

**DELEGATED**

**AGENDA NO**

**PLANNING COMMITTEE**

**07 November 2018**

**REPORT OF DIRECTOR,  
ECONOMIC GROWTH AND DEVELOPMENT**

**18/0851/COU**

**1 Tintern Avenue And 3 Melrose Avenue, Billingham, TS23 2JJ**

**Change of use from (C3) residential property to (C2) children's home.**

**Expiry Date 8 November 2018**

### **SUMMARY**

Planning permission is sought for the change of use of an existing residential property located on Tintern and Melrose Avenue to a care facility (C2 Use Class). The proposed facility is aimed at providing care for up to 6 children on a permanent basis, with the children residing there as their permanent home. Staff will be at the property 24/7 to provide care/support to the children and would operate in shifts.

25 objections have been raised by local residents which mainly relate to concerns around increased traffic and parking problems, the suitability of the site that this will change the feeling/character of the area, that children within the home will cause anti-social and criminal behaviour.

The principle of providing care for the vulnerable parts of society and the economic / job creating benefits of the scheme are all considered to accord with the National Planning Policy Framework and the Core Strategy. The site is an existing residential property within the limits to development and is considered to be a highly sustainable location and is considered to provide a pleasant environment in which to bring up the children.

The concerns over the potential for anti-social behaviour are noted, however, it is difficult for a planning decision to factor in the potential behaviour of children and it is argued that this is more of a matter for the management of the facility and others such as the police were anti-social behaviour to occur. Notwithstanding this, it is considered necessary to ensure the property remains to be a children's home of a limited scale as is being proposed in order to prevent future uncontrolled change and prevent it being used in a different manner to that which is being considered. As such, a condition is recommended which limits the age of cared for residents up to 18 years of age and which restricts the number of cared for residents to 6, which is considered to reflect the small scale nature of the facility within a large family home.

It is considered that there is no undue risk to highway safety, that adequate parking can be provided and although the use of the site and comings and goings will intensify as a result of the proposal, this would not be to a degree which would substantially harm the surroundings or amenity associated with nearby properties taking into account the property being a large property.

### **RECOMMENDATION**

**That planning application 18/0851/COU be approved subject to the following conditions and informatives:**

**01** The development hereby approved shall be in accordance with the following approved plans;

<b>Plan Reference Number</b>	<b>Date on Plan</b>
17.91.004 REV 02	28 August 2018
17.91.002	17 April 2018

Reason: To define the consent.

**02 Limitations of Use**

The use hereby approved shall be limited to serve to care for persons aged 18 and under and shall be limited to care for no more than 6 persons at any time.

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

**03 Parking Provision**

Prior to the proposed building being brought into use the vehicular parking spaces shall be provided in accordance with the submitted plan 17.91.004 Rev 02 submitted 28 August 2018. The spaces shall be retained for perpetuity of the proposed use.

Reason: In the interests of vehicular parking provision and highway safety.

**INFORMATIVE OF REASON FOR PLANNING APPROVAL**

**Informative: Working Practices**

The Local Planning Authority found the submitted details satisfactory subject to the imposition of appropriate planning conditions and has worked in a positive and proactive manner in dealing with the planning application.

**Informative 2: Effective Management**

The operator is advised to work alongside Cleveland Police and other safeguarding partners and to comply with the requirements of the multi-agency protocol on runaways and children missing from home or care. Effective management, staffing and procedural arrangements should be in place to prepare for potential missing episodes and management should take all possible measures to protect those at risk and work with the police to ensure a quality early risk assessment takes place.

**Informative 3: Dropped Kerb**

The applicant should contact Care for Your Area 01642 391959 regarding widening the dropped vehicle crossing.

**BACKGROUND**

The existing building combines two previously separate dwellings (1 Tintern Avenue and 3 Melrose Avenue), which were operated together forming as a doctor's house and surgery. The property has since been converted to a dwelling with a residential annex.

## **SITE AND SURROUNDINGS**

The application site relates to the two adjoining corner properties of 1 Tintern Avenue and 3 Melrose Avenue located in Billingham. The properties are part two storey part single storey and the surrounding area is largely residential with 2 Tintern Avenue located immediately to the side (west), 5 Melrose Avenue located immediately to the rear (north) and across the vehicular highway (east) are the residential properties located on Ravensworth Road. John Whitehead Park is situated immediately to the front of the site (south) and Billingham Town Centre is at a further distance beyond.

## **PROPOSAL**

The application seeks planning consent for the change of use from (C3) residential use to (C2) a Residential Care Facility for up to 6 children between the ages of 3 and 18. The operator aims to provide residential care for young people with social and emotional behaviour difficulties.

A full time manager would operate on a cyclical shift pattern from 8 am until 8 pm and would be replaced for the night shift from 8pm until 8 am and would be supported by up to two additional staff members. No external alterations are proposed to the property.

## **CONSULTATIONS**

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

### **Highways Transport & Design Manager**

#### **General Summary**

Subject to the comments below the Highways, Transport and Design Manager raises no objections.

#### **Highways Comments**

In accordance with SPD3: Parking Provision for Developments 2011, a children's home should provide 1 in-curtilage car parking space per FTE staff (max number on site at any given time) plus 1 space per 5 residents plus 1 professional visitor space. The applicant has stated that there will be a maximum of 3 staff on site and that there is a large car used to transport the children, therefore a total of 6 spaces should be provided.

The revised plan shows the requisite 6 spaces; while the parking layout is less than ideal as it will require some onerous manoeuvring this will take place off the highway and is considered to be insufficient grounds to object.

It should be conditioned that the proposed parking layout is provided (including widening the dropped vehicle crossing) prior to the proposal being brought into use.

Informative: The applicant should contact Care for Your Area 01642 391959 regarding widening the dropped vehicle crossing.

### **Environmental Health Unit**

I have checked the documentation provided, have found no grounds for objection in principle to the development and do not think that conditions need to be imposed from an Environmental Health perspective.

## **Ward Councillor Barry Woodhouse**

Whereas I do not object to the change of use in principle I have some concerns as to the detailed use. Given the maturity of residents in the area the perceived fear of crime would need to be addressed. I would suggest the applicant allays these fears by meeting residents. I would assume this facility would be used by Children from the Borough thus reducing the potential for absconding and reducing police involvement. Many of the perceived concerns of residents can be allayed by the applicant holding a residents meeting thus preventing the unfounded scare mongering seen at other children's homes opened in recent times. I would have obviously preferred a Council run facility and believe if there is a demand for provision for our children then we, as corporate parents should be providing said accommodation.

The Parish Council SBC Adult Social Care and Cleveland Police were consulted and no comments were received.

### **PUBLICITY**

Neighbours were notified and 25 objections were received and comments were received from the following addresses with the content summarised below. Full detailed comments can be found at <http://www.developmentmanagement.stockton.gov.uk/online-applications/>

**The names and addresses of objection representations received are detailed below.**

- 1) Mrs Marilyn Saunders - 2 Tintern Avenue Billingham
- 2) Mr Neill Dunn - 4 Tintern Avenue Billingham
- 3) Mrs. P. Hooker 6 Tintern Avenue Billingham
- 4) A E and D P Smith 10 Tintern Avenue Billingham
- 5) Mr and Mrs Jones 12 Tintern Avenue Billingham
- 6) Mrs Doris Dent 16 Tintern Avenue Billingham
- 7) Mr and Mrs Jorgenson 24 Tintern Avenue Billingham
- 8) Paul Thurston 5 Melrose Avenue Billingham
- 9) Mrs N Thurston 5 Melrose Avenue Billingham
- 10) Mrs M Thurston 5 Melrose Avenue Billingham
- 11) Val Duffy 6 Melrose Avenue Billingham
- 12) Mr & Mrs Munt 7 Melrose Avenue Billingham
- 13) Mr Derrick and Mrs Christine Hall 28 Melrose Avenue Billingham,
- 14) Shane Pickering 28 Melrose Avenue Billingham
- 15) Dennis Clark 34 Melrose Avenue
- 16) Dr A I Awad General Practitioner Melrose Medical Centre Ltd, 38 Melrose Avenue Billingham
- 17) Anne Woodward, 40 Melrose Avenue Billingham
- 18) Glenda Russell 42 Melrose Avenue Billingham
- 19) Mr Steven Laight 48 Melrose Avenue Billingham
- 20) Mrs Gweneth Biggs 13 Rochester Road Billingham
- 21) Kath Blackburn 24 Kenilworth Road Billingham
- 22) Mr T Williams 9 Ravensworth Road Billingham
- 23) Mr Philip Saunders 106 Beaconsfield Road Norton
- 24) Mrs Charlotte Harrison, 24 Westmoreland Grove Norton
- 25) Mr Stephen Saunders 12 Auckland Road Billingham

Comments received are summarised as follows;

### **Development not suitable for residential area**

Residents have raised concerns that the introduction of a care facility would represent a commercial operation within the residential setting and would be out of character with the surrounding area and introduce issues of noise and disturbance particularly through the use of play

equipment within the rear garden area that would result in an intrusion into residents' privacy. Residents have also questioned whether the type of care is suitable within an area surrounded by elderly neighbours.

### **Highway Safety and sustainability concerns**

Residents have expressed concerns that the proposed use would generate increased traffic and parking problems on an already busy road network where available parking is limited. Objection comments have cited the nearby doctor's surgery which generates parking issues and residents consider that the proposed use would exacerbate the existing parking situation and may restrict access for emergency service vehicles. Concerns have also been raised that increased on street parking, as a result of the proposal, would make it unsafe for pedestrians within the area.

### **Anti-Social behaviour/Crime**

Residents have raised concerns that the proposed care facility may generate an increase in anti-social behaviour and crime. Residents have cited existing anti-social behaviour activity adjacent to the site in the nearby John Whitehead Park. Comments also considered that placing vulnerable children close to an area experiencing anti-social behavioural problems as being unsuitable for vulnerable children's well-being.

### **Other Matters raised**

Residents consider that having a residential institution in the area will devalue their properties. Residents have also questioned why the proposed home would provide for children as far as a 30 miles radius. Whilst these matters are noted, they are not material planning considerations and are not considered further within the report.

## **PLANNING POLICY**

Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan is the Core Strategy Development Plan Document and saved policies of the Stockton on Tees Local Plan. Section 143 of the Localism Act came into force on the 15 January 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**

The purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic, social and environmental objectives.

So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11) which for decision making means;

- approving development proposals that accord with an up-to-date development plan without delay; or

- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. 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.

### **Local Planning Policy**

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

### **Core Strategy Objectives**

Objective 1 of the Core Strategy is to enable all of Stockton Borough's residents to live in prosperous, cohesive, and sustainable communities.

Objective 6 of the Core Strategy seeks to provide high quality services and facilities to meet the needs of the Boroughs growing and ageing population.

Objective 7 of the Core Strategy seeks to; promote equality, diversity and strengthen community cohesion.

Objective 11 of the Core Strategy seeks to provide a safe, healthy and attractive environment, indicating that Stockton Borough will be a safe place with crime rates remaining below the national average.

### **Core Strategy Development Plan Policy CS8 – Housing mix and affordable housing provision**

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

### **Emerging Local Plan**

The LPA have recently gone through the examination in public for the Local Plan, and are currently out for consultation on the modifications. In line with the NPPF (216). From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to: the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given). At this stage greater weight can be afforded to the policies and allocations as detailed within the emerging local plan.

The most relevant of the document's policies are;

- SD1 Presumption in the favour of Sustainable Development,
- SD3 Housing Strategy,
- SD5 Environment and Climate Change Strategy,
- SD6 Transport and Infrastructure Strategy
- SD7 Infrastructure Delivery and Viability
- SD8 Sustainable Design Principles

- H4 Meeting Housing Needs
- ENV1 Energy Efficiency

## **MATERIAL PLANNING CONSIDERATIONS**

1. The main planning considerations of this application relate to the principle of development, the social and amenity impacts on the surrounding area and occupiers and issues concerning highway safety. These are considered as follows;

### **Principle of development**

2. The application is for a change of use from a residential dwelling currently falling within Use Class C3 to a residential care facility falling within C2 Use Class.
3. The application site is located at the junction of Tintern and Melrose Avenue, Billingham, which is within the limits to development and lies approximately 300 metres from Billingham Town Centre where there are a wide range of shops and services. John Whitehead Park lies immediately adjacent to the application site (south) offering a range of sports and community facilities. The application site is also within close proximity to a bus stop with regular bus services to wider areas of the Borough.
4. The proposed site is considered to be located within a highly sustainable location providing a sizable residential property with appropriate grounds making it suitable for conversion for a small scale residential care facility.
5. Core Strategy Development Plan Policy CS8(10) supports proposals that address the requirements of vulnerable and special needs groups and it is considered that the principle of the proposed change of use is generally in accordance with Policy CS8.

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

6. As can be appreciated by the consultation responses, objections to the application proposal partly relate to resident's concerns about the noise and disturbance and potential anti-social behaviour of the children residing at the property. Residents have also cited existing anti-social behaviour activity adjacent to the site within John Whitehead Park.
7. Matters of existing anti-social behaviour in the existing area are not related to the proposed use and therefore cannot be addressed in dealing with this current application. With regards to the concerns from residents in respect to anti-social and criminal behaviour associated with the proposed use, it is particularly difficult for planning considerations to give any significant weight to the 'potential' behaviour of individuals. The use could generate significant anti-social behaviour, as could any residential property and likewise, it could generate limited or no anti-social behaviour like many residential properties do. It is anticipated that the potential for anti-social behaviour would be mainly related to the nature of the children residing at the site (which is not fixed) and the success of its management. Were permission to be granted, the planning permission and any associated conditions could not reasonably control the nature of the children and the day to day management of the use. Instead, were permission to be granted and anti-social behaviour to occur, this would be a matter for the staff / management of the facility and any others responsible for dealing with the nature of the behaviour such as the police. An informative is recommended to relay to the operator of the site the responsibilities for the implementing an effective management plan and working alongside Cleveland Police and safeguarding bodies to ensure continual effective management takes place should the application be approved.

8. It is acknowledged that six children residing at the application site would result in a degree of intensification of the property however the application site is a sizable residential dwelling where two properties have been amalgamated and a large family could reside at the site and it is considered that similar levels of activity could be generated. In terms of noise generation from the proposed use, the Environmental Health Unit have been consulted and have no objections to the proposed care facility. Given the site is a large residential property and would remain to be a form of residential use of the same scale, the operations at the site are considered not to significantly increase noise generation more than may exist at any similar scale of residential property. In view of these matters, it is considered there would be no significant undue impacts of noise on surrounding residents and their associated amenity.
9. As with any development or use, it needs to be of a scale which is representative of the settlement and surroundings which it is within and the use should in no way dominate the surrounding character which in this instance is that of a large dwelling within a settlement. With this in mind it is considered appropriate to condition the extent of the use to care for no more than 6 individuals. This represents the circumstances of the large property and it is considered that beyond this, the use would start to represent a larger facility which may no longer fit with the character of its surroundings.
10. Consideration is given to whether there is a need to control the age limit for children intended to be housed at the site. It is understood that the property is not being used for transitional accommodation and as such, this will be home for the children who could spend a number of years at the property. With this in mind it seems inappropriate for a planning control to prevent a child to leave what has become their home once they get to a certain age, however, it is also understood that the business provides accommodation for children up to 18 and it is considered necessary to prevent care being given to people over the age of 18 at this property. This would allow the use to provide care within the bounds of which consideration has been given to the proposal.

### **Highway and traffic related considerations**

11. The application site is located at the junction of Tintern and Melrose Avenue with access and parking taken from Melrose Avenue towards the rear of the property.
12. Residents have expressed concerns that the proposed use would generate increased traffic and parking issues on an already busy road network where available parking is limited. Whilst the existing traffic issues within the area are noted, the proposal can only be expected to manage its own associated impacts.
13. The applicant has submitted a parking plan which illustrates the available parking provision for up to 6 vehicles, which meets the Highway requirements for the proposed use. The Highways Transport & Design Manager has no objection to the proposal commenting that whilst the proposed parking may result in a degree of onerous manoeuvring, this would take place within the grounds of the site and off the highway. Subject to the necessary condition for the parking to be provided in accordance with the submitted plan, the proposal is considered to be acceptable in terms of highway safety and vehicular parking related matters.

### **CONCLUSION**

14. 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.



15. The residents' concerns over the potential for anti-social behaviour are noted, however, it is difficult for a planning decision to factor in the potential behaviour of children and it is argued that this is more of a matter for the management of the facility and others such as the police, were it to occur. Notwithstanding this, it is considered necessary to ensure the property remains to be a children's home of a limited scale as is being proposed in order to prevent future uncontrolled change. As such, a condition is recommended which limits the age to which cared for residents can be and which restricts the number of cared for residents to 6, which is considered to reflect in part the number of children that could be accommodated within a large family home.
16. It is considered that there is no undue risk to highway safety, that adequate parking can be provided and although the use of the site and comings and goings will almost certainly intensify as a result of the proposal, this would not be to a degree which would substantially harm the surroundings or amenity of nearby residents taking into account the available parking provision.
17. In view of all of the above, it is considered that the proposal is in accordance with the Development Plan and the National Planning Policy framework and there are no material planning considerations which indicate otherwise. It is recommended that conditional planning permission be granted.

**Director of Economic Growth and Development**  
**Contact Officer Kieran Campbell Telephone No 01642 528551**

#### **WARD AND WARD COUNCILLORS**

**Ward**                      **Billingham Central**

**Ward Councillors**    **Councillor Barry Woodhouse**

**Ward Councillors**    **Councillor Ann McCoy**

#### **IMPLICATIONS**

**Financial Implications:As report.**

**Environmental Implications:** As report

#### **Human Rights Implications:**

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

#### **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.

#### **Background Papers:**

The Town and Country Planning Act 1990.  
National Planning Policy Framework  
The Publication Draft Local Plan  
Stockton on Tees Local Plan Adopted Version June 1997  
Core Strategy Development Plan Document March 2010  
Application File and Relevant Planning History as referred to in the report.

