

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE  
8 November 2023  
REPORT OF DIRECTOR OF FINANCE,  
DEVELOPMENT AND BUSINESS SERVICES**

**23/1406/LA**

**2 Speeton Close, Billingham, Stockton-On-Tees**

**Change of use from residential dwelling (C3) to a children's care home (C2)**

**Expiry Date 9 November 2023**

**SUMMARY**

The application site is a detached 4 bedroom two storey dwellinghouse within the defined settlement limits and is approximately 1.3 miles north east of Billingham Town Centre.

The application is seeking planning permission for the change of use of 2 Speeton Close, Billingham from a four bedroom dwellinghouse(Use Class C3) to a children's home (Use Class C2). The site benefits from off street parking, detached garage and a rear private amenity space.

The proposed children's home will provide accommodation for a maximum of three children between the ages of 7 and 17 years with 24 hour adult support, provided on a shift basis. Three members of staff will be present at the premises one being an Ofsted registered manager Monday- Friday between 9am- 5pm. 2 staff members will be present overnight.

As part of the change of use the existing rear ground floor study window will be replaced with a door.

Following the consultation process there have been 95 letters of objection received and 2 letter of support. The majority of 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.

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 and three members of staff, the proposal is considered to operate in similar manner to that of a dwelling. As the level of associated activity and comings and goings would be comparable to a typical residential property there is not considered to be a significant adverse impact on the amenity of the neighbours properties and the proposals will not result in a significant impact on highway safety. The proposed development is therefore recommended for approval subject to the identified conditions.

**RECOMMENDATION**

**That planning application 23/1406/LA be approved subject to the following conditions and informative below.**

**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 plans.

Plan Reference Number	Date Received
SBC0001	25 July 2023
23047-HL-ZZ-00-DR-A-1100-S2-P01	25 July 2023
23047-HL-ZZ-00-DR-A-2000-S2-P01	25 July 2023
23047-HL-ZZ-01-DR-A-1101-S2-P01	25 July 2023
23047-HL-ZZ-01-DR-A-2001-S2-P02	25 July 2023
23047-HL-ZZ-XX-DR-A-1200-S2-P01	25 July 2023
23047-HL-ZZ-XX-DR-A-2100-S2-P01	25 July 2023

Reason: To define the consent.

### **03 Approved 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 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 circumstances of the application to protect the amenity of the area and in the interests of resident's amenity.

## **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

On commissioning, the Manager should contact Cleveland Police to discuss appropriate support at MFHcoord@cleveland.police.uk

### 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 site relates to 2 Speeton Close, Billingham which is a two-storey detached property. The property is located at the entrance to Speeton Close and at the junction with Low Grange Avenue. The host dwelling currently benefits from private rear amenity space and off streetcar parking to the front.
2. The site is bound by residential properties to the north and to the east, with Low Grange Avenue to the south and further residential properties located to the south and west.

### **PROPOSAL**

3. The application seeks planning permission for the change of use of 2 Speeton Close, Billingham from a four-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 7 and 17 years with 24-hour adult care, 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 home will have a visiting policy in place for planned visits from family members. With regards to other visitors such as social workers, this takes place weekly for the first month of a placement and then every six weeks thereafter. Social workers for the children will visit the children and young people generally this will be weekly for the first 4 weeks of a placement starting then every 6 weeks thereafter. Ofsted will visit between 6 months and annually to check that the home is compliant with standards and regulations.

### **CONSULTATIONS**

6. Consultees were notified and the following comments were received (in summary);

Billingham Town Council - no comment to this application.

Highways Transport & Design Manager -The proposed change of use, to a children's home, would be capable of accommodating 3 children and would require 2 full time staff and 4 part time staff which equates to a total of 4 full time equivalents.

In accordance with SPD3: Parking Provision for Developments 2011 a development of this nature would require a minimum of 5 car parking spaces to comply with the SPD3 requirements.

The existing drive / garage for the dwelling can easily accommodate the car parking requirement therefore there are no highways objections to the proposals.

Environmental Health Unit - have found no grounds to object to the principle to this application and do not think that conditions need to be imposed from an Environmental Health perspective.

Cleveland Police - recommend a box trellis to top the surrounding wooden fence and wall to the side of the property on Low Grange Avenue, increasing the height of the wrought iron fence to 2metres or replace for a close boarded style gate and include an anti-climb topping.

Defensive planting should be considered to bolster the security of the low-level fence at the front of the property. This should also ideally be continued around the front of the site.

CCTV should be considered for the property, with movement detection alerts to staff. Good lighting levels are important around the property, to enable people to see and be seen. Vandal resistant lighting should be used and controlled by dusk 'til dawn sensors, to allow operation during the hours of darkness. Doors and windows should ideally conform to PAS024 standard.

The 'missing from home team co-ordinator', raises no objection and has the following comments;

- 1) Is reassured by the staffing provision and presence of an onsite manager
- 2) As a newly commissioned placement we would expect adoption of the Philomena protocol to be in place from opening (which as a LA provision it no doubt will be)
- 3) Physical location. The immediate area and placement images itself appear pleasant, is well out of the town centre which in terms of reducing pull factors for MFHs is positive. I note the proximity of the A19 as a major arterial route nearby and the relative proximity of Billingham

train station as means of travel out of the area, were residents to be reported missing it is expected those locations to feature in safety / care plans.

- 4) I would request that on commissioning the manager makes contact with Cleveland Police via MFHcoord@cleveland.police.uk to discuss support, information sharing etc.

## **PUBLICITY**

7. Neighbours were notified and a site notice was displayed opposite the site. 95 objections and 2 letters of general support have been received, the main issues raised are detailed below;

### Objections received:

- Contrary to local plan policy
- Lack of prior consultation
- Lack of detail re staff members, working times.
- Covenant states "Not to carry on any trade or business on the land hereby transferred".
- Conflict of interest re Council owned and Council ran.
- Cost of property/running costs
- Maintenance of the property
- Silent Alarm installation
- No disabled provision
- Location inappropriate due to demographics of the area
- Recruitment and retention inconsistency and continuity lead to unwanted behaviours impacting residents.
- Traffic increase
- Limited parking spaces on street
- Useability of existing driveway
- Access and egress to neighbouring properties/emergency vehicles.
- Reduced pedestrian/vehicular inter visibility.
- Reduced highway capacity and lack of cycle parking.
- Breach of the Highway Code due to the extreme proximity to a junction with a main road.
- Opportunities of all C2 use class provision.
- Waste increase
- Light pollution and disturbance from dusk until dawn lighting/bats
- Additional pollution
- Litter
- Noise
- Peace and enjoyment of properties.
- Crime and anti-social behaviour
- Health and safety
- Privacy issues
- Set precedent.
- Data Protection Concerns re CCTV
- Insurance price rises.
- Devaluation of property
- Physical and mental health.

## **PLANNING POLICY**

8. 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.

9. 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**

10. 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.
11. 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**

12. 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.

### **MATERIAL PLANNING CONSIDERATIONS**

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

#### Principle of development

14. The application regards an existing dwellinghouse which is located within a principally residential area of Billingham and falls within the defined development limits to development as set out within the Local Plan 2019. Owing to the development lying within the existing settlement the site is considered to with a sustainable location within the borough and represents a sustainable form of development in accordance with planning policy SD1.
15. The property will allow care to be provided for up to 3 children at any one time between the age of 7-17 on a short to medium term which would be around 6 months to 2 years.
16. The proposed occupation by 3 children with up to 2 care givers and 1 manager (only on-site Monday-Friday 9am-5pm) present during the day and with up to 3 on an evening and 2 care givers overnight, would equate with the potential size of household that could at present reside at the property. The use is similar to that of a residential dwelling house in so far, the children would have private bedrooms, continue to go to school and partake in group activities within and outside the home. As the case of *North Devon DC v FSS and Southern Childcare Ltd [2003]* concludes children alone are unable to function as a C3 use class and where carers who are non-resident at the property then the use would fall within the parameters of a C2 use class. Planning permission is therefore required to be considered if a material change of use would take place because of the operations.
17. Matters governing the regulation and licensing of children's homes are regulated by separate legislation to those of the planning system. As these matters are not material planning considerations of the application, they are not afforded any weight in its determination.



18. The proposed development would comply with the aims of the National Planning Policy Framework paragraph 92 and Adopted Local Plan Policy H4(7), in so far as it would provide for specialist housing. It is therefore considered that the principle of the proposed change of use is acceptable.

#### Character and Appearance

19. 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 through good architecture, layout and appropriate and effective landscaping.
20. In addition, the adopted Local Plan encourages high standards of design with planning policies SD3 and SD8 seeking new developments should be appropriate to the context of the surrounding area and be of an appropriate style, proportions, and materials. Development should be designed to the highest possible standard, taking into consideration the context of the surrounding area and the need to respond positively to the quality, character, and sensitivity of the surrounding public realm.
21. An impact upon the character and appearance of an area does not always regards the visual appearance, it can also be about the nature of development and how that creates a sense of place. Objection comments have been received regarding the impact upon the peace and tranquillity of the area as well as the property not being a suitable location for a children's home due to lack of facilities within the area and the demographics.
22. Speeton Close is a one of many cul-de-sacs' residential development off Low Grange Avenue. There is a public house approximately 250 metres to the west as well as a bus stop approximately 40 metres. The surrounding area is characterised by principally residential dwellings.
23. The property is a modest 4 bed detached property with front driveway and rear private garden. The level of activity associated with 3 cared for children by 3 members of staff on duty during the day/ evening and 2 overnight will result in short periods throughout the day where there would be a hand over resulting in additional staff on site for a brief amount of time. With regards to friends and family this would not occur on an ad hoc basis, there would be a visiting policy in place. Taking to account any additional supporting agencies which may be required to meet the day to day needs of the children it is not considered the comings and goings at the property would generate such a significant level of activity that man it would be significantly different to a typical dwelling or cause harm to the character of the area.
24. The only physical alteration proposed is to replace the existing window with a door which is on the ground floor rear elevation. This is a minor alteration that would not adversely impact upon the character and appearance of the property. Furthermore, this alteration would ordinarily be considered permitted development, and as such is an appropriate form of development.
25. Considering the above, the change of use and minor alterations of the property is 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. The principle of the development would comply with Local Plan Policies SD1 and SD8 and paragraph 130 of the National Planning Policy Framework and is acceptable in this regard.

#### Residential Amenity

26. Paragraph 130 of the National Planning Policy Framework and Policy SD8 of the Local Plan, 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. 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, litter, concerns over police recommendations such as CCTV, opportunities of all C2 use class provision, waste increase, light pollution and disturbance from dusk until dawn lighting/bats, additional pollution, noise, peace and enjoyment of properties, privacy issues, lack of consultation and set precedent.
28. Comments refer to the property being in the wrong area with regards to an elderly demographic, lack of facilities. As set out previously the property is a four-bed detached family home within a residential housing estate which has access to sustainable transport links and as such its location is acceptable in planning terms. Furthermore, policy supports sustainable communities where there is a mix of housing in terms of size, types and tenures that reflects local demand and will support specialist housing. Each application is dealt with on its own merits and is not considered to set a precedent, moreover with regards to other C2 use class uses, a condition can ensure the property is adequately controlled to ensure no other uses could occur without consent.
29. Concerns are raised regarding privacy, yet only minor external alterations would be made to the property and as such there would not be any impacts upon privacy above and beyond the existing relationships to other properties.
30. Comments also have regards to pollution, in terms of waste it is not considered there would be any greater pollution than that permitted to occur from the property. With regards to external lighting which does not require planning permission; these are normally low wattage as they are designed for residential purposes rather than flood lighting. The property is located with a residential area which is lit during the night, the addition of such lighting is not considered to create any additional harm in respect of residential amenity of neighbouring properties.
31. It is noted that a number of the objectors, have raised concerns over the proposed use of the property and the potential for increase in noise disturbance and loss of privacy that will impact upon the peace and enjoyment of the residents. Whilst there will be an element of noise associated with the use of the site, given the number of occupants proposed, the likely noise levels that would be generated will be similar to a family occupying a four bedroomed property. No evidence has been provided to demonstrate that three children in care would themselves generate more noise than three children living as part of a household.
32. 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. The home will be staffed 24/7. It is anticipated that waking night staff will arrive around 10 pm – 8 am. Handover will 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 to warrant a refusal of the application.
33. A condition will limit the use of the property to a 3-person occupancy place to ensure that there will be no significant impact on the amenity of the neighbouring properties as well as ensuring no other C2 use class can operate.
34. The Environmental Health Unit were consulted on the proposed development and have raised no objection to the proposed development.

### Crime and anti-social behaviour

35. Concerns have been raised over the management of the facility, with statistics and stories from elsewhere as a reason as to why residential homes are unsuitable for providing care. Management 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.
36. It is recognised fear of increased crime is capable of being a material planning consideration in determining the planning merits of a proposed development. The property would not be 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 up to three children. Cleveland Police have not raised any objections to the proposal and there will be management procedures in place to deal with any potential anti social behaviour issues.
37. In respect of the comments received from Cleveland Police, the application is not seeking permission to install CCTV or raise fence heights at the property however an informative has been recommended to ensure the developer contacts Cleveland police with regards to Designing out Crime. Whilst comments have been received in relation to these comments, the application is not seeking to implement any of these. However, it should be noted that CCTV and a fence could be erected without the need for planning permission as set out within the General Permitted Development Order 2015.
38. No direct analysis has been provided to demonstrate that anti social behaviour would be present at the property or are typical of children's homes within Stockton Borough. 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.

### Highway Safety

39. Paragraph 111 of the National Planning Policy Framework sets out that 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.
40. The Highways Transport and Design Manager has reviewed the application and concludes the principle of the development in this location is acceptable from a highway perspective as the property benefits from a large driveway to front and side which can accommodate the required 5 incutillage car parking spaces (and potentially more should the front garden be laid with hardstanding).
41. Comments referred to lack of cycle parking provision. It is not considered to be reasonable to insist on this provision, however this could be potentially accommodated should such need arise. For example there is a detached garage at the property which can act as cycle storage.

### Other matters

42. With regards to internal alterations already carried out at the property, in particular the silent alarm, this does not require planning permission.
43. With regards to comments regarding restrictive covenants regarding carrying out a trade or business, this does not form part of the considerations of the application and would be a civil matter in any case.

44. There is no conflict of interest with the building being Council owned and Council ran. The Council makes decisions on many schemes within the Borough and the Planning system is open and transparent, with each application being considered on its own individual merits.
45. With regards to disabled provision, whilst comments are noted this will operate as a general family home and there is no need for specialist provision. Should an occupant need this at a later date then the appropriate internal alterations will be made.
46. Several objectors have raised concerns costs associated with the property, its management, maintenance and recruitment and retention of staff. The management of the home is not a material consideration.
47. Whilst the concerns expressed in the objections about potential impacts on property values, insurances and physical and mental health are noted these are not material planning considerations and cannot be taken into consideration.
48. Consultation through the planning application has included all adjoining owners and occupiers and conforms with the requirements set out within The General Management Development Procedure Order 2015. In addition to the statutory requirement, a site notice was also displayed opposite the site.

#### **CONCLUSION**

49. For the reasons outlined within the report above, it is recommended that the application be approved with conditions for the reasons specified above.

**Director of Finance, Development and Business Services**  
**Contact Officer Jade Harbottle Telephone No 01642 528716**

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

<b>Ward</b>	<b>Billingham North</b>
<b>Ward Councillor</b>	<b>Councillor Clare Gamble</b>
<b>Ward Councillor</b>	<b>Councillor Marc Besford</b>

#### **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 considered in the preparation of this report.

##### **Community Safety Implications:**

The provisions of Section 17 of the Crime and Disorder Act 1998 have been considered 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