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**APPLICATION DETAILS**

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<b>Application No:</b>	<b>19/0617/FUL</b>
<b>Location:</b>	<b>118 - 120 Spencerfield Crescent, Middlesbrough, TS3 9HR</b>
<b>Proposal:</b>	<b>Change of use and two storey extension to rear of existing building to provide children's home and children's services hub (sui generis)</b>
<b>Applicant:</b>	<b>MBC - Children's Services</b>
<b>Agent:</b>	<b>Design Services</b>
<b>Ward:</b>	<b>Brambles/Thorntree</b>
<b>Recommendation:</b>	<b>Approve Conditionally</b>

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**SUMMARY**

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The application seeks planning permission for the change of use and extension of premises off Spencerfield Crescent. The existing building and the two-storey extension to the rear would accommodate the proposed children's home and children's services hub use (sui generis use class).

The key issues to consider as part of this application are the potential impacts of:

- a) the two-storey extension on the Spencerfield Crescent street scene and Thorntree Park, which is identified as Green Wedge and Primary Open Space, and
- b) the proposed use and associated activities on the residential amenities of No. 116 and Thorntree Park.

Although a relatively large extension to the rear of the premises, the report concludes that neither the extension nor the use would adversely affect the character and appearance of the Spencerfield Crescent street scene or the green, open space and quiet enjoyment of the Green Wedge and Primary Open Space of Thorntree Park. This is owing to the situation of the premises away from Spencerfield Crescent and positioned on the edge of Thorntree Park, which would allow the existing street scene to be retained and the open space to be unharmed.

The officer view is that the extension and the intended use are acceptable in this location and within the existing environment and conditional approval is recommended.

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**SITE AND SURROUNDINGS AND PROPOSED WORKS**

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The application site is located on the south side of Spencerfield Crescent, being accessed via a small access road.

The surrounding area is primarily residential, with houses to the north and west of the application site being constructed in the 1950s as part of a post-war housing boom. To the south, is an area of green space, known as Thorntree Park.

Planning permission is sought to change the use of and extend the building. The proposed use would be as a children's home and children's services hub, accommodating a small number of children and associated staff.

The extension would be two-storey across both units and have a footprint measuring approximately 8.0 metres in depth and 12.8 metres in width. The roof design would comprise two gable ends with a flat section in between. The materials for the roof and brickwork are proposed to match the existing property.

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## PLANNING HISTORY

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There is no relevant planning history.

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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:

DC1 – General Development  
CS4 – Sustainable Development  
CS5 – Design  
CS20 – Green Infrastructure  
E2 – Green Wedges  
E7 – Primary Open Space (Existing)

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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The application was subject to the standard notification of neighbouring properties, which included 4 addresses. A site notice was also posted on 5<sup>th</sup> November 2019. After the consultation period, there were no objections or other representations received.

### Responses from Internal Technical Consultees

MBC Planning Policy – No objections to the principle; the detail would need to be considered by the respective technical services.

MBC Highways – No objections subject to details of the parking arrangements.

MBC Environmental Health – No objections. No issues regarding noise as the premises would operate similar to two separate houses.

## Public Responses

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

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## PLANNING CONSIDERATION AND ASSESSMENT

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1. The main considerations with this proposal are the principle of the change of use in this location, the potential impacts of the development on the character of the wider residential area and on Thorntree Park (which is identified as Green Wedge and Primary Open Space), and the associated issues of noise from the facility. These and other material planning considerations are discussed below.

### Planning Policy Context

2. The application site is within an area identified on the Proposals Map as being Primary Open Space and Green Wedge and is specifically covered by Local Plan policies CS20, E2 and E7. These policies, essentially, seek to protect the green and open character of these areas and to prevent development that harms these features. The relevant overarching policies in the Development Plan regarding this application are Policy DC1 (General Development), CS4 (Sustainable Development) and CS5 (Design). In general terms, the policies seek to achieve high quality development, which contributes to achieving sustainable development and minimises the impact on the local area and neighbouring premises.
3. Policies DC1 and CS5 require 'the visual appearance and layout of the development and its relationship with the surrounding area in terms of scale, design and materials to be of a high quality'. The Policy also requires 'the effect upon the surrounding environment and amenities of occupiers of nearby properties to be minimal after completion'.
4. Policy CS4 requires all development to contribute to achieving the principles of sustainable development, including contributing to raising the hope, aspirations and achievement of young people and adults, making the most efficient use of land with priority being given to development on previously developed land, and developing high quality design that improves the quality of the townscape.
5. Policy CS20 states that an integrated network of green infrastructure will be created. The policy explains that the Council will resist the loss of green space that would contribute to the achievement of an integrated network of green infrastructure
6. Policy E2 states that Green Wedges, as identified on the adopted Proposals Map, form a major element of the greenspace network and these areas will be retained as open space. Planning permission will only be granted for development which does not harm visual amenity, safeguards public access to the green wedge, retains the open and green character, does not create undue nuisance or disturbance to occupiers of nearby properties or to the enjoyment of the green wedge.

7. Policy E7 requires areas of existing Primary Open Space, as identified on the adopted Proposals Map, to be protected from development. Areas of Primary Open Space include parks, playing fields and other recreational land. The Local Plan recognises that these spaces make important contributions to the visual amenities of the urban area of Middlesbrough. These spaces not only offer areas for recreation, but offer ecological and conservation value, and the Policy requires these areas to be protected from development. The Policy advises that exceptions can be made where a particular development can complement the function of the Open Space, or if it has an over-riding benefit to the community as a whole and would not result in the significant loss of open space.

#### Assessment of the Principle of the Use

8. Whilst the overall scheme has a sui generis use class, the proposed children's home element of the development would be considered a use that is generally compatible with the surrounding residential area, owing to its nature as a residential institution.
9. The proposed Children's Services Hub would, in isolation, be considered to fall under a B1 use class owing to its office-based nature. Whilst there are very few similar uses in the area, the operations and activities associated with the hub are deemed to be acceptable in a predominantly residential environment. Moreover, the location of the premises are somewhat segregated from the main street frontage – being 90 degrees to neighbouring residential houses – which would allow the use to be read separately from the main street character and, therefore, not considered to harm the residential character of the area.
10. Mindful of the situation of the premises within Thorntree Park, which is identified as Primary Open Space and Green Wedge, consideration should be given to the potential impact of the proposed and its associated activities on the character of the green and open space. Based on the drawings, the proposals would provide 8 bedrooms, which would accommodate up to six children and two members of staff. Over two properties, this would be the equivalent to two families. Such a scale of development is deemed to comply with local policy as the associated activities are not likely to create undue nuisance and disturbance, or to harm the quiet enjoyment of the open space in the Green Wedge.

#### Impacts of the Design on Local Amenity

11. As well as the considering potential impacts from the use, assessment should also be given to the potential impact of the two-storey extension and landscaping works on the character of the local area, including the Thorntree Park Green Wedge and the Spencerfield Crescent street scene.
12. The area identified as Primary Open Space and Green Wedge measures approximately 5 hectares in total size. The development site would, however, constitute a fraction of Thorntree Park, being approximately 0.06 hectares in size. In addition to this, it should be noted that the development site is positioned on the northern fringe of the area identified as Green Wedge, which is, to some extent, isolated from the heart of the main parkland. In light of the relatively minor scale of the development and the situation of the premises on the edge of Thorntree Park, it is considered unlikely that the development and its associated operations would adversely affect the character of the area or its enjoyment to the public.
13. The majority of the houses on Spencerfield Crescent were constructed in the 1950s and, like similar estates of the time, are characterised by their appearance and layout. The properties are generally two-storey, semi-detached dwelling houses with hipped roofs and constructed using traditional materials, being laid out at medium density and set 5 metres back from the adopted highway behind low-lying decorative garden hedgerows or fences. The application premises are a later addition to the local built

environment, being constructed in the 1970s with a contrasting character and appearance. The premises are set 90 degrees to the main street scene, accessed via a separate road and behind a higher hedgerow.

14. It is evident that the proposed two-storey extension to the rear of the premises is relatively large at approximately 8 metres in length and 13 metres in width. However, being mindful of the above assessments of the character of the houses in the area and that of the application site, it is considered that the development would not affect the overall character of the area. The application site being a different architectural style and set perpendicular to the main street scene would allow the neat and ordered building lines to remain unaffected.
15. In light of the size of the proposed development, consideration over the potential impact on the residential amenities of the immediate neighbouring property needs to be taken into account. The existing rear gardens of the two units measure approximately 12.5 metres, but this would be reduced to 4.7 metres with the proposed development. To the rear elevation of the nearest residential dwelling, No. 116 Spencerfield Crescent, the extension would be approximately 8 metres at its closest point. Although this may seem close and potentially in conflict with the Design Guide, the extension would be situated to the west of the rear garden and not directly opposite the windows in the rear elevation. The distance of the extension from the shared boundary line is also considered to be sufficient to prevent any adverse impacts of domination, and the omission of any first floor windows on the rear elevation eliminates the possibility of overlooking into the rear garden of No. 116.
16. There are also considered to be no significant implications on highways related issues. The small scale nature of the scheme is not expected to result in high levels of vehicles to the site. Expected vehicles would be accommodated within the site and off the adopted highway.

#### Conclusion

17. On balance, it is the officer view that the proposals would represent an acceptable form of development. It has been appraised that the development would neither be harmful to the character and appearance of the Green Wedge and Primary Open Space of Thorntree Park, nor to the Spencerfield Crescent street scene. The scheme would also be designed to minimise any significant effects on the residential amenities of nearby occupiers.
18. The proposed development would, therefore, be in accordance with the relevant local policies and the officer recommendation is for conditional approval.

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## **RECOMMENDATIONS AND CONDITIONS**

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### **Approve with Conditions**

1. Time Limit  
The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.  
  
Reason: The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. Approved Plans

The development hereby approved shall be carried out in accordance with the following plans and specifications:

- a. Site Location Plan (Drawing No. A01)
- b. Proposed External Works and Drainage (Drawing No. A010)
- c. Proposed Floor Plans (Drawing No. A03)
- d. Proposed Elevation (Drawing No. A04)

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

3. Matching Materials

The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Reason: To ensure the use of satisfactory materials.

### **REASON FOR APPROVAL**

This application is satisfactory in that the change of use and two-storey extension to rear of the existing building accords with the principles of the National Planning Policy Framework (NPPF) and the local policy requirements (Policies DC1, CS4, CS5, CS20, E2 and E7 of the Council's Local Plan).

In particular, the children's home and children's services hub use (sui generis) will neither prejudice the residential character of the local area nor significantly affect the Green Wedge and Primary Open Space. The proposed use and extension will not be detrimental to any surrounding or nearby properties or prevent adequate and safe access to the site. The traffic generated, car parking and noise associated with the use will not be of a level likely to result in an unacceptable impact on nearby premises.

The application is therefore considered to be an acceptable form of development, fully in accordance with the relevant policy guidance and there are no material considerations, which would indicate that the development should be refused.

Case Officer: Peter Wilson

Committee Date: 6<sup>th</sup> December 2019

