

DELEGATED

**AGENDA NO
PLANNING COMMITTEE
6 December 2023
REPORT OF DIRECTOR OF FINANCE,
DEVELOPMENT AND BUSINESS SERVICES**

23/1899/FUL

1 Whitehouse Drive, Stockton-on-Tees, TS19 0QE

Application for change of use from a dwelling house (C3) to a children's home (C2) to include the application of render and garage conversion.

Expiry Date: 6 December 2023

SUMMARY

The application site is a detached 4-bedroom two storey dwellinghouse within the defined settlement limits of Stockton-on-Tees.

The application is seeking planning permission for the change of use of 1 Whitehouse Drive from a four-bedroom dwellinghouse (Use Class C3) to a children's home (Use Class C2). The site benefits from off street parking, and a rear private amenity space.

The proposed children's home will provide accommodation for a maximum of 4 children between the ages of 7 and 17 years with 24-hour adult support, provided on a shift basis. Up to three members of staff will be present at the premises each day between 07:30am- 9:30pm. Two awake staff members will be present overnight.

As part of the change of use the existing garage will be converted to an office window replacing the garage door. A side window will be blocked up, internal alterations to rooms, and an extended driveway.

Following the consultation process there have been 35 letters of objection received from 28 households and 1 letter of support. Objections have also been raised by a ward councillor. 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 four children and three members of staff, the proposal is considered to operate in similar manner to a family home. The use would be comparable to that of a typical family home with regards to the level of associated activity and comings and goings. It is not considered the change if use would have any 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 appropriate conditions.

RECOMMENDATION

That planning application 23/1899/FUL be approved subject to the following conditions and informatives 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
SBC0002A	31 October 2023
SBC0001	9 October 2023
WHD100	9 October 2023
WHD101	11 October 2023
WHD102	9 October 2023
WHD103	11 October 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.

- 04 **Incurtilage Carparking**

The development hereby approved shall retain a minimum of 5 incurtilage car parking spaces via the existing driveway in accordance with SPD3: Parking Provision for Developments 2011. The parking provision shall be retained thereafter for the lifetime of the development.

Reason; To provide the requisite in curtilage car parking provision in the interests of highway safety in accordance with planning policy SD8.

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: Cleveland Police

On commissioning, the Manager should contact Cleveland Police to discuss appropriate support at MFHcoord@cleveland.police.uk. Cleveland Police can also provide support regarding security of 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 a detached dwellinghouse at 1 Whitehouse Drive which is located on a no through road. To the north of the site is 3 Whitehouse Drive, to the east the site bounds 38 Bishopton Road West and 3 Barlborough Avenue.
2. To the south is 40 Bishopton Road West with Stockton 6th Form College and Stockton Football Club beyond. To the front of the property (west) is an area of open space with tree planting and a bus stop, beyond is 42 Bishopton Road West.

PROPOSAL

3. The application seeks retrospective planning permission for the change of use of a 4-bed dwelling house to a children's home (up to 4 young people) with staff working on a rota.
4. As part of the change of use some amendments are sought to the property, which are already underway. As no formal change of use of the property has taken place as yet the works carried out are permitted development. These consist of a garage conversion, some internal alterations to provide the fourth bedroom at ground floor with ensuite, an office with window, ensuites installed at first floor level, new hardstanding area to the front and the application of render.

CONSULTATIONS

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

Highways Transport & Design Manager – No highways objections to the proposals. Based on the information provided which states that the proposed children's home could accommodate up to 4 children and have a maximum of 3 / 4 staff on site a total of 5 car parking spaces would be required and a sit plan is provided to demonstrate this is achieved.

Environmental Health Unit – found no grounds to object and no conditions required from an Environmental Health perspective.

Cleveland Police – Young people living in these facilities may be particularly vulnerable and keeping them safe is a priority. It's important to have good levels of security and the 'Missing From Home Team', have concerns over children falling or exiting from 1st floor windows.

A robust and secure access control system from the entrance into the building from Whitehouse Drive should be considered along with good lighting around the property. Recommend that external windows and doors conform to at least the police preferred minimum standards and that external CCTV recording runs continuously and allows for colour recording in all conditions.

In addition there should be robust management procedures in place to prevent any likely nuisance that could be potentially generated by the facility.

Councillor Emily Tate – objects to this application, I have spoken with many residents in the area who have all shared very legitimate concerns and reasons for this application to be refused. I do not feel I need to add to many of the well-made points by residents, other than to concur with them.

I would like to add that it is not clear from the sparse application what steps will be taken to tackle any ASB/Crime concerns. While I am not suggesting that this would be from residents in the home, residents have stated that there are concerns in the area with enforcement officers and police being called to the area in the past. This application does nothing to reassure residents of any mitigations.

Finally, it is concerning that the applicants have purchased this property prior to obtaining the necessary permission for their proposals. I sincerely hope that despite purchasing the property the application is not to be simply pushed through.

PUBLICITY

6. Neighbours were notified and a site notice displayed at the site. The application has received 35 objections from 28 households and 1 letter of support. The main points are summarised below

- Lack of consultation
- Question whether SBC had prior knowledge of the application before submitted
- Childrens homes does not adhere to The Levelling Up and Regeneration Act 2023
- Plans are not drawn to scale
- Devaluation of properties
- Access and safety concerns to Whitehouse Road and Woodmere Road and Close to Bishopton Road West which is often congested adding strain to existing infrastructure.
- Insufficient carparking leading to on street parking that will cause obstruction/safety matters for users of the highway and add to the existing on street parking/traffic issues.
- Concerns regarding works carried out to widen and create larger driveway
- Issues of anti social behaviour, aggression, damage to neighbouring properties
- Increase in emergency enforcement services to the area during the day and especially at night
- Noise created by residents of the homes.
- Hazardous materials and smells from the use
- Detrimental social, economic and demographic negative effect upon the area and community of Whitehouse Drive
- Out of character with the surrounding houses/demographics
- Over development of site in comparison to other homes
- Lack of physical space and non stimulating environment for children
- Potential for greater overlooking should there be a need to expand
- Inadequate space re regulations and sleeping staff.

MATERIAL PLANNING CONSIDERATIONS

7. 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.

8. Comments have raised concerns regarding the level of consultation. 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.

Principle of development

9. The application regards an existing detached dwellinghouse which is located within a principally residential area of Stockton and falls within the defined development limits to development as set out within the Local Plan 2019. Being located within the Borough settlement, the site is sustainability located and accords with planning policy SD1.

10. The property will allow care to be provided for up to 4 young people at any one time between the age of 7-17 years.

11. The *North Devon DC v FSS and Southern Childcare Ltd [2003]* determines children alone cannot function as a C3 use class. Carers who are non-resident at the property would result in a change of use that would fall within the parameters of a C2 use class. Children's homes are regulated by separate legislation to that of the planning system. It is acknowledged planning permission is required and as such only planning matters can be afforded weight within the determination of the application. Consideration would therefore be given as to the significance of any material change of use because of the proposed operations.
12. The proposed occupation by 4 young people with up to 3 care givers during the day and 2 staff working wakened nights working 12/13 hour shifts. Start and finish times are staggered. Family members are unlikely to attend the property as this take place off site. In terms of deliveries to the site, these are directed to the head office. Social worker visits normally take place off site, but should they occur at the home this is likely to happen on a monthly basis and an Ofsted inspection would take place annually.
13. Staff will use a house vehicle for transporting the children to school (if required), however it is envisaged children will make their own way to school depending on their age and maturity. Public transport will be relied upon however the house vehicle will be used if necessary.
14. The way in which the property will be used would operate in a similar way 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. It is noted comments submitted from a member of the public make reference to the Children's Homes Guidance with regards to a staff bedroom. The staff at this home would not sleep at the property and therefore a bedroom would not be required.
15. Consequently, the degree of associated activity would equate with the potential size of household that could reside at the property. In terms of planning policy, the application 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. The change of use in principle is therefore acceptable.

Character and Appearance

16. The National Planning Policy Framework paragraph 130 sets out not only should development maintain a strong sense of place but should also improve the quality of the area. It also states development proposals should also be visually attractive through good architecture, layout and appropriate and effective landscaping.
17. Moreover, planning policies SD3 and SD8 within the adopted Local Plan encourages high standards of design. They set out new development should be suitable to the context of the surrounding area and be of an appropriate style, proportion, and materials. Consideration should be given to the context of the surrounding area and the need to respond positively to the quality, character, and sensitivity of the surrounding public realm.
18. Character and appearance of an area does not solely rely on its visual appearance; it can also be about the nature of development and how that creates a sense of place. During the consultation objection comments have been received setting out the site is not within an appropriate location due to the congested nature of the area, lack of space/facilities associated within the property and the demographics of the area. Objectors are concerned about the impact upon the character of the area which is primarily residential, disruption to the peace and tranquillity of the area, the fact the site appears to be more over developed in comparison to other homes and the lack of physical space and a non-stimulating environment for the children.

19. Whitehouse Drive forms part of a dual cul-de-sac off a principal road, Bishopton Road West. 100 metres to the south is Stockton 6th Form College and 100 metres east a supermarket. The character of the surrounding area is largely residential dwellings.
20. The application site is a modest 4 bed detached property with front driveway and rear private garden. As part of the works the application seeks some internal alterations to provide ensuite provision and a ground floor bedroom within the garage area which will be converted. These works have commenced on site and would not require permission as no change of use has taken place. The alterations together with the external render are minimal and do not alter the visual appearance of the property to a degree that the character of the area would be impacted upon.
21. Each application is dealt with on its own merits, the home is of this scale that would appeal to a larger family unit and offers a reasonable spaced garden and internal living area for 4 children to be homed. With regards to visits from friends this would not occur and family visits would take place off site. Additional visits from social workers are likely to occur on a monthly basis and will often be off site. The level of activity associated with 4 looked after young people by 3 members of staff on during the day/evening and 2 staff overnight (including an allowance for changeover) are not considered to generate such a significant level of activity that mean it would be significantly different to a typical family home or cause such demonstrable harm to the character of the area.
22. In considering the above, the change of use and minor alterations of the property is of an appropriate style, scale and proportion to that of the main dwelling and as such 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

23. The aim of paragraph 130 of the National Planning Policy Framework and Policy SD8 of the Local Plan, is 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.
24. Comments refer to the proposed use having an impact upon the economic, social and demographic of the area. As earlier stated, the residential property is a four-bed detached family home within a residential housing area; it is located close by to sustainable transport links and as such its location is acceptable in planning terms. Planning 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. To ensure the property could not operate within the wider C2 use class this can be adequately controlled via a condition.
25. Concerns are raised regarding privacy; only minor external alterations are made to the property. No other extensions are proposed and should this occur at a later date an assessment would be made via a new planning application. It is not considered the proposed works would create any impacts upon privacy above and beyond the existing relationships to other properties.
26. Comments also have regards pollution. With regards to waste from the property, it is not considered any greater pollution than that already permitted to occur from the property would arise.
27. Concerns have also been raised regarding the potential for increase in noise disturbance that will impact upon the peace and enjoyment of the residents. As with any residential property there will be peaks of noise associated with its use. Two carers and four young people residing at the

property to would be no different to what would be generated from a large family occupying a four bedroomed property.

28. The timing of the majority of vehicle movements would coincide with normal daily activity related to work and school journeys. The premises manned by staff 24/7. Generally night staff will arrive around 07:30 and 8:30 pm – and with the day time staff member leaving at 9:30. The night staff would leave at between 07:30 and 08:30 am, with a short brief with the day time staff. The working hours are staggered between the identified hours. The frequency and times of the proposed shift changes are considered to be appropriate and in themselves would not give rise to any demonstrable impacts in terms of noise and disturbance as to adversely affect the amenity of the occupiers of the neighbouring properties to warrant a refusal of the application.
29. To ensure no other C2 use class could operate from the property this can be conditioned accordingly.

Crime and anti-social behaviour

30. Fear of increased crime is a material planning consideration in determining a proposed development. However as the property would only be associated with children and not persons with drug/alcohol problems, mental disorders, or any other secure residential institution falling under the separate Use Class C2a. Cleveland Police have raised no objections to four children living at the property however make recommendations which will be added as an informative. Should any potential anti-social behaviour occur management of the premises would effectively deal with the matter through appropriate management procedures.

Highway Safety

31. 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.
32. The Highways Transport and Design Manager has reviewed the application and the revised car parking plan, which has demonstrated the property can accommodate the required 5 incurtilage car parking spaces.
33. Comments received object to the retrospective driveway that has been installed; however, this did not require planning permission at the time it was carried out.

Other matters

34. 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.

CONCLUSION

35. 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

Ward	Bishopsgarth & Elm Tree
Ward Councillor	Councillor Hugo Stratton
Ward Councillor	Councillor Emily Tate

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