
APPLICATION DETAILS

Application No:	22/0669/COU
Location:	42, Cedar Drive, Middlesbrough, TS8 9BY
Proposal:	Change of use from residential property (C3) to residential respite (C2)
Applicant:	Terriann Harrison, Walkison Care
Ward:	Stainton And Thornton,
Recommendation:	Approve with Conditions

SUMMARY

The application seeks planning permission for the change of use of the property from a residential dwellinghouse (C3) to a residential property providing respite care (C2).

Following the consultation period, a number of objections were received expressing concerns about the proposals and their expected operations. The main issues raised were on the grounds of vehicular access, staff parking and general traffic movements at the site and along Cedar Drive.

The site is located within an established residential area and proposes a residential use and as a general principle, is of a use type which is appropriate / established within this location. The main considerations relate to the likely outward impacts of the proposed use relative to surrounding properties / uses and land. No external changes are proposed. The activities of the proposed residential respite use are anticipated as being representative of a typical residential property apart from the property being staffed. The main operation is therefore considered to be compatible and appropriate within a residential estate. The movement of staff is given consideration and although it will result in more vehicle movements to and from the property, it is not anticipated that these will unduly affect the living conditions and general amenities of residents on Cedar Drive. Noting the expected number of staff and users at any one time and the provision of parking spaces within the buildings curtilage, it is considered that the number of vehicles anticipated with the proposals can be accommodated at the site without the need for parking within Cedar Drive, thereby preventing impacts which would potentially be detrimental to the amenities of nearby residents.

Officer recommendation is to approve subject to conditions.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site is a two-storey residential dwellinghouse situated at the southern end of Cedar Drive in Thornton, at the edge of the village. The property is accessed from the

adopted road via a private driveway, which serves four properties in total (Nos. 33, 40, 41 and 42 Cedar Drive).

To the north are residential properties within Cedar Drive and Thornton village; to the east, west and south are agricultural land and fields.

Planning permission is 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 is intended to provide respite care for up-to 6 people at any one time. The proposal is indicated as having around 12 staff associated with it with only 3 or 4 staff there between the hours of 8am to 8pm and a single member of staff there overnight. Submission details indicate that they do not intend to take regular deliveries as any supplies would tend to be delivered to their main centre and brought to the site by staff. The submitted details also indicate respite care may be given for up-to 2 or 3 weeks at a time for people.

No alterations to the external appearance of the building are proposed.

PLANNING HISTORY

There is no relevant planning history.

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:

Core Strategy

DC1 (General Development),

CS4 (Sustainable Development),

Local Plan

H1 (Spatial Strategy)

Stainton and Thornton Neighbourhood Plan

ST6 Access and Parking

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

Summary of Public Responses

Number of original neighbour consultations	22
Total numbers of comments received	13

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Total number of objections	11
Total number of support	0
Total number of representations	2

List of addresses objecting to the application:

- 4, 22, 23, 26, 28, 31, 33, 34, 38, 40, 41 Cedar Drive

Addresses with concerns/other representations

- 11, 15 Cedar Drive

Summary of Comments

It is considered that the below represents a summary of the objections and other concerns raised following the consultation period.

Private Drive of No. 40 (leading to application site)

- The terms of the Deed allowing access to no. 42 state that the owner of no. 42 has a right of way to pass and repass over the roadway with or without vehicles for all purposes connected with the use and enjoyment of the land but not for any other purpose whatsoever. This means that vehicles cannot park, wait, load, unload or turn around on the drive. I do not believe, given the number of vehicles that will be coming and going during the running of a business of this nature, that it will be possible to always keep the drive clear of vehicles and abide by the requirement of this Deed.
- This above would restrict the use of the drive by its owner (no. 40) and others who have a right of access.
- The private drive is not suited for a business of this nature.

Access Gates

- The electric gates on the private drive may fail to open due to powercuts etc. Whilst there is a manual override, this is considered impractical in a commercial environment where there is multiple third parties. The gates may fail more frequently due to the proposals, which can cause disturbance and stress to manually open the gates, especially at unsociable hours.

Cedar Drive

- Too much traffic already on Cedar Drive.
- As there is no public transport in Thornton, all access to the property would be by private vehicle. To allow a vehicle to pass, cars park half on the pavement. Two emergency vehicles could not pass along Cedar Drive.
- Private driveways are often used as turning points for larger vehicles and fences have been damaged on a number of occasions.
- The amount of traffic using the road would increase dramatically changing the character of the area.
- Safety concerns – elderly residents especially need access to the pavements (vehicles parking on the pavement) and children play in the cul-de-sac. The additional traffic increases the risk to residents and children.

Number of Site Users

- Concerns over the traffic that might arise from medical professionals, emergency services, staff, visitors, family, friends etc. and where all site users will park.
- The supporting document states that there will be no less than 3 staff at the property. This would imply that at shift change overs there would need to be sufficient space for 6 or more vehicles to park and manoeuvre within the property boundary.

Difficulties of Previous Tenant

- As the applicant states, the child of the previous tenant had complex care needs and was restricted to a wheelchair. He regularly attended day care by means of a disability vehicle, the driver of which found it so difficult to turn around within the boundaries of no.42 that they would either load from the drive, in front of our house, or in Cedar Drive itself, at the end of the drive marked in red. This caused significant disturbance to the residents of Cedar Drive and I believe this situation would be worse with more clients/residents/patients at no.42. It would surely be impractical for respite residents to walk, or be wheeled, down the drive to meet the vehicle when being dropped off or collected.

Other

- Concerns over the disposal and collection of clinical waste.

Responses from Internal Technical Services

MBC Planning Policy

- The use is appropriate within a residential area and acceptable in principle. In determining the application consideration should be given to whether the impact on amenity, parking and highway safety would accord with the relevant policies in the adopted Development Plan.

Responses from External and Statutory Consultees

Stainton and Thornton Parish Council

- The parish council have no objection in principle to the above application, providing certain conditions are included.
- Cedar Drive is a narrow cul-de-sac on the outskirts of Thornton with no immediate access to public transport and as such all staff and visitors will visit the property using private transport. Conditions must be included that all visitors and staff must park within the residential curtilage of the property and no staff parking would be allowed on Cedar Drive. Access for emergency vehicles must be maintained at all times, with no parking on the access road to the property.

PLANNING CONSIDERATION AND ASSESSMENT

Relevant National Planning Policies

1. Section 38 of the Planning and Compulsory Purchase Act requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. At a national level, the Government's guidance is set out in the National Planning Policy Framework (NPPF), which was most recently revised and published in February 2019. The NPPF states that the general principle underlying the town planning system is that it is 'plan led'. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted (paragraph. 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 the closer policies are to those in the Framework (paragraph 213)

2. Paragraph 20 of the NPPF states that the strategic policies of Councils should 'make sufficient provision for community facilities such as health' and that decisions should help provide community needs.
3. Section 8 of the NPPF '*Promoting healthy and safe communities*' expands on the strategic policies and explains the role of local authorities and outlines how they need to be achieved. The section advises that policies and decisions *should aim to achieve healthy, inclusive and safe places, as well as providing the social, recreational and cultural facilities and services the community needs*. Paragraph 92 states that authorities should *promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments and strong neighbourhood centres* amongst other things. The same paragraph also advises planning policies and decisions to aim for healthy, inclusive and safe places that are *safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion as well as to enable and support healthy lifestyles*. Paragraph 93 states that decisions should *plan positively for the provision and use of community facilities and other local services to enhance the sustainability of communities and residential environments and guard against the unnecessary loss of valued facilities and services*.

Principle of Development

4. The relevant policies in the Local Development Plan regarding this application include H1 (Spatial Strategy), DC1 (General Development) and CS4 (Sustainable Development). Policy ST6 (Access and Parking) of the Stainton and Thornton Neighbourhood Plan (2022) is also relevant. In general terms, these policies seek to achieve high quality sustainable development that is situated in the right place and minimises the impact on neighbouring occupiers.
5. Policy H1 advises that development proposals need to be sited within the urban area where they are accessible to the community they serve and satisfy the requirements for sustainable development as contained in Policy CS4. Such proposals also need to demonstrate how they would contribute to achieving the spatial vision and objectives of the Plan. Albeit on the edge of the urban area and near to the limits to development, the application site is in a suburban location within a residential area and easily accessible to the Stainton and Thornton community that the proposed respite care may in part serve. The proposed respite care provides a facility that will contribute to the creation of sustainable communities and allowing residents to be looked after within the borough.
6. Policy CS4 requires all development to contribute to achieving sustainable development principles, which includes ensuring everyone has access to the health and community facilities that they need in their daily lives, promotion of a healthier community, being located so that services and facilities are accessible on foot, bicycle, or by public transport, and it is considered that the proposed development will assist in increasing provision of short-term respite care in the community, being broadly in accordance with this aim.
7. Policies CS4 and ST6 collectively require that development should be served by and promote sustainable forms of transport. Whilst the application does not specifically provide any details of whether secure cycle parking is to be provided on site, there are considered to be many appropriate places within the site to secure cycles. It is also noted that there is a bus route through Stainton Village, however, this does not provide a service as early as 8am and as late as 8pm and staff therefore couldn't rely on this to

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get to and from work. Notwithstanding these matters, the property is already in existence and the sustainability of its occupation for a similar residential use therefore carries little weight.

Potential Impacts of Associated Activities on Surrounding Areas

8. Policy DC1 seeks to ensure that the effect upon the surrounding environment and the amenities of occupiers of nearby properties will be minimal as a result of development. It is noted that the majority of the comments and concerns received from local residents centred on the likely adverse impacts of the proposals on their living conditions and general amenities.
9. The property is not been altered externally and there should be no notable change to privacy and amenity from the actual use of the property in the way provided, subject to reasonable management and neighbourliness which are not material planning considerations in their own right. It is recognised however that the movement of staff to and from the site and the dropping off of customers to receive care is where the most notable change will be for surrounding residents.
10. Concerns have been raised relating to the use of the private drive and that this type of development is not suited along a private drive of this nature. It is understood that the terms of the deed for use of the private drive allow access to the application site only, which may prevent activities such as manoeuvring and deliveries taking place along the drive. It is understood from the submission documents that there will be no deliveries to the site and that all equipment and goods would be delivered to the head office and transferred over to the application site in cars. All cars arriving at the site (staff or otherwise) would be able to travel along the private drive and undertake manoeuvring / turning / parking within the application site itself and thereby limiting the impacts on the surrounding residential amenity to that of cars passing along the private drive.
11. It is understood there would be 3 or 4 staff at the property each day between the hours of 08:00 to 20:00 with a single overnight member of staff and it would not be particularly different therefore in traffic movements to that of a large dwelling where elderly children still live with parents who own cars. The drop off of people to be cared for would add to this traffic to and from the site and there are no specifics indicating how frequent this would be, but there is indication that some stays could be for 2 to 3 weeks which is assumed would tie in with holiday trips etc. So whilst the dropping off and collection of people will add to the traffic manoeuvres, it is anticipated that this would not be significant additional numbers of movements beyond those associated with staff. Furthermore, these would be likely to be at times through the day as drop off's would be a managed occurrence.
12. The other properties along the private drive have their front elevations positioned relatively close to the private drive and movements along the driveway will be noticeable for the occupiers of those properties and will, as would movement of anyone to and from the application site, result in a degree of noise and disruption. However, in view of the anticipated levels, it is considered that this would not be significantly adverse, particularly as it is likely to be restricted to short periods of time during the day.
13. Concerns have been raised about the access gates along the private drive, which may fail and result in disturbance. It is appreciated that this may happen but this is likely to be an irregular occurrence and one which would need to be dealt with in an appropriate manner at the time. It doesn't mean however that the result would have to cause undue disturbance / harm to the amenities of neighbouring properties for prolonged periods.

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14. Many of the objections received centre around the amount of traffic already along Cedar Drive, some vehicles using private driveways to turn around and causing damage to property, and the concerns for existing pavement users (children and the elderly). Concerns have been raised that the proposals will exacerbate the current situation. Whilst this is noted, the application relates to the re-use of an existing dwelling and the levels of traffic anticipated with this proposed use are unlikely to be significantly different to that of a large family living from the property and it is considered that the proposed use would not therefore notably increase the amount of traffic up Cedar Drive.
15. The applicant has advised that the staff levels would be three or four throughout the day and one ant night. Whilst some staff may arrive at the site on bicycle or via local bus services, it is accepted that a regular scenario may be that three or four vehicles arrive at 8am and the same leave at 8pm with drop offs of customers during the course of the day. The submitted parking plan shows adequate space for parking and manoeuvring within the site for this level of vehicles and is considered to be adequate as a result. As the proposal is for residential respite care, by its nature it does not lend itself to many visitors, as its users will be temporary while their regular carers have a short break. Nor will the site be frequented by nurses or other medical professionals on a regular basis with it not being nursing care.
16. Whilst it is accepted that the volume of traffic is likely to increase due to the development, it is considered not to unduly alter the character of the residential area. The number of vehicles is considered to be manageable in this environment and is not expected to result in undue harm on the residential amenities of nearby occupiers.
17. Concerns over the width of Cedar Drive are noted, although in view of the limited level of traffic, it is not expected that this would raise particular issues beyond those that would already occur were the property to be occupied as a large family home. Mindful of the type of care being proposed (residential care, not nursing care), however, the likelihood of an ambulance being called to the application site is considered to be not significantly different to that of a regular dwellinghouse.
18. Over recent years, the number of delivery vehicles frequenting housing estates has increased, although the capabilities of delivery drivers and the potential damage to private property is not a material consideration. Similarly, it is noted that many vehicles will park partly on the pavement, somewhat restricting the ability of pedestrians to pass, again, this is beyond he control of planning. The key considerations for this application is whether or not the anticipated level of traffic can reasonably access the site without causing undue harm to the amenities of surrounding properties and physically make necessary manouvres. In view of the property already being in place, the limited level of traffic and the nature / layout of the application site, it is considered that these points can reasonably be met.

Other Matters

19. One concern raised related to the disposal of clinical waste from the property. Whilst noted, it is not anticipated that there would be a significant need for clinical waste due to the nature of care being provided, however, should there be, like it would be the case for any property, this would need to be dealt with in an appropriate way. This is however outside the control of planning.

Conclusion

20. The report has concluded that the proposed residential respite care development would be an appropriate use in this setting and compatible with residential dwellinghouses. The likely activities and operations of the proposed development – including the use of the private drive, the access gates, the expected levels of traffic from site users – have been assessed as being able to be undertaken at the property without significantly harming the residential amenities and living conditions of nearby occupiers. The proposals are, therefore, deemed to be in accordance with national and local planning policy and conditional approval is recommended. It is recognised that the impacts can and will affect neighbouring properties to some degree and therefore it is important to restrict the approval to ensure the use is for respite care only and no more than 6 users at any one time in order to prevent it being used in the future in a way which was not envisaged / considered.

RECOMMENDATIONS AND CONDITIONS

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 approved plans:

- a) Location Plan (received 24th March 2023)
- b) Site Plan (Plan No. 01)

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

3. Limitation of Care and Users

The development hereby approved shall only provide respite care and for no more than 6 service users at any one time and for no other use within Use Class C2.

Reason: To ensure an acceptable level of use at the property and to safeguard the residential amenities of local residents

REASON FOR APPROVAL

The proposed change of use from residential dwellinghouse to residential respite care is considered to be appropriate as it is in full accordance with national and local planning policies, statements and guidance.

In particular, the proposed use is in accordance with the National Planning Policy Framework and its policies regarding the provision of community development, achieving healthy, inclusive and safe places, providing social facilities and services for the community,

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sustainable development, the efficient use of land, and transport and accessibility, whilst proposing a development that would not be out of scale and character within the surrounding area, and would not be detrimental to the local and residential amenities of the area.

Issues of principle regarding the use of this site and the generation of traffic have been considered fully and are not considered, on balance, to give rise to any inappropriate or undue affects. Accordingly, the Local Planning Authority considers that there are no material planning considerations that would override the general assumption that development be approved unless other material factors determine otherwise.

Case Officer: Peter Wilson

Committee Date: 16th June 2023

