
APPLICATION DETAILS

Application No:	20/0090/COU
Location:	46 Studley Road Middlesbrough TS5 5BP
Proposal:	Change of use from dwellinghouse (C3) to residential institution (C2 - Children's Home)
Applicant:	Mr Eric Lambert
Ward:	Linthorpe
Recommendation:	Approve with Conditions

SUMMARY

The applicant is seeking retrospective planning consent for the change of use of 46 Studley Road from a dwellinghouse (C3 use) to a single occupancy children's home (C2 use). The site is an end of terrace property located towards the northern end of Studley Road, towards the junction with Bisham Avenue. The property is sited within a predominantly residential of Linthorpe. The application is retrospective as the use has been in place for a number of years.

The proposed children home will provide accommodation for one child between the ages of 13 and 18 years with 24 hour adult support, provided on a shift rota with a maximum of two adults present. There will be no external changes made to the building and there is no in-curtilage parking provision. Internally the ground floor layout provides an open plan lounge and dining area with a separate kitchen with the first floor layout providing three bedrooms and a bathroom. Each of the staff members will have their own bedrooms for overnight accommodation.

The application is supported by a Design and Access Statement.

Following the consultation process there have been 4 letters of objection received. The objections relate to anti-social behaviour, noise issues, loss of privacy, parking problems, rubbish issues, devaluation of properties and unsuitable location for the use.

Given the scale of the proposed use with only one child and a maximum of two staff present and the fact there will be no structural alterations to the property or the existing parking provision, the proposal is considered not to have a significant impact on the amenity of the neighbours properties and will not result in a significant impact on highway safety.

The development is considered to be in accordance with the requirement of Local Plan Policies CS4, CS5 and DC1.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site is an end of terrace property located within the Linthorpe area of Middlesbrough. The property is located towards the northern end of Studley Road, toward the junction with Bisham Avenue. To the north is the adjacent terrace property at 48 Studley Road and along the southern boundary is a private access road to a detached property 'Hollygrove'. To the south across the private access road is 44 Studley Road. To the rear is the garden area of 1 Bisham Avenue and directly opposite the property to the west are terrace properties at 65, 67 and 69 Studley Road.

The property has a traditional double bay window frontage with a small front garden area. To the rear of the property is a two-storey off-shoot and larger rear garden with no in-curtilage parking.

The proposal is for the retrospective change of use of the property from a dwellinghouse (C3 use) to a single occupancy children's home (C2 use). The proposal will not involve any external alterations to the property with the internal layout providing an open plan lounge/dining room and separate kitchen on the ground floor and three bedrooms and a bathroom on the first floor.

The age range of the children will be between 13-18 years and there will be two members of staff at the property 24 hours a day.

PLANNING HISTORY

There have been no recent planning permissions for the property.

PLANNING POLICY

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities must determine applications for planning permission in accordance with the Development Plan for the area, unless material considerations indicate otherwise. Section 143 of the Localism Act requires the Local Planning Authority to take local finance considerations into account. Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires Local Planning Authorities, in dealing with an application for planning permission, to have regard to:

- The provisions of the Development Plan, so far as material to the application
- Any local finance considerations, so far as material to the application, and
- Any other material considerations.

Middlesbrough Local Plan

The following documents comprise the *Middlesbrough Local Plan*, which is the Development Plan for Middlesbrough:

- Housing Local Plan (2014)
- Core Strategy DPD (2008, policies which have not been superseded/deleted only)
- Regeneration DPD (2009, policies which have not been superseded/deleted only)
- Tees Valley Joint Minerals and Waste Core Strategy DPD (2011)
- Tees Valley Joint Minerals and Waste Policies & Sites DPD (2011)
- Middlesbrough Local Plan (1999, Saved Policies only) and
- Marton West Neighbourhood Plan (2016, applicable in Marton West Ward only).

National Planning Policy Framework

National planning guidance, which is a material planning consideration, is largely detailed within the *National Planning Policy Framework* (NPPF). At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). The NPPF defines the role of planning in achieving economically, socially and environmentally sustainable development although recognises that they are not criteria against which every application can or should be judged and highlights the need for local circumstances to be taken into account to reflect the character, needs and opportunities of each area.

For decision making, the NPPF advises that local planning authorities should approach decisions on proposed development in a positive and creative way, working pro-actively with applicants to secure developments that will improve the economic, social and environmental conditions of the area and that at every level should seek to approve applications for sustainable development (paragraph 38). The NPPF gives further overarching guidance in relation to:

- The delivery of housing,
- Supporting economic growth,
- Ensuring the vitality of town centres,
- Promoting healthy and safe communities,
- Promoting sustainable transport,
- Supporting the expansion of electronic communications networks,
- Making effective use of land,
- Achieving well designed buildings and places,
- Protecting the essential characteristics of Green Belt land
- Dealing with climate change and flooding, and supporting the transition to a low carbon future,
- Conserving and enhancing the natural and historic environment, and
- Facilitating the sustainable use of minerals.

The planning policies and key areas of guidance that are relevant to the consideration of the application are:

CS4 - Sustainable Development
CS5 – Design
CS18 - Demand Management
CS19 - Road Safety
DC1 - General Development
H1 - Spatial Strategy
H11 - Housing Strategy
UDSPD - Urban Design SPD

The detailed policy context and guidance for each policy is viewable within the relevant Local Plan documents, which can be accessed at the following web address.
<https://www.middlesbrough.gov.uk/planning-and-housing/planning/planning-policy>

CONSULTATION AND PUBLICITY RESPONSES

Following the neighbour consultation and the site and press notices there have been 4 individual letters of objection received and objections from Councillor Storey and Councillor Hussain. The objection comments are summarised below;

- a. Existing issues with the property involving the police and ambulances being called.
- b. Noise issues with youths hanging around the property

- c. Loss of privacy due to staff members utilising the front garden area,
- d. Occupants climbing over neighbouring fences
- e. Parking issues with 2-3 staff making it difficult to park. Parking problems with most of the properties not having garages. Issues when emergency works need completing.
- f. Rubbish on the street and the private access road to the side of the property
- g. Dilapidated appearance of the property in the street
- h. Property behind at Hollygrove is vacant and the adjacent property at 48 is rented so will receive no objections from them
- i. Devaluation of property with Children's home in the street.
- j. Not correct environment for a Children's home should be in a larger property with more outdoor space.

Objections were received from:-

- 1. 44 Studley Road
- 2. 51 Studley Road
- 3. 67 Studley Road
- 4. Anonymous resident in Studley Road

Councillor Philippa Storey

Having done street surgeries in both streets with him, parking issues, noise and antisocial behaviour relating to those properties have been ongoing

Councillor Naweed Hussain

I agree with the objections that have been submitted due to the history of issues and complaints we have had from these properties over the years I've been a councillor.

Strategic Policy Team – MBC (In summary)

The proposed change of use is located within the Linthorpe residential area of the town. Situated on white land the property has no specific policy designations.

Although the proposal would see the loss of a dwelling-house, it would not have a significant impact on the Council's overall housing delivery strategy. In respect of any works most of these will be internal, and as such there will be little impact on the external appearance of the property.

The applicant should outline any parking provision and the Council's Engineers will be able to advice further on this issues in terms of encouraging sustainable transport choices.

The proposal will not conflict with the general development principles as set-out in policy DC1, in particular it is considered that in planning policy terms, the proposal will not have a significant impact upon the surrounding environment and amenities of occupiers of nearby properties.

The proposal does not raise any significant planning policy implications, and as such accords with the Development Plan.

Highways – MBC

When assessing the proposals against the parking standard as set out in the Tees Valley Highway Design Guide the maximum level of parking required is the same as a residential property.

In day to day operation the reality is that the property, in highway terms, will operate in much the same way as a residential property with a family occupying it e.g parking associated with the residents and vehicles coming and going associated with visitors, deliveries etc.

As such the proposed change of use will not have a material impact in demand for car parking, nor will it in terms of the level of traffic generation when considering the existing (fall back) use of the property, which could continue without the need for further planning consent. As a result, we have no objections to the change of use.

Waste Officer – MBC

No comments

Secure By Design Officer

The applicant should contact Steve Cranston directly for advice in terms of Secure By Design Principles.

Environmental Protection Officers

No comments

Public Responses

Number of original neighbour consultations	12
Total numbers of comments received	4
Total number of objections	4
Total number of support	0
Total number of representations	0

PLANNING CONSIDERATION AND ASSESSMENT

1. The applicant is seeking retrospective consent for the change of use of the dwelling house (C3) into a single occupancy children's home (C2 use). The key issues to be considered are the principle of the development, the impact on the amenity, character and appearance, highway safety and any other issues.

Principle of the development

2. The National Planning Policy Framework (NPPF) was most recently revised and published by the Government in February 2019, and is a material consideration. The NPPF states that, where a planning application conflicts with an up-to-date development plan, permission should not usually be granted (para. 12). In determining planning applications, due weight should be given to local planning policies in accordance with their consistency with the revised Framework, with greater weight given to those policies which are closer to those in the Framework (para 213). As a starting point, the proposal should be assessed against policies set out in the Development Plan.
3. The application site is located within a residential area of Linthorpe with Core Strategy Policies CS4 (Sustainable Development), CS5 (Design), DC1 (General Development), H1 (Spatial Strategy) and H11 (Housing Strategy) being relevant.
4. Policies H1 (Spatial Strategy) sets out the need to increase the supply of housing to meet the aspirations of the economically active population and to consolidate and build on the success of popular neighbourhoods. Policy H11 emphasises the need to ensure

a quality of life is maintained through protecting the existing high qualities of areas by ensuring that new development should be of a high quality.

5. Core Strategy CS4 (Sustainable Development) and CS5 (Design) sets out that new development should be high quality and located so that services and facilities are within walking distance to encourage sustainable transport methods.
6. The application site is located within an existing residential area of Linthorpe. The site is considered to be within a sustainable location with the Acklam Road/Cambridge Road local centre being just over 600 metres walk and the Roman Road local centre being just over 700 metres walk from the property. The main bus routes along Acklam Road are within 500 metres walk of the property.
7. The proposed use will result in the loss of a single dwellinghouse in the Linthorpe area. The Strategic Policy team have assessed the application and consider the loss of one housing unit as not having a significant impact on the Council's overall housing delivery strategy.
8. Overall, the proposal is considered to be located within a sustainable location and the loss of a single dwellinghouse is considered not to have a significant impact on the Council's Housing delivery strategy. The proposal therefore accords with the Core Strategy Policies CS4, H1 and H11.

Amenity

9. Core Strategy Policy DC1 (c) – General development requires all new development to consider the potential impact on the amenity of the occupants of the neighbouring properties.
10. The application is retrospective with the property having been utilised as a single occupancy children home for several years. The proposed change of use will provide no external alterations to the property.
11. Concerns have been raised regarding noise from the occupants of the property and the loss of privacy from occupants and staff/children utilising the front garden area.
12. The application is for a single occupancy children's home which will provide accommodation for one child between the ages of 13 and 18 years with a maximum of two staff in attendance 24 hours a day. Whilst there will be an element of noise associated with the proposed use in terms of people utilising the property and the garden areas, the number of occupants at the premises and the potential noise levels would be similar to the levels that could be provided by a standard family occupying a three bedroomed dwelling house. The Council's Environmental Protection Officers have assessed the proposal and have no comments. A condition will be placed on the application that the proposed use shall be limited to a single placement children's home and for no other use within the C2 planning use class.
13. The comments regarding the loss of privacy to the neighbouring properties through the use of the front garden area is noted. However this garden area could be utilised by occupants of the dwellinghouse with no restrictions being in place. The impact in terms of potential loss of privacy is considered to be no more significant than if the property continued to be utilised as a dwellinghouse.
14. Comments have been received regarding the litter/waste which has been placed within the front garden area and the private access road to the side of the property. The

Council's Waste Officer has commented they have no objections to the proposal as adequate bin store provision is provided within the curtilage of the site. If waste is being stored on the private access road to the side of the property this would be a civil issue between the owners of the private access road and the persons responsible for the waste.

15. On balance, given the scale of the proposed use with only one child and two adults being at the property at most times and the fact the potential noise levels would be similar to a dwellinghouse use and a family residing at the property, the change of use is considered not to have a significant impact on the amenity of the neighbouring properties and accords with the guidance set out in Core Strategy Policy DC1 (c).

Character and Appearance

16. Policies CS5 and DC1 along with the Middlesbrough Urban Design Guide state that all new development should be a high quality in terms of layout and contribute to the character of the area.
17. The change of use will provide no external alterations to the property and as such is considered not to have no material impact in terms of the character or appearance of the street scene.

Highway Safety

18. The application site has no incurtilage car parking provision. The current arrangement within the street is that the majority of the residents park on the highway due to the limited number of driveways/garages within the street. Concerns have been raised that the levels of staff parking and the location of the parking on the street is causing parking issues for the residents.
19. The change of use would involve a maximum of two members of staff at the property at any time with the staff working on 24 hour rotas. The Highway Engineers have commented that the proposed change of use would not have a material impact on the demand for parking or have an impact in terms of the levels of traffic generated, when compared to the use of the property as a family dwelling. The highway engineers have no highway objections to the proposed change of use.
20. The location of the staff cars which are being parked within the street has raised concerns in that access has been prevented for required services to neighbouring properties. There are no allocated on street parking spaces and any instances where access is prevented to properties/private driveways this would be a civil matter and is not a material planning consideration.

Other issues

21. Concerns have been received regarding anti-social behaviour and devaluation of the properties within the street. These are not material considerations which can be considered as part of the application.
22. Comments have been made that no objections will be received from the vacant property to the rear and the adjoining neighbour as the properties are rented. Both these properties have been sent consultation letters and wider publicity has been undertaken with a site notice at the site.

Conclusion

23. The proposal has been considered against national and local policy. It is considered that the proposed use is acceptable in this area of Linthorpe and the loss of a single dwellinghouse will not have a significant impact on the Council's Housing Delivery Strategy. It is considered that the level of the intended use as a single occupancy children home and the fact there will be no external alterations to the property means the proposed change of use will have no significant impact on the character and appearance of the area or the amenity of the neighbouring properties and accords with the guidance in policies DC1 (c) and CS5 (c).
24. The condition on the proposal which will limit the use of the property to a single occupancy children's home and no other use within the C2 use class will ensure there will be no significant impact on the amenity of the neighbouring properties.
25. The proposed change of use is considered to be acceptable for the site and is in keeping with the relevant policies. It is the Development Control view that the proposal will not have a detrimental impact on the amenity of the occupiers of the surrounding properties and visual amenity of the street scene

RECOMMENDATIONS AND CONDITIONS

Approve with Conditions

1. Approved Plans

The development hereby approved shall be carried out in complete accordance with the following plans :-

- a. Location plan dated 6th May 2020**
- b. First floor plan dated 19th May 2020**
- c. Ground floor plan dated 19th May 2020**

Reason: To ensure a satisfactory form of development and for the avoidance of doubt.

2. PD Rights Removed No Change of Use

The premises shall be used for a single occupancy children's home and for no other purpose including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (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 having regard for policies CS4, CS5, DC1 and section 12 of the NPPF.

INFORMATIVES

Informative 1 - Secure By Design

The applicant should contact Steve Cranston for advice on Secure By Design Principles at Stephen.Cranston2@cleveland.pnn.police.uk

Case Officer: Debbie Moody

Committee Date: 4th September 2020

