

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

8 July 2021

**REPORT OF DIRECTOR OF FINANCE,
DEVELOPMENT AND BUSINESS SERVICES**

21/1223/RET

486 Thornaby Road, Thornaby, TS17 8QL

Part retrospective application for the erection of two storey extension to side and single storey extension to front and application for the change of use from C3 dwelling house to C2 residential children's home (demolition of existing side extension)

Expiry Date

SUMMARY

The applicant site relates to an existing dwelling house, No. 486 Thornaby Road, within the defined development limits of Thornaby. Thornaby Road is characterised by a mix of various commercial uses intertwined with residential dwellings of a variety of scale and architectural styles. The site, sits adjacent to the Thornaby Green Conservation Area, grade II listed Glebe House and grade II* listed St Peters church.

The application is seeking planning permission for the change of use of No. 486 Thornaby Road a dwellinghouse (C3 use) to a children's home (C2 use) along with the part retrospective extensions. The site is a detached four bedroomed property, with direct access taken from Thornaby Road and benefits from a large rear amenity space.

The proposed children's home will provide accommodation for a maximum of four children between the ages of 8 and 18 years, with 24 hour adult support provided on a shift basis. Two members of staff will be present on the evening shift, with four members of staff during the day. There would be a staff hand over on the am and pm, resulting in six staff being present for two 1-hour periods at the premises. The property would have the same internal facilities as a family home. There would be 7No. car parking spaces, 2No. motorcycle spaces and 4No. cycle spaces provided at the Site.

Following the consultation process there have been 40No. letters of objection received. The objections relate to highway issues including increase in the volume of traffic and off-street parking, noise, light, privacy, litter, anti-social behaviour/crime, impact on character and appearance of the street scene and the community, not suitable location for the use and devaluation of properties.

There were 7 No. letters of support received for the proposal which related to the proposal being a worthwhile cause and good for the community in helping out children and keeping them safe from harm and abuse, with high quality care and support in education and healthcare.

Given the scale of the proposed use with a maximum of four children and the physical alterations, which are well underway having previously been granted planning permission, the proposal is considered not to have a significant impact on the amenity of the neighbours properties and will not result in a significant impact on highway safety. The proposed development would ensure an

acceptable form of development which would be compliant with the principle of the relevant policies of the Local Plan and the NPPF. The recommendation to Members is therefore to approve the application.

RECOMMENDATION

That planning application 21/1223/RET be approved subject to the following conditions and informatives below;

01 Approved Plans;

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

Plan Reference Number	Date Received
2107 / 02	4 May 2021
SBC0001	28 April 2021
2107 / 01	28 April 2021
2107 / 04 'A'	13 May 2021

Reason: To define the consent.

02 Permitted Use;

The premises shall be used for a three person children's home and for no other purpose including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 2020 (or any order revoking or re-enacting that order with or without modification), without planning permission being obtained from the Local Planning Authority.

Reason: To adequately control the use of the site having regard to the nature of the site and the particular circumstances of the application to protect the amenity of the area and in the interests of resident's amenity.

03 Parking Spaces;

Prior to the occupation of the development hereby approved the additional parking spaces and associated hardstanding as demonstrated on the submitted plans (drawing No. 2107/02 received by the local planning authority on the 4 May 2021 shall either be constructed from porous/permeable materials or provision made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of this premise. These shall be in place prior to occupation and shall thereafter be retained for their intended purposes.

Reason: To prevent increase risk of flooding from surface water run-off.

04 Finishing Materials;

The external finishing materials shall match with those of the existing building.

Reason: In the interests of visual amenity and to ensure a satisfactory form of development.

INFORMATIVES OF REASON FOR PLANNING APPROVAL

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 seeking a revised scheme to overcome issues and by the identification and imposition of appropriate planning conditions.

Informative: Effective Management

The operator is advised to work alongside Cleveland Police and other safeguarding partners to comply with the requirements of the multi-agency protocol on runaways and vulnerable people 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. The operator should also work with the police and their residents on effective interventions to prevent cared for residents repeatedly going missing from care.

BACKGROUND

1. 19/1354/FUL Single storey extension to side to form attached garage (demolition of detached garage and existing side extension) Approved 21st August 2019

2. 20/0221/OUT Outline application with all matters reserved for 1No. Bungalow Approved 5th June 2020

3. 21/0292/FUL Erection of two storey extension to side and single storey extension to front (demolition of existing side extension) Approved 24th March 2021

4. TP 00.8.5.611 Tree Preservation Order 613
S2/6412 CONF

1. Planning permission was previously granted for the erection of a two-storey side extension (application ref 21/0292/FUL) and single storey front extension (application ref 19/1354/FUL), however at the time of submission of the change of use, these had not been completed and therefore form part of this application.

SITE AND SURROUNDINGS

2. The application site, is a detached dwellinghouse situated within a large amenity space within Thornaby and is accessed directly from Thornaby Road. The rear of the Site is adjacent to the Thornaby Green Conservation Area with a Listed Building forming the western boundary.

3. There is a TPO tree along the northern boundary.

PROPOSAL

4. Planning permission is being sought for the part retrospective erection of two storey extension to side and single storey extension to front and for the change of use of the property from dwelling house (C3 use class) to residential children's home (Use class C2). The demolition of existing side extension does not require planning consent.

5. The supporting statement sets out that;

“The children that we look after and support can often be challenging due to the negative experiences they have been exposed to in their young lives. The children may have experienced neglect, trauma, abuse, exploitation and various other forms of harm. These harmful experiences impact on the child’s ability to control their impulses or to learn new behaviours, effecting long term change in children and young people is our ultimate aim. We support children by making them feel valued, by showing them that we care for them, by helping them to understand and manage their challenging behaviours, by showing them how to build resilience in adversity and by demonstrating new coping strategies in order to manage any future disappointments they may face in life.”

6. The proposed children home would provide care for four children. The number of staff members on duty at any one time will be no more than six, this would only be for a period of one hour during the staff shift changeover.

7. There will be sixteen FTE staff members and a housekeeper within the team who will work on a rotational basis covering the shift patterns:
 - Day shift – 7.30am to 10.00pm (4 x staff members)
 - Night shift – 9.00pm – 8.00am (2 x wakened staff members)
8. Planning permission was previously granted for the erection of a two-storey side extension (application ref 21/0292/FUL) and single storey front extension (application ref 19/1354/FUL), however at the time of submission of the change of use, these had not been completed and therefore form part of this application.
9. The proposed development also proposes to extend the hard surfacing to provide additional parking/ turning space. At the time of the site visit all trees, with the exception of the protected tree, had been removed from the site.

CONSULTATIONS

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

Highways Transport & Design Manager - *no objection to this application.*

Highways Comments - *the required 7 incurtilage car parking spaces have been provided, therefore no highway objections are raised.*

Landscape & Visual Comments - *no landscape and visual objections to the proposals.*

Environmental Health Unit - *no grounds for objection to this retrospective application.*

Thornaby Town Council – *no objections to the conversion of 486 Thornaby Road into a children's home*

At the time of writing no written representations had been received from the following consults;

- School Place Planning
- SBC Flood Risk
- SBC Children And Young Peoples Strategy
- SBC Care For Your Area
- Parish Council
- Councillor Ian Dalgarno
- Councillor Mick Moore
- Cleveland Police
- Adult Strategy

PUBLICITY

11. Publicity has been given to the planning application through advertisements in the press, site notice and neighbour notification letters.
12. A total of 7No. letters of support have been received, all those comments received are identified below (in summary);
 1. Mr Andrew Crolla 7 Fordy Grove Thornaby
 2. Mrs Melanie Waldby-Duck 47 Sherwood Road Thornaby
 3. Mrs Trish Allison 36 Ingleton Road Stockton-on-Tees
 4. Mrs Diane Richardson 76 Redcar Road Thornaby
 5. Mrs Claire Barrett 16 Stirling Way Thornaby

6. Miss Katie Skeldon 27 Northallerton Road, Thornaby
7. Miss Lisa Walker 5 Kilbride Close, Thornaby

Support comments:

- Children deserve a secure, safe home.
- Needs to give it a chance.
- Absolutely support this.
- children need stability in their young lives and were better than a wonderful community.
- No reason children would not settle here I can't even think of a single reason why these kids wouldn't settle into a new home such as this.
- The kids need support
- The building has looked abandoned and disused for many years.
- Put something back into the local area for local kids is a great idea well done hope this goes ahead.
- Support the running of these homes based on CQC guidelines

18. A total of 40 letters of objection have been received. All those comments received are identified below (in summary).

1. Mrs Tanya Wilson 262 Thornaby Road Thornaby
2. Mrs B A Ralph 411 Thornaby Road Thornaby
3. U Bell 19 Richardson Road Thornaby
4. Miss Zosh Syposz 452 Thornaby Road Thornaby
5. Mrs Rebecca ODonnell 24 White House Road Thornaby
6. Mrs Kathleen Alder 43 The Green Thornaby
7. Mr and Mrs S Pearson 464 Thornaby Road Thornaby
8. Mr Nicholas Marchant 393 Thornaby Road Thornaby
9. Mrs J Teasdale 37 Bassleton Lane Thornaby
10. Mr John Rowe 15 Bassleton Lane Thornaby
11. Mr Brian Haycock 76 The Green Thornaby
12. Mr R Middleton 19 Bassleton Lane Thornaby
13. Anne Allison 6 White House Road Thornaby
14. Mrs Joanna Barry 54B Bassleton Lane Thornaby
15. Mrs Sandra Bridgewater 25 Bader Avenue Thornaby
16. Phil Peeke 387 Thornaby Road Stockton On Tees
17. Mr Dino Paleschi 395 Thornaby Road Thornaby
18. Miss Aimee Charlton 11A Millbank Lane Thornaby
19. Mr and Mrs Hammill 31 The Green Thornaby
20. Mr Alan Green 15 Orchard Road Thornaby
21. Mr Jeffrey Readman 506 Thornaby Road Thornaby
22. Mrs Elaine Poole 23 Millbank Lane Thornaby
23. Mr David McQuade 65 The Green Thornaby
24. Mr Khizer Din 21 The Green Thornaby
25. Mr Neil Young 17 Millbank Lane Thornaby
26. Mrs Linda Fraser 11 Brighton Close Thornaby
27. Mrs A Forrester 464A Thornaby Road Thornaby
28. Mrs A Gallagher 488A Thornaby Road Thornaby
29. Mrs P Harris 401 Thornaby Road Thornaby
30. Brian And Angela Bailey 11 The Woodlands Thornaby
31. Mrs Kerry Taylor 13 Laburnum Avenue Thornaby
32. Mrs Marilyn Parkin 61 The Green Thornaby
33. Mr Barry Carson 399 Thornaby Road Thornaby
34. Mr Alan Leonard 53 The Green Thornaby
35. Mr Adam Delf 530 Thornaby Road Thornaby

36. Mrs Tasleem Ahmed 460 Thornaby Road Thornaby
37. Miss Lisa Walker 5 Kilbride Close Thornaby
38. Mr Steven Hall Anorien The Drive
39. Mr Bernard Calgie 504 Thornaby Road Thornaby
40. Mr P Burton And Ms R O'Connell 451 Thornaby Road Thornaby

Objections Comments

- Noise disturbance from increase in traffic from staff, visitors, deliveries, health professionals etc attending at all hours
- Too wide an age range of children 8-18
- House prices would decrease
- Alternative locations should be considered such as; industrial estate, commercial areas social housing developments or the countryside
- Affluent area with high council tax
- Criminal damage
- Proximity to pub, nursing home, nursery, takeaways
- Proximity to river
- Right to light
- Loss of privacy
- Known drug problems
- Children will have many issues not just autism
- Different scenario than 4 kids living at home with their parents
- Noise and disturbance during building works
- Higher police presence and greater strain on resources
- Other facilities have issues with police/ antisocial behaviour run aways
- Would ruin a decent area of Thornaby
- Vulnerable children would be at risk of exploitation
- Thornaby Road is dangerous with narrow footpaths
- Company's record
- Two people have been involved in serious (fatal) traffic accidents on the road directly in front of the proposal. Busy and dangerous road
- Generating income
- Cost to tax payer
- Increased pollution
- Loss of Trees
- Creating anxiety and fear from elderly residents
- A director of this company (Josh's place Ltd.) appears to be, or has been a director of "Spark of genius" which in partnership with Stockton Borough Council run similar homes in the area
- May house children from outside of the Borough, where there is capacity
- Planning permission approved in February 2021, without objection, which would have been of benefit to the area
- Not a charity like Zoe's Place
- Legal duty to have particular regard to the desirability of preserving or enhancing the character and appearance of a conservation area. Similarly, a development which would adversely affect the setting of a listed building (Glebe House grade II listed and St Peters church grade II* listed)

PLANNING POLICY

13. 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 Plans for the area,

unless material considerations indicate otherwise. In this case the relevant Development Plan is the Stockton on Tees Borough Council Local Plan 2019.

14. 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 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

15. 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.

16. 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.

Para 61. Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).

Para 91 Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

(a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;

(b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas; and

(c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

Para 92. To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
- c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
- e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

Para 127. Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Para 128. Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.

Para 180. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- (a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;
- (b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
- (c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

Para 192. In determining planning applications local authorities should take account of:

- the desirability of sustaining and enhancing heritage assets and putting them to a viable use consistent with their conservation
- the positive contribution that preservation of heritage assets can make to sustainable communities including their economic vitality
- the desirability of new development to making a positive contribution to local character and distinctiveness

Local Planning Policy

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

Strategic Development Strategy Policy 1 (SD1) - Presumption in favour of Sustainable Development

1. In accordance with the Government's National Planning Policy Framework (NPPF), when the Council considers development proposals it will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will always work proactively with applicants jointly to find solutions which mean that proposals for sustainable development can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

2. Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

3. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise - taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or,
- Specific policies in that Framework indicate that development should be restricted.

Strategic Development Strategy Policy 5 (SD5) - Natural, Built and Historic Environment

To ensure the conservation and enhancement of the environment alongside meeting the challenge of climate change the Council will:

2. Meet the challenge of climate change, flooding and coastal change through a variety of methods including:

- a. Directing development in accordance with Policies SD3 and SD4.
- b. Delivering an effective and efficient sustainable transport network to deliver genuine alternatives to the private car.
- c. Supporting sustainable water management within development proposals.
- d. Directing new development towards areas of low flood risk (Flood Zone 1), ensuring flood risk is not increased elsewhere, and working with developers and partners to reduce flood risk.
- e. Ensuring development takes into account the risks and opportunities associated with future changes to the climate and are adaptable to changing social, technological and

economic conditions such as incorporating suitable and effective climate change adaptation principles.

f. Ensuring development minimises the effects of climate change and encourage new development to meet the highest feasible environmental standards.

g. Supporting and encouraging sensitive energy efficiency improvements to existing buildings.

h. Supporting proposals for renewable and low carbon energy schemes including the generation and supply of decentralised energy.

Strategic Development Strategy Policy 8 (SD8) - Sustainable Design Principles

1. The Council will seek new development to be designed to the highest possible standard, taking into consideration the context of the surrounding area and the need to respond positively to the:

a. Quality, character and sensitivity of the surrounding public realm, heritage assets, and nearby buildings, in particular at prominent junctions, main roads and town centre gateways;

b. Landscape character of the area, including the contribution made by existing trees and landscaping;

c. Need to protect and enhance ecological and green infrastructure networks and assets;

d. Need to ensure that new development is appropriately laid out to ensure adequate separation between buildings and an attractive environment;

e. Privacy and amenity of all existing and future occupants of land and buildings;

f. Existing transport network and the need to provide safe and satisfactory access and parking for all modes of transport;

g. Need to reinforce local distinctiveness and provide high quality and inclusive design solutions, and

h. Need for all development to be designed inclusively to ensure that buildings and spaces are accessible for all, including people with disabilities.

2. New development should contribute positively to making places better for people. They should be inclusive and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.

3. All proposals will be designed with public safety and the desire to reduce crime in mind, incorporating, where appropriate, advice from the Health and Safety Executive, Secured by Design, or any other appropriate design standards.

4. New development will seek provision of adequate waste recycling, storage and collection facilities, which are appropriately sited and designed.

Meeting Housing Needs Policy H4 (H4) – Meeting Housing Needs

7. The Council will support proposals for specialist housing, including extra care and supported housing to meet identified needs. Accommodation will seek to deliver and promote independent living.

Transport and Infrastructure Policy 1 (TI1) - Transport Infrastructure

11. To assist consideration of transport impacts, improve accessibility and safety for all modes of travel associated with development proposals, the Council will require, as appropriate, a Transport Statement or Transport Assessment and a Travel Plan.

12. The Council and its partners will seek to ensure that all new development, where appropriate, which generate significant movements are located where the need to travel can be minimised, where practical gives priority to pedestrian and cycle movements, provides access to high quality public transport facilities and offers prospective residents and/or users with genuine sustainable transport options. This will be achieved by seeking to ensure that:

- e. New development incorporates safe and secure layouts which minimises conflict between traffic, cyclists or pedestrians.

Transport and Infrastructure Policy 3 (TI3) - Communications Infrastructure

7. Developers should demonstrate how proposals for new homes, employment or main town centre uses will contribute to and be compatible with local fibre and internet connectivity.

Natural, Built and Historic Environment Policy 4 (ENV4) - Reducing and Mitigating Flood Risk

1. All new development will be directed towards areas of the lowest flood risk to minimise the risk of flooding from all sources, and will mitigate any such risk through design and implementing sustainable drainage (SuDS) principles.
2. Development on land in Flood Zones 2 or 3 will only be permitted following:
 - a. The successful completion of the Sequential and Exception Tests (where required); and
 - b. A site specific flood risk assessment, demonstrating development will be safe over the lifetime of the development, including access and egress, without increasing flood risk elsewhere and where possible reducing flood risk overall.
3. Site specific flood risk assessments will be required in accordance with national policy.
4. All development proposals will be designed to ensure that:
 - a. Opportunities are taken to mitigate the risk of flooding elsewhere;
 - b. Foul and surface water flows are separated;
 - c. Appropriate surface water drainage mitigation measures are incorporated and Sustainable Drainage Systems (SuDS) are prioritised; and
 - d. SuDS have regard to Tees Valley Authorities Local Standards for Sustainable Drainage (2015) or successor document.
5. Surface water run-off should be managed at source wherever possible and disposed of in the following hierarchy of preference sequence:
 - a. To an infiltration or soak away system; then,
 - b. To a watercourse open or closed; then,
 - c. To a sewer.
6. Disposal to combined sewers should be the last resort once all other methods have been explored.

Conserving and Enhancing Stockton's Heritage Assets Policy HE2

1. In order to promote and enhance local distinctiveness, the Council will support proposals which positively respond to and enhance heritage assets.
2. Where development has the potential to affect heritage asset(s) the Council require applicants to undertake an assessment that describes the significance of the asset(s) affected, including any contribution made by their setting. Appropriate desk-based assessment and, where necessary, field evaluation will also be required where development on a site which includes or has the potential to include heritage assets with archaeological interest. Applicants are required to detail how the proposal has been informed by assessments undertaken.
3. Development proposals should conserve and enhance heritage assets, including their setting, in a manner appropriate to their significance. Where development will lead to harm to or loss of significance of a designated or non-designated heritage asset the proposal will be considered in accordance with Policy SD8, other relevant Development Plan policies and prevailing national planning policy.

4. The loss of a heritage asset, in whole or part, will not be permitted unless the Council are satisfied that reasonable steps to ensure new development will proceed after loss has occurred.
5. Where the significance of a heritage asset is lost (wholly or in part) the Council will require developers to record and advance the understanding of the significance of the heritage asset in a manner proportionate to the importance of the asset and impact of the proposal. Recording will be required before the development commences.
9. Where the Council identifies a building, monument, ruin, site, place, area or landscapes having significance because of its heritage interest, it will be considered a heritage asset.
10. Non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to policies for designated heritage assets.
11. Where archaeological remains survive, whether designated or not, there will be a presumption in favour of their preservation in-situ. The more significant the remains, the greater the presumption will be in favour of this. The necessity for preservation in-situ will result from desk-based assessment and, where necessary, field evaluation. Where in-situ preservation is not essential or feasible, a programme of archaeological works aimed at achieving preservation by record will be required.

MATERIAL PLANNING CONSIDERATIONS

18. The main planning considerations in the determination of this application include; the principle of development, impacts on the character and appearance of the area; amenity of neighbouring occupiers; highway safety and trees.

Principle of development

19. The Site is located within a principally residential area within the defined development limits of Thornaby. The Site is not allocated for another use in which the explanation of Policy SD1 would generally support the principle of development, owing to the sites position within the existing settlement, development of this site would represent a sustainable form of development.
20. The proposed occupation by 4 children with up to 4 staff present during the day would equate reasonably with the potential size of household that could currently occupy the dwelling. There are many similarities in how such children's homes operate to a normal family home in that children have private bedrooms, continue to go to school and partake in group activities within and outside the home. However, the case of *North Devon DC v FSS and Southern Childcare Ltd* [2003] provides authority for the view that use as a care home for children, where carers are non-resident, falls within Class C2, hence the need to apply for a change of use of the property from a dwellinghouse to a children's home.
21. Local Plan Policy H4(7) sets out that;

The Council will support proposals for specialist housing, including extra care and supported housing to meet identified needs. Accommodation will seek to deliver and promote independent living.

22. The Councils Children's services have confirmed that they have no comments to make on the proposed application. It is noted that the matters governing the regulation and licensing of children's care homes, are outside the control of the planning system, subject to separate

legislation and regulation, and therefore not material planning considerations which should be afforded any weight in the determination of the application.

23. It is considered that the proposed development, would comply with the aims of the NPPF paragraph 91 and Adopted Local Plan Policy H4 (7), in so far as it would provide for specialist housing, including extra care. It is therefore considered that the principle of the proposed change of use is acceptable.
24. In view of the above, the principle of the proposed development is considered to represent a sustainable form of development in line with the National Planning Policy Framework and Local Plan Policy SD1. The more detailed matters outlined in Policy SD3 and SD8 of the Local Plan, and SPD1 are considered below.

Character and Appearance

25. The National Planning Policy Framework paragraph 127 requires that developments should not only maintain a strong sense of place but should improve the quality of the area. Developments should also be visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
26. The NPPF and the adopted Local Plan encourage high standards of design with Local Plan Policies SD3 and SD8 setting out that new developments should be appropriate to the context of the surrounding area and be of an appropriate style, proportions and materials.
27. Policy SD8 sets out that the Council will seek new development to be designed to the highest possible standard, taking into consideration the context of the surrounding area and the need to respond positively to the:
 - a. Quality, character and sensitivity of the surrounding public realm.
28. The impact on the character of an area is not something which is purely about the visual appearance, it is also about the nature of development and how that creates a sense of place. Thornaby Road is characterised by principally residential dwelling intertwined with a mix of daytime and evening commercial uses. It is not considered that the level of activity associated with a 4 bedroom children home with 4 staff on during the day, 2 on an evening, resulting in two short periods in a day where there would be a hand over resulting in six staff on site, even taking to account any additional supporting agencies which may be required to meet the day to day needs of the children would generate such a significant level of activity that would cause harm to the character of the area.
29. The physical form of Thornaby Road has a wide range of architectural styles. The site is a detached dwelling set within a large plot between two modern detached bungalows. Surrounding dwellings include two storey, semi and detached dwellings of several architectural styles. The proposed development would result in a nearly symmetrical double frontage property, which notwithstanding the guidance contained within SPG2 is considered to be an acceptable form of development within not only the context of the site but also the wider area.
30. In view of the above considerations the proposed extension is therefore considered to be appropriate to the style, scale and proportions of the main dwelling and accords with policies SD3 and SD8 of the Local Plan. It is therefore considered that the principle of the development would comply with Local Plan Policies SD1 and SD8 and paragraph 127 of the NPPF.

Impacts on Heritage Assets

31. The Thornaby Green Conservation Area and the medieval church are the principal heritage assets affected by the development proposals. Sections 16, 66 and 72 of the Planning Listed Buildings and Conservation Areas Act requires the LPA to give special consideration to the desirability of preserving or enhancing the character or appearance of that area.
32. Development decisions should accord with the requirements of Section 12 of the National Planning Policy Framework which notes that heritage assets are an irreplaceable resource and emphasises that they should be conserved in a manner appropriate to their significance. Policy HE2 states that development proposals should conserve and enhance heritage assets, including their setting, in a manner appropriate to their significance.
33. Due to the location of the proposed development, the scale and form, it is not considered that the proposal will adversely impact on the character and appearance of the Thornaby Green Conservation Area or its wider historic character. The Councils Conservation and Historic Building officer has verbally confirmed that there is no objection to the physical works. She has also confirmed that the proposed change of use would not have an impact on the adjacent heritage assets and their settings.
34. The immediate surroundings of the application site are a mix of ages of residential properties, it is therefore considered that the proposal will conserve the character of the Thornaby Green Conservation Area. It is not considered that the proposed development would affect the setting of the grade two listed dwelling to the west.
35. The proposed development would be sited within and immediately adjacent to the envelope of the existing host dwelling. It is considered that whilst a sensitive site, due to the existing built form and the architectural style of the building the proposed development would respect the existing relationship the host dwelling has with the heritage assets.

Residential Amenity

36. Most objectors have raised concerns about the integration of the proposal into the community and that the proposal could lead to increased crime and anti-social behaviour, placing a strain on police and other local services as a result. Cleveland Police and Children Services had both been consulted and the time of writing neither had come forward with an objection.
37. Concerns have been raised over the management of the facility and objectors have sought to raise comparable sites to highlight situations which can occur as a result of children's homes. The management and regulation of children's homes and child protection is a matter for Ofsted and other government legislation under The Children Act. These are not land use considerations and therefore any comments made on the basis of a service not operating properly should not be afforded any weight in the determination of the application.
38. It is accepted that fear of increased crime is capable of being a material planning consideration in determining the planning merits of a scheme, as is clear from the West Midlands Probation Committee -v- SSE appeal case, which concerned a bail and probation hostel for criminals where numerous visits by the police and fear of crime was held to diminish the amenity of the area. In addition, paragraph 127 of the NPPF and Policy SD8 of the Local Plan, which seeks to *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*
39. The application site is not however, a home for criminals, nor would it be for persons with drug/alcohol problems, mental disorders, or any other secure residential institution falling under the separate Use Class C2a. It is a children's home for 4 children. It is noted that objectors

have sought to strike comparison of other homes which have required numerous police call outs. However, it is noted that no direct analysis has been provided to demonstrate that such events would be present at the application site or are 'typical' of children's homes within the Borough or wider area. Notwithstanding this, the management of such homes would be regulated outside of the planning system. Planning conditions cannot be imposed which require compliance with other regulatory regimes, an informative has therefore been recommended for the operator to work alongside Cleveland Police and other safeguarding partners.

40. Concerns expressed in the objections about potential impacts on property values are not material planning considerations. Likewise, where alternative locations such as industrial estates have been suggested as being a more appropriate locations, are not considered material as the application is seeking permission at the application site.
41. Whilst the number of vehicle movements would be greater than normal, a property of this size could attract a family with a high level of car ownership. The timing of the majority of vehicle movements would coincide with normal daily activity related to work and school journeys, as well as leisure and shopping trips in the afternoon and evening. The evening staff changeover would occur between the hours of 21.00 and 22.00. The morning hand over would occur at 07.30.
42. The condition on the proposal which will limit the use of the property to a four person occupancy children's home and no other use within the C2 use class will ensure that sufficient control is in place to ensure that there will be no significant impact on the amenity of the neighbouring properties.
43. The proposed two storey side extension would not extend beyond the rear elevation of the host dwelling and would maintain the existing relationship with the dwellinghouse to the rear. The amenity of those occupiers would therefore be safeguarded. The proposed two storey side extension would provide a separation of approximately 14.6m from the side elevation of No.646, a bungalow to the north of the Site which features two windows on the southern elevation one of which serves a bedroom and one is a secondary window to a living room. The north elevation of the proposed two storey side extension would only have a window at ground floor. Due to the degree of separation, the intervening land use as an access road and the existing close boarded fence would ensure the amenity of current and future occupiers would be safeguard with respect of loss of light, privacy or the development appearing overbearing.
44. It is not considered that the resulting scale, form or height of the extensions proposed would have an undue adverse impact in respect of privacy, amenity or an overbearing impact to the windows or garden areas of neighbouring properties and it is therefore considered that the proposal is acceptable in respect of these impacts and the proposal is considered to accord with policy SD3 and the SPG2 in these respects.
45. The Environmental Health Unit have been consulted on the proposed development and subject to the recommended conditions have raised no objection to the proposed development.
46. For the reasons set out above, the proposed development as a C2 children's home for 4 children within a busy, residential area with mixed commercial use is not considered to cause harm with respect of noise and disturbance and fear of crime as which a reason for refusal could be sustained. It is considered that the controls in place by the relevant regulatory bodies would safeguard the future occupiers and adjacent residents as to not substantiate a reason for refusal.
47. Due to its scale and siting would not be considered detrimental to the adjacent properties in terms of overbearing, loss of light or privacy. It is considered that the development will offer an

appropriate degree of amenity for the occupiers of the development and the adjacent residential dwellings.

Highways

48. The objectors have raised concerns over the potential impact on the highways and parking issues as a result of the proposed change of use. The Highways Transport and Design Manager considers that the principle of development in this location is considered to be acceptable from a highway perspective. Any impact on the local highway network would be negligible and suitable visibility splays are achievable onto Thornaby Road. The proposed development would therefore comply with SPD3 Parking Provision for Development. Consequently, there is no objection to the proposed development on highway grounds.

Trees

49. The proposed physical works are not considered to impact on the existing tree covered by a TPO. The Councils Highways Transport and Design manager has raised no objection or recommended any subsequent conditions.

Residual Matters

50. A number of objectors have raised concerns over the siting of the proposed development within the locality with respect of traffic, the river, proximity to schools, nurseries, retirement homes, public houses etc. As set out above the management of the homes is not a material consideration and will be addressed through other regulatory services. The applicant does however seek to alleviate the concerns within the supporting statement;

"We believe the house is situated in an area where there are significant benefits from being located in an urbanised location. We care for our children and their safety and wellbeing is our primary responsibility, we would be remiss if we didn't take this matter seriously. We will minimise unnecessary risks by transporting our children when necessary just as any responsible parent would do furthermore, all our children are educated on the importance of safety and awareness of their surrounding environment. We educate our children by engaging in discussions about environmental risks and what they can do to keep themselves safe as part of an ongoing 24/7 education programme which, is a significant feature of the care and support we provide."

CONCLUSION

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

Director of Finance, Development and Business Services
Contact Officer Helen Boston Telephone No 01642 526080

WARD AND WARD COUNCILLORS

Ward	Village
Ward Councillor	Councillor Ian Dalgarno
Ward Councillor	Councillor Mick Moore

IMPLICATIONS

Financial Implications:

N/A

Environmental Implications:

N/A

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:

Stockton on Tees Local Plan Adopted 2019

Supplementary Planning Documents

SPD1 – Sustainable Design Guide

SPD3 – Parking Provision for Developments

SPD4 – Conservation and Historic Environment Folder