

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

1st SEPTEMBER 2021

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

21/1499/FUL

75 Millbank Lane, Thornaby, TS17 8JS

Application for the change of use from dwelling (C3) to a 3 bedroom residential children's home (C2) and garage conversion

Expiry Date

SUMMARY

The application site is a 3 bedroom two storey semi detached dwellinghouse within the defined development limits of Thornaby, approximately 240m west of Thornaby Town Centre.

The application is seeking planning permission for the change of use of No.75 Millbank Lane, Thornaby a three bedroom C3 dwellinghouse to a childrens home C2, for 3 children. The site benefits from off street parking and a rear amenity space.

The proposed children's home will provide accommodation for a maximum of three 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 at the premises with an Ofsted registered manager living close by. The only external alteration to the property would be the replacement of a garage door with a window.

The internal living accommodation, with the exception of the garage conversion to provide a staff room, would remain as the existing arrangements, the relationship with the adjoining dwelling would therefore remain as is.

Following the consultation process there have been 13No. letters of objection received. Thornaby Town Council and Councillor Ian Dalgarno Councillor Mick Moore have also objected. The objections relate to highway issues including increase in the volume of traffic and off-street parking, noise, privacy, 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 has been no objection raised from any of the technical consultees consulted.

Given the scale of the proposed use with a maximum of three children, with two members of staff, the minor physical alteration, the proposal is not considered to have a significant adverse 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 paragraphs of the NPPF.

The recommendation to Members is therefore to approve the application.

RECOMMENDATION

That planning application 21/1499/FUL be approved subject to the following conditions and informatives below;

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

Plan Reference Number	Date Received
SBC0002	26 May 2021
NTP/75MILLBANK/003 A	3 June 2021
TQRQM21139104809799	26 May 2021
NTP/75MILLBANK/002A	3 August 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. TQRQM21139104809799 received by the Local Planning Authority on the 26 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 **Shift Pattern**

The application hereby approved shall be operated in accordance with the submitted shift pattern received via email by the Local Planning Authority on the 23 August 2021.

Reason: In the interest of safeguarding the residential amenity of the occupiers of neighbouring properties.

INFORMATIVE 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 gaining additional information required to assess the scheme 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.

Informative: Dropped kerb

The applicant should contact Care for Your Area (01642 391959) regarding widening the dropped vehicle crossing to serve the widened drive.

BACKGROUND

1. The Site has no relevant planning history.

SITE AND SURROUNDINGS

2. The application site hereby approved, is a semi detached dwelling approximately 240 metres outside of the defined Town Centre of Thornaby off Millbank Lane.

3. Opposite the site to the south is residential dwellings with Thornaby Fire Station approximately 85m away and to the east is an area of Public Open Space. The site benefits from existing off street parking and a rear amenity space.

PROPOSAL

4. Planning permission is being sought for the change of use of a three bedroom C3 dwelling to a 3 bedroom residential care home (C2). The existing attached garage is to be converted to provide a separate staff room.

5. Externally the only alteration to the host dwelling would be the existing garage door being replaced with a window.

6. The submitted supporting cover letter sets out;

The Children's home will be staffed with two members of staff required on site per shift; management will be provided by an Ofsted registered manager living close by but offsite.

A shift rotation pattern will be in place, such that the home will be staffed on a 24-hour basis. The children will be looked after in accordance with 'looked after children' regulations under sections 20 of The Children's Act. The management of the facility would be subject to the regulatory controls of Ofsted.

CONSULTATIONS

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

Highways Transport & Design Manager

General Summary

The Highways Transport and Design Manager raises no objections to the proposals.

Highways Comments

In accordance with SPD3: Parking Provision for Developments 2011 the proposed residential children's home, which could accommodate 3 children and require 2 staff, would require a total of 3 parking spaces which has been shown on drawing TQRQM2139104809799.

In order to access the proposed car parking the existing dropped kerb would need to be extended the full width of the dwelling.

Subject to the dropped kerb being extended there are no highways objections to the proposals.

Landscape & Visual Comments

There are no landscape and visual objections to the proposed change of use.

Environmental Health Unit

I have no objection in principle to the development, subject to the imposition of the following conditions:

The window on the garage door should be replaced with a window so that the noise levels detailed in the condition below are achieved from the road traffic:

o Noise

To protect the residents inside the property from traffic suitable windows with adequate acoustic ventilation [in line with approved document F(AD_F) of the building regulations] shall be fitted to the building façade to ensure that no greater than noise limits listed below are achieved.

- Dwellings indoors in daytime: 35 dB LAeq,16 hours
- Inside bedrooms at night-time: 30 dB LAeq,8 hours (45 dB LAmax)

Children Services

No comments

Councillor Ian Dalgarno

I would like to lodge an objection to the above application on the grounds that the property is too small for converting to this type of use. The property is situated on a busy main dual carriageway road and parking and access will cause a problem to neighbouring properties. I intended to speak at the application meeting to expand on my objections to this application

Councillor Mick Moore

I wish to object to the application.

I do appreciate the need for buildings to house children in the borough, unfortunately I believe this is not the appropriate property or location being a semi-detached building, close to a busy junction, it is a smaller scale property whereas a detached building with larger grounds would facilitate children's needs better, there are no proposed parking facilities for deliveries visitors etc.

Thornaby Town Council

Whilst TTC has been consistent in supporting Children's Homes throughout the borough of Stockton on Tees, the majority of homes have been detached and set in good sized garden areas where children have some freedom and where neighbours feel at ease. This application relates to a small, semi-detached house where inadequate party walls do not offer adequate privacy for occupants of adjoining properties. The nearby road network also poses a real danger to the safety of vulnerable children – especially those with emotional behavioural problems or with learning difficulties.

8. At the time of writing now written representations had been received from the following consults;

- Adult Strategy
- School Place Planning
- SBC Flood Risk
- Cleveland Police

PUBLICITY

9. Publicity has been given to the planning application through a site notice and neighbour notification letters.

10. A total of 13 letters of objection have been received. All those comments received are identified below (in summary)

Mr J Scott 77 Millbank Lane Thornaby, Gary Walker 4 St Margaret's Grove Thornaby, Mr Sam, Mr Reece, Mr Darren and Mrs Marie Presgrave 73 Millbank Lane Thornaby, Miss Michelle Christie 5 Fullerton Way Thornaby, Mr J Barker 6 St Margaret's Grove Thornaby, Miss Yvonne Harrison 91 Millbank Lane Thornaby, Paul Hutchinson 218 Thorntree Road Thornaby, Ms Marie Waite 89 Millbank Lane Thornaby Miss Laura Halliday 3 Fullerton Way Thornaby Lisa Harker 2 St Margaret's Grove Thornaby Mrs Amanda Spence 71 Millbank Lane Thornaby, Alison Buckle 4 St Margaret's Grove Thornaby. 1 Fullerton Way

- Anti-social behaviour by older teenagers and is in an area with a number of elderly, sick retired and disabled people
- Parking Issues, insufficient parking as required for shift pattern movements visitors and so on, this is already a busy road.
- Noise and disturbance from the proposed use as a commercial enterprise.
- Road safety, there has been several accidents with vehicles coming out of Thorntree Road on to Millbank Lane
- Lack of affordable housing
- More suitable options in other places within Stockton for this proposal.
- The property is not sizeable enough to house 3 LAC children and meet their needs.
- Increase potential for crime due to associated comings and goings
- Make adjacent properties hard to sell/ make them worthless
- Impingement on privacy safety and quality of life.
- Care homes should be detached properties.
- Loss of privacy
- The back of both properties shares an adjoining flat roof extension, should any child exit the property via a bedroom window they would have direct access into the adjacent property.
- Stockton Children's social services consultation and wider residential consultation
- The borough of Stockton is known as a deprived area of England with existing pressures bringing additional children with complex needs into the area will create additional pressure on these precious resources that are already overstretched.
- LAC children are statistically at higher risk of exploitation
- GAC Family Services Ltd. is a London based company with its closest based care home being in Northampton.
- There has been limited consultation on this planning with the neighbourhood;
- Who will monitor the provider?
- Should consider sites away from other residents
- Increasing the stress on the existing residents with the inevitable anti social behaviour.
- LAC children are statistically higher risk of running away from home.

PLANNING POLICY

11. 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 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.

12. 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

13. 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.

14. 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 62. 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 92 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 93. 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 111. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Para 130. 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 132. 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 185. 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.

Local Planning Policy

15. 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 (T11) - 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.

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.

MATERIAL PLANNING CONSIDERATIONS

16. 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

17. 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.

18. The proposed occupation by 3 children with up to 2 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.

19. 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.

20. The Council's 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.

21. It is considered that the proposed development, would comply with the aims of the NPPF paragraph 92 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.

22. 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

23. The National Planning Policy Framework paragraph 130 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.

24. 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.

25. 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.

26. 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. Millbank Lane is characterised by principally residential dwellings, although as set out within the site and surrounding section of this report the site is approximately 85m away from the fire station and approximately 240m to the defined development limits of Thornaby Town Centre with a mix of commercial uses. It is not considered that the level of activity associated with a 3 bedroom children home with 2 staff on duty during the day and on an evening, resulting in short periods in a day

where there would be a hand over resulting in 4 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.

27. The only physical alteration proposed is to replace the existing garage door with a window. Due to the mix of architectural style and various existing alterations and extensions within the street scene, such an alteration, which would ordinarily be considered permitted development, is considered to be an appropriate form of development.

28. In view of the above considerations the change of use 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 130 of the NPPF.

Residential Amenity

29. The majority of the 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.

30. Concerns have been raised over the management of the facility from a London based company and news articles have been provided to seek 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.

31. 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 130 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.

32. 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 proposed to be a children's home for 3 children.

33. 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.

34. Concerns expressed in the objections about potential impacts on property values are not material planning considerations.

35. It is noted that a number of the objectors, including the Town Council and Local Members have raised concerns over the use as a semi detached dwelling for the housing of 3 children, with 2 staff members. Whilst it is acknowledged that there will be an element of noise which will be generated

from people within the property and utilising the garden areas. However, the number of children accommodated within the property will be a maximum of three with two staff present and the potential noise levels that would be generated will be similar to a family which occupy a four bedroomed property. Which this site could be come through the conversion of the existing garage. No evidence has been provided to demonstrate that 3 children in care would themselves generate more noise than 3 children living as part of a family unit.

36. Whilst the number of vehicle movements could be greater than normal, owing to the additional visitors 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 agent has confirmed that

The home will be staffed 24/7. There will be 2 staff during the day, and 2 staff during the night, with a staffing rota to reflect this. We envisage a 2-week rota system with shifts circa 8am to 8pm and 8pm to 8am (i.e morning & evening hand over).

We do not envisage any significant time for handover and consider this to be a quick process of approximately 10 minutes.

The frequency and times of the proposed shift changes are considered to be appropriate and in themselves would not give rise to a significant degree of noise and disturbance as to adversely affect the amenity of the occupiers of the neighbouring properties.

37. The condition on the proposal which will limit the use of the property to a 3 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.

38. 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. The proposed condition relates to the new window to be installed to replace the garage door, it is considered that such a requirements would be covered by Building Regulations.

39. Concerns have been raised in relation to the operator being a London based company, however the proposed application is for the land use and not the operator. It is noted that Middlesbrough Council has recently approved a change of use of a semi detached dwelling to a three bedroom children home submitted by the operator of this site, application ref 20/0623/FUL.

40. For the reasons set out above, the proposed development as a C2 children's home for 3 children within a busy, residential area close to Thornaby Town Centre with mixed commercial uses and within approximately 85m of a fire station 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.

Highways

41. 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. In accordance with SPD3: Parking Provision for Developments 2011 the proposed residential children's home, which could accommodate 3 children and require 2 staff, would require a total of 3 parking spaces which has been shown.

42. Paragraph 111 of the NPPF sets out that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

43. Consequently, there is no objection to the proposed development on highway grounds

Residual Matters

44. A number of objectors have raised concerns over the siting of the proposed development within the locality with respect of proximity to roads, elderly and open space. As set out above the management of the homes is not a material consideration and will be addressed through other regulatory services. The application has not received any objection from any of the technical consultees.

CONCLUSION

45. It is recommended that advertisement consent be granted 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 1997

Core Strategy – 2010

Emerging

N/A

Supplementary Planning Guidance Notes

N/A

Supplementary Planning Documents

SPD1 – Sustainable Design Guide

SPD2 – Open Space, Recreation and Landscaping

SPD3 – Parking Provision for Developments