

DELEGATED

**AGENDA NO. 8
PLANNING COMMITTEE**

UPDATE REPORT

1st July 2015

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

15/0178/FUL

254 Marsh House Avenue, Billingham, TS23 3EL

Retrospective consent change of use to supported accommodation

SUMMARY

Further comments have been received from the Cleveland Police which provide additional comments in relation to the proposed use. The Police have confirmed that there have been four instances where they have been called to the premises since the facility began operations which are detailed below

An additional objection has been received from neighbours at 3 Elemere Court. The majority of the comments have already been addressed within the original report but the additional comments have been made. These relate to the impact on affordable housing in the area, security risks with open access to car park area, covenant on the property is standard and provides no re-assurance, impact of security lighting and if the application is approved there should a six month review. These additional comments have been addressed below.

The Council's Legal Officers have confirmed that the Deed of Variation for the premises has yet to be signed. Therefore, an additional condition is proposed for a Section 106 agreement to be entered into, should the planning permission be granted is recommended. The condition is considered to be necessary to ensure the premises is utilised in accordance with the proposed planning permission.

It is considered that no fundamental new issues have been raised and all material planning considerations remain as outlined within the main report or as detailed in this report below;

RECOMMENDATION

That the application be approved in accordance with the recommendation in the main report subject to the following changes;

Inclusion of the following conditions:

S106 condition

A section 106 agreement shall be entered into between the applicant and the Council restricting the use of the premises as set out in the Heads of Terms detailed within the Officers report within 2 months of the date of granting the planning permission unless otherwise agreed with the Head of Economic Growth and Development.

Reasons: In the interests of a satisfactory form of development and to safeguard neighbouring occupiers.

HEADS OF TERMS

A restriction on the occupiers of the accommodation as may be agreed by the council but which may include 18-25 year olds only, not to be drug or alcohol dependant, no registered sex offenders or persons with a record of arson or sentenced to more than 2 years for convictions for eg violence against persons or property.

ADDITIONAL COMMENTS

Marie and Terence Carney - 3 Ellemere Court, Billingham

Have made a number of additional comments relating to

- the impact on affordable housing in the area,
- security risks with open access to car park area,
- that the covenant on the property is standard and provides no re-assurance,
- impact of security lighting
- Should the application is approved there should a six month review.

Cleveland Police – Architectural Liaison Officer

I have the following comments regard this application.

Legislation and National Planning Guidance

National Planning Guidance states that designing out crime and designing in Community Safety should be central to the planning and delivery of new developments. Planning should also promote cohesive and vibrant neighbourhoods. Any mix of uses in neighbourhoods should avoid opportunities for conflict

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

Crime Pattern Analysis

Police have carried out a search in relation to incidents connected with the premises since commence of its current use This has revealed 4 incidents of males attending the premises for solicitation purposes. 1 incident of female resident aggressive to staff whilst under influence of drink/drugs. All incidents reported to Police by staff from premises. No reports have been received from local residents.

As stated in previous correspondence Cleveland Police recognises the need for secure well managed accommodation for vulnerable persons who are need of support and accommodation . Cleveland Police will always offer support and commit to work with the management of such premises. It would appear that staff are currently working effectively with Police regard any issues of concern in relation to residents of the facility.

It would also appear that the premises is currently managed in an appropriate manner by staff and that relevant management measures are in place to help provide a safe and secure environment for residents however staff will have little control over outside factors such as males attending the location for solicitation purposes

Police are aware that residents from the local community have concerns with regard the current use of this facility and the potential impact on community safety and cohesion of the local community.

As stated previously Police do have a number of concerns in relation to the location of these premises which includes 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 effectively managed and that selection with regard the suitability of potential residents is correctly risk assessed prior to them been located at the facility.

Police would also ask that the following security measures are put in place

1. CCTV installed to cover all entrances and external areas of the building the CCTV must provide images of facial recognition that can be used in a court of law. CCTV installation must comply with requirements of Data Protection
2. Secure access control to building
3. Windows to resident's rooms should have small window openings or window restrictors to prevent access through any opening window.
4. Fire Escape doors should be alarmed to give indication to staff of any opening of these doors.
5. Secure Bin Store should be provided
- 6 Security lighting to all entrances in the form of dusk to dawn lighting should be fitted. Adequate lighting to the grounds and parking areas the lighting should complement CCTV installation
- 7 Any replacement doorsets including flat entrance doors should be certified to BSPAS24 -2012. Flat doors should be fitted with a door viewer any glazing to doors should be laminated to a minimum of 6.4mm
- 8 Any replacement ground floor windows and easily accessible 1st floor windows certified to PAS 24 -2012

MATERIAL PLANNING CONSIDERATIONS

1. With regards to the impact on affordable housing in the area if the charity buys additional properties in the Billingham this is speculative and cannot be considered as a material planning consideration for this application. In any case planning permission would not be required provided it remains as a single dwelling. Any future applications change of use would however be considered in line with National Planning Guidance and the Council's Core Strategy.
2. The neighbour has raised concerns that the covenant which will be placed on the property will be a standard covenant and provide no re-assurances in terms of the occupants of the premises. A Deed of Variation to the original covenant is being completed which will define 'vulnerable persons' to be between 18 and 25 years of age. The Deed of Variation has not been signed and therefore to ensure the premises is to be utilised in accordance with the planning permission an additional condition has been placed on the proposal that a section 106 agreement be signed in association with the planning permission. With the premises already being in operation a time restriction has been placed on the signing of the section 106 agreement.
3. With regard to the resident concerns over the security lighting which has been installed at the property and the impact on the neighbours. These comments are noted, however the lighting can be installed without the requirement for planning permission and is a civil issue between both parties.

4. Comments have been received from the neighbour relating to the potential security issues with the car park area remaining open and not enclosed, despite the CCTV cameras. The applicant has demonstrated that the facility is manned 24 hours a day and has provided CCTV cameras within the car park area and on the entrance doors which has been considered by the Police and they have not requested any additional security measures be put in place.
5. A neighbour has commented that if the application is approved there should a 6 month review of the situation allowing a panel to raise any issues which have arisen. In planning terms, only the information which has been submitted can be assessed in terms of the suitability of the change of use of the premises the long term management of the property will be an issue for the staff and owners.

IMPLICATIONS

No additional implications to those detailed within the main report are raised by the content of this update report.