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**APPLICATION DETAILS**

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<b>Application No:</b>	<b>21/0676/COU</b>
<b>Location:</b>	<b>3 Cargo Fleet Lane Middlesbrough</b>
<b>Proposal:</b>	<b>Change of use from dwellinghouse to family time centre</b>
<b>Applicant:</b>	<b>Middlesbrough Council</b>
<b>Ward:</b>	<b>Park End/Beckfield</b>
<b>Recommendation:</b>	<b>Approve with conditions</b>

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**SUMMARY**

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Planning permission is sought for the change of use from dwelling house (Class C3) to family time centre (Sui Generis). No alterations to the exterior of the building are proposed but alterations to the site will be made to provide car parking spaces and turning area. Fencing will be provided between the existing columns on the boundary wall. The premises will be used to provide support for local families including supervised visits by parents on an appointment basis. No more than three families will be on site at any one time with a maximum of ten people including parents children and staff at the premises.

An objection from nearby residents and two objections from ward councillors were received. Issues raised related to parking provision, noise and security.

The proposal is assessed against local plan policies and guidance and consideration is given to the principle of the use in this location along with its likely impact in terms of appearance of the surroundings and on the amenity of adjoining residents with particular consideration on noise and disturbance and highway safety.

It is the officers view that the proposed use is appropriate to this sustainable residential location. It is also considered that the proposed alterations to the boundary are of an appropriate scale and design that is in keeping with the character of the area and will shield the additional parking area from the wider public view. As such, there will be minimal impact in terms of appearance. Any potential disturbance due to noise transference through party walls can be addressed by provision of suitable noise insulation to the internal walls. The proposed parking layout and turning facility to serve the use is within the properties own curtilage and will allow vehicles to enter and leave the site in a forward gear which will not therefore adversely affect highway safety. Consideration was also made of comments received in relation to security and the applicant has indicated that remote manned security will be provided but this is a matter for site management and is not a material planning consideration.

The officer recommendation is for approval subject to relevant conditions

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## **SITE AND SURROUNDINGS AND PROPOSED WORKS**

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The application site is located on the eastern side of Cargo Fleet Lane, opposite the junction with Park Avenue South in the Park End/Beckfield ward of Middlesbrough. The area has a primarily residential character with some local services nearby. There is a dentist and local shop on the opposite side of Cargo Fleet lane. A covered reservoir and associated open land lies to the rear and to the north of the site. The property is currently a semi-detached dwelling and the attached property to the south is also a dwelling. Green space lies to the south beyond the pair of houses.

The application property is one of a pair of two storey, semi-detached dwellings with a single storey extension and detached garage to side. Vehicular access is taken off Cargo Fleet Lane. There is low level boundary wall with brick pillars and intervening wrought iron fence detail to the front whilst the private garden wraps around the property to the front side and rear with part of this enclosed by a 2m high fence.

### **The application**

The proposal subject of this application is to change the use of the dwelling to a centre to support families (Sui Generis). Families in need of support will arrive at the site on an appointment basis. The garden area to the front of the property will be laid out to provide six parking spaces including two disabled spaces along with a turning area. Fencing will be provided between the existing pillars to a maximum height of approximately 1.6m. Opening hours of 08.30 to 18.30 hours Mon to Friday have been requested.

The application submission was supported by a Design and Access Statement.

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## **PLANNING HISTORY**

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There is no relevant planning history associated with this application.

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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

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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### **Middlesbrough Council Strategic Policy**

The proposed change of use is located within a residential area of the town. The property has no specific policy designations in the Local Plan.

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 proposal accords with the Development Plan policies

### **Middlesbrough Council Highways**

No objection

### **Middlesbrough Council Environmental Health**

No objection

### **Ward Councillors**

Councillors Hubbard and Saunders object on the basis of inadequate security

### **Public Responses**

A letter of objection was received two from residents at the same address. The objection can be summarised as follows:

- Inadequate parking provision
- Concerns regarding sound proofing in respect of privacy of users of the site and disturbance to the adjoining dwelling
- Request for allocated smoking area away from shared boundary
- Lack of security
- Lack of clarity on plans regarding use of rooms
- Lack of specified use class in description
- Request that number of staff and proposed opening times are subject of a condition if the application is approved

Number of original neighbour consultations	15
Total numbers of comments received	1
Total number of objections	1
Total number of support	0
Total number of representations	0

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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### **Policy context**

1. 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).
2. As a starting point, the proposal should be assessed against policies set out in the Development Plan. Policies DC1, CS4 and CS5 which in essence seek to ensure high quality sustainable development and ensure that the amenity of nearby residents, the character of the area and highway safety are not adversely affected by the development. Policies H1 and H11 set out the Councils strategy to meet housing demand.

### **Principle and sustainability**

3. The locating of a service provision for the community which is not classified as a town centre use and which doesn't have a specific locational requirement is considered to be best located within a residential area, where it can be reasonably accessed by public transport and is in relative close proximity to other

community based provisions. Although the proposal will result in the loss of a dwelling house, it would not have any notable impact on the Councils overall housing strategy. The proposal will be in accordance with Local Plan Policy CS4 in this regard.

#### **Appearance**

4. No alterations to the fabric of the building are proposed. The exterior changes involve the provision of hardstanding to allow additional parking and turning within the site and the introduction of close-boarded fencing between the existing pillars along the boundary wall.
5. The existing property has an area to the front and side that is laid to lawn, this helps soften the appearance of the building to some extent. Although the loss of this grassed area to provide additional parking will have some visual impact, it will be largely screened from view by the proposed boundary treatment. As a result, it is considered that any impact the parking area will have in terms of appearance will be limited, taking into account the property being only one of two properties on this side of Cargo Fleet Lane in this location.
6. The proposed close boarded timber fence will be of a similar height to the existing railings that are in place. The scale of the fence and proposed materials are considered to be appropriate to the residential character of the area.
7. In view of the above it is considered that the proposed development will not have a significantly adverse impact on the character of the area in accordance with CS5 (test c) and DC1 (test b).

#### **Impact on residential amenity**

8. Concerns have been raised regarding the impacts of the proposed use on the adjoining dwelling in terms of noise and disturbance. The applicant has indicated that the property will be used for supervised visits, that there will be a maximum of four full time employees and a maximum of three families present at the property at any one time. Two of the first floor bedrooms and the ground floor living area will be used for supervised visits with the third bedroom used as an office /storage space. Although the proposed use is considered to be relatively low key in terms of activity at the site, the use could result in noise from voices occurring during the day over and above the expected level for normal household use. Despite the Councils Environmental Health Officer raising no objection to the proposal, it is considered that as there is some potential for impact in terms of noise and disturbance there should be a scheme of adequate noise insulation provided to limit the impact on the attached neighbouring residential property. A condition requiring suitable noise insulation is recommended. In addition, in order to ensure that the adjacent residential occupiers are not unduly affected by the use at hours when they should be able to reasonably expect a higher level of amenity and greater peace and quiet, a condition is recommended to limit the hours of use of the premises to those requested in the application which are 8.30am to 6.30pm Monday to Friday.
9. Concerns were raised in respect of loss of privacy for clients at the site i.e. that the adjacent residential occupiers may be able to hear private conversations taking place. Whilst noted, this would be for the management of the premises to deal with appropriately, although the required noise insulation should be able to deal with this sufficiently.
10. The property is likely to receive a greater level of traffic than it would as a dwelling and this therefore has the potential to add disturbance and change the character of the property. However, in view of the position of the access away from the

shared boundary with the adjacent dwelling and in view of it being beside a well trafficked highway and opposite a shop and bus stop, it is considered that the additional traffic should not unduly affect the residential amenity of the immediate surroundings.

11. In light of the above, it is considered that the proposed development will not have a significant additional impact on the amenity of nearby residents, beyond that of the existing arrangements and is therefore in accordance with Policy DC1 (test c) in this regard.

### **Highways**

12. Following concerns raised in respect of parking provision at the site, revised plans showing five parking spaces and one disabled parking space along with a turning area within the site have been submitted. Given that there will be four staff at the site and its proximity to public transport routes, it is considered that the proposed parking provision is adequate for the proposed use. Furthermore, the facility for vehicles to turn and leave the site in forward gear is seen as an improvement in terms of road safety. The Councils Highways Officer considered the proposal and raised no objection.
13. In view of the above it is considered that adequate parking and manoeuvring provision is provided for the level of activity advised as being intended within the premises and the proposal will therefore not result in an increase in demand for off street parking and will not have an impact on the safe operation of the highway in accordance with Policy DC1 (test d).

### **Other matters**

14. Concerns were raised in respect of security at the site, specifically in relation to the property being left unattended during night-time hours. The applicant has indicated that a security system that will be manned remotely will be installed at the site.
15. Concerns were also raised in respect of the security of the boundary fence, however, this is a matter for site management and is not a material planning consideration.
16. Comment was made that there was a lack of clarity in respect of the proposed use for each room and that the application description does not include a use class. The applicant had advised that the ground floor living room will be used for family supervision with the kitchen remaining for use shared use by staff and clients. Bedroom No.1 and No.2 will be used for family supervision with bedroom No.3 being used for office/storage space. The proposed use is sui generis as it does not fall into any specific use class.
17. A request was made that any smoking area be located away from the boundary fence. There is no requirement to provide an external smoking area for this type of use and whilst this would be beneficial to the privacy and amenity of the adjacent occupiers, it would be unable to be reasonably enforce from a planning perspective and is considered to be more of a matter for site management to ensure clients do not cause impact on nearby neighbours due to smoking.
18. A further request was made to impose a condition restricting the number of people using the property. Following conversations with Middlesbrough Council Social Services who will run the service, it is clear that the type of facility the proposal is creating will be naturally restricted to a maximum of three families at any one time due to the size of the property . Family groups are usually a single parent with one or two children supervised by single officer. The level of use is

limited by the size of the dwelling and the nature of the activity taking place, although this may vary from time to time there is no evidence that a larger family group will generate a significant level of disturbance. As such it is not considered necessary to impose a restrictive condition as to the number of people within the building. In addition, the use is classified as a Sui Generis Use which means should the use change in the future a further application would be required and could be considered against its own impacts.

### **Summary**

19. The proposal has been assessed against local planning policies and guidance. It is considered that, the proposed use as family time centre is appropriate in this residential setting. It is considered that the proposal will not have any notable detrimental impact on the character of the area, the amenity of nearby neighbours or on the safe operation of the highway. All other issues raised have been considered but do not justify refusal of planning permission.

### **Conclusion**

20. In view of the above, the proposal is considered to be an acceptable form of development fully in accordance with national and local policy and is therefore recommended for 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: In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

#### **2. Approved Plans**

The development hereby approved shall be carried out in complete accordance with the plans and specifications detailed below and shall relate to no other plans:

- a) Location Plan received 14<sup>th</sup> September 2021
- b) Proposed Site Plan received received 24<sup>th</sup> November 2021
- c) Proposed fence elevation received 24<sup>th</sup> November 2021

Reason: For the avoidance of doubt and to ensure that the development is carried out as approved.

#### **3. Hours of Operation**

The premises shall not operate outside the hours of 08:30hrs to 18:30hrs Monday to Friday.

Reason: In the interests of amenity of residents having regard for policy DC1 of the Local Plan and section 12 of the NPPF.

#### **4. Noise Insulation**

Prior to the use hereby approved being brought into use a scheme of noise insulation shall have been implemented at the property in accordance with a scheme of mitigation that has first been submitted to and approved in writing by the Local Planning Authority. The mitigation shall be based on a noise assessment undertaken by a qualified noise consultant which details the level of attenuation that is created by

the existing structure of the building relative to the noise levels that the adjacent residential occupiers are likely to receive from the premises, and the reduced noise levels likely to be received following the provision of mitigation of noise transference. The levels required to be met in habitable rooms of the adjacent residential premises are those set in BS 8233(2014), measured when the neighbouring commercial business is in use.

Reason: Reason: To ensure a satisfactory form of development in the interests of the amenities of residents having regard for policies DC1, CS5 of the Local Plan and section 12 of the NPPF.

### **REASON FOR APPROVAL**

This application is satisfactory in that the use as family time centre accords with the principles of the National Planning Policy Framework (NPPF) and the local policy requirements (Policy DC1, CS4, CS5 of the Council's Local Development Framework). Where appropriate, the Council has worked with the applicant in a positive and proactive way in line with paragraph 38 of the NPPF (2019).

In particular, family time centre use will not prejudice the character and function of the area and does not significantly affect any landscaping or prevent adequate and safe access to the site. The family time centre use will be consistent with the residential uses of this location and it will not be detrimental to any adjoining or surrounding properties. The traffic generated, car parking and noise associated with the family time centre will not be of a level likely to result in an unacceptable impact on nearby premises or the safe operation of the highway .

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: Maria Froggatt

Committee Date: 11<sup>th</sup> February 2021

LOCATION PLAN

