

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

1 JULY 2015

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

15/0178/FUL

254 Marsh House Avenue, Billingham, TS23 3EL

Retrospective change of use to supported accommodation

Expiry Date 7 April 2015

SUMMARY

The application site is former Marsh House Avenue doctors' surgery which is located on the corner of Marsh House Avenue and Ellemere Court, Billingham. Residential properties bound the site to the north, south and east, with Marsh House Avenue abutting the site to the west.

Planning permission is sought retrospectively for the change of use of the premises to a premise which offers supported living accommodation for vulnerable persons who are predominately between 16 and 25. This will provide support for vulnerable persons and help them in the transition to independent living. The facility is staffed 24 hours a day, 7 days a week and offers a zero tolerance for alcohol or drugs. In order to provide further comfort the applicant is willing to enter into a 'deed of variation' which tightens the definition of "vulnerable persons" and preclude those persons who may cause more significant issue of anti-social behaviour/crime and disorder from residing in the premises. Further details regarding how the premise will operate are contained within the appendices.

A total of nine objections and one letter of representation have been received to the application. The main issues raised include the suitability of the site and premise for such as use, the lack of consultation and information to enable an informed decision to be made, the potential for anti-social behaviour and the impact on highway and pedestrian safety. These matters are addressed within the main report.

Both the National Planning Policy Framework (NPPF) and the Council's Core Strategy promote sustainable, inclusive and mixed communities. In addition Policy CS3.10 offers further support for schemes which address the requirements of vulnerable and special needs groups. The application site is considered to be within a sustainable location and the proposal is considered to be entirely consistent with both the National and Local Planning Policy context.

Despite the concerns of the local residents the proposal is considered to have no significant impacts visually or on highway safety and impacts on residential amenity. The potential for anti-social behaviour and safeguarding of the community are noted and have been fully considered. However, there is no firm evidence to suggest that such issues would arise and in any case they would fall outside of the control of the planning system and be for the staff and management of the facility to resolve in conjunction with other agencies such as the police.

RECOMMENDATION

That planning application 15/0178/FUL be approved subject to the following conditions and informative and subject to the applicant entering into a Deed of Variation in accordance with the Terms below;

Approved Plans;

- 01 ***The development hereby approved shall be in accordance with the following approved plan(s);***

<i>Plan Reference Number</i>	<i>Date on Plan</i>
SBC00001	6 February 2015
SBC0002	6 February 2015
SBC0003	6 February 2015

Reason: To define the consent.

Control of use and no. of occupiers;

- 02 **Notwithstanding the provisions of the Town and Country Planning Use Classes Order 2006 as amended the use hereby approved shall be limited to provide supported living accommodation and shall not provide support/care for more than 7 persons at any time.**

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

03. CCTV Camera Location

Notwithstanding the submitted plans and details submitted, the external CCTV cameras shall be sited in a position/location whereby there will be no views towards any neighbouring residential properties with the specific details of the location of the cameras to be submitted to the Local Authority for prior approval. Thereafter the CCTV cameras shall be sited in accordance with the agreed details.

Reason: in the interests of the amenity of the neighbouring properties.

Informative: Working Practices

The Local Planning Authority has worked in a positive and proactive manner and sought solutions to problems arising in dealing with the planning application by gaining additional information required to assess the scheme and by the identification and imposition of appropriate planning conditions.

HEADS OF TERMS

The applicant to enter into a deed of variation defining 'vulnerable persons' to remove those persons with any dependency on alcohol and drugs, as is already stated for sex offenders.

SITE AND SURROUNDINGS

1. The site is former Marsh House Avenue doctor's surgery which is located on the corner of Marsh House Avenue and Ellemere Court, Billingham. It also lies opposite Rievaulx Avenue. Residential properties bound the site to the north, south and east, with Marsh House Avenue abutting the site to the west, with further residential properties beyond. However, to the south-west of the site lies an area of public open space.
2. The existing building is orientated east to west with a large car park being located at the rear of the premise (to the east of the building) in what would have been the original rear garden.

PROPOSAL

3. Planning permission is sought retrospectively for the change of use of the premises to supported living accommodation for vulnerable persons who are predominately between 16 and 25. Officers have asked the applicant to provide further information with regards to how the use will operate and this is provided in full within the appendices.
4. In summary the proposed use will;
 - Provide support for vulnerable persons to help in the transition to independent living, with each bedroom having its own small kitchen, with a larger shared kitchen, bathroom and lounge area in the premises;
 - Accept residents on a referral only basis;
 - Be staffed 24 hours a day, 7 days a week;
 - Operate a zero tolerance for alcohol or drugs
5. In addition, it is proposed to enter into a deed of variation should permission be granted. This would seek to redefine “vulnerable persons” as... *“single sex persons over 18 years of age who are deemed vulnerable by virtue of issues other than arising by dependency on alcohol or prohibited drugs, and this definition specifically excludes persons who are registered sex offenders, anyone with a history of arsons ad anyone who has served a custodial sentence in excess of 2 years for an offence of violence against the person or property.”*

CONSULTATIONS

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

Highways Transport and Environment – No objections as sufficient car parking provision (10 spaces) is provided on site and the proposal is not considered to have any landscape or visual implications.

Environmental Health Unit – No objections

Local Ward Councillor, Evaline Cunningham – A small number of residents still have concerns about this application. There seems to have been some conflicting comments made that have caused worries and fears. However after speaking with the director, he states that a restrictive covenant has been applied for that should alleviate their concerns. I now support this application.

Regards

Spatial Plans Manager – The NPPF encourages Local Plans to guide development so as to facilitate accessible local services that reflect the community’s needs and support its health, social and cultural well-being. An integrated approach to the provision of accessible local services that reflect the community’s needs and support its health, social and cultural well-being is encouraged. Core Strategy Policy CS8.3 states that the Council will support proposal that address the requirements of vulnerable and special needs consistent with the spatial strategy. The proposal is consistent with Policy CS8.3. The Spatial Planning team have not identified any adverse impacts from the proposal

Adult Strategy – No comments received

Stockton Police Station – Cleveland Police recognises the need for secure well managed accommodation for vulnerable persons who are in need of support and refuge. Cleveland Police will always offer support and commit to work with the management of such premises.

Cleveland Police have been made aware that the premises will provide supported accommodation for prostitutes and drug users

Although Police have not seen any increase in crime and disorder incidents linked to the premises since it opened in January 2015 these type of premises have the potential to increase the risk of crime and disorder along with raising the fear of crime to the local community. The level of such risk would depend on the individuals that reside at the facility. It is essential that a strict selection process is in place as to individuals that are to reside at the premises to reduce this risk.

Police do have a number of concerns with regard the location of the premises which include its close proximity to residential properties, school premises, playing fields and a Public House.

If planning permission is granted it is essential that the premises is managed correctly and the following security measures are put in place where appropriate.

1 CCTV installed to cover all entrances and communal areas this must provide images of facial recognition that can be used in a court of law

2 Secure access control to the building

3 Doorsets including Flat entrance doors certified to BS PAS24-2012. Flat doors fitted with door viewer. Glazing to doors should be laminated to a min. thickness 6.4mm.

4 Ground floor and easily accessible 1st floor windows certified to PAS24-2012.

5 Secure Bin Store should be provided.

Community Protection Department – No comments received

Private Sector Housing – No objections in principle to the retrospective application for a change of use to supported accommodation. The property which would be classed as a House in Multiple Occupation would need to meet the Stockton Borough Council's Amenity and Fire safety Guidance. The applicants should contact the Private Sector Housing Division for further information.

Head of Housing – No comments received

PUBLICITY

7. The neighbouring properties were notified and 9 objections and one letter of representation have been received to the proposal. These comments are set out below (in summary);

Objections;

- Work has been completed and the use has already begun to operate
- No clarification has been given as to who would be supported in this accommodation
- Lack of information to enable an informed decision
- Lack of safeguards for surrounding residents, particularly children
- Advised by applicant that the facility is for ladies with drug and alcohol problems.
- Wish to see the covenant on 254 Marsh House Avenue
- Facility should not be within a quiet residential area/near family accommodation
- Impact on/loss of value on surrounding properties.
- Could give rise to unruly/anti-social behaviour, noise and disturbance
- A lack of parking facilities for staff, visitors and residents
- If Stockton Council has involvement in the project it should have held a public consultation
- Not enough consultation carried out with residents
- Residents smoke in close proximity to existing housing and children
- Nothing to prevent changes in persons staying a premise or change in operator

- Lack of trust in company operating the premises
- Large number of children travel to schools, nurseries and colleges in the vicinity
- Adjacent to a very busy and somewhat unsafe junction with high volumes of traffic
- Other properties will be bought and 254 Marsh House a RocSolid community hub for their residents
- CCTV camera points in the direction of property and invades privacy

Objectors:

Mrs Ann Bell - 159 Marsh House Avenue Billingham
 Marie and Terence Carney - 3 Ellemere Court Billingham
 Colin & Debbie Hattee - Greenside Lodge, 11 Little End (owner of 256 Marsh House Avenue)
 Mr and Mrs J C Fairweather - 1 Ellemere Court Billingham
 Mrs Patricia Stewart - 252 Marsh House Avenue Billingham
 Mr Brian Bell - 145 Marsh House Avenue Billingham
 Mr Paul Bell - 8 Walsingham Court Billingham
 Mrs Faye Anderson - 262 Marsh House Avenue Billingham
 Mrs Marie Carney - 3 Ellemere Court Billingham

General comments:

- Facility should not be within a residential estate
- Noise and disturbance
- Impact on property value

Mr Stewart Ollett - 3 Low Grange Avenue Billingham

PLANNING POLICY

8. 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.
9. 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

National Planning Policy Framework

10. 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.

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

Core Strategy Policy 2 (CS2) - Sustainable Transport and Travel

1. Accessibility will be improved and transport choice widened, by ensuring that all new development is well serviced by an attractive choice of transport modes, including public transport, footpaths and cycle routes, fully integrated into existing networks, to provide alternatives to the use of all private vehicles and promote healthier lifestyles.

3. The number of parking spaces provided in new developments will be in accordance with standards set out in the Tees Valley Highway Design Guide.
Further guidance will be set out in a new Supplementary Planning Document.

Core Strategy Policy 3 (CS3) - Sustainable Living and Climate Change

8. Additionally, in designing new development, proposals will:

_ Make a positive contribution to the local area, by protecting and enhancing important environmental assets, biodiversity and geodiversity, responding positively to existing features of natural, historic, archaeological or local character, including hedges and trees, and including the provision of high quality public open space;

_ Be designed with safety in mind, incorporating Secure by Design and Park Mark standards, as appropriate;

_ Incorporate 'long life and loose fit' buildings, allowing buildings to be adaptable to changing needs. By 2013, all new homes will be built to Lifetime Homes Standards;

_ Seek to safeguard the diverse cultural heritage of the Borough, including buildings, features, sites and areas of national importance and local significance. Opportunities will be taken to constructively and imaginatively incorporate heritage assets in redevelopment schemes, employing where appropriate contemporary design solutions.

Core Strategy Policy 8 (CS8) - Housing Mix and Affordable Housing Provision

3. Developers will be expected to achieve an average density range of 30 to 50 dwellings per hectare in the Core Area and in other locations with good transport links. In locations with a particularly high level of public transport accessibility, such as Stockton, Billingham and Thornaby town centres, higher densities may be appropriate subject to considerations of character. In other locations such as parts of Yarm, Eaglescliffe and Norton, which are characterised by mature dwellings and large gardens, a density lower than 30 dwellings per hectare may be appropriate. Higher density development will not be appropriate in Ingleby Barwick.

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

MATERIAL PLANNING CONSIDERATIONS

12. The main planning considerations are compliance with planning policies and the impacts of the scheme on character of the area, residential amenity and highway safety, along with other matters arising out of consultation.

Principle of development;

13. The National Planning Policy Framework (NPPF) sets out the governments aims for the planning system, at its heart lies a presumption in favour of sustainable development which is defined as having the three strands to it i.e. a social role, economic role and environmental role. A core planning principle of the NPPF (paragraph 17) is to "proactively drive and support sustainable economic development" to ensure that the homes, businesses and infrastructure the country needs are provided. In particular paragraph 50 promotes sustainable, inclusive and mixed communities and encourages planning authorities to cater for needs of different groups in the community. With specific regard to Local Planning policies Core Strategy Policy CS8.3 further encourages and supports proposals which come forward in area which have good

transport links and high levels of public transport accessibility. Further support is provided at CS3.10 for schemes which address the requirements of vulnerable and special needs groups.

14. In assessing the proposal against these policies aims, it is noted that the scheme will provide a type of accommodation which will support and serve the needs of vulnerable young persons, helping them towards gaining their independence. Such provision is considered to be consistent with both the NPPF and the Core Strategy. Furthermore, within the surrounding area there is considered to be good access to public transport and also a wide range of services and facilities which are located within Billingham Town Centre, approximately 1 km from the site (walking distance). The site is therefore deemed to be within a sustainable and suitable location for the proposed use.
15. Given the above considerations the proposal is considered to be consistent with the aims of the NPPF and the Core Strategy in that it provides a type of housing which social inclusion for a vulnerable group of people with what is considered to be a sustainable location. The principle of development is therefore considered to be acceptable subject to those considerations set out in the report below;

Visual Impact;

16. The proposed development does not propose any external changes to the premise, it is therefore considered that the proposal has no visual impacts arising from this change of use.

Amenity;

17. The main basis of the objections received surround the suitability of the use to a residential area and the actions and behaviour of the occupiers who would be residing at the property, particularly with regards to the background of the residents and increased potential for noise/disturbance and anti-social behaviour. Reference is made to those using the premise have a history of drug/alcohol misuse, criminal records and the facility being a “half-way” house.
18. Whilst these points are noted, the application must be considered on its own merits. It is not for consideration as to what would be the best location to site the proposal and the application must be considered on the basis of whether the proposed change of use is suitable as it is proposed or not. Furthermore, there is no indication the anti-social behaviour issues would materialise from the proposed use and it is considered that the degree of activity occurring within the premise is unlikely to be significantly different to that which would operate as a large family home or small block of flats/apartments. Such impacts are therefore considered to be comparable to those already occurring in a residential area
19. The intention of the facility is to provide a safe and supportive environment for vulnerable young persons and to enable them to become capable of living independently Furthermore, the applicant ‘ROC solid’ have indicated that they have safeguarding procedures in place to protect not only its property and staff but also members of the public. It also has set out a zero tolerance to drugs and alcohol being on the premise. All residents must abide by a number of criteria including a code of acceptable behaviour, house rules and engage in education, training or employment. Were permission to be granted, the planning permission and any associated conditions could not reasonably control the nature of the residents and the day-to-day management of the use. Should any instances of anti-social behaviour to occur, it is beyond the scope of the planning system to control and individual's mind and desire to act in a specific way. This would therefore be a matter for the staff and management of the facility and any others responsible for dealing with the nature of the behaviour such as the police
20. Cleveland Police have been consulted and have commented that providing there is adequate CCTV monitoring provision and secure access to the property they have no objections to the proposed use. CCTV cameras have been installed externally at the property which have been

repositioned to ensure they do not face towards any residential properties. However a condition will be placed on the proposal to ensure that the location of the CCTV cameras will not face towards any neighbouring residential properties.

21. The side elevation of the premises contains some windows and is located approximately 25 metres from the front elevations of No.'s 256 Marsh House Avenue and 1 Ellemere Court. The rear elevation of the property is also 15m from the site of No.2 Ellemere Court and the proposed development is therefore not considered to result in any significant loss of residential amenity for the surrounding residents with respect to privacy, light or appearing overbearing.

Highway Safety;

22. Although the concerns of residents with regards to highway impact and lack of parking provision are noted, the Highways Transport and Environment Manager has raised no objections to the proposed development and considers that the proposed development has sufficient on-site parking provision. The proposal is not therefore considered to have any significant implications for highway safety.

Residual Issues;

23. Objectors consider there has been no prior consultation with residents before the property was brought into use or had gone through the planning process. Although the application is retrospective, the onus to apply for planning permission rests with the applicant. Further information has been sought in order that the neighbouring residents/interested parties have sufficient information on which to consider the proposal. The relevant consultations have been carried out as part of the planning process and the opportunity to make comments has therefore been given. All those comments received have been considered as part of the determination process and where they are material planning considerations been given appropriate weight.
24. Although the grant of any planning permission would not prevent a change in management of operator, a planning condition is recommended to both control the use and prevent the intensification of the facility beyond what this permission seeks. In addition the deed of variation (as proposed by the applicant) would remain with the property and act as a degree of control on the types of persons would be eligible to utilise the accommodation. It is considered that these controls would provide a degree of safeguard for the surrounding residents and ensure that the facility operates as proposed.
25. Objection raised in respect of loss of property value are not a material planning consideration. Equally other matters regarding the trust in the management of the premise are also not material planning considerations.

CONCLUSION

26. As outlined within the report the National Planning Policy Framework (NPPF) and the Council's Core Strategy promote sustainable, inclusive and mixed communities with Policy CS3.10 offering further support for schemes which address the requirements of vulnerable and special needs groups. The application site is within a sustainable location and is therefore considered to be entirely consistent with both the National and Local Planning Policy context. Whilst objectors consider that there may be better locations for such a use, this application needs to be considered as submitted and there are no known reasons why in principle, the use would not be acceptable in this location from the planning perspective.
27. The significant concerns of local residents over the potential for anti-social behaviour and criminal activity are duly noted. Although it is difficult for a planning decision to factor in the potential behaviour of any residents, such matters would be down to the successful management of the facility. Nevertheless it is considered necessary to ensure the property

remains of a limited scale and to prevent future uncontrolled change meaning the facility would become out of scale with its residential surroundings.

28. There are considered to be no significant risks to highway safety or residential amenity, with regards to privacy, daylight or appearing overbearing. Consequently it is considered that there are no sound planning reasons why planning permission should be withheld and the proposed development is recommended for approval subject to those conditions set out within the report.

Corporate Director of Development and Neighbourhood Services
Contact Officer Miss Debra Moody Telephone No 01642 528714

WARD AND WARD COUNCILLORS

Ward Billingham East
Ward Councillor Councillors Mick Stoker and Evaline Cunningham

IMPLICATIONS

Financial Implications:

There are no known financial implications in determining this application.

Legal Implications:

There are no known legal implications in determining this application.

Environmental Implications:

The proposal relates to the reuse of an existing property and results in no external changes to the premises. Matters relating to traffic and associated noise and disturbance are considered and addressed within the report and are considered limited

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. The facilities management and other agencies would ultimately be responsible for any occurrences of anti-social behaviour, although the recommendation takes into account the need to limit the scale of the use.

Background Papers

Stockton on Tees Local Plan Adopted 1997

Core Strategy – 2010

Emerging Regeneration and Environment Local Plan – Publication February 2015.

Supplementary Planning Documents

SPD1 – Sustainable Design Guide

SPD3 – Parking Provision for Developments

SPD6 – Planning Obligations