other areas does show that there is an increase in ASB around children's homes. Members are also concerned that the development could lead to an increase in ASB by youths who are attracted to the house - or to the adjacent schoolyard or churchyard. Historically there have been problems in the churchyard and there are concerns that this could once again become a location for youths to congregate. Youths may feel that they can behave recklessly in the area and that any problems will then be

blamed on the children's home as so many people have a very negative attitude towards the children who will be housed there. There is already an problem with anti social behaviour in Stillington Forest Park - largely carried out by people who do not live in the Parish - and again there is concern that these people, once aware of the development, will be happy to behave in a similar way in the school and churchyard as well as in the Forest Park. Complaints have been made on many occasions about the problems in the Forest Park - land owned and managed by SBC - and the situation has not been dealt with effectively by the Police, the Enforcement Service or ASB team. The Parish Council has been informed that this is because the area is some distance away from the urban centres and the authorities do not have the resources to visit the Parish on a regular and routine basis to prevent ASB. As such, Members of the Parish Council have little confidence that any future problems will be dealt with any more effectively. The Parish Council is aware that our local Police and Community Support Officer (PCSO) may soon be moved to work in another area and it seems uncertain whether he will be replaced. The Parish Council are very pleased with the efforts the PCSO has made to try and reduce ASB in the Forest Park and the wider area but as he obviously cannot work 24/7, is based in Stockton and is only provided with a bicycle as his main mode of transport, response times can often run into hours or days. Despite assurances from Spark of Genius that the potential residents of the children's home are not criminals and will not pose a threat to our community, many local residents have demonstrated very strong negative views of the children who may live in the proposed home, so unfortunately there is also concern that there is a real threat to potential residents if they do come to live in our Parish. Members would find it very unfortunate any incidents were to occur and then could not be dealt with appropriately due to the poor response time from the authorities that the Parish has experienced in the past.

When reporting on the planning application 13/1444/COU the initial report from the Corporate Director of Development and Neighbourhood Services states that, "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" The updated report by the same Officer states that, "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."

While concerns over ASB may be difficult to factor into a planning decision, the Planning Committee Members should be aware that the Police and other agencies cannot currently manage the significant levels of ASB experienced in Stillington Forest Park. None of the agencies are working effectively together to combat current problems so there is no confidence that any additional ASB which may happen as a result of this development will be dealt with - regardless of whether the occupants of the proposed residence are the victims, the scapegoats or the perpetrators of the ASB.

The Parish Council share the concerns of residents about the lack of facilities for teenagers in our Parish. Figures from the 2011 census show that just over 20% of our residents are under 16 years old but there is very little recreational provision for them. The SBC funded Youth Club was withdrawn some time ago. Funding also ceased for a very popular youth club for the 8 - 13 year olds. SBC has agreed to work with the Parish Council to try and obtain funding for a MUGA but despite planning permission being passed for this project some time ago the plans that are needed to obtain quotes for this scheme to enable it to progress have not been drawn up yet by SBC as promised. The Parish Council are beginning doubt the commitment and support from SBC for this project. Spark of Genius

state that they would like their residents to mix with the local children when appropriate and be members of the community. This will be very difficult if there are no facilities or opportunities for this to happen. If residents from the Old Vicarage are constantly taken out of the village for activities they will never meet any of the local teenagers - some of whom may resent the fact that the residents are provided with access to activities that their parents cannot afford to provide for them.

In recent years the bus service to Stillington and Whitton has been threatened with withdrawal on a number of occasions. We have lost our evening and Sunday services. Our current bus services are on trial periods following the withdrawal of subsidies by SBC for bus services to rural areas. There is a high risk that the bus service will be withdrawn as the financial viability of the service is marginal. The Parish Council feel that the lack of evening and weekend services may prevent families from being able to easily visit their children at the Old Vicarage and the current bus service could easily get worse. As any residents of the Old Vicarage get older some will need to prepare for independent living. Using public transport will be an important part of this process but even with the current service there will not be any public transport for them to use to access recreational or other facilities in the Borough at the times they have the freedom from to use it - after school for example.

Parish Council Members have concerns that now this house is owned by SBC it could be used in the future to house people that would be a threat to our community. If the SBC policy about looked after children changes and they are transferred to a residential school or some other type of accommodation, what guarantee can be made that the house will not be used to house young offenders or people released from prison?

PUBLICITY

Neighbours were notified and comments received are summarised below:-

William Cassidi Church Of England Primary School Morrison Street

The Governing Body of William Cassidi C. E. Aided Primary School wish to register their objection.

The Governing Body consider the siting of a facility next to and overlooking a primary school with a nursery unit to be totally unsuitable. The Old Vicarage shares a border with the school site on two sides totalling a distance of approximately 120 metres in length. The position of residence on it's site is in close proximity to the referred border and directly overlooks all school buildings, the playground and the playing fields. In addition, four of the bedroom windows and the dormer extension give direct and clear visibility into two Key Stage One classrooms and all outdoor learning spaces of our Foundation Stage (Nursery and Reception) children and the Reception classroom.

The Governing Body considers that the lack of information and clarity of such provided regarding the needs and ages of those who, should planning be granted, would be placed in the facility has the potential to seriously impair the school's ability to adequately undertake the appropriate safeguarding and child protection risk assessments that would be required. The school would therefore be unable to asses and implement measures to protect the two hundred children placed in our care.

The school has sought clarification from Spark of Genius and acknowledges that the organisation have stated that risk assessments will be undertaken to determine the needs of the five children in their care but the Governing body must consider the needs of the two hundred placed in our care. Spark of Genius have stated that 2 children living at The Old Vicarage will not pose a risk to the pupils in the school 2 2 this is a sweeping statement

which appears to be a hopeful generalisation, not been backed up by any facts or figures. An offer by the school's Designated Safeguarding Officer to participate or have an involvement in the selection process for those who could potentially be placed at The Old Vicarage, should planning consent be given, was categorically refused by Spark of Genius. The Governing Body therefore consider that reassurances given by Spark of Genius regarding safety, along with the fact that they do not anticipate problems, as inadequate. The Governing Body suggest that education provision and safeguarding for any child is only effective if there is a joint approach to information sharing.

Furthermore, guarantees that school holidays and attendance issues are not valid considerations stated by Spark of Genius do not appear to be accurate according to their own published figures on attendance, and designated training days are chosen by individual schools. Whilst residents are likely to have education provided in an alternate provision (King Edwin School, Norton) they may be on reduced timetables to meet their needs, have concerns or past concerns of school phobias, and figures show that non-attendance is apparent. All these factors confirm the unsuitability of the provision to both the children at William Cassidi and residents at the Old Vicarage.

The Governing Body has a duty of care beyond that of the school gates or the length of the school day. We have been contacted by a large number of parents and members of our community who have expressed their grave concerns and fears for our school over the proposals. We have received a parental survey and views from members of the community who all oppose the planning proposals. Most worrying is the perception that the school would be unable to adequately protect their children and as a result children will be withdrawn from our school, which has been at the heart of the community and our closest villages for over one hundred years.

We would urge the members to consider the views of the community, the needs of our children and the view of the Governing Body that the placement of a children's home next to a school is wholly unsuitable and decline the planning permission.

Supporters

Shirley Wells, 12 Kirk Street Stillington
Karen Marcelle Gears, 1A South Street Stillington
Valerie Foster, The Laurels Kirk Street
Miss C L Foster, 2 Redmarshall Street Stillington

Comments

Clark, 16 St John's Park Stillington,

Objectors

Mr D Hird, 28 Weare Grove Stillington
Miss Paula Farndale, 37 West Street Stillington
Mr Stephen Heslehurst, The Old Service Station Morrison Street
Mrs Pat Armstrong, 14 Weare Grove Stillington
D Hickey, 9 Weare Grove Stillington
Mr Keith and Karen Burnage, 3 Weare Grove Stillington
Mr and Mr Wright, 42 St John's Park Stillington
Mr Paul Hocking, 2 St John's Park Stillington
Mr Graeme Kelly, 19 St John's Park Stillington
Mrs H Taylor-North, 22 Jasper Grove Stillington
Mrs Marilyn Crowe, 17 Jasper Grove Stillington
Mr Peter Briggs, 3 Jasper Grove Stillington
Mr John Walsh, 34 St John's Park Stillington
Mr Justin Emmerson, 32 St John's Park Stillington

Mr Richard North, 7 St John's Park Stillington
Mr Scott Taylor, 48 St John's Park Stillington
Mrs J Hobbs, 44 St John's Park Stillington
Mr Jason Moody, 30 Weare Grove Stillington
Ms Denise Gaskill, 2 St John's Park Stillington
Mrs Susan Walsh, 34 St John's Park Stillington
Mr Richard Dennis Glass, 52 West Street Stillington
Miss Kerry Norman, 11 Redmarshall Street Stillington
Mr Christopher Hobbs, 44 St John's Park Stillington
Mr Craig Gordon & Miss Jane Fisher, 80 Forest Park Stillington
Miss Lauren Hickey, 9 Weare Grove Stillington
Mrs Andrea Nicholls, 10 Jasper Grove Stillington
Mrs Claire Blackbourne, 24 Battersby Green Carlton
Mrs Julia Armstrong, 37 Green Leas Carlton
Miss Jane Fisher, 80 Forest Park Stillington
Mr Carl Nicholls, 10 Jasper Grove Stillington
Mrs Tara Davison, 44 Forest Park Stillington
Darren Hurst, 52 Forest Park Stillington
Mr Alex Hakes, 33 Forest Park Stillington
David Roberts, 1 South Street Stillington
Mr Andrew Barnett, 24 St John's Park Stillington
Mr A Garside, 74 Forest Park Stillington
Mrs Rachael Metcalfe, 10 Forest Park Stillington
Mr Gaurav Kumar, 5 Forest Park Stillington
Mr Christopher Sykes, 34 Forest Park Stillington
Mr Paul Young, 32 Forest Park Stillington
Mr and Mrs P Hutchinson, 35 St John's Park Stillington
Glenn and Gail Jones, 33 St John's Park Stillington
S Smith, Hillcrest Cottage Morrison Street
Lucy Hakes, 33 Forest Park Stillington
Jon and Julie Scott, 3 Chapel Gardens Carlton
Mr R Knox, 17 Forest Park Stillington
Claire Blackbourne, 24 Battersby Green Carlton
Grant Blackbourne, 24 Battersby Green Carlton
Mrs Jane Fisher, 80 Forest Park Stillington
Mrs Sally Stout, 15 Forest Park Stillington
Pauline Bieniasz, 25 Forest Park Stillington
Amanda Carr, 31 Forest Park Stillington
Jean Tondy, 17 Forest Park Stillington
Michael and Angela Williams, 76 Forest Park Stillington
Mr Gary Smith, 21 Forest Park Stillington
Emma McEwan, 29 Forest Park Stillington
Richard Gerrard, 22 Forest Park Stillington
Kathleen Bird, 24 Manor Walk Stillington
Karine Dale, 70 Forest Park Stillington
Sheila Norman, 18 Park Crescent Stillington
Arthur Gregory, 35 West Street Stillington
K Wilkinson, 3 Park Crescent Stillington
Barry Durham, 40 Mount Pleasant Stillington
M Dukes, 2 Manor Drive Stillington
Sandra Charison, 8 Manor Drive Stillington
Charles Parker, 4 The Crofts Stillington
Gill Barnes, Wyngarth Kirk Street
G And N Scott, 4 Redmarshall Street Stillington
Jean Bentley, 2 Poplars Lane Carlton

Lisa Hodgson, 78 Forest Park Stillington
Mr Russell Hodgson, 78 Forest Park Stillington
Lee Dobbing, 10 Wynyard Road Wolviston
Julie Smith, Hillcrest Cottage Morrison Street
Luke Sayer, 38 Mount Pleasant Stillington
Zena Burden, Kinglsey Smith Solicitor on behalf of Dr Stephenson
Stuart and Elizabeth Armstrong, 27 St John's Park Stillington
Mark Thompson, 1 Black Wood Wynyard
Rebecca Guest, 2 Thorpe Road Carlton

Comments of Support

Fully support this application to change the use, from a dwelling house to a children's home.

I live on South Street, Stillington. I am ready to receive a residence, for these children, in any house on our row.

Comments General

How much does all this cost the taxpayer, beyond the cost of purchasing the house.
It is hoped that staff will have the highest level of qualifications
Will parking facilities be provided for visiting family members

I feel these children will adhere animosity from local residents and all children can do without that. These children must be placed in a none biased residence.
Situated right next to a grave yard is not the best location.
There are no amenities, for teenagers, in Stillington.

Comments raising objection

Concerns regarding adjacent school and Nursery

Residents object due to the proximity of the property in respect to William Cassidi primary school which is immediately adjacent, having concerns over there being bedroom windows in the property which overlook the school, its windows and the playground, that the boundary between the home and the school is insufficient to prevent voices carrying over it. Parts of the boundary are such that it would be quite easy for the young people to shout over or indeed climb over the existing fence. The fence offers little protection against objects being put/thrown into the playground/field. Young children have little understanding of the possible dangers posed by broken glass, drug paraphernalia or such like.

Residents highlight that the school accommodates children from nursery age up to 11 year olds and that these children would be vulnerable to be affected by older children that are likely to be housed at the home. Residents consider this proximity is unsuitable for a use which would house people with social , emotional and behaviour problems. Children from the school could be constantly watched or have photographs taken of them.

Concerns come from residents views on the nature / potential nature, behavioural issues and possible actions for the children that would be housed at the application site. Residents' question how these children can be deemed unsuitable to attend a mainstream school, due to behavioural matters yet for them to live next door to a school can be deemed suitable. Such young people are by definition likely to exhibit inappropriate behaviours. If the young people are unsuitable to be placed in a mainstream school due to their difficulties then why is it deemed appropriate to place their residential accommodation next to a Primary School?

Although Spark have advised residents that the children from the home will be at school when the Stillington School is open, it is residents understanding that many children

abscond from school, or do not go for other reasons and will therefore not be there every single day. As such, they will potentially come into regular contact with the children going to school at Stillington.

Some residents accept that all children should be given the best opportunities in life but feel the location of this home next door to the nursery and primary school is inappropriate and a better location should be sought.

Parents may then feel the need to remove the children from the school for their safety as a number of parents has suggested to me and place them in other schools. This would be an absolute travesty that 200 schoolchildren could be affected for the sake of 5 children. Parents are already talking about taking their children out and placing them into other primary schools if this goes ahead, Will any new parents want their child placed in William Cassidi? Will our school get the numbers from a few in our village? Will this lead to the council closing the school?

Although the Care Home Management may claim that their children will also be at school at the same time as the schoolchildren next door and will not be affected. The staff of William Cassidi Primary School will have extra pressure placed on them when carrying out their responsibilities caring for their pupils with the proposed Children's Home (Old Vicarage) overlooking the School playground and its close proximity to the playing field.

Given that in 1985 the Council refused the Change of Use of the Old Vicarage into a home for mentally ill patients on the basis that the property's "location adjacent to a junior and infant school, led to undesirable conflicts between the two uses due to their contrasting nature and thus detract from the proper functioning of an important community facility" residents cannot see why the Change of Use of the Old Vicarage into a home for children with social, emotional and behavioural difficulties (SEBD) is materially different from the 1985 application as both cases involve permanent residents with very similar issues and needs. Situating children with severe SEBD issues that require residential care directly adjacent to a lively mainstream Primary School is not a positive care environment for either the SBC looked after children or the pupils of William Cassidi.

Spark of Genius state that "the children living at The Old Vicarage will not pose a risk to the pupils in the school" However Spark of Genius also state that all children will have "thorough risk assessment" carried out and that the "risk assessment are live documents" This is contradictory - if there is no risk then a risk assessment is unnecessary - therefore the fact that risk assessments are undertaken infers that the children present some of degree risk to themselves or others. Spark of Genius cannot guarantee that there will not be a risk to the pupils, staff or parents associated with the school and they are misleading everyone in stating this.

Statistics prove that Children who experience abuse or neglect (as these children will have) are 59 percent more likely to be arrested as a juvenile, 28 percent to be arrested as an adult and 30 percent more likely to commit violent crime. ---Safe Horizon, Child Abuse Facts. (2014). That one third of sexual abuse on children is committed by someone under 18 yrs of age and a third of abused children go on to abuse other children. ---www.safersociety.org. 23-40 percent of all alleged sexual abuse of children is perpetrated by other young children, mainly adolescents. NSPCC (2014). I could go on with hundreds of these statistics but the fact is this residential home will be a bad idea due to its close proximity to the school.

Given the concerns of the Police it is clear that a thorough risk assessment has not been undertaken to consider the location of the proposed Children's Home with regards either to the SBC Children or the pupils, staff and parents of William Cassidi CoE Aided School. It

should also be noted that both the Nursery and Reception classes are required by their curriculum to be provided with indoor and outdoor learning and children should be able to flow between the two. Therefore there is concern not just at dropping off/picking up times, play and lunchtimes and outdoor P.E. but throughout the day for the youngest children. SBC have a duty of care for the pupils of the school as well as the children requiring residential care.

Residents have referred to a planning application decision (07/1779/REV) for a property on the opposing side of the school whereby a condition was imposed on windows which would overlook a school to prevent them from being opening. Residents consider the decision highlights conflict with the “vulnerable users of the school”. As no material change to planning policy has occurred change of use would conflict with this established previous planning condition that has been applied to an adjoining property on the Eastern aspect of the School. The Eastern elevation of the Vicarage is noticeably more prominent in regard to visual impact on the “vulnerable users of William Cassidi School.

Objection comments of Fear of Crime and Anti-Social Behaviour

It is understood that the children managed by Spark will go to school at King Edwin School in Norton where it is understood the children are already causing disturbance to residents.

The reassurances given by Stockton Council and Spark of Genius about the types of young persons to be housed are inaccurate and mis-leading. They gave assurances that the children to be housed there would not pose risk to the children in the adjacent school, confirming that the children being brought back would not have a history of drug problems, sexualised behaviour, self harm and violence. A resident has provided web links to Stockton’s agenda website under the social care section. These links detail children being moved out of the area due to matters such as significant drug abuse, not being safe from drug dealers, risk of sexual exploitation, posing risk to others, risk taking behaviour, sexualised behaviour, challenging behaviour. Residents assume that it is these children who will be returning to the Borough and that the children in the home will therefore have thee or similar behavioural issues.

The potential for an increase in anti-social behaviour. The police response states that the management of the facility is critical. Although Spark of genius have said their levels of supervision are adequate there was an average of 40 recorded incidents between the 6 of their homes in Scotland for which data has been obtained from Scottish Police between April 2013 and March 2014.

Police incident/crime figures for other SoG homes in Scotland under Freedom of Information and was shocked to see that during the period April 2013 to April 2014 there were multiple incidents at all their locations. Indeed three of these homes, which cater for the same number of young people such as this proposal at Stillington, resulted in police call outs on a weekly basis as below:

	1. Recorded incidents	Crimes
Netherton	54	23
Davidshill Farm	59	15
Millholm Seven Acres	55	8

Clearly such volume of incidents will have a huge negative impact on Stillington, the school and immediate area.

Crime statistics associated with properties run by SOG in Scotland, over the last 12 months, when compared with the crime statistics for the Old Vicarage and surrounding

locality, clearly demonstrates that there is likely to be an increase in crime within Stillington between 10-49% should the planning application be approved and a Young Persons Home opened in Stillington. This assumption is based upon 24 recorded crimes in a 1 mile radius of the Old Vicarage for April 13 to May 14 versus 64 recorded crimes associated with properties run by Spark of Genius, over the same period. Equally worrying, however, is the number of recorded incidents which required a police attendance at the properties run by Spark of Genius: 235 in total for the period mentioned above.

The only information we have had regarding the children to be housed from spark of genius is that they have special educational needs and they are from troubled backgrounds. We have had to research online to find out what this means, and as far as we can ascertain the children are deemed unsuitable for fostering and to attend mainstream schooling due to a history of drug and alcohol abuse and sexual activity. I recently attended a meeting at the Stillington community centre and it was implied that many of the children suffered from ASD and where no threat to the community. As a parent of a child with ASD we feel this is extremely misleading and disturbing.

According to the www.childrenscommissioner.gov.uk briefing for the Rt. Hon Michael Gove MP, Secretary of State for Education, on the emerging findings of the Office of the Children's Commissioner Inquiry into Child Sexual Exploitation in Gangs and Groups, with a special focus on children in care.

Key findings of this report shows that a disproportionate of these vulnerable children in care homes are being sexually abused and come from all ethnic backgrounds and generally from the age of 10 upwards. Sometimes the abusers are in the same age bracket as their victims. This greatly concerns me as these potential children in care will be able to mingle with the current child population and may lead to potential grooming activities at a later stage. Inevitably it will lead to gangs of abusers into the village who may then go on to abuse other children in the village. Full details of emerging evidence is available at the above website.

The report states that only the most damaged children are placed in residential care, and this is seen as a last resort, often residential homes are largely staffed by unsupported and poorly trained staff (Pearce 2009). It goes on to say if the child is placed in an inappropriate setting, the staff in any children's home would struggle to keep them safe. If they are not safe, it goes without saying that the children of Stillington would not be safe. I cannot see how this would be achieved to keep the children in care safe as it is reported that of all the children that go missing in the UK annually, 81% of these are from residential care homes. It was noted at the public meeting at Stillington Village hall that 604 children absconded from Spark of Genius Care last year. This is hardly a vote of confidence that the home will be well managed.

With this potential absconding from the Old Vicarage, there will be inevitably an increased police presence due to the disturbance caused. This disturbance is in direct conflict with the restrictive covenants relating to the sale of the Old Vicarage. There cannot be any disturbance to St Johns' Church to the minister, the congregation or the churchyard. The graveyard could be attended by grieving relatives, the last thing they will need at this moment is someone possibly hurling abuse or acting inappropriately, when all they seek is peace, quiet and maybe a period of reflection. I cannot see how this will be achieved considering that the residential care home will be next door.

Spark of Genius did nothing at the public meeting to convince us that anti social behaviour won't increase due to some individuals living in the house.

Having lived near a similar home a few years ago I know how difficult it is, evenings when children congregate around or close by such a home, drinking etc, causing a nuisance,

damaging property to mention but a few and also other children being influenced and joining in.

Emergency services response times are not good at Stillington so any problems arising requiring such services have time to escalate into more serious issues. Our PCSO is shortly likely to be moved to another area and it is uncertain whether he will be replaced. The current PSCO is based in Stockton and is only provided with a bicycle as his main mode of transport, response times can often run into hours or days.

Cleveland Police have specifically stated with regards to the Old Vicarage "Section 17 of the Crime and Disorder Act 1998 requires all Local Authorities to exercise their functions with due regard to their likely effect on crime and disorder and do all they reasonably can to prevent crime and disorder.

These types of premises have the potential to increase incidents of crime and disorder. It is essential that good management of the facility will be in place, and that proper control of the residents is also in place to reduce this risk."

We are also concerned about the nature reserve / Forest Park which is already plagued with young adults from outside the area camping/fishing and drinking alcohol and believe this is not a good location to house vulnerable children. We also believe that with Stillington being a small village there are insufficient facilities and activities within the area to cater for young adults needs. There is also no police presence in the area to deal with any additional issues that may arise.

Cleveland Police's priority for the Parish is "Antisocial behaviour in Stillington" with the following action presently underway:

Residents are asked to report any Antisocial behaviour (ASB) and anyone who spots any unusual vehicles please report them.

As the lighter nights arrive please report any issues with kids congregating so we can nip any issues in the bud

Joint patrols will continue with the environment agency

ASB team will continue to work the police to educate young people on ASB

Therefore it would be a breach of duty to house the Children in the "Old Vicarage" such is the significant risks that the widespread ABS activities in the village present to the children - either inciting them to contribute to the ASB or indeed for them to be the victims of ASB.

I moved to Stillington because it was a quiet village, soon after I experienced some anti social behaviour when a youth threw rocks at my house. I remember only too well how I felt then and for some time after. I don't want to feel like that again, frightened and nervous. I live quite close to the Old Vicarage.

Hurworth has had a similar establishment for many years. It has not settled into the community and behavioural issues are on-going.

In its determination in the case of Smith versus the First Secretary of State Mid Bedfordshire District Council 2005, the Court of Appeal ruled that the District Council could include as a material consideration the fear of crime and ASB, "in circumstances where these fears were not based upon events, but as an assumption based on the characteristics of the future occupiers where this assumption is not supported by evidence". In this case the Court held that fear and concern had to have some reasonable basis and the object of that fear and concern had to be the use, in planning terms, of the land.

In approving the application submitted by Spark of Genius NE due regard will not be afforded to the strategy of the Council developing other attractive transport modes, CS2 point 5, as Spark of Genius NE intends to transport the Young People by Minibus and not

by other methods of travel. This approach would not be supportive of reducing the Council's carbon footprint and in direct contravention of EU guidelines pertaining to a reduction in carbon emissions, placed upon Local Authorities;

Last year a young girl was seriously assaulted and nearly killed in Maritime Road in Stockton and the 16year old boy who did it could be placed in the home. This is a threat and risk to local children.

Stockton Borough Council has produced an information leaflet the document "STOP Offensive Behaviour is not Acceptable" states that "... *being subject to minor incidents over a period of time can have a damaging effect upon people's lives and health*" I believe this proposal will cause the pupils and staff of William Cassidi school, local residents and the member of the congregation of St John the Divine Church, long term exposure to offensive and anti social behaviour.

The likely effect of the development on the residential amenity of neighbours.

Human Rights Act protocol 1 article 1 of the first protocol – Protection of Property

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The Government or a public authority cannot deprive you of your property unless the law allows this and it is necessary in the public interest to do so. The Government must strike a fair balance between the interests of the property owner and the general interest of society as a whole.

A residential institution in such close proximity to neighbours at William Cassidi Primary School and St Johns Church, not to mention other neighbours in the vicinity, would undoubtedly breach this article.

Human Rights Act protocol 1 article 8 - Right to Respect for Private and Family Life

Everyone has the right to respect for his private and family life, his home and his correspondence.

There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Noise from the dwelling affecting surrounding neighbours/area

Highway related Matters

There is only a single entrance/exit to the Old Vicarage (Spark of Genius state there is "two separate gates allowing for an entrance and an exit" in their Design and Access Statement however this is incorrect) This access is a single track road for a significant distance with a closed gate set just off the main road. As the access point is located:

Directly opposite an "in-road" Bus Stop

On the main road through the village

Immediately adjacent to the white zig zags for a Pedestrian Crossing to the School

And given the following existing traffic situation in the vicinity - particularly in the mornings

Heavy traffic into the village past the "Old Vicarage" for people working in Stillington

Industrial Estate

Buses waiting in the Bus Stop

School Breakfast Club drop offs

Excessive numbers of vehicles parking to drop pupils off at school for 9am start

The access and egress to the property for Shift Workers and transport to school is entirely unsuitable with no cost effective remedial mitigation possible.

If the property will be used as a business, inevitably, there will be increased traffic flow. Visibility to and from the property is extremely poor and will only be a matter of time before a child gets knocked over at this location due to increased traffic flow. There are parking restrictions along this part of road at school times, school markings and a pedestrian crossing, all which will make parking on the road unviable.

This Property has minimal parking facilities and the change of use of the building will employ staff who will need to park and also visitors to see the children will need to park somewhere. Where are they to park?

The present entrance to the Old Vicarage is not sufficiently wide enough to allow Emergency Service vehicles to enter without hindrance (Ambulance / Fire Service).

The entrance to the property is obscured by high foliage: trees and shrubs, creating a blind spot when having to pull out of the Vicarage; thus a significant risk to Children given the close proximity of the Vicarage to the School. A photograph of a child's eye view of walking past the access was submitted with questions being raised about how much work and vegetation clearance would be required to gain an acceptable level of access.

The children of William Cassidi will not see vehicles leaving the Old Vicarage with many of them walking ahead of their parents/guardians. The plan to change the Old Vicarage into a business will bring additional traffic flow during numerous times of the days. This presents additional risk in walking to and from school on a route that is already fraught with danger with narrow paths, and heavy goods trucks and Lorries picking up speed as they leave the village.

The property will require a minimum of 8 parking spaces according to 'SPD3: Parking Provision for Developments 2011' with adequate turning space in a forward gear. This can only be achieved by removing trees which due to the location of the property would in my opinion have a detrimental effect on the aesthetics of the village and since two trees have been recently removed from the village (planning ref 14/0877/X) we cannot afford to lose any more.

The recommendation that 'visibility at the access should be improved by lowering the wall and removing vegetation' is also an issue that will effect the aesthetics of the village. The school is attended by children as young as 3 so how low must the wall be lowered? also access is very narrow so will need widening considerably to give adequate visibility. The current wall to the front of the property matches that which borders the neighbouring church.

Core strategy policy CS3 states that in designing a new development it will make a positive contribution to the local environment by protecting and enhancing important environmental assets including hedges and trees so this recommendation to remove vegetation and trees and concrete a garden over to provide parking is against council policy.

Locational problems for the home

Lack of facilities for young people in the area. Stillington has only one self-defence club operating 1 night per week and occasional fishing. Other than this there are no structured, supervised activities for young people. There is however immediate access to the Forest Park where should young people abscond they then have direct access to local countryside which could be a potential danger to themselves and also provide opportunities to meet up with other young people who may be quite unsuitable. A similar application was rejected on 20 December 1985 citing that it has poor access to community facilities required for such a use.

Children's Homes: National Minimum Standards states that "The home's location and design promotes children's health, safety and wellbeing and avoids factors such as excessive isolation and areas that present significant risks to children"
Stillington does not have any amenities for children aged 8-18 and public transport arrangements are unsuitable to commute to leisure facilities etc. after school etc.

Both the saved Local Plan and Core Strategy seek to approve development that is sustainable. In order to be sustainable development, the 3 roles set out in NPPF (7) must all be met with clear direction set out in NPPF (8) and NPPF (9) confirming that sustainable development involved positive improvements in the quality of the built and natural and historic environment as well as in peoples quality of life. Further reference is made in respect to making it easier for jobs to be created in towns and villages and to improve the conditions in which people live, work, travel and take their leisure. The proposal will not achieve these as there is no case that this proposal will make it easier for jobs to be created and this village is lacking in facilities to make it sustainable.

It is considered that the young persons will need considerable resources to be deployed for special needs individuals far beyond what would be required at a single household residence which will result in a significant carbon emission far away from the core area. Staff will be living away from the site which further affects sustainability.

Other matters

Residents have advised that there is a covenant on the property which prevents the dwelling being used for business purposes.

I moved to Stillington 15 years ago to get away from a street which was having problems with rowdy teenagers, the effect at the time of the numerous families that were moving from the street was a fall in the price of my house and I lost thousands of pounds, I do not want to experience this again. House buyers are constantly reminder that it is Location, Location, Location that make a desirable home, "located near to a residence for problem children" can only adversely affect our house prices and I am sure that the council will not be offering any compensation for such losses.

Why have Spark of Genius have already advertised for a manager for the Stillington property if they have received no assurances about planning.

The cost to the "Tax Payer" and in my opinion a misuse of tax payers money. A purchase price of £400,000, quite possibly another £100,000+ to refurbish the property, surely that money could have been spent on other projects around Stockton and it's surrounding areas!!

Devaluation of my and other peoples property around the surrounding area and if crime rates do increase then the financial burden would increase by a rise in insurance premiums.

Has a specific impact study to the local area has been performed as part of the current public consultation process. I am unsure if issues like access, health & safety for example form part of the LPA consideration, and has a safeguarding policy has been produced as part of the LPA application process.

The proposal will be contrary to Core Strategy objectives 1 and 7 which requires strengthening of the community cohesion.

The proposal will be unlikely to contribute to conserving or enhancing the natural, built environment or reducing pollution as set out in NPPF core planning principles 17 and 7.

The proposed change from a family place of residence will in effect create a place of business which is not in keeping with the character of the area.

I am alarmed that Ian Coates appears to have made his comments on behalf of Cleveland Police without any obvious factual, expert and historical basis nor independent advice. I am also disturbed about the communication with Jane Humphreys, who has a vested interest in this case, has occurred on the day before planning objections close. I therefore formally request his comments to be taken off this application and these actions be investigated.

After a phone conversation between Ian Coates and myself he stated that homes, such as these, with long term residents are unlikely to impact on levels of crime or anti-social behaviour in the area. On reply I stated I disagree and had formed my stance from factual evidence of the increase in crime and ASB around SOG sites, housing children for the long term in Scotland. He could not name 1 site to home such children in long term care in our conversation nor any factual evidence, neither vague nor specific, as to how he drew his conclusions just a few hours earlier.

It would appear Stephen Davies has completed his job within his remit. Weeks later it could be perceived that Jane Humphreys has then lobbied Ian who in turn has made his comments public without being fully aware of the facts to back up his comments regarding ASB, crime rates and that the proposed development site is next to a Primary School.

I am confused as to how Ian Coates of Cleveland Police can make his comments when it appears he is not in possession of all the relevant facts e.g. crime statistics at comparable sites and that the development is next to a school.

I would like to make an objection regarding the Old Vicarage from a child's perspective. I have lived in Stillington all my life and ever since i was allowed, I have been able to play with friends and walk anywhere in the village-without fear. I have many friends in all parts of the village and at the moment within reason I am free to visit my friends again, without fear and without looking over my shoulder. When I return from school each evening, I walk my dog freely. Due to this, i see a lot of people both young and old walking for the same reasons as me-they are always friendly. From what I have heard and what I have researched. I feel that my freedom may now be restricted. As a child, I love my freedom I get, and would be devastated if this was taken away from me. I regularly attend church and would be upset if any damage was done to it. Especially when people have such high hopes for this church.

The property has poor energy efficiency ratings; it is not habitable as a residential business and requires significant modernisation. In order to make the Old Vicarage suitable for children's home substantial changes will be required on the property leading to the loss of its original character, and at great cost. There are no plans for the required fire escape to bring it in line with fire safety regulations. Children residing at the Vicarage would be in potential risk of injury and harm due to the large volume of traffic that uses the only main road into and out of the Village, upon which both the Vicarage and the School are located.

Conflict of interest - The planning application is on behalf of and SBC so I strongly believe as a tax payer and due to the huge sums of taxpayers money being spent that the planning decision should be fully independent of SBC to alleviate the possibility of any future litigation that could take place due to impartiality.

A new planning application 14/1396/OUT has just been submitted for the erection of 54 houses including affordable housing directly opposite the old vicarage. If the spark of genius/SBC application is approved this will jeopardize this as it will be perceived that no

one wants to live opposite a home for children with complex social, emotional and behavioural difficulties with the increase in ASB which accompanies such residences.

My father is a retired Police Officer with experience of these residential properties and it concerns me that we do not have a regular Police presence in the village, therefore the response times for any incident will be maximised due to our isolated location.

If the committee find in favour of the application I would assume the following restrictions will be placed upon its approval:

- Widening of entrance
- The creation of a separate exit to the property.
- Sufficient turning facility created.
- That consent is for up to and no more than 5 residents
- That should a future decision be made to extend the property or change of use to hold more than 5 residents that it will not be allowed.
- Future change of use to house e.g. a lock down facility or used to house offenders by SBC solely or in partnership with another organisation would not be allowed.
- That an appropriate fire escape is installed.
- Access to the Church is adequately fenced off.
- Any upstairs / overlooking windows (into the school), in line with the SOG planning, are not to be used as bedrooms but storerooms only.
- That all the current fencing is increase to 8 feet and be closed, thus minimising the risk of children from the School or the Vicarage, from causing a nuisance to one another.
- That new entrance and exit gates to the Vicarage are created and are in keeping with the character and history of the property and the village.
- That the roads surrounding the School are provided with 20 MPH speed zones with an electronic sign flashing an individuals speed, upon entering the village.
- Road traffic calming measures are placed within close proximity of the School as a result of the increased traffic flow to and from the business.
- The records / risk assessments of the individuals to be housed in the building are assessed and monitored by an independent organisation.
- The records / risk assessments of the individuals are to be made available to the school and police.
- Regular open monthly meetings are held by SBC/SOG. This will enable good communication and links to the WCPS, Parish Council, Police and local residents.
- SBC asses the success and issues of the home along with SOG to then report back to WCPS, PC, Police and local residents.
- WCPS are given any funds, which the governors / head teacher / LEA deem necessary to ensure the safe guarding of the children are maintained at current acceptable levels.

Saving money has been the driving force behind this proposal.

The applicant has made assertions only in general terms that there are no alternative sites.

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.

Stockton on Tees 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

The Local Planning Authority are required to determine the application in accordance with the Local Development Plan unless material planning considerations indicate otherwise. The material planning considerations in determining this application are the principle and need for the development, Sustainability, highway and traffic related considerations and Social impacts on the surrounding area, the relationship between the proposed home and the adjacent school.

15. There are no policies within the saved Local Plan which are directly relevant to this proposal. Policy CS8(10) of the Core Strategy Development Plan and a number of other

paragraphs within the Plan are considered to be relevant whilst the guidance contained within the National Planning Policy Framework (NPPF) has some limited relevance.

16. 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. The NPPF offers guidance that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities and planning decisions should aim to achieve places which promote opportunities for meetings between members of the community, safe and accessible environments where crime and disorder and the fear of crime do not undermine quality of life.
17. 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. These and other material planning considerations are detailed below.

Principle of development

18. The proposed change of use is linked with the Council in that it would provide for 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 detailed 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.
19. 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 should 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.
20. 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.

21. 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.
22. 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. Notwithstanding this general presumption in favour of the principle of the proposed change of use, consideration needs to be given to all material planning considerations.

Sustainability

23. The proposed change of use relates to a property located in Stillington, one of the larger villages within Stockton Borough. A number of objectors have raised concern about the sites position away from the main urban areas, indicating that there are very limited facilities in Stillington making it an unsustainable location for this proposed use. Objectors have also referenced a council decision and appeal decision of a 1985 planning application relating to the change the use of the same property into a home for mentally ill patients. The Planning Inspector in that appeal decision considered there to be a need for community living for former patients of psychiatric hospitals and that this building was physically suitable. The Inspector considered however that the site was too remote from facilities of a range and type required to assist residents to become assimilated into the community and also considered that the property and the immediately adjacent school would be un-neighbourly because of the noise and disturbance associated with large numbers of young children and the privacy which both the residents of the house and those running the school should have. The Inspector considered a screen fence between the two would be insufficient to address this matter.
24. This appeal decision is dated with the Local Plan, Core Strategy, the National Planning Policy Framework and other policy documents having come into force since then. In addition, the type of residential home currently being proposed is different to that which was the subject of the earlier appeal. Of most relevance to the matter of sustainability is the councils 'Villages Study' which is part of the evidence base for the development plan. The villages study has identified Stillington as the most sustainable village within Stockton Borough and one which is adequately sustainable to justify the erection of new dwellings within it. The relevance of sustainability to this proposal compared with a normal dwelling is slightly different as staff will have to access the site and residents will only ever be of an age where they do not require employment and residents will be bussed to school in Norton, as such, the child residents main demands are likely to revolve around leisure and recreation. Whilst Stillington has not got any significant level of leisure opportunities, some do exist. If these are sufficient to serve local children and new residential accommodation, it is considered that the location is adequately sustainable for the proposed use.

25. Objectors have referred to the Children's Homes National Minimum Standards stating that a home's location and design promotes children's health, safety and wellbeing and should avoid factors such as excessive isolation. Further reference is made by objectors to the NPPF and its requirements for sustainability which is indicated as being a golden thread running through the NPPF. Officers consider that the property could not be considered as being isolated, being within the centre of the village, next to a school, a church and being in close proximity to a village hall, forest park and employment. The use would need to be staffed and would potentially offer job opportunities for people within the village which in itself has the ability to improve the villages sustainability credentials.
26. Officers would agree with objectors that a use of this nature will need other services / professionals to feed into its operation but consider that this does not render the site as being unsustainable.

Highway and traffic related considerations

27. The proposed use aims to accommodate 5 children / young people between the ages of 8 and 18 and for there to be staff there 24 hours a day who would operate on a shift rota basis. Staff would double up at shift change over times which overlap. Although the submission indicates that there would be 17 full time equivalent staff involved with the premises, it indicates that there would be no more than 6 on site at any one time. Residents have raised objection on the likely amount of traffic accessing the site and are concerned that this will include health visitors and other professionals which would add to the overall numbers as would friends and families of the children.
28. The applicant has indicated that professionals will be encouraged to visit the children at school, (King Edwin School, Norton) and that interaction with families and parents is encouraged away from the home, at either the family home or as part of an outing where meaningful contact can be achieved. The indicated shift swap times are generally away from peak hours for traffic movements and should therefore not have any significant impact in this regard, particularly in view of the numbers involved. The applicant has also indicated that the home would not receive commercial deliveries and that items such as food and cleaning products will be collected by staff and that mail and refuse would be dealt with as it would at any other dwelling. Although these intended traffic movements may not always materialise as intended, it is clear that the management of the home has the ability to reduce the potential for traffic at the site.
29. The submission incorrectly indicated that there were two vehicle access points into the site and local residents have picked up on this matter. The access to the property is off Morrison Street, the main road through Stillington. The access is formed by stone walls on either side which continue to form boundaries lining the edge of the pavement adjacent to the highway. The wall to the east of the access is approximately 2m in height the wall to the south a little lower. Both of these restrict visibility along the highway and footpath when exiting the site.
30. Residents have raised concerns over the risk to highway safety from traffic, (increased or otherwise) leaving the site in terms of pedestrians and in particular small children and for vehicles driving along Morrison Street. Residents have cited other highway safety matters such as the access being directly opposite a bus stop, close to the no parking zone and pedestrian crossing associated with the school, that heavy goods vehicles use Morrison Street to access the industrial estate and that there is significant traffic and pedestrians associated with the school at varying times. Objectors have also advised that the present entrance to the Old Vicarage is not sufficiently wide enough to allow Ambulance and fire services to enter without hindrance and that the entrance is obscured by high foliage which creates a blind spot when having to pull out of the site. A photograph of a child's eye view

walking past the access was submitted to demonstrate this point as residents advise that many children walk past the site, often in-front of their parents.

31. There is only a single access into the site off Morrison Street which is a 30mph road at the point of the access. The Head of Technical Services has acknowledged the proximity of the access to the school and noted the issues of pedestrian visibility, advising that visibility between persons using the footpath and vehicles exiting the site should be improved by lowering the wall and removing vegetation to either side of the access. A condition is recommended to address this matter.
32. In accordance with SPD3: Parking Provision for Developments 2011, the proposed C2 use should provide 1 in-curtilage car parking space per full time member of staff (maximum number on site at any given time) plus 1 space per 5 residents (visitor provision) plus space and adequate manoeuvrability for ambulances. It is considered that for this specific use an ambulance would be able to access the site as with any other dwelling therefore the space should be provided for a professional visitor. With a maximum of 6 staff on site during shift change over and 5 residents and 1 professional visitor space, 8 in-curtilage car parking spaces are required.
33. Objectors have also raised concern over the ability for emergency vehicles to access the site, for adequate parking to be provided within the site and for vehicles to be able to get turned within the site to allow them to exit the site forwards rather than reversing.
34. The Head of Technical Services has advised that for this use, in accordance with the councils Supplementary Planning Guidance on provision of parking, 8 in-curtilage car parking spaces are required and that there is adequate space within the site to achieve them whilst allowing turning to ensure drivers enter back onto the highway in a forward gear. In order to ensure this is delivered, a condition is recommended to achieve the provision of the layout prior to the use being brought into operation. Residents have raised concern that increasing the size of the driveway access would lead to impacts on the character of the area and on protected trees. Whilst noted, it is considered that only minimal works, if any, would be required to achieve the relevant levels of parking.

Social impacts on the surrounding area

35. 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 is therefore be relevant to the consideration of this application.
36. Objectors have referred to the Children's Homes National Minimum Standards stating that a home's location and design promotes children's health, safety and wellbeing and should avoid areas that present significant risks to children.
37. The significant basis of objection to the application relates to resident's concerns about the actions and behaviour of the children who would be residing at the property. Residents are concerned that the use will result in unacceptable levels of anti-social and criminal behaviour and that the potential for this to occur will be exacerbated through housing the children in an area where there are only a limited number of things to occupy them. Residents are concerned that vandalism and other problems may occur at the church, may affect sympathetic use of the church ground and may impact on the nearby forest park and its use.

38. Residents believe that the children managed by Spark at King Edwin School in Norton are already causing disturbance to residents and that it will be similar children who would reside at the Stillington Home, i.e. those attending King Edwin School who have to do so due to them being unsuitable to attend mainstream schools.
39. Residents consider that the reassurances given by Stockton Council and Spark of Genius about the types of young person's to be housed are inaccurate and misleading suggesting that they gave assurances that the children to be housed there would not pose risk to the children in the adjacent school, confirming that the children being brought back would not have a history of drug problems, sexualised behaviour, self harm and violence. A resident has provided web links to Stockton's agenda website under the social care section. These links detail children being moved out of the area due to matters such as significant drug abuse, not being safe from drug dealers, risk of sexual exploitation, posing risk to others, risk taking behaviour, sexualised behaviour and challenging behaviour. Residents assume that it is these children who will be returning to the Borough and that the children in the home will therefore have these or similar behavioural issues.
40. Residents have made reference to police incident/crime figures for other Spark of Genius homes in Scotland obtained under Freedom of Information and advise that they were shocked to see that during the period April 2013 to April 2014 there were multiple incidents at all their locations. Indeed three of these homes, which cater for the same number of young people such as this proposal at Stillington, are indicated as resulting in police call outs between 54 and 59 times a year and between 8 and 23 crimes per year. There is no detail on the reason behind the call outs or on the crimes. Notwithstanding this, residents consider that such volume of incidents will have a significant and negative impact on Stillington, the school and immediate area. Other figures and statistics have been quoted and are detailed in the publicity section of this report. Further instances of residents own findings and own understanding of anti-social behaviour are also detailed within the publicity section.
41. Whilst these points are noted, there is no indication these issues would materialise from the proposed use and that such matters would be any different to those already occurring in a residential area. Officers consider that it would be inappropriate to pre-determine that the children living there would undertake significant criminal activity or be anti-social in the sense of the objections raised. Figures cited are without specific reference so police call outs could be for a wide range of matters and ones which may or may not have been of a nature where surrounding residents were at risk or surrounding areas were being affected by vandalism etc. Similarly, the extent of criminal activity is not evidenced in detail.
42. Notwithstanding the level of supporting evidence to these objections, the intention of the applicant is to provide a home for children within a good environment, which will give them a better opportunity than may otherwise exist. The children who would be eligible to reside at the home need to live somewhere and that somewhere will most likely be a residential area which by definition would be in close proximity to existing residents. Any impacts from such a use (positive or negative) will therefore occur within a residential context as would the positive or negative impacts of children who already reside in those areas whether being cared for by biological parents or others. Whilst noting objectors comments that the home should be somewhere else, the application has been submitted and needs to be considered. There has been no alternatives been put forward by the applicant and the application therefore needs to be considered against the material planning considerations and either approved or refused on its own individual merits.
43. Residents have cited examples of anti social behaviour, drunken children congregating in areas, vandalism etc and understandably, do not want such behaviour taking place within

their community, particularly as they consider the response times from emergency services to Stillington is poor which would allow problems to escalate into more serious issues. Objectors also raise the potential for general noise and disturbance from the home.

44. With regard 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 where the ability is for such wide ranging variations. 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 how well the site is managed. Stockton Police's Crime Prevention and Architectural Liaison Officer indicated that this type of premises has the potential to increase incidents of crime and disorder and it is therefore essential that good management of the facility is in place and that proper control of the residents is also in place to reduce this risk. The Police further advise that a strict selection process is put in place as to the suitability of any proposed residents prior to them residing at the premises which is again considered to be a management issue.
45. Residents have cited development plan guidance about providing safe areas for people to live, reducing crime and anti-social behaviour and providing a quality of life for existing residents, all of which are relevant considerations. These policies however would also apply to the future occupiers of the home were it to be operated and as there is no evidence that the children will categorically cause the impacts referenced by objectors it is considered to be unjustified to warrant refusal of a proposal of this nature, particularly as its scale should limit the overall potential for impacts and should allow for an ease of management over a larger form of accommodation.
46. 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. 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. It is 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.
47. 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.
48. As with the approval of a children's home in Thorpe Thewles in 2013, officers consider that this current application site is a residential area and the character and manner in which it operates should largely remain in-tact were permission to be granted. As with any development or use, it needs to be of a scale which is representative of the surrounding environment which in this case is a residential area of family homes. 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 with its surroundings.

49. The application is aimed at giving care to children and young people between the ages of 8 and 18 and would not be used for transitional accommodation, 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, beyond 18 and the individuals would no longer be considered to be children and would not fit with the basis on how this application has been submitted or considered. As such, and to prevent ambiguity in the future, it is considered necessary to limit the home to provide accommodation for people up to the age of 18.
50. 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. 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, the property being adjacent to the main road within the village and slightly away from existing residential properties (in the majority) and shift changes being at hours when the majority of people would normally be awake, it is considered that traffic movements would have limited impact on surrounding properties in terms of privacy or amenity.

Relationship between the proposed home and the adjoining school

51. The proposed home is located immediately adjacent to and shares a boundary with a primary school which residents advise also runs as a nursery. Residents have objected to the siting of the home next to the school indicating that bedroom windows directly overlook the school building, its windows, and its playground considering that the boundary between the two is insufficient to prevent voices carrying over it and that parts of the boundary are such that it would be quite easy for residents of the home to throw things over the boundary, shout over it or climb over it and therefore offers little protection against objects being put/thrown into the playground/field. Residents indicate that young children at the school have little understanding of the possible dangers posed by broken glass, drug paraphernalia or such like.
52. Residents highlight that the school accommodates children from nursery age up to 11 year olds and that these children would be vulnerable to be affected by older children that are likely to be housed at the home, therefore considering this proximity is unsuitable for a use which would house people with social, emotional and behaviour problems. Residents have questioned how the children at the home could be deemed unsuitable to attend a mainstream school, due to behavioural matters yet can be deemed suitable to live next door to a school of young pupils.
53. It is understood that Spark of Genius has advised residents that the children from the home will be at school when the Stillington School is open, although residents consider that its residents may abscond frequently from school or could be off school ill etc and could therefore come into contact with the primary school children adjacent to the home.
54. Some residents accept that all children should be given the best opportunities in life but feel the location of this home next door to the nursery and primary school is inappropriate and a better location should be sought. Some residents have suggested that parents may feel the need to remove the children from the school for their safety which they consider may affect the long term viability of the school.
55. Residents consider that the staff of William Cassidi Primary School will have extra pressure placed on them when carrying out their responsibilities caring for their pupils with the proposed Children's Home overlooking the School playground and its close proximity to the

playing field. The governing body of the school have also objected to the proposed change of use adjacent to their school grounds, considering it to be totally unsuitable. They consider that the lack of information available about the homes future residents has the potential to seriously impair the school's ability to adequately undertake the appropriate safeguarding and child protection risk assessments that would be required. The school therefore consider that they would be unable to assess and implement measures to protect the two hundred children placed in their care.

56. The school have indicated that they sought clarification from Spark of Genius who has advised that risk assessments will be undertaken to determine the needs of the five children in their care but the Governing body of the school are highlighting their need to must consider the needs of the two hundred children at the school.
57. The school have indicated that their Designated Safeguarding Officer was offered to participate or have an involvement in the selection process for those who could potentially be placed at the children's home but indicate that this was categorically refused by Spark of Genius and consider that reassurances given by Spark of Genius are inadequate as they consider a joint approach is needed. The governing body of the school suggest that whilst residents of the home are likely to have education provided in an alternate provision (King Edwin School, Norton) they may be on reduced timetables to meet their needs, have concerns or past concerns of school phobias, and that figures show that non-attendance occurs.
58. The Governing Body has advised that a large number of parents and members of the community have expressed their grave concerns and fears for the school over the proposals and most worrying is that the perception of parents is that the school would be unable to adequately protect their children and as a result children will be withdrawn from our school, which they advise has been at the heart of the community for over one hundred years.
59. The potential for an impact on the school and its associated pupils appears to be the strongest point of objection raised by the majority of residents and the proximity of the school to the home appears to be the key to this concern. Whilst the home shares a boundary with the adjacent school, the home will have staff on site 24 hours a day, its children are intended to be taken to school by bus and interactions with families and professionals would be encouraged to take place away from the home. Officers appreciate that children may not attend school continually and that there may be children at the home whilst there are children at the adjoining school.
60. Notwithstanding these points, Spark of Genius would have the responsibility to manage the home and the children it selects to live there and the Councils Children Education and Social Care team are in a venture with Spark of Genius to provide these homes. The Council arguably has wide ranging responsibilities and it is considered that between Spark of Genius and the Councils Children, Education, and Social Care Department, they would have the ability to manage this situation. It is also considered that schools governing body appear to have put forward a sensible offer having their own safeguarding officer as part of the selection process for the children that would be housed at the home, however, this is considered to be beyond the remit of this decision.
61. There has been no objections to the proposal at this location from the Police or from the Councils Children, Education and Social Care department and it is considered that subject to adequate management, which should be in place, then the close relationship between the proposed home and the school is considered to be adequately addressed.

62. Objectors referred to a 1985 decision whereby the change of use of the property to a home for the mentally ill was refused and dismissed on appeal. The Planning Inspector considered that a home for the mentally ill and the school would be neighbourly because of the inevitable noise and disturbance associated with the large numbers of children and the privacy which both the residents of the home and those running the school should have. In view of the current proposal being a home for children who will for parts of the day attend school, although accepting attendance may not be continual, it is considered that this un-neighbourly conflict raised in the 1985 Planning Inspectors decision would be out of context with the current proposal.
63. Residents have referred to a planning application decision that the Council made (07/1779/REV) for a property on the opposite side of the school whereby a condition was imposed on windows in an extension which would overlook a school to prevent them from being opening. Residents consider the decision highlights conflict with the “vulnerable users of the school”. Whilst noted, the windows in the application property already exist and will remain to be bedroom windows rather than new windows within a new extension.

Other Matters

64. Residents have advised that there is a covenant on the property which prevents the dwelling being used for business purposes. This may be the case; however, this is not a material planning consideration.
65. Residents consider that the home will increase insurance premiums, devalue properties and prevent people from wanting to move to Stillington. Devaluation of property is not a material planning consideration.
66. Residents question why Spark of Genius have already advertised for a manager for the Stillington property if they have received no assurances about planning permission being granted. This is not a material planning consideration and whether Spark of Genius have or have not already advertised for staff at the site should have no bearing on the decision making of this application.
67. Residents consider that the money could have been spent elsewhere and that this is an unsuitable use of tax payers money, questioning the integrity of the council in operating in this manner. Whilst noted, these are not material planning considerations.
68. Has a specific impact study to the local area has been performed as part of the current public consultation process. I am unsure if issues like access, health & safety for example form part of the LPA consideration, and has a safeguarding policy has been produced as part of the LPA application process.
69. Residents consider that the proposal will be contrary to Core Strategy objectives 1 and 7 which requires strengthening of the community cohesion and that the proposal will be unlikely to contribute to conserving or enhancing the natural, built environment or reducing pollution as set out in NPPF core planning principles 17 and 7. The principle of bringing children back to the borough who are in essence residents of the borough that were previously moved out for varying reasons is considered to represent cohesion of the community to some extent whilst the proposal is considered to be neutral on its impacts on the natural and built environment and would not have significant impacts on policy aims to reduce pollution.
70. Although residents consider the proposed ‘business’ will be out of keeping with the character of the area, the dwelling will remain to be residential accommodation and would be the home for up to 5 children which is considered to be generally consistent with the existing character of the area.

71. The objectors to the scheme have in part referenced the comments from Stockton Police which highlight the potential for the use to increase incidents of crime and disorder and that it is essential that good management of the facility is in place and that proper control of the residents is also in place to reduce this risk. Residents have raised concern however, over the comments from Cleveland Police which advised that a number of operational officers from Stockton Police Management Team have previously been consulted and that following liaison with senior members of Stockton Borough Council, Cleveland Police do not wish to raise any objections or concerns in relation to the development of the premises as a Children's Residential Home for young people in long term care, being satisfied that the children who will be accommodated there are unlikely to impact on levels of crime or anti-social behaviour in the area. Whilst residents consider the two sets of comments to be at odds with one another or without factual or historical basis, it is relevant that the proposed home needs to be in a residential area in order to serve its function. It is also the case that the children who reside there will vary in their social functioning. As such, it is considered that one approach will not fit all and that, as stated by Stockton Police, a use of this nature would need to be run properly and that careful and sensible selection of residents should take place, for both the benefits of all (residents and surroundings).
72. Objectors consider the property has poor energy efficient ratings, is not habitable as a residential business and requires significant modernisation to generally and to meet fire regulations and children living there would be at risk without such works taking place. Whilst noted, these are not material planning considerations.
73. Objectors consider that there is a conflict of interest in the council determining this application as they have involvement in the venture and its success. Whilst noted, it is considered that there is no conflict of interest, as no elected members sit on the board of the Joint Venture, and the committee is required to determine the application in accordance with planning legislation, planning policies and material planning considerations. The local planning authority is a quasi-judicial body which makes its decisions independently of the Council. Stockton Borough Council's Planning Committee is the empowered mechanism for the determination of this application. As with any application, it needs to be considered on its own merits against the development plan and all material planning considerations. This report is that consideration.
74. Residents suggest the proposal could jeopardise a recently submitted application to undertake a residential development on the opposing site of Morrison Street to the site. Whilst noted, there is no indication or evidence that this would be the case.
75. Some residents have suggested that if permission is granted, it should be subject to a range of conditions as detailed in the publicity section of the report. Some of these suggested conditions have featured in the conditions recommended, some are not considered to be necessary, some would be relevant to other legislation and control whilst some would require separate permission in their own right.
76. Some general support has been provided in comments received, whilst some comments have been received. One comment of note was the hope that staff of the home would have the highest level of qualifications which is considered to be a matter for the relevant authority but not planning.

CONCLUSION

77. 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 in a location deemed within the villages study as being adequately sustainable to accommodate additional residential accommodation. Whilst objectors consider there are better locations

for such a use, this application needs to be considered as submitted which is for a children's home at this site and there are no known reasons why in principle, the use would not be acceptable in this location.

78. The significant concerns of local residents over the potential for anti-social behaviour and criminal activity 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 and to prevent it out scaling the its residential surroundings. 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 reflect in part the number of children that could be accommodated within a large family home.
79. It is considered that there is no undue risk to highway safety, that adequate access and parking can be provided subject to slight works being undertaken and although the use would almost certainly intensify traffic use at the suite, this would not be to a degree which would substantially harm the surroundings or increase risk to pedestrian or highway safety.
80. The property and its associated gardens are considered to be of a size which will adequately provide for the future users of the site.
81. 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	Western Parishes
Ward Councillor	Councillor Andrew Stephenson

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 out-with the existing character of the wider area which is entirely residential in nature.

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 7th March 2013.

Planning of rural villages update report 2012