

PLANNING AND DEVELOPMENT COMMITTEE

A meeting of the Planning and Development Committee was held on Friday 16 June 2023.

PRESENT: Councillors J Rostron (Chair), D Coupe, J Ewan, M McClintock, I Morrish, J Ryles, G Wilson and J Thompson (Substitute for I Blades)

ALSO IN ATTENDANCE: S Anchor, W Dodds, T Harrison and B Palmer

OFFICERS: P Clarke, C Cunningham, G Moore and S Thompson

APOLOGIES FOR ABSENCE: Councillors I Blades, M Nugent and J Platt

23/1 **DECLARATIONS OF INTEREST**

Name of Member	Type of Interest	Item/Nature of Interest
Councillor D Coupe	Non-Pecuniary	Agenda Item 4, Item 1 - 42 Cedar Drive, Ward Councillor

23/2 **MINUTES - PLANNING AND DEVELOPMENT COMMITTEE - 14 APRIL 2023**

The minutes of the meeting of the Planning and Development Committee held on 14 April 2023 were submitted and approved as a correct record.

23/3 **SCHEDULE OF PLANNING APPLICATIONS TO BE CONSIDERED BY COMMITTEE**

The Head of Planning submitted plans deposited as applications to develop land under the Town and Country Planning Act 1990.

22/0669/COU Change of use from residential property (C3) to residential respite (C2) at 42, Cedar Drive, Middlesbrough, TS8 9BY for Terriann Harrison, Walkison Care

Full details of the planning application and the plan status were outlined in the report. The report contained a detailed analysis of the application and analysed relevant policies from the National Planning Policy Framework and the Local Development Framework.

The application site was a two-storey residential dwellinghouse situated at the southern end of Cedar Drive in Thornton, at the edge of the village. The property was accessed from the adopted road via a private driveway, which served four properties in total.

To the north of the application site there were residential properties within Cedar Drive and Thornton village. To the east, west and south there was agricultural land and fields.

The site was located within an established residential area and the application proposed a residential use, which was appropriate/established within the location. Planning permission was sought for the change of use of the property from a residential dwellinghouse (C3 use class) to a residential respite care home (C2 use class), which was intended to provide respite care for up-to 6 people at any one time. The proposal was indicated as having around 12 staff associated with it, with only 3 or 4 staff members being there between the hours of 8am to 8pm and a single staff member being there overnight. It was commented that no alterations to the external appearance of the building were proposed.

Members heard that, following the consultation period, 11 objections and 2 comments had been received. The main concerns that had been highlighted referenced vehicular access, staff parking and general traffic movements at the site and along Cedar Drive. Further details in respect of the objections were detailed at paragraphs 14 and 15 of the submitted report.

Stainton and Thornton Parish Council had no objection to the application but had requested that a condition be included to ensure all staff members and visitors parked within the residential curtilage of the property.

The main issues the committee were asked to consider related to the likely outward impacts of the proposed use on the surrounding properties/uses and land.

It was commented that the proposal would cause no significant intensification of use. In addition, the level of use associated with a residential property providing respite care, would not be dissimilar to that of a residential dwellinghouse.

Noting the expected number of staff members and service users (at any one time) and the provision of parking spaces within the property's curtilage, it was considered that the number of anticipated vehicles could be accommodated at the site without the need for parking on Cedar Drive, thereby preventing impacts which could have potentially been detrimental to the amenities of nearby residents. It was commented that there was sufficient parking spaces for 6 vehicles within the curtilage and there was scope to provide additional parking, should it be required.

Members heard that the proposed use would be appropriate, as it was compatible with residential dwellinghouses. It was commented that the likely activities and operations of the proposed use (including the use of the private drive, the access gates and the expected levels of traffic from site users) would not significantly harm the residential amenities and living conditions of nearby occupiers.

It was recognised that the proposal could potentially impact on neighbouring properties to some degree. Therefore, it had been important to impose restrictions to ensure there would be no more than 6 users (at any one time) to prevent the property being used in a way that was not envisaged/considered. That restriction would be secured by a condition, ensuring the limitation of care and users.

The owner of the application site was elected to address the committee, in support of the application.

In summary, the owner raised the following points:

- although the application sought approval for respite care for up to 6 people, initially care would only be offered to 1 or 2 people;
- the property had been rented since 2008;
- manoeuvring, turning and reversing could be facilitated within the property curtilage; and
- there was sufficient parking spaces available within the application site itself.

The Applicant was elected to address the committee in support of the application

In summary, the Applicant raised the following points:

- the proposed use planned to provide short-term domiciliary care in a safe environment; and
- as the proposal was for residential respite care, by its nature it did not lend itself to many visitors, as its service users would stay whilst their regular carers had a short break.

A Member raised a query in respect of deliveries to the property. In response, the Applicant advised that there would not be regular deliveries, as any supplies would be delivered to the company's Head Office and brought to the site by staff members.

A Member raised concerns regarding access. In response, the Applicant advised that many staff members would drive, walk or get the bus to the application site. It was also advised that service users would usually be dropped off/picked up by their regular carers.

A Member raised a query regarding refuse collection. In response, it was advised that bin lorries did not access the private road. All bins were taken, by residents, to the public highway for emptying. It was confirmed that, due to the nature of the care that would be provided, waste from property would be generally domestic.

An Objector was elected to address the committee, in objection to the application.

In summary, the Objector raised the following points:

- concern was expressed that a site visit had not been undertaken by committee members, prior to the consideration of the application;
- Cedar Drive was a narrow cul-de-sac and the private driveway was only 10ft wide at its narrowest point;
- there was no passing point and vehicles were required to reverse round a blind bend;
- a request was made that the application be deferred until a site visit could be arranged; and
- photographs evidencing the parking issues encountered on Cedar Drive, and the damage caused by vehicles, had been provided and a request was made that those photographs be shown to committee members.

Another Objector was elected to address the committee, in objection to the application.

In summary, the Objector raised the following points:

- with 6 service users, 3 staff members and visitors there would undoubtedly be an increase in traffic along Cedar Drive;
- in the past, drivers of disability vehicles had found it extremely difficult to turn around within the boundaries of no.42 and it would be impractical for service users to walk, or be wheeled down the drive to meet the vehicle when being dropped off or collected;
- there was concern that the electric gates on the private drive may fail to open due to powercuts etc. Whilst there was a manual override, it was considered impractical in a commercial environment; and
- the gates may fail more frequently due to increased use, which could cause disturbance and stress to those residents who would be required to manually open the gates, especially at unsociable hours.

In response, the Head of Planning advised that the proposed use was not significantly changing and was appropriate within a residential area. It was explained that service users would be staying at the property for up to 2/3 weeks, therefore, there would be no continuous stream of traffic.

A Member commented that it would be beneficial for a site visit to take place to enable committee members to see first-hand the access issues associated with the private driveway. In response, the Chair explained that due to the costs associated with undertaking visits and the limited availability of planning staff, due to an increasing number of applications and heavy workloads, a decision had been taken to no longer hold visits prior to committee meetings.

The Transport Development Engineer advised that the default position needed to be considered, the property was not a new build and it was a substantial residential property. In parking terms, any additional vehicles could be accommodated in the curtilage of the application site. The application related to the re-use of an existing dwelling and the levels of traffic generated by the proposed use were unlikely to be significantly different to the property being occupied as a large family home. It was therefore considered that the proposed use would not notably increase the amount of traffic on Cedar Drive.

A Member raised a query regarding the delivery of food. In response, the Applicant advised that meals would be planned in advance and staff would purchase and collect food from local stores.

A Member commented that the application should be deferred to an enable a site visit to take place.

The Head of Planning commented that the proposed change of use from residential dwellinghouse to residential respite care was considered to be appropriate. The activities associated with the proposed use were anticipated to be representative of a typical residential property, aside from the property being staffed. Therefore, the main operation was considered to be compatible and appropriate within a residential estate. Issues regarding vehicular access, staff parking and general traffic movements at the site and along Cedar Drive had been fully considered and, on balance, would not result in any inappropriate or undue affects. The committee was advised that approval of the application was recommended.

A discussion ensued and Members commented on the accessibility arrangements and the general traffic movements at the site and along Cedar Drive. It was commented that there were no material planning considerations that would override the general assumption that development should be approved.

ORDERED that the application be **Approved on Condition** for the reasons set out in the report.

23/4 **DELEGATED PLANNING DECISIONS**

The Head of Planning submitted details of planning applications which had been approved to date in accordance with the delegated authority granted to him at Minute 187 (29 September 1992).

NOTED

23/5 **ANY OTHER URGENT ITEMS WHICH IN THE OPINION OF THE CHAIR, MAY BE CONSIDERED.**

Planning Appeals

Appeal Ref: APP/W0734/W/22/3313867 Land at Low Lane, Middlesbrough TS5 8EH - Dismissed

The Head of Planning advised that the Planning Inspectorate had held a hearing on 3 May and undertaken site visits on 2 and 4 May 2023.

The scheme proposed was a commercial development (Use Class E) including access, parking, and associated infrastructure and development.

The main issues in the appeal were:

- a) whether the Appellant had satisfied the sequential and impact tests for retail development;
- b) the effect of the proposed development on local highways, transport conditions, and accessibility; and
- c) whether the proposed development was in an acceptable location, would be of an acceptable quality and provide a suitable environmental impact.

The Inspector had concluded that the proposed scheme:

- was the wrong development in the wrong place;
- would not follow the aspirations expressed by the Royal Town Planning Institute to provide for well-connected developments; and
- had the hallmarks of being a scheme designed to maximise floorspace rather than truly provide a local centre for the nearby residential areas.

The Inspector had stated that the proposal was in conflict with the development plan, the policies of which were in broad alignment with the NPPF. It had also been commented that there were no material considerations which were sufficient to outweigh that conflict.

NOTED