

**DELEGATED**

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

**14/1211/COU**

**Red Plains, 118 Darlington Road, Stockton-on-Tees  
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 on Darlington Road, Hartburn 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 anti-social and criminal behaviour in the local area, that people will fear this occurring, that this will change the feeling and character of the area, will influence existing children, that additional traffic will cause nuisance and risk to highway safety and that the area is generally unsuitable for such a use. Other comments are made about the way in which the purchase of the property was undertaken and the impartiality of the council determining the application in view of its interest in the proposal. Comments of support include suggestion that people's fears are unjustified, that the children should be given a chance, that the area is a good location for the children and that traffic should not be an issue.

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. 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 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, that adequate access and parking can be provided and although the use of the site and comings and goings will intensify as a result of the proposal, this would not be to a degree which would substantially harm the surroundings taking into account the property being a large detached dwelling, served off a stretch of highway restricted to 30mph and which has good visibility along its length.

## **RECOMMENDATION**

***That planning application 14/1211/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 plans;*

<i>Plan Reference Number</i>	<i>Date on Plan</i>
<i>SBC0001</i>	<i>8<sup>th</sup> May 2014</i>

*Reason: To define the consent.*

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

*Notwithstanding the provisions of the Town and Country Planning Use Classes Order 1987 as amended 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. PARKING SPACES**

*The use hereby approved shall not be brought into use until a scheme of parking has been provided on site in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.*

*Reason: In order to ensure adequate provision of hard surfacing for parking is provided at the site.*

## **INFORMATIVES**

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

## **BACKGROUND**

### ***Site relevant Background***

1. Background planning history relevant to this property relates to the extension of the dwelling as follows;

- a. 92/0421/P – Demolition of existing garage and utility and erection of attached garage, utility with rooms above. Approved 3rd April 1992.
- b. A single storey sun room has also been erected to the rear of the property

### ***Background to the scheme***

2. 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 property is a large detached dwelling, located along Darlington Road in Hartburn on the western side of Stockton and which leads from the Yarm Back Lane / A66 junction into Stockton. The area is a residential part of the town in one of the more leafy areas which is characterised by relatively large properties within large established plots.
4. A bus stop lies immediately opposite to the property, Harpers shopping parade lies approximately half a mile to the east of the site and recreation space is located in the surrounding environment.
5. The property has relatively large front and rear gardens, an attached double garage and a large expanse of block paving to the front which is part of a loop driveway which has two accesses onto Darlington Road. Residential properties lie to either side of the property and on the opposing side of Darlington Road.

### **PROPOSAL**

6. 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).
7. 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.
8. 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
9. 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.

10. 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.
11. 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.
12. 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.
13. 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**

Consultations were notified and comments received are summarised below:-

### **Councillor Terry Laing**

My objection is based on the following material planning considerations:

Adverse effect on residential amenity. Noise and disturbance related to occupants and visitors to the property.

Safety concerns. Busy and dangerous road with many incidents of speeding and evidence of resultant accidents. Although regularly monitored for speed the speed limits are constantly exceeded putting children at risk.

Fear and perceived fear of crime from residents and visitors to the purchased property. This leads to distress and ill health of occupants in close proximity to purchased property.

Highway issues due to increased movement of staff and service vehicles in and out of property.

There are two bus stops close by which increases the risk.

Loss of privacy. The house is set in the heart of family communities and overlooks gardens of property at both sides.

Impact on the character and appearance of the area.

The main concern is the lack of public consultation prior to the purchase of the property.

This was not an open and transparent process.

#### Councillor Ken Lupton

I wish to register my objection to the above proposal for change of use from a domestic family home to a residential institution. As there was no prior consultation with residents or Ward councillors, before the property was purchased, the issues that could have determined the impact on neighbours that are not "material planning applications" have not been determined, contrary to the Council's consultation strategy "Lets Listen".

This lack of consultation has denied residents and councillors the opportunity to inform and influence the decision and has created mistrust and brought the Council into disrepute.

However, I make my objection on the following planning grounds: -

**Pedestrian Safety** – There is no safe walking route to schools. Darlington Road is a main arterial road with no pedestrian crossing points (requests for these or pedestrian refuges have been refused by the Council's Highway Engineers as unsuitable in this location) there are no school crossing patrols and there is abuse of the 30 mph speed limit evidenced by the regular attendance of police cameras in this location.

**Sustainability** – The number of vehicle movements will increase significantly as 17 staff and service

vehicles using the premises will inevitably increase carbon emissions. If the children are transported to King Edwin school in Norton they will, by necessity, have to negotiate the congestion at peak times around the following schools; Holy Trinity/Rosehill, Hartburn Primary, St. Marks Primary, Ian Ramsey, Grangefield, Bishopsgarth and Red House increasing the already difficult conditions around these locations.

**The fear of increased crime and disorder:** - From anecdotal evidence given by a local police officer at a recent public meeting of his experience of problems associated with similar establishments in

neighbouring authorities, particularly from young people from outside the home congregating and causing a nuisance, the fear of potential anti social behaviour is a real one.

These problems are further evidenced in a study commissioned by the Department of Education, entitled "Living in Children's Homes" undertaken in 2010.

**Traffic safety** - Although there are two accesses to this property one shares an entrance driveway with an adjacent property and could result in movement conflict with the significantly increased traffic engendered by this proposed change of use.

I would therefore urge the Planning Committee to reject this application.

#### Stockton Borough Council - Environmental Health Unit

I have no objection in principle to the development, however, I do have some concerns and would recommend the advisory condition be imposed restricting hours for construction works taking place at the property.

#### Stockton Borough Council - Head of Technical Services

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 however 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. Given the likely increase in vehicle movements the loop drive should be maintained to enable drivers to enter the highway in a forward gear. There is sufficient space within the site to provide the requisite number of in-curtilage car parking spaces and retain the loop drive, details of which should be conditioned. Cycle parking can be accommodated within the garage.

Darlington Road is 30mph at this point and the required visibility of 2.4m x 43m is available at both access points.

Subject to the above there are no highway objections.

#### Landscape & Visual Comments

This proposal has no landscape or visual implications.

### Stockton Borough Council - 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 carer's.

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

#### 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.

#### Stockton Police Crime Prevention and Architectural Liaison Officer

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 to do 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.

#### **PUBLICITY**

Neighbours were notified and responses received total 64, 58 letters of objection and 6 letters of support. Comments have been received from the following and their content is summarised below;

##### ***Supporters***

Mr Philip White, 28 Harlsey Crescent Stockton-on-Tees

Mr Ged Waters, 100 Harlsey Road Stockton-on-Tees

Mrs Susan Waters, 100 Harlsey Road Stockton-on-Tees

Sharon Moore, 10 Marrick Road, Stockton

Mrs Elizabeth Graham, 17 Reeth Road Stockton-on-Tees

##### ***People raising General Comments***

Mr Ian McCullagh, 4 Harper Terrace Stockton-on-Tees

##### ***Objectors***

Mr Carl Hall, 19 Tunstall Road Stockton-on-Tees

Mr Douglas and Miss Doran, 52 Harlsey Crescent Stockton-on-Tees

Mr Stephen Daniels, 120 Darlington Road Stockton-on-Tees  
Mrs Margaret Copland, 24 Grinton Road Stockton-on-Tees  
Ted & Sheila Sherlock, 87 Darlington Road Stockton-on-Tees  
Mrs Wendy Tott, 145 Harlsey Road Stockton-on-Tees  
Mr Paul Trippett, 2 Reeth Road Stockton-on-Tees  
Jack Carter, 82 Harlsey Road Stockton-on-Tees  
Mrs Linda Oliver, 31 Marrick Road Stockton-on-Tees  
Mr Andy Johnson, 14 Theakston Grove Stockton-on-Tees  
Mr and Mrs Richie, 2 Woodside Grove Stockton-on-Tees  
Miss Judith Mannion, 16 Springfield Avenue Stockton-on-Tees  
Mrs Rita Richardson, 10 Hackforth Road Stockton-on-Tees  
John & Jenifer Robb, 17 Woodside Grove Stockton-on-Tees  
Mr John Rogerson, 26 Marrick Road Stockton-on-Tees  
Mr Anthony Hoban, 20 Birkdale Road Stockton-on-Tees  
Mr and Mrs Tash, 20 Woodside Grove Stockton-on-Tees  
Patricia Wilkinson, 95 Darlington Road Stockton-on-Tees  
Alan Wilkinson, 95 Darlington Road Stockton-on-Tees  
C Simpson, 18 Grinton Road Stockton-on-Tees  
Martin Smith , 94 Darlington Road Stockton-on-Tees  
Mr And Mrs Thompson, 1 Birkdale Road Stockton-on-Tees  
I Hastings, 1 Brompton Grove Stockton-on-Tees  
Dawn Pattison, 67 Harlsey Road, Stockton  
Claire Trippett, 2 Reeth Road, Stockton  
Anthony Kendall, 100 Darlington Road  
Patricia Douglas, 97 Darlington Road  
Patricia Betti, 9 Branksome Grove, Stockton  
Miss J Pattison, 10 Kenton Close, Stockton  
Mr and Mrs Jones, 116 Darlington Road, Stockton  
Mr Shahid Ahmed, 91 Darlington Road, Stockton  
Mrs Barbara Dobson, 6 Anesty Court, Stockton  
Mr Kenneth Jones, 6 Village Paddock, Stockton  
Mr S J Cornwell, 7 Woodside Grove, Stockton  
Mrs Vickie Collins, 3 Woodside Grove, Stockton  
Mr M Nellist, 20 Tunstall Road, Hartburn, Stockton  
Mrs Joyce Edwards, 118a Darlington Road, Stockton  
Mr Nadir Mughal, 104 Darlington Lane, Stockton  
Mr Colin Rodgers, 39 Birkdale Road, Stockton  
Mr H Steiner, 114 Darlington Road  
Miss S K Steiner, 114 Darlington Road, Stockton  
Mr Abdul Salam, 89 Darlington Road  
Michael Renwick, 21 Grinton Road, Hartburn  
Mrs S Peeks, 14 Hartburn Village  
Sylvia McDonald, 132 Harlsey Road, Stockton  
Edward McDonald, 132 Harlsey Road, Stockton  
Pauline Stewart, 23 Branksome Grove  
Mr & Mrs Jackson, 108 Darlington Road  
M Linacre, 23 Fairfield Road, Stockton  
Peter Goring, 99 Darlington Road, Stockton  
Karen McNeilly, 149 Harlsey Road, Stockton  
Mr & Mrs Davies, 101 Darlington Road, Stockton  
Mrs Lynsay Hughes, 67 Darlington Road, Stockton  
Lee Dobbing, 10 Wynyard Road, Wolviston



**Support Comments (summarised)**

As a resident who lives within 200metres of the development, I wholeheartedly support the application. These juveniles need support & I feel that a warm hearted community such as Hartburn will be the perfect location for this support.

Support the application and query the six grounds for objection provided by Hartburn Residents Association to local residents.

There is no reason why there should be any greater noise or disturbance than with any other residents of Hartburn.

The speed limit is 30 miles an hour on Darlington Road so no car should be travelling at speed. The property has a large horseshoe drive with numerous parking spaces.

The house is set on the fringe of Hartburn on a main road with a large garden so difficult to see how it can overlook other properties.

Objectors not feeling safe from five children is beyond my comprehension

How can objectors feel their human rights have been infringed from five vulnerable children?

what happened to innocent until proven guilty?

I have lived round the corner from this property for over forty years and I fail to understand how certain Hartburn residents have reacted to the proposed home for five vulnerable children who we should be only too happy to support. What sort of people would deprive these children of the chance to live in such a nice area, what would they prefer that the children live in a deprived area where they can be forgotten about. What sort of world would it be where humanity is judged by the price of property - not a good example for our children and grandchildren. I fully support the planning application for these children.

It seems a win win to both have local children living in their own locality and for it to be a cost effective move as we understand out of area care is more costly. We have lived less than five minutes away from the planned development for over forty years and change happens! The property has a large drive so parking should not be a problem.

There is already a care facility at the village end of Harlsey Road and this manages just fine to be part of the Hartburn community. Indeed uses such as these has actually saved some of these fine large buildings in tact instead of dividing them up into flats etc which has got to be a good thing. We hope these new residents feel welcome in Hartburn.

Spark of Genius are an organisation with a proven track record of supporting vulnerable children and young people. I believe that the intensive support offered by such an organisation can enable such young people to live productive lives as adults. This can only be beneficial to society as a whole. I also believe that providing care for local children in the local area can only be a good thing.

I do not believe the presence of five extra young people in the Hartburn area will have any significant impact on crime or disorder. Hartburn is a built up area with many children and young people living locally, some of whom may have behavioural or emotional difficulties. There are likely to be others who have or will commit crime. The young people living in the care home will be closely monitored, with 24 hour care provided, and I see no reason to assume that that are likely to be running wild, committing crime and disorder, as other commenters seem to think.

**Objection and General Comments (summarised)**

**Objections and comments relating to Safety and fear of crime**

In a 1997 case (West Midlands Probation Committee and Secretary of State for the Environment and Another) it was found that the concerns and fears held by local residents over a proposal can amount to a material consideration as quoted under Section 70 (2) of

the Town and Country Planning Act 1990. Further to this, in a 1998 case, (R v Broadland District Council and St Matthew Society Ltd and Peddlers Way Housing Assoc Ex – parte) where it was stated that “it seems erroneous to say that matters about which local residents are concerned, anti social behaviour by the residents are not matters which are capable of constituting material planning considerations”. In a further case in 2005 (Smith V First Secretary of State and Mid Bedfordshire District Council) it was held that the fear of crime must be real in that there must be some reasonable basis for that fear and that the object of that fear must be the use, in planning terms of that land. The case further found that there is no requirement that the fear of local residents be proven as inevitable or even likely.

It has already been admitted that the children have drink and drug related issues both of which are deemed the major causes of criminal activity and they should not therefore be specifically drawn back into a residential area unsuitable for them which is why a change of use should not be permitted.

It is evident that local reports regarding care homes have had issues with crime and disorder which has led to increased police activity and complaints by members of the public. Facilities such as this have the potential to increase the incidents of crime and disorder. The one thing we do know are that a lot of the looked after children have alcohol problems and may also take cannabis so you can see why we are so concerned, for this I refer to the meeting on 22 May 2014 and also SoG own website where they have employed a drug and alcohol misuse worker.

We assume the children could fall into the category of the Residential Young Person Profile which was on page 14 of Spark of Genius’s website (since removed) under Outcomes and Reviews of 2012. These were:

Challenging behaviour, Place of safety, Specific learning difficulties, YP diagnosed with a n Autism Spectrum Disorder, Substance, solvent and alcohol misuse, Significant trauma and attachment issues, Poor mental health, Those moving on from secure accommodation placements, History of offending behaviour.

We were told that this applied to the children in Scotland and not in Stockton and when we asked for the details of the children who could be coming back to the area in Stockton we have been told they have not been identified, but they have advised they are not the children on the Council’s own Egenda website so you wonder why we are confused and a tad anxious? Based on the above would you not agree that the fear of crime and the potential of anti-social behaviour is real?

Residents who have chosen to live in the area have chosen a low crime based area and many have children who they currently are happy to allow to play outside freely. This however could soon change as the Council have shown little regard for factors such as this and it wouldn't take many incidents for the reputation of the area to change drastically. If this scheme goes ahead, residents will no longer feel safe, will be forced to stay indoors, imprisoned in their own homes as they will not feel safe and may even be forced to move.

Suggestion that Spark’s of Genius children (2012)

84% were 12 to 15,

5% were 16-18

Therefore 89% were 12 to 18 years old on admission.

Residents consider that older children are more intimidating than younger ones and this will affect the elderly residents of the area more.

An online report on children's residential homes stated that 84% of the children have general behaviour problems, 69% of these being aggressive or violent. Spark of Genius' website even admits that approximately 80% of young people who are looked after and

accommodated are affected by substance misuse (this information is on the Therapeutic Approach page of their website).

On 30<sup>th</sup> May, a children's home in Bamber Bridge, Lancashire was ordered to shut down after a string of complaints about anti-social behaviour. We have been told by the council and Spark of Genius that there is nothing to worry about but I find that hard to believe, especially when the figures for looking after these children are so high; three children from one family costs the taxpayer £516,000 a year? I find these figures alarming.

I am blind, and last year my home was entered into in the early hours of the morning by a young man. I called the Police and he was removed. I later discovered he was in foster care, from the other side of Stockton, and he was not charged due to his complex needs. I'm sure you will understand that not being able to see and to have this happen is extremely frightening and upsetting, in fact it has had a long term effect on my emotional well being and the need to feel safe in my own home. I am concerned that there will be an increase in this sort of crime if this planning application is allowed to go through.

Both Stockton Council and Spark of Genius have a duty of care under the Crime & Disorder Act 1998. Whilst the Council believe that it is desirable to locate the residents within Stockton-On-Tees it can be argued that the Council are ignoring their duty of care to the current residents by locating the facility in an area where both temptation and susceptibility of the local community are ill-suited to the proposed facility.

The residents will be children with particular problems from within Stockton. Such children might be expected to have friends with similar problems who might reasonably want to visit the residents. This presents the possibility of children with particular problems passing through and visiting areas they would not normally pass through. The affluence of the area will inevitably be anticipated to present temptation to both the residents of the home and those visiting them. In consequence the community will be wary (even afraid) of the residents resulting in an unwelcoming environment which is not in the interests of the prospective residents or the prospective community.

It was admitted by SoG and SBC that some of the homes residents have alcohol problems, drug problems. Who gives them this, who pays for this, isn't it illegal?

The director of SoG could not answer questions about crime statistics at their homes.

There are criminal activities such as Prostitution (Yarm Road) and drug dealing (Harpers Parade) happening in nearby areas, clearly an institute for vulnerable children should not be located near to such places.

We look after our children so they don't come to harm whilst out playing and some are just becoming confident to go out / be allowed out on their own. We will now have to be very careful as Jane Humphreys says the residents of the home will be allowed to go out on their own once they get used to the area. Where is the 24 hour care if they are allowed out on their own?

I have read several comments questioning how five children can cause problems within the local community. As a result of this I spoke with staff at a local authority children's home who's residents actually attend a Spark of Genius School in the local area. I was informed most children attending the premises have severe emotional or behavioural problems or even both. I was informed that children go missing almost daily and are reported to the Police as missing from home or absent. I was informed the homes have an open door policy and they cannot lock the doors of the home meaning that the residents can come and go as they please at all times of the day and night. This is due to the Human Rights of the children at the home. Staff are helpless to prevent children leaving for fear of being

accused of assault. Staff are trained in retraining children but only use it in extreme case where children may harm themselves i.e. self harm or walk into traffic. Children going missing all the time will leave them vulnerable to being a victim of crime or being involved in crime.

There have been incidents in the past of children going missing who were of a sexual risk to other children, intoxicated with illegal drugs, carrying knives, being chased with people with knives. There have been incidents more recently of staff being assaulted and windows smashed at another Spark of Genius building in the Stockton area (Specific examples can be provided if required but not appropriate on a public forum). Also, the Evening Gazette documented two years ago about a resident of a children's home who seriously assaulted a younger girl from the estate he was playing with and left her by the Riverside.

CCTV only covers the outside of the building which was fitted to cover staff vehicles which were being damaged by the residents of the home.

We also understand that these children will be free to come and go as they please. Children always have a congregation area when out loose and we all know as local residents where that area will be. In the small park at the end of Harlsey Road! This will cause major problems for the residents who look out onto that area and the local police, who we are sure will soon get fed up with being called out every evening.

Reports from people living near other homes that there are lots of problems including cars being damaged etc. in the local area.

***Objections and comments relating to Highway Safety, Traffic and Parking***

The planned conversion of the property is likely to cause major disruption due to vehicle access to the site, Lorries parking on the road and noise/dust pollution while the work is being carried out.

Although the road is a 30mph zone many people exceed the speed limit which has been documented by The Evening Gazette reporting that a prominent local political figure lost his licence for speeding on Darlington Road.

Darlington Road is one of the main access roads to the A66 for emergency vehicles. The T-junction between Darlington Road and Birkdale Road is renowned to local residents as an accident black-spot. There is a bus stop outside the proposed site. All of which could lead to build up of traffic and potential for accidents. The driveway is long but the entrance is tight. Will it be sufficient to cover staff vehicles, children's home vehicle, minibuses and taxi as the children will require transport to school. At peak times the traffic will build up and potential for accident will increase.

In 2005 on making a planning committee site visit to 126 Darlington Road the coach that the councillors arrived in was parked 100 metres away in Birkdale Road and after being asked why, a councillor said that it was too dangerous to park it outside the gate to the field which is a similar distance from the junction with Birkdale Road as the drive to this application site.

To alter this property to a children's home will require a large amount of parking space and although this property may have enough space for 5 cars, that is not enough and therefore more vehicle's will be required to park on a very busy road, potentially blocking the road, where there is a bus stop on the other side, thus endangering lives, especially of children. There should be adequate provision for all cars and this home does not meet this

requirement. Please apply SPD3 and don't forget to allow for disabled parking (10%) and any other requirements under statutory law.

The applicant has declared 17 equivalent full time employees will work there and indicated only 9 spaces are required. I would assume that access primarily for emergency services (ambulance) - 10percent for disabled - bicycle space for every 2 members of staff - and 17 spaces as declared - (or shift pattern change around) - the two transport vehicles for school return trips- have all been considered plus the potential for five vehicles that will be the fundamental right of the children aged 17 years of age to use a vehicle and a fundamental right will be a fundamental right for the 5 families visiting their children plus visiting specialists has all been considered over the life cycle of this project is as declared? It is likely that there will be a considerable increase in traffic, associated noise and on road parking.

The fundamental rights of the children and family appears not to be in the car parking calculation nor planning application declared by the Operator "Spark of Genius (Training Ltd)" where SBC are the limited liability partner and have the duty of care over the Operator- statutory obligations must be included for evaluation, SBC are the "local authority"- It is the local authority who applies the policy and strategy and accountable, being the judicial venturing partner of Spark of Genius North East LLP

It is requested that the planning department to consider the Children's Act 1989-and HRA 1998 as an input into the car parking evaluation

" .....Contact should only be refused if there is a good reason to do so otherwise the party who refuses may be held in contempt of court, leaving the door open for further legal action against them ....."

As five children will be resident should an additional 5 car parking spaces be calculated for visiting families in accordance with statutory rights - 24 hrs 7 days per week and to honour the Human rights of the children. Or has this already been calculated in the 15 visitors per week as published?

How would an ambulance manoeuvre without making significant changes, whilst 9 vehicles are parked - in accordance with SPD3, noting that a ambulance can only use forward gear when entering or leaving a highway as required by law, geometrically, this is not possible at the property.

Surely hard landscaping adjustments and mature trees will need removing for visibility and safety and parking.

The property is situated on a two lane road with two bus stops very close to the front of the property. Additionally, junctions with Birkdale Road (accident black spot) and Harlsey Road both lie within 50m of the property. Finally, from 7am to around 9am on weekdays, traffic tails back from the nearby junction with the A66 trunk road. In considering this application, the resulting increased congestion, confusion and potential for accidents at peak times should be considered in respect of residents, staff and the general public.

Cars are regularly encountered parked inconsiderately on pavements in Hartburn and along Darlington Road and being unable to pass through the gap left between the vehicle and the fence or hedge residents are forced to walk into the road. One resident indicated this was a problem that she faced with her guide dog, often facing the dangerous situation of oncoming traffic. Other members of the Public, such as those in wheelchairs, those on crutches and parents with buggies, are also put in this dangerous position. Of course the added obstacles on dustbin day make many areas no go zones.

The regular shift changes of staff and the visits from partnership agencies will likely increase the traffic flow which will in turn bring the associated noise and parking issues. We have been advised by someone with knowledge of children's homes that every child will have a "looked after review and care plan". A team of professionals (as many as 7) would visit within 24 hours of a child being placed in the house, then again within 7 days and again within 1 month, although SoG have stated this will be done at the school, we understand that the team of professionals prefer to visit the children in their home environment.

The facility, as proposed, is situated on the outskirts of the municipality. This location maximises the distance travelled by a typical care worker from within the community: with implications for vehicle emissions (CO2/NOx) and road usage/safety. Has the council given proper consideration to situating the facility in a more central location?

No provision is made for children entering the property as pedestrians without being in conflict with existing vehicles. No provision is made for children's family members / friends visiting by car or the storage of bicycles and no provision for disabled parking.

There is no pedestrian crossing on Darlington Road near the home and the council have refused to put speed restriction measures down in the past due to it being a main road.

Is the drive and access adequately constructed to take the traffic?

### ***Objections and comments relating to Noise and disturbance***

The increase of noise and disturbance caused by a 365 day, 24 hour shift rota for employees and extra traffic visiting the property such as taxis, delivery services and off-site parking.

### ***Other / general objections and comments***

The pupils at King Edwin (who will reside in the house) have severe Special Educational requirements; they cannot go into mainstream schools as they have far more complex needs. At a public meeting the founder and director of SoG couldn't answer questions about absconding and anti-social behaviour.

If there are spare beds these will be sold to other areas in the country as long as they make £3800 per bed per week.

Objection to the use of 118 Darlington Road as applied for by SoG in a business partnership with SBC using the home / institution on a 50/50 business profit.

Loss of value of properties in the immediate area.

Concern about the loss of privacy as my property is barely a metre away from 118.

This is not a suitable area for children who have been moved from very different inner city areas.

The house is in the centre of the community and is too close to many residential homes, children with behavioural issues will impact on the residents. It infringes the human rights of residents in the adjoining properties to have and enjoy a peaceful, enjoyable private life.

This proposal infringes on Article 8 of the Human Rights Act which states that a person has the substantive right to respect for their private and family life. Private and family life therefore encompasses not only the home but also the surroundings.

Human Rights Act, Protocol 1, Article 1 states that a person has the right to peaceful enjoyment of all their possessions, which includes the home and other land.

The cost to the tax payer for the damage to the pavements caused by vehicles parking on the footways.

I feel it's inappropriate to publish names and addresses of objectors which and has prevented some objectors from making comment due to fear of repercussions.

The planning application is to be examined and adjudicated by the planning committee. The "118 Darlington Road" application carries an unusually high risk that those on the committee will experience a conflict of interests. Many will also be members of other committees with interests. While it is right that they promote these interests in other contexts, it would be wrong to allow external agendas to impact on this planning decision. The planning committee should be representative of the wishes of the electorate. Involvement in other relevant committees, while generally a good thing, may be argued to introduce a bias in this instance. Is there the possibility to ask those who perceive themselves to have a potential conflict of interests to abstain from participating/voting on this application?

The Councillors of Stockton Borough Council and Spark of Genius (Training) registered as Spark of Genius North East LLP with registered Office at King Edwin School is the applicant?

In (2008) EWHC 445 (admin) the court held that it was important that an application for planning permission correctly identified the applicant so that the relevant local authority knew with whom it had to deal. This was primarily for purely practical matters such as being able to communicate with an applicant through correspondence. However, it was noted that as a matter of principle, the identification of an applicant for planning permission could be regarded as irrelevant except, for example, where a personal planning permission had been sought.

The reason for this is because the task of a local authority is to consider the merits of the planning application before it. In the present case no issue in relation to the identity of the applicant for planning permission arose and in any event the application form clearly identified the interested party's agent. Therefore he could have been contacted to clarify any uncertainties that arose. The court rejected this challenge as the Council had considered the merits of the application and on the facts of the case no-one had been prejudiced by the name that had been stated on the application form.

How does Stockton Borough Council Planning Department intend to mitigate the argument of a prejudicial decision?

The underhand tactics which the Council have admitted to using in purchasing the property first before local consultation has a high risk factor of wasting public money (unless of course they had a guarantee of no objection from the planning committee). Having admitted to changing their approach after receiving public objection in other areas displays the Councils disregard of the public feeling in forcing through policies they believe are right.

This objective has clearly not been adhered to, by the fact that SBC and Spark of Genius went behind our backs, made the vendors sign a confidentiality agreement and plan to put a children's home in our midst?

The undisclosed purchase of this property using council tax payers' money is a totally unacceptable process and should not be allowed in an honest and open democratic society.

Have Stockton Borough Council considered that Hartburn already accommodates two children's homes for vulnerable people, also a day-care centre providing respite for children. Therefore why has the council not looked within the wider community to house our children in care?

Current Stockton Children's home of a similar size are covered by only two members of staff on a night. One member of staff sleeps whilst the other stays up to reporting missing children to the Police.

Staff at a children's home informed me of a local agreement whereby staff and children ring each other whilst missing even in the middle of the night to prevent Police being called looking for missing children. A specific example can be given but not appropriate for a public forum.

The children cannot be forced to attend school if they do not wish, although I would be fined £80 by the local authority if my child misses school.

This is a totally inappropriate location for this Home and I am concerned that all decisions about this Home are based on a political bias led by the Labour members of the Council. It is hoped that this bias will not sway the Planning Committee as the majority of the members represent the Labour Party. The application should be considered on its merits and the opinion of the public should be given a due and full hearing.

The rights of children to be moved into above property are being ignored as it is well documented that moving children within an area such as Hartburn is detrimental to their health and mental well being, this area will only have a negative impact on these children that will make matters worse

Is this location suitable for the proposed home. Where are the children going to go on an evening? There is no bus to take them anywhere for example swimming baths or cinema and it would be at least a 20 minute walk to a bus stop.

With the widespread use of the internet, it is relatively easy to discover issues in the vicinity of a property. It is to be expected that the siting of an institution (such as that planned by Spark of Genius and the Council) in a location will be perceived by potential buyers as a loss of amenity and consequently reflected in house prices of adjacent and nearby properties.

Stockton Council and Spark of Genius both have a duty of care under the Crime & Disorder Act 1998. While it is desirable to accommodate the residents in a residential facility within Stockton-on-Tees: we would argue that the council's duty of care is not well satisfied by locating the residential facility (with attendant crime and disorder risks) in a property where both temptation and susceptibility of the local community are so ill-suited to such an establishment. The temptation aspect is particularly ill-suited to the interests of the residents.



The council has a duty of care beyond the residents of this care home. Many others rely on the council to provide facilities within its budgetary constraints, including presumably capital constraints. In spending so freely on this project (overspending on capital) the council must be regarded as failing in its duty of care towards other projects. This project needs to be considered in the context of all of the budgets which it impacts and the resulting compromise in the duty of care to those adversely affected. It is not sufficient that this project represents a saving on the current arrangement: to properly exercise its duty of care, the council must ensure that the accommodation of the residents represents the best possible value for money.

The children should be housed in a purpose built unit

Jobs for the Stillington Children's home are already being advertised which would suggest this is a done deal and is in breach of your policy of taking on board residents views. SBC's own policy documents says it will take on peoples' interests but having committed vast amounts of money already it is all but inevitable that when you apply for permission to yourselves for change of use it will be granted. We are aware that a residential manager has already been appointed for the Hartburn property and that was even before the planning application had been submitted to the Council which would again indicate you are progressing on the basis that you will grant yourself planning permission.

In 'Stockton Borough – Past and Present' the council indicate a desire to reduce further crime and disorder, and increase feelings of safety, providing good quality housing in a mix of size and type. How does the Council aim to achieve these by increasing risk of crime and disorder, taking a family home off the market,

The key themes of the vision of the Core Strategy are prosperous communities, improved quality of life for all, better places to live and accessibility. How does opening a children's home in very close proximity with children who have social, emotional and behavioural problems is going to do this? I would suggest the complete opposite so this objective has failed. Other Council documents are referenced in respect to having presumptions / visions and aims etc. to create safe environments, to achieve sustainable development and to positively meet the needs of the area. Residents feel the proposed use would not achieve these.

Whilst this is not a planning consideration we wish you to know that since this first came to light over 8 weeks ago, our lives have been literally turned upside down with the stress of it all. I have had numerous sleepless nights and have had to see my GP about this and the stress I find myself under. My wife is not sleeping either and has a heart condition, but the stress has affected my daughter the most who is already not in good health and we had to watch her decline over the last 2 months which has been incredibly difficult for us.

Whilst this is not a planning consideration I would like you to know that since this first came to light over 8 weeks ago, my life and that of my parents have been literally turned upside down with the stress of it all. I have multiple health problems which have been exacerbated by the stress resulting in weight loss and lack of sleep leaving me on the point of exhaustion and numerous visits to see my GP, this whole situation has without a doubt had a detrimental effect on my health. I am extremely worried and anxious about my parents (my Mother has a heart condition) who are stressed out and are suffering from sleepless nights because of this.

Elderly people living alone or otherwise consider their health has been affected by the stress that this proposal has brought, with some indicating sleepless nights and being in need of counselling.

The whole idea of bringing troubled young people back to Stockton and placing them within very easy reach to the location that they had the troubles in, is simply wrong.

(I would ask the council to think on this point with some basic common sense)

The young people in question would very easily connect with past and this will be negative for them, also bring the property and its surroundings into the negative elements of that troubled cultures focus.

The visitors and the young people at 118 hopefully will enjoy the Hartburn area and I am sure will get a positive influence, this is wonderful. The RISK is that the visitors will have an effect on the YOUNG RESIDENTS OF HARTBURN who could be influenced or forced by intimidation in a negative way by the influx.

The applicant should carry out a risk assessment or other similar assessment to ensure their duties to ensure children do not suffer harm and that employees welfare is adequately addressed. Comments are made that building regulations would require works to be done in relation to means of escape, building stability in case of fire, internal fireboard lining of walls and ceilings, accessibility for fire fighters, emergency services access.

A commercial venture, in such close proximity to so many homes, is simply not suitable. A condition attached to application 92/0421/P for 118 Darlington Road, prevented the extension being used for commercial purposes in the 'interests of the amenities of the area.' Surely the application for change of use also warrants the permission for change of use to be refused.

No provision is made for refuse bins as required by SPD6.

Sadly, I doubt whether there is any chance at all of the residents of this home becoming an integral part of the community and so the change of character benefits nobody but the shareholders of Spark of Genius.

Will a Section 106 agreement be engaged?

None of the documents published declare the identity of the applicant - I understand Spark of Genius North East LLP has registered address @ King Edwin School, Stockton - Why has the applicant used an alternate address in the application?

The property is likely to be energy inefficient, what initiatives will be implemented to reduce its carbon footprint.

An old lady was murdered in her home only 10 minutes' walk from the site and a fatal road accident in the area. The area is not the ideal place for the use.

SoG and the Council advise that the reasons for the homes in the area is to bring children back to the areas where their families are yet state that families rarely visit the homes. This is contradictory.

## **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 is 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.

14. 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.
15. 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.
16. 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 relevant material planning considerations are detailed below.

***Principle and need for the development***

17. 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.
18. 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.

19. 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.
20. 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.
21. 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, highway and traffic related considerations***

22. The application site is located on the western side of Stockton, on the edge of the urban area, within a residential location, within the defined limits of development for Stockton and in an area which is relatively close to public services and provisions such as bus services, shopping and informal recreation. As such, the site is considered to be within a sustainable location for residential occupation. A number of comments have suggested that there are limited opportunities and activities for children in this location and whilst there may be residential areas closer to a greater number of provisions, the application site remains to be satisfactory in this regard and as such could not be argued that it would not be a sustainable location for looked after children to reside.
23. The proposed use would be 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 are concerned that health visitors and other professionals would add to these and that the children's friends and families may also visit, all of which would make for significant numbers of persons on site on a regular basis.
24. 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 applicants indicated shift swap times are

generally away from peak hours for traffic movements and, should therefore not have any significant impact on traffic movements in the area. It has also been 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. These matters should assist in limiting traffic movement at the home.

25. Objection has been raised about the safety of the highway due to its layout and nearby junctions that motorists speed along this stretch and that adequate visibility should be provided. Local Councillors have added to these objections advising that speed limits are constantly exceeded which would put children at risk. Whilst officers would not wish to disagree with the suggestion of speeding motorists, this stretch of highway is 30mph. It is also a stretch where there is good visibility in both directions. The Head of Technical services has confirmed that adequate visibility is achieved at the access for vehicles leaving the site. In view of these matters, it is considered that highway safety should not place any children at the site at undue risk or at any greater risk than exists at the moment for the general public in this area whilst vehicles entering and exiting the site should be able to do so safely. The issue of a shared drop kerb with the adjoining property that has been raised in objection to the scheme is considered to still allow adequate passage for vehicles into the site.
26. Further objection is raised by objectors and Councillors that there is a lot of traffic congestion during peak hours and that there are no safe walking routes to schools or any crossing along this section of Darlington Road. Importantly, the property is already a domestic residence where children would be reasonably expected to live. The presence of the home would continue that whilst the children are expected to travel to school by vehicle. There are footways on both sides of Darlington Road and in view of these matters; it is considered that this represents an adequately safe area for pedestrians.
27. Objectors consider that a much greater level of parking would be required for such a use, although officers have no reason to anticipate this facility to generate notable demands for more parking and believe the 8 spaces that are achievable are adequate. Notwithstanding this, a greater number of parking spaces could be provided on the site due to the size of the frontage should this be required for any specific reason. It is considered that disabled parking can be accommodated on site as could cycle parking and that due to the nature of the site and use, an ambulance, if needing to attend would do so as they would if they had to attend at any other residential property, which would be at the discretion of the ambulance driver.
28. The Head of Technical Services has indicated that the dwelling is served by a loop drive which has two access points onto Darlington Road. In addition to this, there is a large area of block paved hard surfacing to the front of the property and an attached double garage. The Head of Technical Services considers that adequate parking can be achieved and that the loop road can be maintained allowing vehicles to drive out forwards from the site rather than having to reverse out. A condition is recommended to achieve a suitable parking layout is provided.
29. One objection indicated a councillor of the planning committee stated in 2005 that this stretch of road was not suitable to park along however; it is considered that adequate regard has been had to highway safety in the above paragraphs.
30. Objectors are concerned that construction traffic will be disruptive, however, in view of limited works being likely to be required and in view of off street parking in the drive being achieved, this matter raises no significant concerns.

31. It is envisaged that parking for attending persons, family and general day to day use could be reasonably managed to prevent saturation at any one time.

***Social impacts on the surrounding area***

32. 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.
33. 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 and more apparent by locating the children in an affluent area where such problems do not currently exist.
34. Objectors have indicated that impacts, particularly from young people from outside the home congregating and causing a nuisance and the fear of potential anti-social behaviour are real and that these problems are evidenced in a study commissioned by the Department of Education, entitled "Living in Children's Homes" undertaken in 2010. Objectors point out that the applicant, Spark of Genius (SoG) have indicated that their looked after children can have drink and drug related issues both of which are deemed the major causes of criminal activity and residents feel they should not therefore be drawn back into a residential area. Residents suggest that SoG's website indicated the children they look after as being those which can have challenging behaviour, place of safety, specific learning difficulties, those diagnosed or with an autism spectrum disorder, substance, solvent and alcohol misuse, significant trauma and attachment issues, poor mental health, Those moving on from secure accommodation placements, and those with a history of offending behaviour. An objector has indicated that the pupils at King Edwin (who will reside in the house) have severe Special Educational requirements; they cannot go into mainstream schools as they have far more complex needs. At a public meeting it was indicated that the founder and director of SoG couldn't answer questions about absconding and anti-social behaviour.
35. Coupled with this, the suggestion that the build-up of Spark's of Genius children (2012) was 84% 12-15 yr. olds, 5% were 16-18 yr. olds and therefore 89% were 12 to 18 years old on admission. Residents consider that older children are more intimidating than younger ones and this will affect the elderly residents of the area more.
36. Objectors are concerned about residents of the home wandering the streets, putting other children and adults at risk, especially the elderly and that there is the potential for people's property such as cars to be vandalised. Objectors indicate that there have been incidents more recently of staff being assaulted and windows smashed at another Spark of Genius building in the Stockton area and the Evening Gazette documented two years ago about a resident of a children's home who seriously assaulted a younger girl from the estate he was playing with and left her by the Riverside.
37. Objectors indicate that they look after their children so they don't come to harm whilst out playing and some are just becoming confident to go out or be allowed out on their own, suggesting that they will now have to be very careful as it has been indicated that the residents of the home will be allowed to go out on their own once they get used to the area.

38. Some residents are particularly concerned about criminal activity and Anti-Social Behaviour due to being vulnerable by age, physical circumstance or being a single occupier of a property and feel that this proposal will have a profound impact on their perception of their own vulnerability and the way in which they live as a result.
39. Objectors have indicated that on 30<sup>th</sup> May, a children's home in Bamber Bridge, Lancashire was ordered to shut down after a string of complaints about anti-social behaviour.
40. 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. 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. It is understood that 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. Furthermore, the residents of 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. Some objectors have suggested that a purpose built accommodation, some form of institution or an extension to the existing homes in the locality would be more suitable. Whilst these comments are noted it is not for the determination of this application to consider what would be the best option for accommodation but instead to determine whether the proposed location subject of this application is suitable or not for the proposed change of use taking into account relevant matters.
41. With regards to the concerns from the local residents 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 also considered to be a management issue.
42. 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 reliable 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 would limit the overall potential for impacts and should allow for an ease of management over a larger form of accommodation.
43. 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. In the event permission was 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.

44. 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 occupying the property in the future.
45. 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.
46. 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 may seem inappropriate for a planning control to require a child to leave what has become their home once they attained a certain age, however, beyond the age of 18 years 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.
47. 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 in a residential area adjacent to a well-used road into Stockton 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.

#### ***Other Matters***

48. Objectors and Ward Councillors consider there has been no prior consultation with residents or Ward councillors before the property was purchased and have indicated that job positions have been advertised and filled for the this and the premises at Stillington which have not yet gone through the planning process. Objectors' question how the council, via the planning committee could not be prejudiced in having to determine this application. Whilst noted, these matters are not material planning considerations and should not factor into the decision making process. The planning application has been submitted by Spark of Genius who are a partner of Stockton-on-Tees Borough Council in a Joint Venture Partnership and it is a profit sharing joint venture. Due to the relationship between the Council and the applicant, Spark of Genius, the application will be determined by the Planning Committee. This is in line with the legislation that requires a local planning authority to determine it's own applications for development and also in line with the Councils Constitution and scheme of delegation which requires any significant application

by the Council itself to be determined by Planning Committee. 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.

49. Some residents are advising that the way in which this application has come forward and the nature of the proposal and the anticipated impacts has turned their lives upside down with the stress, causing sleepless nights and having resulted in visits to the doctors and suggesting that the matter has exacerbated multiple health problems. Whilst noted, these are considered to not be material planning considerations.
50. Concern is raised from residents that the additional traffic will increase vehicle based pollutants than would currently be generated from the site. It is considered that any increase would be limited and are a part of any such development taking place and in the case of this proposal would not be un-proportionately significant to warrant this matter affecting the recommendation for determination.
51. Objectors consider this proposal would affect the desirability of the area for people moving in and would devalue their properties; however, devaluation of property is not a material planning consideration.
52. Whilst there have been a significant number of objections to the scheme, there have also been letters of support. Support comments have come from local residents who indicate their wholehearted support for the application, that these juveniles need support and that a community such as Hartburn will be the perfect location for this support. Support comments indicate their lack of understanding in respect to some comments made by objectors, suggesting that there is no reason why there should be any greater noise or disturbance from the children than with any other residents of Hartburn, that the property has numerous car parking spaces, it is on the fringe of Hartburn with a large garden and it is therefore difficult to see how it could be overlooked. Comments from supporters also indicate that they cannot understand how objectors could be made to feel unsafe from five children and question how people's human rights have been infringed from five vulnerable children. One supporter queried 'what happened to innocent until proven guilty?'
53. Supporters cannot understand the reaction of objectors and question who would deprive these children from living in such an area. And question what sort of world would it be where humanity is judged by the price of property. A supporter considers the proposal to be a win win situation to both have local children living in their own locality and for it to be a cost effective for tax payers.
54. Whilst some objectors have indicated there are already care facilities in the village and why should Hartburn have more, comments have also been received to suggest that the care facility at the village end of Harlsey Road manages fine to be part of the Hartburn community. Whilst these comments are noted, they are considered to have limited bearing on the consideration of this proposal.
55. Objectors consider that this proposal is an infringement of Human Rights which states that a person has the substantive right to respect for their private and family life and that a person has the right to peaceful enjoyment of all their possessions. Whilst noted, these

human rights would equally apply to the future occupants of any children's home. Notwithstanding this, there is no indication that these Human Rights would be affected by the proposed use as their properties would remain to be private residences.

56. An objector has indicated that a commercial venture in such close proximity to so many homes is simply not suitable and that a condition attached to application 92/0421/P for 118 Darlington Road prevented the extension to the dwelling being used for commercial purposes in the 'interests of the amenities of the area.' The proposed children's home, whilst commercial, is a residential home which would be expected to be located in a residential area and is materially different from commercial activities that the council normally seeks to prevent from garages in residential areas.
57. Objectors have raised concerns over the extent to which any risk assessments have been undertaken and in respect to the extent of works required for the use in respect to Building Regulations Control. These are not planning matters and it would be for other legislation to control.
58. Objectors query whether the drive and access are adequately constructed to take the traffic and raise concern that there will be a cost to the tax payer for the damage to the pavements caused by vehicles parking on the footways. Footpath crossings are already in place whilst the strength of the drive would be a private matter, while vehicles are highly unlikely to park on the highway due to the level of parking available within the site. Were on-pavement parking to occur and cause damage, it would be dealt with as would damage to any part of the adopted highway within the Borough.
59. Objectors have indicated that they have been led to believe that if there are spare bed spaces these will be sold to other authorities in the country as long as they make £3800 per bed per week. The consideration of the proposal is based on the impacts of the scheme and its ability to provide for the intended use. The origin of the children residing there is not something which is considered to have a significant influence on the consideration of these matters.
60. Objectors have indicated that an old lady was murdered in her home only 10 minutes walk from the site and a fatal road accident in the area, that there is criminal activities such as Prostitution (Yarm Road) and drug dealing (Harpers Parade) happening in nearby areas which indicates that the area is not the ideal place for the use. Whilst noted, and however regrettable, these instances are considered to be part of the nature of any wider urban area and social matters which planning is unable to control and which will occur randomly throughout the Borough. It is considered that the area of the application site is however, a reasonable place to live for children on the whole.
61. An objector has indicated that no provision is made for refuse bins, however, this is a large residential property with front and rear gardens and it is considered that there is adequate space for refuse bins at the site.
62. The occupier of the adjoining property has raised concern over impacts on privacy. The front and rear gardens of the application site are both relatively private whilst there would be no additional overlooking from windows than is the case should the property be a domestic residence.

## **CONCLUSION**

63. 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 sustainable

location for 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. The property and its associated gardens are considered to be of a size which will adequately provide for the future users of the site.

64. 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 considered that this is more of a matter for the management of the facility and other agencies 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 becoming out of scale with its residential surroundings. As such, a condition is recommended which limits the age to which cared for residents can occupy the property and which restricts the number of cared for residents to 5, which reflect in part the number of children that would normally be accommodated within a large family home.
65. It is considered that there is no undue risk to highway safety, as the site has good visibility at its access for vehicles entering and exiting the site and adequate onsite parking can be provided. Although the use of the site with comings and goings will intensify as a result of the proposal, this would not be to a degree which could reasonably be considered to substantially harm the surroundings taking into account the property being a large detached dwelling served directly off a main road into Stockton.
66. 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 Hartburn  
Ward Councillor Councillor Laing, Councillor K.A. Lupton

#### **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 7<sup>th</sup> March 2013.