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**APPLICATION DETAILS**

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<b>Application No:</b>	<b>20/0140/COU</b>
<b>Location:</b>	<b>39 Appleton Road Middlesbrough</b>
<b>Proposal:</b>	<b>Change of use from dwellinghouse (C3) to residential institution (C2 - Children's Home)</b>
<b>Applicant:</b>	<b>Mr Eric Lambert</b>
<b>Ward:</b>	<b>Linthorpe</b>
<b>Recommendation:</b>	<b>Approve with Conditions</b>

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**SUMMARY**

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The applicant is seeking retrospective planning consent for the change of use 39 Appleton Road from a dwellinghouse (C3 use) to a single occupancy children's home (C2 use). The site is a semi-detached property located towards the junction of Appleton Road and Marion Avenue. The application is retrospective as the site has been running as a children's home for a number of years.

The proposed childrens 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 with the parking provision provided by the front driveway area. Internally the ground floor layout provides two lounges and a kitchen with the upper floor layout providing three bedrooms and a bathroom. Staff 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 6 letters of objection received. The objections relate to anti-social behaviour, increase in number of cars accessing the property and parking issues, noise, potential increase in crime and unsuitable location for the use in a residential area.

Given the scale of the proposal with only one child with two staff present and the fact there will be no alterations to the external appearance of the building or the current parking provision, the proposal is considered not to have a significant impact on the amenity of the neighbouring properties and will not result in a significant impact on the highway.

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

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**SITE AND SURROUNDINGS AND PROPOSED WORKS**

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The application site is a semi-detached property located within the Linthorpe area of Middlesbrough. The property is located towards the junction of Appleton Road and Marion Avenue. The adjoining property to the east is 41 Appleton Road with 37 Appleton Road located to the west. Directly opposite the property are 32 and 34 Appleton Road with 1 Marion Avenue located to the rear boundary.

The property is a traditional two-storey property with a small front garden area and front driveway. The property has a single storey off-shoot to the rear.

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 two lounges and a kitchen on the ground floor and three bedrooms on the first floor with staff having their own bedrooms and a single bathroom.

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

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## PLANNING HISTORY

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There have been no recent planning applications for the property.

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## PLANNING POLICY

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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

DC1 - General Development

H1 - Spatial Strategy

H11 - Housing Strategy

CS18 - Demand Management

CS19 - Road Safety

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>

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## **CONSULTATION AND PUBLICITY RESPONSES**

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Following the neighbour consultation and the site and press notices there have been 6 individual letters of objection received and objections from Councillor Storey and Councillor Hussain. The neighbour objection comments are summarised below;

- a. Anti-social behaviour issues in the last 2-3 years, particularly at night with reports to Police
- b. Noise issues from the rear garden within close proximity to the neighbouring properties
- c. Residential area expect certain levels of amenity
- d. Concerns have been raised previously at local council surgeries
- e. Parking issues on Appleton Road and Marion Avenue due to multiple vehicles accessing the property
- f. 3- 4 cars arrive daily to complete checks or for care workers

- g. Parking issues create problems with residents driveway being blocked resulting in white lines having to be installed
- h. Noise issues from cars to the property
- i. White lines to the front of the property have still generated access issues for vehicles turning in and off the driveway with cars parking right up to the white lines
- j. Unsuitable location within residential area
- k. Potential increase in crime
- l. Been utilised as a children's home for 2-3 years so why has the application just been submitted
- m. Question the professionalism of the carers to control the children due to previous anti-social behaviour

Objections were received from ;

- 1. 1 Marion Avenue
- 2. 3 Marion Avenue
- 3. 421 Acklam Road
- 4. 34 Appleton Road
- 5. 36 Appleton Road
- 6. 37 Appleton 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.

### **MBC Strategic Policy (In Summary)**

The proposed change of use is located within the Linthorpe residential area of the town where there are 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. The works will be internal so will have little impact on the external appearance of the property.

Consideration should be given to the staff parking requirements and sustainable transport options given the location within a residential area.

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.

### **Environmental Protection - MBC**

No comments

### **Waste Officer- MBC**

No comments

## **Highway Engineers - 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.

## **Secure By Design Officer**

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

## **Public Responses**

Number of original neighbour consultations	12
Total numbers of comments received	6
Total number of objections	6
Total number of support	0
Total number of representations	0

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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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. Policy 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 and bus stops on Acklam Road located within 300 metres of the site and the Acklam Road/Mandale Road local centre within 800 metres.
7. The proposal will result in the loss of a single dwellinghouse within Linthorpe although the use is still a residential use being used in a similar manner to a typical dwellinghouse. The Council's Strategic Policy officers have reviewed the application and consider the loss of one housing unit as not having any 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 is therefore considered to accord 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 the levels of noise experienced from the occupants of the children's home since it has been in use, particularly given the proximity of the site to surrounding residential properties/garden areas.
12. The application is for a single occupancy children's home which will provide accommodation for one child between the age 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 and staff at the premises and the potential noise levels are akin to a standard family occupying a three bedroomed dwelling house. The Council's Environmental Protection Officers have assessed the proposal and have no comments.
13. Concerns have been raised in terms of the noise levels from vehicles attending the premises. The total number of staff at the premises will be a maximum of two at any given time. There may be additional visits during certain periods but primarily there will only be a maximum of 2 staff at the premises. The level of staff in attendance at the property and the potential vehicle noise levels would be similar to a family residing at the property. 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.

14. On balance, given the scale of the proposed use with only one child and a two adults being at the property and considering the potential noise levels would be similar to 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**

15. 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.
16. The change of use will provide no external alterations to the property and as such is considered not to have a material impact in terms of the character or appearance of the street scene.

### **Highway Safety**

17. The application site has a driveway to the front/side of the property with the remainder of the front garden being hard standing within limited landscaping. Concerns have been raised regarding parking issues and the fact white lines in the street have not resolved parking issues with existing driveways being blocked by parked cars.
18. The change of use would have a maximum of two staff in attendance at the property at any time. The Highway Engineers have commented that the proposed change of use would not have a material impact in 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 objections to the proposed change of use.
19. Concerns have been raised that cars have been known to block access to the existing residential driveways. The comments are noted, however this would be a civil matter between the owners of the cars and is not a material planning consideration.

### **Other issues**

20. Comments have been received regarding anti-social behaviour, increase in crime and professionalism of the carers at the property. These are not material considerations which can be considered as part of the application.
21. Concerns have been raised that the children's home has been utilised for several years without planning permission. It is understood that the applicant is applying for permission now to regularise the situation and is seeking planning permission in order to be registered and regulated by Ofsted.

### **Conclusion**

22. 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).

23. 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 future significant impact on the amenity of the neighbouring properties.

24. 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.

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## **RECOMMENDATIONS AND CONDITIONS**

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### **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 6<sup>th</sup> May 2020**
- b. First floor plan dated 19<sup>th</sup> May 2020**
- c. Ground floor plan dated 19<sup>th</sup> 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.**

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## **INFORMATIVES**

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### **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](mailto:Stephen.Cranston2@cleveland.pnn.police.uk)

Case Officer: Debbie Moody

Committee Date: 4<sup>th</sup> September 2020



