

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

18 October 2023

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

23/0649/FUL

91 Wolviston Road, Billingham, Stockton-On-Tees

Application of change of use from a dwelling house (C3) to a children's home (C2) to include the erection of a two storey side extension, single storey extension to rear and addition of car parking spaces.

SUMMARY

The application site is a 3 bedroom two storey semi-detached dwellinghouse within the defined development limits of Billingham, approximately 200m north west of Billingham Town Centre.

The application is seeking planning permission for the change of use of No.91 Wolviston Road, Billingham from a three bedroom (Use Class C3) dwellinghouse to a children's home (Use Class 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 application also proposes the construction of a two storey side and single storey rear extension to provide two staff rooms for the staff at the premises, one at ground floor and one at first floor, both with ensuites thus functioning as sleeping quarters at night for the two members of staff and avoiding disturbing children by using the communal bathroom. The rear extension provides for a larger open plan kitchen dining and family room. The proposals also include the removal of the existing rear garage and its replacement with two parking spaces for staff.

Following the consultation process there have been twelve letters of objection received. Councillor Barry Woodhouse has 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 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 subject to the identified conditions.

RECOMMENDATION

That planning application 23/0649/FUL be approved subject to the following conditions and informatives;

Time Limit

- 01 The development hereby permitted shall be begun before the expiration of Three years from the date of this permission.

Reason: By virtue of the provision of Section 91 of the Town and Country Planning Act 1990 (as amended).

Approved Plans

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

Plan Reference Number	Date Received
SBC0003	20 April 2023
2290/05A	20 April 2023
2289/03	20 April 2023

Reason: To define the consent.

Approved Use

- 03 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 of 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.

Materials to Match

- 04 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.

Construction hours

- 05 No construction/building works or deliveries shall be carried out except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and between 9.00 am and 1.00 pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not prejudice the enjoyment of neighbouring occupiers of their properties.

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: 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: In a Smoke Control Zone

As the property is within a smoke control area the occupant is to comply with the following:

- Only burn authorised fuels- a list of these can be found on the following link

<http://smokecontrol.defra.gov.uk/fuels.php?country=e>

- Certain types of coal and wood can be burnt in smoke control areas but these are only to be burnt on DEFRA approved appliances; a list of these can be found on the following link

<http://smokecontrol.defra.gov.uk/appliances.php?country=e>

- The appliance is to be installed by an approved contractor and certificates of the work to be submitted to the Local Authority.

Informative: Secured By Design

The applicant is advised to contact Cleveland Police regarding security of the property, particularly bedroom doors, windows, main entrance and rear access to the property.

The contact details can be found at <https://www.securedbydesign.com/contact-us/national-network-of-designing-out-crime-officers?view=article&id=308#cleveland-police>

SITE AND SURROUNDINGS

1. The application relates to 91 Wolviston Road, which is a two storey semi detached dwelling located within an established residential area of Billingham, and approximately 200 metres to the north west of the defined Town Centre of Billingham.
2. The host dwelling currently benefits from private amenity space to the rear, and off street parking also to the rear of the property which is accessed from Porlock Road. The site is bounded to the south and east by residential dwellings, to the north by Porlock Road, with dwellings beyond, and to the west by Wolviston Road.

PROPOSAL

3. The application is seeking planning permission for the change of use of No.91 Wolviston Road, Billingham from a three bedroom (Use Class C3) dwellinghouse to a children's home (Use Class C2) for 3 children. The site benefits from off street parking and a rear amenity space.
4. 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.
5. The application also proposes the construction of a two storey side and single storey rear extension to provide two staff rooms for the staff at the premises, one at ground floor and one at first floor, both with en-suites thus functioning as sleeping quarters at night for the two members of staff and avoiding disturbing children by using the communal bathroom. The rear extension provides for a larger open plan kitchen dining and family room. The proposals also include the removal of the existing rear garage and its replacement with two parking spaces for staff.
6. The submitted supporting cover letter states:

“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. Consultees were notified and the following comments were received.

Highways Transport & Design Manager – As set out below the Highways, Transport and Design Manager is currently unable to support the proposals.

Highways Comments

In accordance with SPD3: Parking Provision for Developments 2011 the proposed development would require 1 space per full time equivalent member of staff plus 1 space per 5 residents (visitor provision) giving a total requirement of 3 spaces.

The proposed site plan, drawing reference 2289 / 03, shows that the existing garage would be replaced with 2 parking spaces which is below the SPD3 requirement.

The Highways, Transport and Design Manager is therefore unable to support the proposals as adequate car parking has not been provided.

Environmental Health Unit

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

- **Construction/ Demolition Noise**

I am concerned about the short-term environmental impact on the surrounding dwellings during construction/demolition, should the development be approved. My main concerns are potential noise, vibration and dust emissions from site operations and vehicles accessing the site. I would recommend working hours for all Construction/Demolition operations including delivery/removal of materials on/off site be restricted to 08:00 - 18:00Hrs on weekdays, 09.00 - 13:00Hrs on a Saturday and no Sunday or Bank Holiday working.

- **In a Smoke Control Zone**

As the property is within a smoke control area the occupant is to comply with the following:

- Only burn authorised fuels- a list of these can be found on the following link <http://smokecontrol.defra.gov.uk/fuels.php?country=e>
- Certain types of coal and wood can be burnt in smoke control areas but these are only to be burnt on DEFRA approved appliances; a list of these can be found on the following link <http://smokecontrol.defra.gov.uk/appliances.php?country=e>
- The appliance is to be installed by an approved contractor and certificates of the work to be submitted to the Local Authority.

- **Light Intrusion**

Adequate screening shall be provided to protect residential properties from light intrusion from the development. The lighting provided shall be arranged so as not to shine directly towards any dwelling and shall be shielded to prevent light spillage beyond the boundary of the property.

Cleveland Police – It's important to have good levels of security in relation to these types of premises, where multiple persons live, particularly windows and doors security. Speaking to my colleagues from our 'Missing From Home Team', one of their concerns is children escaping from windows, so we would be grateful if a solution could be looked at to help deal with that issue.

A robust and secure access control system from the entrance into the building from Wolviston Road should be considered, preferably with an 'air lock' type setup that lets the inner door to open when the outer door is closed. A vision panel (outward viewing only)/door viewer in the access door will help to check callers or activity outside prior to opening it. Similarly I would recommend a vision panel with one way viewing (mirrored type film) /door viewer in the rear door too.

Doors to accommodation should be fitted with door viewers. Secure mail delivery should be provided along with secure bin storage.

I would recommend that external windows and doors conform to at least the police preferred minimum standards:

- PAS 24:2016, or
- PAS 24:2022, or
- STS 201 Issue 12:2020, or
- LPS 1175 Issue 7.2:2014 Security Rating 2+, or
- LPS 1175 Issue 8:2018 Security Rating A3+, or
- STS 202 Issue 10:2021 Burglary Rating 2, or
- LPS 2081 Issue 1.1:2016 Security Rating B, or
- STS 222 Issue 1:2021

Doorsets should also be certificated by one of the UKAS certification bodies, to the following materials specific standards:

- BS 6510:2010 (Steel)
- BS 7412:2007 (PVCu)
- BS 644:2009 (Timber)
- BS 8529:2010 (Composite)
- BS 4873:2009 (Aluminium)

Good dusk 'til dawn lighting on all elevations with a doorset will provide reassurance and reduce fear of crime and facilitate natural and passing surveillance.

I note the covering letter dated 4th April 2023 (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'

Advice is available free of charge from us, to the developer to help meet this element of the proposal.

In addition to my recommendations above, to enhance the security of the property, there should be robust management procedures in place to prevent any likely nuisance that could be potentially generated by the facility.

Whilst the proposals do not indicate exactly who will be taking up residence, the fact that there is a 'staffing element', should help lessen any impact on crime and ASB locally.

Councillor Barry Woodhouse – With reference to the Planning application 23/0649/FUL 91 Wolviston Road. As I am a member of the Planning Committee I am minded not to pre determine this application however I do have concerns around parking issues, location, construction and it appears contrary to deed conditions as informed by residents comments. As there appears to be a number of residents objections I would assume and request that this be taken to Committee where the applicants and objectors views can be fully explored.

PUBLICITY

8. Local residents have been individually notified of the application. Letters of objection were received from the following addresses and a summary of the comments received are set out below. 12 objections were received in total.

- 73 Wolviston Road Billingham
- 87 Wolviston Road Billingham
- 89 Wolviston Road Billingham
- 97 Wolviston Road Billingham
- 4 Porlock Road Billingham
- 5 Porlock Road Billingham
- 7 Porlock Road Billingham
- 9 Porlock Road Billingham
- 10 Porlock Road Billingham
- 11 Porlock Road Billingham
- 13 Porlock Road Billingham
- 15 Porlock Road Billingham

9. The main concerns raised are: -

- Application site is not a safe location for a children's home due to proximity to a busy main road and public house
- Anti-social behaviour in the area
- Impact on the residential amenity of the adjoining property by way of loss of light and outlook
- Increase in noise disturbance and anti-social behaviour as a result of the proposed use
- Increase in on street parking pressures in the area
- Detrimental impact on highway safety
- Impact on privacy, safety and quality of life.
- Property deeds restrict business use at the property

PLANNING POLICY

10. 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 Stockton on Tees Borough Council Local Plan 2019.

11. 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

12. 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.
13. 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 users; 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

14. 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.

Householder Extensions and Alterations

2.3 Privacy and Overshadowing

Extensions should not lead to the overshadowing of the neighbouring properties' main habitable room windows or private garden areas to an unreasonable degree. For a single storey rear extension, 3 metres from the original rear elevation should generally be appropriate, however this is dependent on various factors, including the scale, orientation and form of the extension as well as the house type and impact on neighbouring properties.

45 Degree Standard

The 45 degree standard applies to two-storey extensions with a greater than 3 metre projection from the rear elevation of a property. This tool is used in order to assess the potential impact of a proposal and maintain privacy and amenity for neighbouring properties. This rule normally applies to rear facing neighbouring windows that are perpendicular to the extension. It is calculated by drawing a line at a 45-degree angle from the centre of the nearest adjacent ground-floor main-habitable-window of your neighbour's property. If the line crosses the site of the proposed extension, in some instances, the Council may expect the extension to be reduced in size.

60 Degree Standard

The 60 degree standard follows the same principle as the 45 degree standard but relates to single storey extensions and involves a widening of the angle of the line to 60 degrees. This allows for single storey extensions generally having less bulk and causing less overshadowing than two-storey extensions.

Extensions will not be accepted where they lead to a notable loss of privacy for neighbouring residents. An impact on privacy can often be avoided or minimised through siting windows away from neighbouring properties and ensuring a sufficient separation distance is maintained.

3.2 Side Extensions

An extension to the side of a property will normally be very visible from the street and should be of a high quality design and reflect the character of the area. They should normally have a roof that matches or complements the original property. Flat roofs should be avoided, unless they are already a feature of the main dwelling.

Unless properties are widely spaced, side extensions have the potential to create a 'terracing' effect between closely set detached properties or pairs of semi-detached properties. Normally a gap of at least 1 metre is required between the outside wall of the extension and the boundary. The extension should also be set back from the front of the house by a minimum of 1 metre, at least at first floor level.

Two storey and first floor side extensions may be required to have a roof shape that matches the main property. Due to the potential for terracing, two storey and first floor extensions may also be required to have a ridge height that is lower than that of the main property.

3.3 Rear Extensions

Rear extensions, which includes conservatories, are generally not as visible as front and side extensions, however the design of an extension at the back of a property is still very important. A key objective for the design of a rear extension is to avoid an unacceptable overbearing or oppressive impact upon neighbours or significant overshadowing of a neighbouring property. This can often be achieved by setting the extension in from the nearest common boundary and through reducing the bulk of the extension by, for example, providing a hipped roof.

Windows in the side of the extension nearest to the boundary of a neighbouring property should generally be avoided. Obscurely glazed windows with restricted opening may sometimes be acceptable but it should be noted that, if your neighbour subsequently wishes to develop near their boundary, the outlook that you may have created by placing a window on a common boundary will not be protected.

MATERIAL PLANNING CONSIDERATIONS

15. The main planning considerations of this application are the principle of the development, impacts on the character and appearance of the area, amenity of neighbouring occupiers and highway safety.

Principle of the development

16. The site is located within a principally residential area within the defined development limits of Billingham. 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.
17. The proposed occupation by 3 children with up to 2 staff present during the day which would equate reasonably with the potential size of household that could currently occupy the dwelling. The children would 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 childrens home.
18. 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"

19. 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.
20. 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 of the Area

21. 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. Local Plan Policies SD3 and SD8 also set out that new developments should be appropriate to the context of the surrounding area and be of an appropriate style, proportions and materials.
22. 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. Wolviston Road is characterised by principally residential dwellings, although the site is located in close proximity to a public house and a row of commercial premises. Additionally, it is within approximately 200m of the defined development limits of Billingham 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 (also allowing for short periods in a day where there would be a hand over resulting in 4 staff on site) would be fundamentally different to that of a dwelling. Even when accounting for additional supporting agencies which may be required to meet the day to day needs of the children, it is still not considered that this would generate such a significant level of activity so as to cause harm to the character of the area.
23. The application also proposes the construction of a two storey side extension and single storey rear extension. The proposed two storey side extension would be modest in terms of its width and whilst it is not set back from the front elevation, given the layout of the street there would be no terracing effect and overall it is considered that the extension would appear subordinate to the original dwelling. Therefore on balance proposed side extension would be in keeping with the scale and form of the existing dwelling, and those in the immediate surrounding area. The single storey rear extension would have a modest projection of 3 metres, and as such would also be in keeping with the scale of the existing dwelling. Both extensions would be constructed using materials to match the host property, and therefore would not adversely impact upon the appearance of the existing dwelling, or the surrounding area.
24. In view of the above considerations, the overall scale, form and bulk of the proposed extensions are considered to be in keeping with the character and appearance of the host property and would appear subservient to the original dwelling. As such, the proposal would not have a significant adverse impact upon the character and appearance of the host property, or the visual amenity of the street scene and surrounding area, and would therefore accord with Policies SD3 and SD8 of the Local Plan and paragraph 130 of the NPPF.

Impact on Residential Amenity

25. 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 has been consulted and has raised no objection to the proposals.

26. 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.
27. Nevertheless, this application site is not a home for criminals, nor would it be for persons with drug/alcohol problems, or any other secure residential institution falling under the separate Use Class C2a. It is proposed to be residential care home for 3 children and a condition is recommended to control the extent of the proposal.
28. 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.
29. It is noted that a number of the objectors have raised concerns over the use of the property as a children's home due to an increase in noise disturbance. Whilst it is accepted elements of noise will be generated from people utilising a property and associated 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 are considered to be similar to a family which occupy a four bedroomed property. Which this site could become through the proposed two storey side extension. 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.
30. 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 at any one time, and it is not envisaged that any significant time would be taken for handover. Furthermore, it is proposed that a condition is attached to any grant of permission to limit the use of the property to a 3 person occupancy to ensure that there will be no significant impact on the amenity of the neighbouring properties.
31. In addition to the above, it should be noted that 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.
32. A home for a maximum of 3 children within a busy, residential area close to Billingham Town Centre with mixed commercial uses in close proximity 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.

33. In respect of the proposed extensions to the property, the proposed single storey extension would be located up to the boundary with the adjoining property 89 Wolviston Road. However, the proposed extension would not feature any windows facing towards this adjoining property, and as such would not result in overlooking of this neighbouring property. Furthermore, as the extension would be located directly to the north of 89 Wolviston, due to the orientation of the properties it would not impact upon the light or outlook currently enjoyed by the occupier of this neighbouring property.
34. The proposed two storey side extension would be located a significant distance away from the boundary of the adjoining property 89 Wolviston Road, and therefore would not impact upon this property with regards to loss of light, outlook or privacy. The two storey extension would adjoin the northern elevation of the existing dwelling. The extension would be located over 15 metres away from the side/south facing elevation of the nearest property to the north, 93 Wolviston Road. Due to the separation distance between the proposed extension and this neighbouring property, and the absence of the any windows in the side elevation of this 93 Wolviston Road, the proposed two storey extension would not impact upon the residential amenity currently enjoyed by the occupiers of this, and indeed any other, neighbouring property. The proposal would therefore accord with the provisions of Policy SD8 of the Local Plan in this respect.

Impact on Highway Safety

35. 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 advised that, in accordance with SPD3: Parking Provision for Developments 2011 the proposed development would require 1 space per full time equivalent member of staff plus 1 space per 5 residents (visitor provision), giving a total requirement of 3 spaces. The covering letter submitted in support of the application advised that the existing garage was to be demolished and replaced with 2 parking spaces. As such, the Highways Transport and Design Manager raised concerns as this did not meet the SPD3 parking requirements.
36. However, the proposed site plan shows the existing garage to the rear of the property is to be retained, with a further 3 off street parking spaces being proposed. Clarification has been sought from the agent due to the contradiction within the supporting information in relation to the parking provision, and they have confirmed that the existing garage will be retained and 3 in curtilage parking spaces are proposed, as shown on the proposed site plan (drawing ref: 2289/03).
37. The Highways Transport and Design Manager has subsequently confirmed in an email dated 21st August that the application is therefore acceptable in terms of parking provision as 4 parking spaces are proposed, which would meet the parking requirements set out in SPD3. Consequently, there is no objection to the proposed development on highway grounds

Other Matters

38. A number of concerns have been raised regarding the existence of a restriction within the deeds of the host property which states that no business or trade can operate from the premises. However, the presence of a restrictive covenant is not a consideration material to the grant of planning permission and as such cannot be given any weight in the assessment of this application. However, it should be noted that, in the event that planning permission is granted, this would not necessarily override a restrictive covenant.

CONCLUSION

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

Director of Finance, Development and Business Services
Contact Officer Joanne Wood Telephone No 01642 527822

WARD AND WARD COUNCILLORS

Ward	Billingham Central (Pre May 2023)
Ward Councillor	Councillor Barry Woodhouse
Ward Councillor	Councillor Ann McCoy

IMPLICATIONS

Financial Implications:

No known implications

Environmental Implications:

As set out within the 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

Stockton on Tees Local Plan Adopted 2019

Supplementary Planning Documents

SPD3 – Parking Provision for Developments - Oct 2011

SPD – Householder Extensions and Alterations - Adopted May 2021