
APPLICATION DETAILS

Application No:	22/0714/COU
Location:	136, Low Lane, Middlesbrough, TS5 8EE
Proposal:	Change of use from residential dwelling (use class C3) to care facility (use class C2). No external works.
Applicant:	Tom Wilson, Courtyard Care Limited
Company Name:	
Agent:	Damian Barry RPS Consulting Services, RPS Consulting Services
Company Name:	
Ward:	Kader,
Recommendation:	Approve

SUMMARY

Planning consent is sought for the change of use of 136 Low Lane from a dwellinghouse (C3 use) to a Children's home (C2 use) for the accommodation of up to six children between the ages of 7 and 18 years. The submission indicates the home would be staffed 24 hours per day. There are no external changes proposed as part of the scheme. The existing parking arrangements provide parking for 8 vehicles at the front of the dwelling.

Internally the ground floor layout will provide a lounge/kitchen/diner, with three bedrooms and a sensory room. The upper floor layout providing two further bedrooms and a staff room.

Following the consultation process there have been 28 letters of objection received. The objections relate to concerns over anti-social behaviour, increase in number of cars accessing the property, parking issues, increased noise, potential increase in crime and unsuitable location for the use in a residential area.

In view of the scale of the property, it being detached with large front and rear gardens and with a large driveway is considered to provide adequate space to accommodate the proposed use. Being served off a relatively highly trafficked road with an existing access is considered would prevent any undue impacts on highway safety or free flow of traffic. The proposed use will be more intensively used as a result of the proposal than a typical residential property of the same scale would be, however, given the spacing between properties it is considered that the proposed use would be able to operate, subject to effective management, without unduly affecting the privacy and amenity of surrounding properties.

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

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site is a detached property in an large plot, located on the south side of Low Lane and backs onto the A174. The neighbouring property to the east is 134 and to the west is 138 Low Lane. Directly opposite the property are 91 and 93 Low Lane.

The property is two storey however externally has the appearance of a bungalow, with the first floor being provided by rooms within the roof space. The property has a large parking area to the front and an large garden to the rear.

The proposal is for a change of use of the property from a dwellinghouse (C3 use) to a children's home (C2 use). The proposal will not involve any external alterations to the property with the internal layout providing a lounge, kitchen, dining room and five bedrooms. The age range of the children at the property will be between 7 – 18 years.

The submitted details indicate that the home will be staffed by up to 25 staff, or full-time equivalent posts, working 24/7 on a rotating shift basis under the guidance and supervision of a dedicated home manager, being probable that no more than 7 staff will be on duty in any one shift and 4 during the night. The details indicate that staff will also carry out day to day duties off site as required in the running of the home. In addition to these staff providing direct care and support there would usually be a manager and deputy and potentially a housekeeper.

PLANNING HISTORY

The planning history for this site:

M/FP/1000/15/P – single storey rear extension and loft conversion, approved in 2015.

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).
- Stainton and Thornton Neighbourhood Plan (2022)

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, CS5 - Design, CS4 - Sustainable Development, UDSPD - Urban Design SPD, H1 - Spatial Strategy, H11 - Housing Strategy, CS18 - Demand Management

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

The following comments have been received from the statutory consultees:-

Site Notice

No responses received

Children's Commissions Manager

Is in support of the application.

Highways

No response

Environmental Health

Had no issues to raise regarding the proposed conversion.

Councillor Jim Platt

Has replied with concerns regarding highways safety.

Neighbours

28 neighbour objections have been received.

No's 138, 128, 134, 130, 85, 124, 79, 47, 34, 126, 29, 72, 91, 95, 43, 42, 93, 54 Low Lane,
6, 27, 28 The Grove,
6, 14 The Oval,
39, 49, 53 Belmont Avenue,
two from 7 Lincombe Drive

Objections are summarised as follows;

- Care home nearby has affected house prices of properties immediately adjacent as well as causing noise and disturbance, excessive traffic, ad-hoc parking in the street
- Excessive traffic will be associated with the use, It's a quiet residential area with very few commercial premises.
- It will increase parking along Low Lane which will cause accidents,
- There will be a lot of staff and many shift changes which could mean at any one time there being 10-20 vehicles being on site with insufficient parking to be able to provide for this.
- Large tarmac area outside the property gets used by people doing turns, and for parking which already causes problems. This area is likely to become a staff / visitor car park for the proposed home.
- Already too much traffic using Low Lane and although Low Lane is 30mph vehicles travel much faster than this.
- There is no official parking in this location and there have been many near accidents. This will add detriment to an already hazardous road and where there is a footway and cycleway.
- Children playing in the back garden would be noisy for the enjoyment of the adjoining garden/s in this quiet area.
- Reduction of quality homes in the area where there is a shortage
- This use should be encouraged in the town centre rather than the suburbs.
- Housing people who are dependent on alcohol and drugs will lead to nuisance in the surrounding area.
- Concerned about the extent of emergency services having to attend the property, more so that would be the case if it was a typical dwelling.

- The property will have commercial cooking facilities leaving odours in the air, and will also have commercial waste facilities. Commercial bins with drain holes will attract vermin into the area.
- Service vehicles will create noise in this residential environment
- Service vehicles accessing / exiting the site will cause risk to the use of the highway as it is on / near to a bend.
- It is not a local company.
- The increase in number of people will result in a change to the character of the dwelling,
- Fear of increased crime and anti social behaviour.
- Concern over the fumes from the A174 on the health of the children and staff

3 responses in support of the application have been received.

1 Whinbrow (Yarm),
21 Baron Close and
2 Nuneaton Drive

Support comments are summarised as follows;

We need to provide more local homes like the one in this application to help the most vulnerable young people in society. Young people who are in this position through no fault of their own. Providing a home in a safe neighbourhood for these people must be supported.

There is plenty of parking on site for staff, spacious grounds for children to play in, a wide entrance to the driveway, so visibility is not an issue, the speed limit on the road is acceptable, and the new cycle lane outside the property is ideal for encouraging children to get out and explore a lovely, leafy environment.

I feel this quiet suburban area is a great location to support and care for our looked after children.

The large private driveway can absolutely accommodate 15 cars for staff, the road is reasonably busy single carriageway but access in and out the property will be smooth and not cause any hazards.

I think it's really important to note that the garden and secure outside areas of this property will create a safe space for the young people in this property.

Public Responses

Number of original neighbour consultations	7
Total numbers of comments received	28
Total number of objections	28
Total number of support	3
Total number of representations	28

PLANNING CONSIDERATION AND ASSESSMENT

The applicant is seeking planning consent for the change of use of the dwelling house (C3) into a 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 and highway safety.

Principle of the development

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.

The application site is located within a residential area of Middlesbrough (near Brookfield) with Core Strategy Policies CS4 (Sustainable Development), CS5 (Design), DC1 (General Development), H1 (Spatial Strategy) and H11 (Housing Strategy) being relevant.

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.

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

The application site is located within an existing residential area within a sustainable location with a bus stop directly outside the adjacent property (no 134) and shops located at The Oval, off Lincombe Drive.

The proposal will result in the loss of a single dwellinghouse although the use is still a residential use. Concern has been raised from objectors that the proposal will reduce housing stock in the area. Whilst noted, the proposed use remains to provide residential accommodation and the proposal relates to a single dwelling, which has a minimal impact in this regard. 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.

Objection has been raised against the application based on it being a commercial use. Whilst noted, the proposed use, although operating as a business, is a residential use and locating it within a residential area, rather than an industrial or commercial location is considered to be appropriate as a matter of principal.

Objection has also been raised that there is already a care home in the near vicinity. Whilst noted, this is not considered to add weight either for or against the proposal.

In view of these matters the proposal is considered to accord with the Core Strategy Policies CS4, H1 and H11.

Amenity

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. The proposed change of use will provide no external alterations to the property.

Concerns have been raised regarding the levels of noise that may be experienced from the occupants of the proposed children's home, particularly given the proximity of the site to surrounding residential properties/garden areas.

The application is for a staffed children's home which will provide accommodation for up to six children between the age of 7 and 18 years. It is indicated that overall there would be 25 full time staff working at the premises, or full time equivalent, generally being 7 day staff and 4 night staff, along with a manager, deputy manager and housekeeper. Other specialists / support toles may also be present as required. The staff are not residents themselves and night-time staff would be awake rather than asleep.

The premises would largely operate as a normal dwelling with residents / staff coming and going and using the property both the internal and external areas. The main difference is the likely intensification of the property's usage. Whilst there is some concern in relation to potential for anti-social behaviour at the premises associated with the looked after children, this is an assumption as to potential impacts of individuals rather the definitive impacts of the proposal. As with any residents of any property, ani social behaviour may or may not occur and it is therefore considered to be unreasonable to give any weight to this occurring.

The property is relatively large within its own grounds and with a garage to one side. Mature landscaping exists within the immediate vicinity and there is relatively limited direct overlooking between properties either side. In view of the spacing between properties, it is considered that the general use of the property as a result of residents / staff moving about the premises would be relatively limited. It is considered however that movement of vehicles in and out of the property would be more noticeable, generating greater noise and disturbance, particularly at shift change times. Notwithstanding this, it is recognised that Low Lane lies to the front and is a well trafficked highway, and the A174 lies to the rear beyond a mature structural tree belt. The presence of these roads is considered to reduce the impacts of the additional traffic moving into and out of the property, and under reasonable use, prevent an undue significant impact on the amenity associated with the adjacent properties.

The Council's Environmental Protection Officers have assessed the proposal and have no comments.

In view of the above, it is considered that although the proposed use will recognisably intensify the use of the residential property, the use accords with the guidance set out in Core Strategy Policy DC1 (c).

Character and Appearance

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.

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 Related Matters

Objection has been raised in relation to the amount of available parking space and movement of vehicles into and out of the property and associated highway safety. The application site has a large parking area to the front of the property. The site can accommodate eight cars which is considered to be adequate for the level of staff and usage

at the site although may result in some parking outside the premises depending on how the management operate the premises. Movement of vehicles at shift change is likely to be the most intense periods but will be limited to a small time period each day. Furthermore, the existing driveway will allow for vehicles to enter the site in a forward gear and leave the site in a forward gear, thereby limiting the need for manoeuvring outside of the site. In view of these matters, it is considered that the proposed use will not result in any notable impact on the local highway network in relation to safety or capacity, being in accordance with relevant parts of Local Plan Policy DC1.

Other issues

Concerns have been raised in relation to the impact on property values in the area, however, loss of property value is not a material planning consideration and cannot be taken into account in reaching a planning decision.

Objections and concerns have been raised in relation to noise, cooking odours, carbon emissions and commercial waste. Whilst these are likely to be elevated from that of a typical dwelling as a result of the amount of staff likely to be present at any one time, given the detached and separate nature of the dwelling from those immediately adjacent it is considered that there is no reason subject to good management, why these matters would result in a significant adverse impact on the amenity associated with surrounding properties. The Council's Environmental Health team were consulted on this application and had no issues to raise.

Concerns have been raised in respect to issues with drugs and alcohol, however, it would not be reasonable to assume that this would indeed be the case and even were this to be the case, this would not prevent their residential accommodation being best suited to being within a residential location.

Concerns raised have indicated that there are no nearby parks or recreational activities for young people, and whilst there may not be any such provision within the immediate vicinity of the site, the area remains to be a suitable area for children to live, particularly taking into account the scale of the property and its associated garden area. Therefore this matter would not give reasonable reason to warrant refusal of the application.

Concern has been raised that the applicant is not a local company, however, this is not a material planning consideration and cannot be taken into account in reaching a decision.

Concern has been raised that the house and garden would not be maintained, however, this is no different to any occupied property. This would be a matter for the management of the property and should it fail to be maintained to a suitable standard, then there are planning powers which exist and could be used, as would apply to all properties.

Comments have been received regarding anti-social behaviour, personal safety of nearby residents and increase in crime. These are not material considerations which can be considered as part of the application as such impacts could be associated with the occupation of any residential dwelling and are not an absolute impact of the proposed use but a speculation.

Conclusion

The proposal has been considered against national and local policy. It is considered that the proposed use is acceptable in this area 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 children home and the fact there will be no external alterations to the

property means the proposed change of use will have no significant adverse 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).

In view of the proposed use being considered based on the occupation of 6 children it is considered important to limit the use of the premise to that of a Children's home and for no more than 6 children to reside there at any one time. This will prevent a different nature and scale of children's home occurring without due consideration of the planning merits of any such change.

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

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. 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 100, received 28 October 2022
- b) Planning statement, received 28 October 2022
- c) Proposed plans 110, received 28 October 2022

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

3. The premises shall be used as a 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.

4. The use hereby approved shall be limited to provide children's accommodation for up to 6 children and no more at any one time.

Reason: In order to ensure the facility is limited to provide children's care accommodation for a use which is relative to the considerations taken and ensure the facility is of a scale which is appropriate for its location.

Reasons for Approval

This application is satisfactory in that the change of use of the building to a six person children's homes accords with the principles of the National Planning Policy Framework (NPPF) and the local policy requirements (Policies DC1, CS4, CS5, H1 and H11). Where appropriate, the Council has worked with the applicant in a positive and proactive way in line with paragraph 38 of the NPPF (2018).

In particular, the change of use of the building to a six person children's home 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 residential use will be consistent with the existing 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 proposed change of 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.

INFORMATIVES

- The applicant is reminded that building materials shall not be deposited on the highway without the specific consent of the Highway Authority.
- Rights of Access/Encroachment
This planning approval does not permit any person to access another person's land/property to enable the works to be completed, without their consent. Any encroachment into another person's land/property above or below ground is a civil matter to be resolved between the relevant parties.
- Deliveries to Site
It should be ensured that, during construction, deliveries to the site do not obstruct the highway. If deliveries are to be made which may cause an obstruction then early discussion should be had with the Highway Authority on the timing of these deliveries and measures that may be required so as to mitigate the effect of the obstruction to the general public.

Case Officer: Justine Forrest

Committee Date: 14.04.2021