

## Planning Committee

A meeting of Planning Committee was held on Wednesday, 18th June, 2014.

**Present:** Cllr Robert Gibson(Chairman), Cllr Gillian Corr(Vice-Chairman), Cllr Jim Beall, Cllr Phillip Dennis, Cllr Eileen Johnson(Vice Cllr Norma Stephenson), Cllr Paul Kirton, Cllr Ray McCall(Vice Cllr Mick Stoker), Cllr Maurice Perry(Vice Cllr Ken Lupton), Cllr David Rose, Cllr Andrew Sherris, Cllr Steve Walmsley, Cllr David Wilburn

**Officers:** Lynda Brown, Jayne Parry, Shaun McClurg(CESC), Colin Snowdon, Andrew Glossop, Peter Shovlin, Carol Straughan(DNS), Julie Butcher, Sarah Whaley(LD)

**Also in attendance:**

**Apologies:** Cllr Jean Kirby, Cllr Alan Lewis, Cllr Ken Lupton, Cllr Norma Stephenson O.B.E, Cllr Mick Stoker,

### **P Evacuation Procedure**

**23/14**

The evacuation procedure was noted.

### **P Declarations of Interest**

**24/14**

Cllr Eileen Johnson declared an interest in relation to item number 4, 14/1212/COU The Old Vicarage, Morrison Street, Stillington, as her grandson was due to start at William Cassidi CofE primary school shortly. Councillor Johnson did not take part in the vote.

### **P 14/1211/COU**

**25/14**

**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)**

Consideration was given to a report on planning application 14/1211/COU Red Plains, 118 Darlington Road, Stockton-on-Tees.

Planning permission was 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 was aimed at providing care for up to 5 children (aged 8 to 18) who would reside there as their permanent home. Staff would be at the property 24/7 to provide care/support to the children and would operate in shifts.

The proposed use was linked to the councils restructuring of providing care for its vulnerable children. Currently the council were sending children outside of the borough to live and be educated and dealing with 20 children in this way cost the authority £3.5m. The Council was 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 was estimated that this arrangement would save the authority £400k per year and create around 100 local jobs.

Objections had been received from local residents which mainly related to concerns that children within the home would result in anti-social and criminal behaviour in the local area, that people would fear this occurring, that it would change the feeling and character of the area, would influence existing children, that additional traffic would cause nuisance and risk to highway safety and that the area was generally unsuitable for such a use. Other comments were 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 included suggestion that people's fears were unjustified, that the children should be given a chance, that the area was 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 were all considered to accord with the National Planning Policy Framework and the Core Strategy whilst the property was in a residential area which was generally considered to be sustainable for residential occupation.

The concerns raised by residents over the potential for anti-social behaviour were noted, however, it was difficult for a planning decision to factor in the potential behaviour of children and it was argued that this was more of a matter for the management of the facility and others such as the police were it to occur. Notwithstanding this, it was considered necessary to ensure the property remained to be a children's home of a limited scale as was 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 was recommended which limited the age to which cared for residents could be accommodated (up to 18) and which restricted the number of cared for residents to 5, which was considered to reflect in part the number of children that could be accommodated within a large family home.

It was considered that there would be no undue risk to highway safety, that adequate access and parking could be provided and although the use of the site and comings and goings would 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 had good visibility along its length.

The consultees that had been notified and the comments that had been received were detailed within the report.

Neighbours were notified and the comments that had been received were detailed within the report.

Where an adopted or approved development plan contained relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 required that an application for planning permissions should be determined in accordance with the Development Plan(s) for the area, unless material considerations indicated otherwise. In this case the relevant Development Plan was 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 required the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended required in dealing with such an application [planning application] the authority should 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 that were considered to be relevant to the consideration of the application were detailed within the report.

The Planning Officers report concluded that 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 was an existing property in a sustainable location for residential accommodation. Whilst objectors considered there were better locations for such a use, the application needed to be considered as submitted which was for a children's home at the proposed site and there were no known reasons why in principle, the use would not be acceptable in that location. The property and its associated gardens were considered to be of a size which would adequately provide for the future users of the site.

The significant concerns of local residents over the potential for anti-social behaviour and criminal activity were noted, however, it was difficult for a planning decision to factor in the potential behaviour of children and it was considered that this was more of a matter for the management of the facility and other agencies were it to occur. Notwithstanding this, it was considered necessary to ensure the property remained to be a children's home of a limited scale as was 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 was recommended which limited the age to which cared for residents could occupy the property and which restricted the number of cared for residents to 5, which reflected in part the number of children that would normally be accommodated within a large family home.

It was considered that there was no undue risk to highway safety, as the site had good visibility at its access for vehicles entering and exiting the site and adequate onsite parking could be provided. Although the use of the site with comings and goings would 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.

In view of all of the above, it was recommended that conditional planning permission be granted.

Members were presented with an update report which included additional consultation responses received and additional considerations to those detailed within the main report.

An additional letter of support had been received from a local resident which considered that the application was a good use for a large property in the

proposed location and that it would add to the diversity of Hartburn contribute to a mixed tenure area and that it should not cause any problems.

Additional comments of objection were received relating to a previous planning application that was refused by the council for 4 new dwellings off a new access onto Darlington Road just to the west of the proposed application site.

Residents also considered that approving the proposed planning application would be contrary to the NPPF.

The additional comments received were set out in full within the update report.

Children Education and Social Care (CESC), the Head of Technical Services and the Deputy Chief Constable had responded to the additional concerns raised that had not been dealt with in the main report. The responses were set out in full within the update report.

As there were no new matters raised that were considered sufficient to affect the consideration and recommendations within the main report it was concluded that the application be determined in accordance with the recommendation within the main report.

Ward Councillor Ken Lupton and Councillor Terry Laing were in attendance at the meeting and were given the opportunity to make representation. Their comments could be summarised as follows:

- How was it possible that no member of the Committee had declared a personal interest. Members had signed up to the Corporate Parenting Pledge, and as this proposal was a joint venture with Sparks of Genius (the applicant) this surely constituted a conflict of interest.
- Some Members of the committee had made public comment and therefore were predetermined.
- Failure to consult prior to the purchase of Red Plains, 118 Darlington Road, Stockton-On-Tees, did not take into account residents views.
- If the application was to be approved other considerations needed to be taken into account. It was felt that there was a lack of provision for adequate leisure facilities and public transport.
- The 'Lets Listen', document had been ignored and should have been revisited.
- The Council had gone ahead with the proposal in a clandestine manner.
- A local estate agent had indicated that the value of adjacent properties would be affected negatively.
- Crime statistics had been obtained highlighting behavioural / crime and disorder issues specifically relating to children in similarly run homes by Sparks of Genius.
- Concerns were raised regarding the increased safety risks and congestion of

the busy road which would be used to access the proposed home.

- The authority were playing down the number of traffic incidents which had occurred in the area, however local residents who had a better knowledge of the road and the local Police agreed there were issues.
- The potential and fear of increased crime should have been considered as a material planning consideration.
- At a previous planning meeting an unrelated application had been proposed for or change of use from a dwelling to a bed and breakfast which was situated in a rural setting. Although a need for such an establishment had been identified the application was refused due to possible disturbances to neighbouring properties, surely this application should be refused on the same grounds.

Officers of Stockton Borough Council responded to a number of concerns raised by Councillor Lupton and Councillor Laing as follows:

- Stockton Borough Councils Principal Solicitor confirmed that there was no requirement to declare interests in respect of this individual application in so far as members were also cabinet members.
- The Head of Children and Young People's Services explained to the Committee that there had been a clear indication to the public as to why Stockton Borough Council had bought Red Plains, 118 Darlington Road, Stockton-On-Tees, and its intended use. With regard to behavioural issues and crime and disorder, some looked after children did have problems however as corporate parents it was the authorities' job to look after those children. There were already 4 successful similarly run homes in the borough therefore this wasn't considered a concern.
- The Urban Design Manager addressed concerns relating to the impact on local traffic congestion and explained that the property was a 5 bedroom property where the occupancy would be kept the same as if it were residential. The property would have spaces for 8 vehicles. In terms of pedestrian safety there was only one recorded minor incident, however it was known that there were incidents of speeding vehicles in the area and the Council were investigating this further with a view to possibly introduce a speed reduction scheme.

Objectors were in attendance at the meeting and were given the opportunity to make representation. Their comments could be summarised as follows:

- Due to the lack of public transport objectors requested that additional bus services would be required to allow the children of the home the freedom to come and go.
- The prospect of having children with social and emotional needs living next door to an elderly resident had caused upset, sleepless nights and deteriorating health issues. Doctors had advised that the resident sought counselling. In addition the possibility of increased noise in an otherwise tranquil setting would exacerbate their current condition of vertigo.

- Residents feared that should the children's home go ahead there would be an increase in crime and disorder. Personal safety could not be guaranteed as the property was only 1.5 metres from one resident's home. What right did the Council have to do this?
- Noise would be increased by the children occupying the home and also by the coming and going of staff.
- The majority of people in Hartburn had chosen to live in the area due to the lack of commercial properties, therefore the proposed children's home would not be in keeping with the area creating a total loss of privacy to neighbouring properties.
- The house should remain a residential property.
- Stockton Borough Council had a duty of care to nearby residents; failure to do this was nothing short of negligence.
- Nearby homes had an estimated 1.7 cars per home. If approved the children's home would have approximately 10 vehicles coming and going from the property. This was without taking into account the addition of delivery and service vehicles. A previous planning application for 4 new homes on a nearby site had been refused where the applicant had estimated spaces for 8 vehicles. Why was this case not factored into the proposed application?
- Residents had estimated that with children at the home, staff, visitors and contractors there was the potential for 40 people accessing the house, all with visual access to children's bedrooms at a neighbouring property. What risk assessment had been carried out? The development infringed on their human rights to enjoy the peace and privacy of their own property.
- A section of the road close to the proposed application had poor visibility, in addition there was also a T junction which was busy with children during school drop off and pick up. Should planning permission be granted a serious accident was waiting to happen.
- Concerns were raised in relation to the prevalence of drug taking and consumption of alcohol amongst looked after children, which could lead to crime and anti-social behaviour. There was already an issue with alcohol and drug misuse amongst young people in the area which could influence those vulnerable children in the home if they were exposed to it.
- Residents highlighted that at a meeting attended by residents, a representative of Sparks and Genius had provided information which indicated that some looked after children in homes run by Sparks and Genius had taken drugs and consumed alcohol. In addition to this most of the homes were in rural settings and not residential areas, some of which had the highest incidents of crime.
- Following information obtained from the Scottish Police force where many Spark of Genius homes were located, it was highlighted that 235 criminal offences had been recorded from April 2013 to March 2014.
- Residents felt that the care provider was out of control.

- Sparks of Genius website indicated that all their homes were run like a family unit. What family unit locked knives in a secure place?
- Many assumptions had been made by the Planning department and the local Police assuming that Sparks of Genius would manage their homes. Had anyone obtained crime figures from Sparks and Genius?
- Following clarification from the Head of Children and Young People's Services, that 33 offences by looked after children had been committed in the borough within the last 12 months, residents expressed concern of the risk of future offences taking place and asked that planning refuse the application and that an alternative provider be sought.

Officers addressed the Committee in response to some of the concerns raised by the objectors. Their comments could be summarised as follows:

- The previous application for the 4 dwellings which residents had highlighted on land adjacent to 124 Darlington Road included a new access road onto Darlington Road. The highway objection was to the new access, not parking spaces; however this objection was later overruled by the planning inspectorate.
- With reference to the information residents had highlighted relating to the number of offences committed by looked after children residing in Spark of Genius ran homes, The Head of Children and Young People's Services, explained to the Committee that Sparks of Genius offered different types of children's homes catering for different needs in Scotland compared with Stockton.
- The Head of Children and Young People's Services expressed that the authority and Spark of Genius wanted to be a good neighbour and build good relations with local residents. Much thought was put into the selection of properties before they were considered suitable. The children who would be living at the proposed site were already living within a community. A registration submission to Ofsted was still to be completed which would regulate what children could occupy the home.

The applicants representative was in attendance at the meeting and was given the opportunity to make representation. His comments could be summarised as follows:

- Choosing the right homes was difficult, all processes and risks needed to be assessed. Potential risks to residents were minimised and no children who would pose a threat to neighbouring residents or other children would be residing in the proposed home.
- Crime in children's homes did not usually affect local residents, most crimes occurred within the home itself.
- Spark of Genius was not a provider out of control.
- Spark of Genius did not allow children to take drugs or consume alcohol.

The Cabinet Members for Children and Young People was also in attendance at the meeting and was given the opportunity to make representation. Her comments could be summarised as follows:

- That Members consider that this home would be a home where children could be cared for, be happy, wanted and valued. Receive an education. That those children who had been entrusted into care deserved the opportunity to live like a family in Stockton where they belong.
- There was no evidence to support that there had been an increase in crime and disorder in other similar homes across the borough.
- Children who were in care were there through no fault of their own, they were not from secure units.
- There were good examples of well run homes across the borough, children regularly helped the elderly by tending to their gardens or making them meals and played a big part within the local community.

Members were given the opportunity to ask questions/make comments on the application and these could be summarised as follows:

- Surprised that residents could believe that Members would want to unleash havoc, these children were our children and belonged to Stockton.
- Ayton house in Thornaby was a well ran children's home where children regularly helped the elderly.
- Children entrusted into care had endured a lot; these were innocent children with problems.
- Highway safety issues did not arise due to the opening of a children's home they already existed, the speeding element of which was a matter for the police.
- There was a children's home situated within the residential area of Roseworth. During the last 7 Years the ward councillors had not received any complaints from the public and no recorded anti-social behaviour incidents or crimes associated with the children's home had been raised with them. Much of the public including those in close proximity of the home did not realise it was there.
- Members sought clarity regarding the ownership of the home should it ever close
- Questions were raised in relation to accepting children into the homes from outside of the borough.
- It was acknowledged that youths were gathering around local shops in Hartburn to drink alcohol; however these were children from local residents, why would it be that 5 looked after children would add to the issue?
- Any family could have bought 118 Darlington Road, with numerous adults, children, multiple cars and the possibility of a criminal.



Officers addressed the Committee in response to some of the concerns raised by members. Their comments could be summarised as follows:

- It was confirmed to the Committee that the house was owned by Stockton Borough Council and would remain the authorities' property.
- The Head of Children and Young People's Services explained that primarily the homes were for the children of Stockton Borough Council who had been relocated elsewhere due to capacity issues and that these children would be brought back to the borough. If spare capacity became available it could be possible that children from other authorities would be considered to occupy the homes, however should the home be registered by Ofsted, criteria set by Ofsted would have to be met alongside matching children with those that were already living in the homes.

A vote then took place and the application was approved.

RESOLVED 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;

Plan Reference Number	Date on Plan
SBC0001	8th May 2014

#### 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.

#### 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.

#### INFORMATIVES

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

**P**            **14/1212/COU**  
**26/14**      **The Old Vicarage, Morrison Street, Stillington**  
**Change of use from dwelling house (use class C3) to a children's home**  
**(use class C2)**

Consideration was given to a report on planning application 14/1212/COU The Old Vicarage, Morrison Street, Stillington.

Planning permission is sought for the change of use of a detached residential

dwelling at Stillington from a domestic property to a children's home. The proposed facility was aimed at providing care for up to 5 children (aged 8 to 18) who would reside there as their permanent home. Staff would be at the property 24/7 to provide care/support to the children and would operate in shifts.

The proposed use was linked to the councils restructuring of providing care for its vulnerable children. Currently the council sent children outside of the borough to live and be educated and dealing with 20 children in this way cost the authority £3.5m. The Council was 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 was estimated that this arrangement would save the authority £400k per year and create around 100 local jobs.

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

The principle of providing care for the vulnerable parts of society and the economic / job creating benefits of the scheme were all considered to accord with the National Planning Policy Framework and the Core Strategy whilst the property was in a residential area which was generally considered to be sustainable for residential occupation.

The concerns raised by residents over the potential for anti-social behaviour were noted, however, it was difficult for a planning decision to factor in the potential behaviour of children and it was argued that this was more of a matter for the management of the facility and others such as the police were it to occur. In view of the site being adjacent to a school it was important that the management of the facility was properly undertaken and this was reflected by the Police comments.

It was considered necessary to ensure the property remained to be a children's home of a limited scale as was 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 was recommended which limited the age to which cared for residents could be accommodated (up to 18) and which restricted the number of cared for residents to 5, which was considered to reflect in part the number of children that could be accommodated within a large family home.

It was considered that there would be no undue risk to highway safety and that adequate access and parking could be provided subject to some works being undertaken as required by condition.

The consultees that had been notified and the comments that had been received were detailed within the report.

Neighbours were notified and the comments that had been received were detailed within the report.

Where an adopted or approved development plan contained relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 required that an application for planning permissions should be determined in accordance with the Development Plan(s) for the area, unless material considerations indicated otherwise. In this case the relevant Development Plan was 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 required the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended required in dealing with such an application [planning application] the authority should 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 that were considered to be relevant to the consideration of the application were detailed within the report.

The Planning Officers report concluded that the principle of providing care for the vulnerable parts of society and the economic / job creating benefits of the scheme were all considered to accord with the National Planning Policy Framework and the Core Strategy. The site was an existing property in a location deemed within the villages study as being adequately sustainable to accommodate additional residential accommodation. Whilst objectors considered there were better locations for such a use, this application needed to be considered as submitted which was for a children's home at the proposed site and there were no known reasons why in principle, the use would not be acceptable in this location.

The significant concerns of local residents over the potential for anti-social behaviour and criminal activity were noted, however, it was difficult for a planning decision to factor in the potential behaviour of children and it was argued that this was more of a matter for the management of the facility and others such as the police were it to occur. Notwithstanding this, it was considered necessary to ensure the property remained to be a children's home of a limited scale as was being proposed in order to prevent future uncontrolled change and to prevent it out scaling the residential surroundings. As such, a condition was recommended which limited the age to which cared for residents could be accommodated and which restricted the number of cared for residents to 5, which reflected in part the number of children that could be accommodated within a large family home.

It was considered that there was no undue risk to highway safety, that adequate access and parking could be provided subject to slight works being undertaken and although the use would almost certainly intensify traffic use at the site, this would not be to a degree which would substantially harm the surroundings or increase risk to pedestrian or highway safety.

The property and its associated gardens were considered to be of a size which

would adequately provide for the future users of the site.

In view of all of the above, it was recommended that conditional planning permission be granted.

Members were presented with an update report which included additional consultation responses received and additional considerations to those detailed within the main report.

Residents had suggested that there should be a full public scrutiny and public acceptance of the process of the council purchasing properties in this manner, before permission was granted.

The council were copied into a letter from Mr Hakes to Councillors and the Parish Council which raised a number of concerns about the position of the home adjacent to the school, the risks that were considered to arise as a result, taking into account overlooking windows and the position of the schools playground and other matters had previously been detailed in the main report.

The majority of additional comments received had already been considered as part of the main report. Comments relating to the purchasing process of the property were considered to not affect the suitability of the use and therefore carried little weight in the determination of the application.

The additional comments and responses received (including that of Deputy Chief Constable of Cleveland Police) were set out in full within the update report.

The additional comments raised were noted and considered to not alter the recommendation in the main report or the associated conditions.

It was therefore concluded that the application be determined in accordance with the recommendation in the main report.

Objectors were in attendance at the meeting and were given the opportunity to make representation. Their comments could be summarised as follows:

- Please refuse the application, 5 special care children cannot outweigh the needs of over 200 primary school children.
- Parents and teachers supported bringing looked after children back into the borough however due to the social and emotional needs / problems of the looked after children the location of the home next to a primary school was not suitable.
- Crime statistics had been obtained from members of the Scottish Police force which highlighted that some residents of Spark of Genius homes had committed offences such as; vandalism. Anti-social behaviour, fire raising, theft, resisting arrest, drugs possession, absconding etc. These young people required high levels of supervision and should not be placed adjacent to a primary school.
- There was a lack of amenities in the village, currently there were 2 operational buses however 1 was due to be ceasing operation in approximately 1 months'

time.

- Spark of Genius could put whoever they wanted into the homes, putting the Sons, Daughters and Grandchildren of local residents at risk.
- It was the opinion of the School Governors of William Cassidi Church of England Primary School that, enough had not been done to safeguard their pupils.
- There was direct access from the home into the outdoor teaching area for Key Stage 1 pupils
- Concerns were raised in relation to road safety where many school children would have to pass an access point from the main road to the vicarage which was very narrow.
- Had any Members visited the site between 8.15am - 9.00am and 3.15pm – 5.00pm during breakfast club and after school club, which were considered busy times on the road. A 20mph speed restriction had previously been applied for however was rejected.
- Objectors stated that there had been a badly conducted risk assessment which did not adhere to the Health and Safety at Work Act 1974. If a risk assessment had been conducted correctly it would have highlighted the risks to the children in the primary school. This should have been a material planning consideration.
- Placing these homes in village settings such as Stillington reduced resident's ability to live in a peaceful environment.
- Stockton Borough Council was putting children in the line of fire for profit.

Local Ward Councillor Andrew Stephenson was in attendance at the meeting and was given the opportunity to make representation. His comments could be summarised as follows:

- This was an unsuitable site, bought in secret, where there had been a total lack of consultation. Not even the local ward councillors were made aware of it.
- There was a conflict of interest, a lack of risk assessment.
- There were no facilities within the village; the local community centre was running independently, the bus service was poor. If anti-social behaviour increased who would deal with it, there was a lack of police presence, currently only one police officer who cycled 6 – 7 miles to Stillington.

Officers addressed the Committee in response to some of the concerns raised by the objectors. Their comments could be summarised as follows:

- There were approximately 10 to 15 looked after children in the borough requiring specialist placements due to their needs, however, those children would not be occupying the home. Ofsted registration was to be submitted and detailed risks assessments would be conducted. Ofsted purpose of statement

would not allow Stockton Borough Council to change the criteria of children allowed to live in the home. Stockton Borough Council would decide in consultation which children would be placed in the home.

- Stockton Borough Council was keen to work with William Cassidi Church of England Primary School in relation to concerns regards safeguarding children.

The Cabinet Member for Children and Young People was in attendance at the meeting and given the opportunity to make representation. Her comments could be summarised as follows:

- Looked after children who are placed in homes in rural settings do much better.

- Although there were people in the borough who moved homes to obtain school places in their preferred schools, people did not move away from schools because looked after children went to them.

- Although it would cost the authority less to provide these homes and brought children back into the borough, it was not about saving money, the money saved could go back into looking after these children. This was a win win situation.

Members were given the opportunity to ask questions/make comments on the application and these could be summarised as follows:

- There was no risk to be anticipated from the 5 children which would occupy this home. They were not in a high risk category; they needed a chance to live within a community.

- The concerns raised in relation to traffic risk at the narrow entrance from the main road to the vicarage needed to be addressed.

- We have a duty to safeguard children at this home they are vulnerable.

Councillor Eileen Johnson declared an interest in that her grandson was due to start at William Cassidi CofE primary school shortly. Councillor Johnson did not take part in the vote

A vote then took place and the application was approved.

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

01 Approved Plans

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

Plan Reference Number	Date on Plan
SBC0001	8 May 2014

02.Limitations of Use

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

### 03. Car Parking and Access Arrangements

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

### INFORMATIVE OF REASON FOR PLANNING APPROVAL

#### Informative 1: National Planning Policy Framework

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

**P  
27/14**

#### **14/0105/FUL**

**Stockton Town FC, Bishopton Road West, Stockton-On-Tees  
Construction of an Artificial Turf Pitch (ATP) with perimeter ball-stop  
fencing, floodlights and clean access with outdoor storage for  
maintenance equipment. Construction of a stand to serve the existing  
natural turf pitch along with changing room, toilet and refreshment areas**

Consideration was given to a report on planning application 14/0105/FUL Stockton Town FC, Bishopton Road West, Stockton-On-Tees

Planning permission was sought for the expansion of the provisions and facilities associated with Stockton Town Football Club at its site off Bishopton Road West. The Football Club currently leased land off the council to the rear of Our Lady and St Bede's School and in part shared the sports fields there.

The football club had indicated that they had 19 teams that trained at the ground at varying ages and levels, had an existing natural turf pitch with associated drainage which its first team used and a club house adjacent to the Stockton Sixth Form College premises along with an area of parking. The proposed works sought to add floodlights to the natural turf pitch and provide it with a spectator stand (207 capacity); new dug outs and an amenity block which would include changing facilities, toilets and a refreshments area. In addition, the proposal sought permission for the creation of an artificial turf pitch with associated floodlighting which would allow a more all year round use. A landscaped bund and ball stop fencing was associated with the artificial pitch along with other fencing, footpaths and lighting elsewhere within the site.

The site was located in close proximity to the Bramley Green estate which was constructed several years ago and a landscaped corridor existed between the two. Other more established housing existed on the far side of the school fields.

The majority of objection comments related to the potential for increase in noise and disturbance for local residents due to the numbers of people using the facility, the nature of the games which included spectators, the use of foul language which was indicated as being already audible in residential gardens as well as the general increase in activity, problems revolving around insufficient and ad-hoc parking in the surrounding residential streets. Comments of

support highlighted the benefits of the club to the wider community. Full details of objections and support comments were detailed in the publicity section of the report.

The football club had 178 parking spaces serving their club house and although the potential numbers using the site could be relatively high, there was an element of car sharing and drop offs all of which is focussed at the existing entrance off Bishopton Road West. The Head of Technical Services had accepted the level of parking as being adequate for the use. The floodlighting was of a type which would not light the surrounding residential properties and although it would be visible careful control of the lighting beyond hours of use was considered adequate mechanism to prevent this having an unacceptable impact. The appearance of the amenity block, stand, fencing and pitch etc. were all considered to be suitable for its surroundings in an urban area.

The club sought the hours of use to be up to 10pm for the artificial pitch Monday-Friday and 7pm Saturday. – Sunday. Officers questioned the hours of use being proposed for the artificial pitch which was large enough for Four 5 a side games to take place at the same time, however, the club had asked that the hours of use remain to be 10pm to give sufficient viability to the proposals. The club had indicated however that they could actively run its pitch management where by pitches furthest from housing were utilised first and the early time slots were concentrated upon.

The consultees that had been notified and the comments that had been received were detailed within the report.

Neighbours were notified and the comments that had been received were detailed within the report.

Where an adopted or approved development plan contained relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 required that an application for planning permissions should be determined in accordance with the Development Plan(s) for the area, unless material considerations indicated otherwise. In this case the relevant Development Plan was 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 required the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended required in dealing with such an application [planning application] the authority should 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 that were considered to be relevant to the consideration of the application were detailed within the report.

The Planning Offices report concluded that the proposal was considered to represent an improvement to the offer of sporting opportunities within the borough and was in principle supported. The addition of the stand, artificial turf pitch and changing rooms were considered to be a sufficient distance from



surrounding properties and with adequate intervening space and landscaping to prevent any undue visual impacts for surrounding residents.

The operation of the flood lights and the intensification of football training and matches from the site as a result of the proposed flood lights and the artificial turf pitch were considered to give rise to the greatest potential for impacting on surrounding residents, mainly due to the hours which the club sought use. It was considered that the level of impact could be controlled and kept to an acceptable level by conditioning the planning consent to reduced hours of use to those sought as set out in the recommendation above.

Adequate parking was provided for the proposed use and expansion of uses.

It was recommended that the application be Approved with Conditions for the reasons specified above.

Members were presented with an update report which included additional consultation responses received and additional considerations to those detailed within the main report.

Two additional letters of objection had been received from residents which were set out in full within the update report.

The additional comments raised were similar in nature to those detailed within the main report in that they related to noise and disturbance associated with additional use and additional hours of use, issues of parking and traffic and other such matters. Those issues had all been considered as part of the main report.

The comments detailed by the council's Environmental Health Officer had been done to clarify their previous comments which some residents had raised issue with. These related to the hours of use for both the artificial and turf pitch's and had also already been taken into account in the conditions within the main report.

Additional comments had been made by the Head of Technical Services in relation to the football club's statement that they had sole use of the 178 space car park after 4pm and on weekends. The Head of Technical Services recognised that there did not appear to be anything in place to stop evening users of the college using these spaces and as such, had requested that the management plan condition recommended include for management of the car parking which it was envisaged would relate to the times when it was likely to be busiest.

The update report concluded that the application be determined in accordance with the recommendation within the main report subject to the wording of the management condition being amended to that contained within the update report.

Ward Councillor for Grangefield Ward, Michael Clark was in attendance at the meeting and was given the opportunity to make representation. His comments could be summarised as follows:

- After walking along the perimeter of Stockton Town Football Club and along

neighbouring roads on Sunday the 2nd March at 12.00 noon to gauge the level of noise created, it could be likened to that of a school playground.

- Whilst a car was pulling out from a nearby road the noise that was generated at the football club could no longer be heard due to the noise of the car engine.

- People would stand in twos or threes at Stockton Town Football Club, there was no chanting, people didn't chant at this level of football. Swearing did happen from time to time which was regrettable however there was doubt that the swearing would be heard by local residents.

- Ryhope colliery FC was a similar football club to that in the proposed application. It had a clubhouse and floodlights and houses to three sides of the club, two sides of which were closer to residents than the proposed application from that of Stockton Town Football Club. Conditions were imposed in relation to lighting and noise.

- Suggestions were made that a senior manager of Stockton Borough Council be appointed to deal with any resident concerns and provide a written code of use / conduct. Members were urged to approve the application.

Objectors were in attendance at the meeting and were given the opportunity to make representation. Their comments could be summarised as follows:

- The location was wrong in the middle of an estate, floodlights would cause a disturbance, pitches would be accessed by a footpath close to residents back gardens and noise and traffic pollution would increase.

- There were already issues in relation to parking on neighbouring roads when a football match was taking place, this would be exacerbated.

- Foul language and shouting during Sunday matches was already a nuisance, you could even hear the thud of the football being kicked. A tannoy system was also to be introduced increasing noise levels even further.

- Private functions would be held at the clubhouse.

- If the club became more successful they would have to relocate, why not build on outskirts now!

- Some residents expressed they would not have bought their homes in such close proximity to the club if they had known that this application was to be proposed.

- The facility was not being supported by the local sixth form college or schools.

- Residents raised concerns in relation to the hours of business and made suggestions to restrict use to finish 4.00pm weekdays and 3.00pm weekends.

- Fantastic facilities were available elsewhere on the outskirts at Soccer Sensation, Goal and North Shore Academy.

- Queries were raised as to the location of the sewage pump. Where were the turnstiles to be sited and where was the extra footpath going to be?

- It was felt that a restriction on use should be included in the conditions as currently the application did not show any restrictions on use.
- Where was the access for emergency services?
- An application had been submitted previously to buy additional land from the council however it was refused due to disturbing natural habitat. Now the changing facilities were to be located there!
- There would be enhanced noise from the wind. The model which had been used to build a noise reduction structure had not taken into account the effects of the wind.

The Chairman of Stockton Town Football Club was in attendance and was given the opportunity to make representation. His comments could be summarised as follows:

- Brief overview of Stockton Town Football club
- Stockton Town FC was a good community club, interacting with over 1000 children and many more adults.
- The proposed development would have state of the art facilities and offer a wider selection of uses, helping local families adopt healthier lifestyles.
- Stockton Town FC was a responsible organisation which took into account its residential location, design consultants were asked to take any noise issues into consideration.
- The facility would generate new employment.
- There had been a noticeable reduction in Anti – social behaviour on the pitch.

Officers addressed the committee in response to some of the concerns which had been raised by objectors. Their comments could be summarised as follows:

- The turnstiles would be part of the changing block facilities.
- The sewage pump still required some ground works, details were to be confirmed.
- The windows in the changing room block had been altered so that no windows looked out onto residents.
- Emergency access would be in close proximity to the changing block however it was not a consideration at this particular meeting.

Members were given the opportunity to ask questions/make comments on the application and these could be summarised as follows:

- Norton had a large successful sports facility in the middle of a residential area and was without resident complaints; however there had been traffic management issues. Once tackled with police and local authority there were no further problems.

- Thornaby and Yarm also had good sports facilities within residential areas without issues. In some case anti-social behaviour had reduced as it encouraged kids to participate in organised sport.
- Restriction on hours was preferable
- Lot of sympathy for residents in relation to noise levels, however as long as operating times were restricted would support the application as the local authority had responsibility to public health.
- There was no need to use residential roads to park cars during match days as there was adequate parking provided at the proposed site. It was suggested that signs were used and displayed in nearby roads to prevent parking on these roads when matches were played.
- Swearing was an issue however the club needed to make every attempt to wipe it out.
- Was there standard hours of operation amongst similar facilities across the borough
- There were still outstanding issues regards pitch drainage causing flooding problems which needed to be addressed.

Officers addressed the committee in response to some of the issues raised by members. Their comments could be summarised as follows:

- Car parking issues highlighted in and around residential areas and the issues highlighted in relation to flooding would be investigated further.
- Each sporting facilities hours of operation differed from site to site.

A vote then took place and the application was approved

RESOLVED that planning application 14/0105/FUL 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;

Plan Reference Number	Date on Plan
03 REV 02	19 May 2014
07 REV 02	19 May 2014
04 REV 02	19 May 2014
06 REV 02	19 May 2014
09 REV 01	19 May 2014
10 REV 01	19 May 2014
01 REV 01	5 February 2014
05 REV 00	17 January 2014

#### 02. Community Use Agreement

Use of the Artificial Turf Pitch shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority. The agreement shall apply to the Artificial Turf Pitch and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities.

### 03. Hours of Use

The Hours of use of the Artificial Turf Pitch and the Natural Turf Pitch and their associated floodlighting shall be restricted as follows;

#### Artificial Turf Pitch

Use of the pitch and operation of the floodlighting shall be limited to 9am to 9pm Monday to Friday and 9am to 5pm on Saturday and Sunday

#### Natural Turf Pitch

The natural turf pitch which is being floodlit as part of this approval shall be used no more than 2 nights per week and that when in use, the floodlights shall be turned off by no later than 10pm unless the fixture being played is a cup tie in which case the lights shall be turned off at 10.20pm.

### 04. Unexpected Land Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority prior to resumption of the works

### 05. Management Plan

No development hereby approved shall be commenced on site until a management plan has been submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include but not be restricted to details of storage and movement of refuse, mechanisms for controlling lighting, maintenance of landscaping and general management of users and the management of the car park. The management plan shall be operational in perpetuity.

### 06. Soft Landscaping

Prior to the artificial Turf Pitch being brought into use, the earth bunding and associated soft landscaping works shall have been implemented on site in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. The soft landscaping shall be managed in accordance with a management plan which has been agreed in writing by the Local Planning Authority prior to the Artificial Turf Pitch being brought into use.

### 07 Surface Water Scheme

Notwithstanding details hereby approved no development hereby approved shall be commenced on site until a detailed scheme of surface water drainage has been submitted to and approved in writing by the Local Planning Authority.

The development shall be undertaken in accordance with the approved details.

#### 08. Foul Water Scheme

Notwithstanding details hereby approved no development hereby approved shall be commenced on site until a detailed scheme of foul drainage has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

#### 09. Amplified music and public address system

There shall be no amplified music played at the pitches or within the amenity block hereby approved. The use of any tannoy or similar system at the pitches shall be restricted for the use of emergency public announcements only and for no other purpose.

#### 10. Details of fencing works

Notwithstanding details hereby approved, a scheme of detailed fencing works shall be submitted to and approved in writing prior to the development commences on site. The fencing shall be installed in accordance with the approved scheme and shall be maintained as such for the duration that the pitches are in use.

#### 11. Cycle parking

Cycle parking shall be provided at the site prior to the artificial pitch hereby approved being brought into use in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be retained in use for the life of the artificial pitch.

#### 12. Operation of the amenity block

The amenity block hereby approved shall not be used for the sale of alcohol and shall only be used in association with team fixtures which utilise the natural turf pitch. The amenity block shall be vacated within 30 minutes of the close of play on the pitch.

### INFORMATIVE OF REASON FOR PLANNING APPROVAL

#### Informative 1: National Planning Policy Framework

The application has been determined having regard to the guidance contained within the National Planning Policy framework.

#### Informative 2: Clean service trench's

Utility companies should be consulted with regards to ph level of the soil and potential contaminants. As the ph level is slightly elevated above the threshold value, the recommendation is that clean service trenches are provided as a minimum requirement.