
APPLICATION DETAILS

Application No:	23/0556/VAR
Location:	136, Low Lane, Middlesbrough, TS5 8EE
Proposal:	Variation of condition 3 & 4 (use Restrictions) on planning application 22/0714/COU to allow property to be used as care facility to children and young adults
Applicant:	Courtyard Care Ltd
Agent:	RPS Consulting Services
Ward:	Kader
Recommendation:	Approve with conditions

SUMMARY

Planning permission was granted under application 22/0714/COU for the change of use of the property from a residential dwelling to a children's home. In order to restrict the use to the principles on which were being considered at that time, conditions were applied which restricted the property to provide accommodation for children only (excluding staff) and also limited the number of children resident at any one time.

This variation application seeks to amend the wording of the conditions to enable the proposed use to a care home which would enable the provision of care for the intended use of young adults between the ages of 16 and 25 years. The application seeks no changes to the previously approved operational development of the building. The daytime and night staff numbers will not be increased from the previously approved scheme and as set out within the supporting planning statement may be reduced (subject to individual needs) to 7 staff during the day and from 3 to 2 staff during the night. It is indicated that residents will be encouraged to complete their own housekeeping resulting in their being a reduced demand for a dedicated housekeeper post.

The parking provision within the site will remain unaffected with provision for 8 spaces to the front of the property. The applicant has confirmed that a bin store recently constructed on the hard standing area to the front of the property will be removed from that location and replace elsewhere allowing the previously approved site layout to remain unaltered.

Following the consultation process there have been 9 neighbour objection comments (including 2 from the Ward Councillors). The objections relate to the proposed change to the principle use as a children's home, impact on amenity of neighbours, parking for visitors/staff and construction vehicles having impacts on traffic and highway safety, whether there is a need for the use, anti-social behaviour/crime, alternative locations, devaluation of properties although a number of the objections raised are not material planning considerations.

The proposed variation to amend the proposed use of the building to include young adults will result in no significant operational changes to the use of the building given there will be no significant increase in the previously approved staffing levels or alterations to the approved internal and external layout, including parking provision. It is considered the proposed variation will therefore have no significant impact on the amenity of the neighbouring properties or on highway safety, acting as residential accommodation in a residential area. It is considered that the scale of the premises and its intensity of use requires control to prevent it from being out of character with the surrounding area.

The proposed variation to the use is considered to be in accordance with the requirements of the Local Plan Policies H1, H11, CS4, CS5, CS18, CS19 and DC1.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site is a detached property located on the south side of Low Lane with the A174 highway to the rear. On either side of the application site are detached properties at 138 and 134 Low Lane with 91 and 93 Low Lane located opposite. Within the immediate vicinity of the site are a mixture two-storey properties and detached bungalows which are set back from the main highway.

The application site is a detached bungalow with dormer windows and roof lights. The bungalow is set back from the main highway with an area of hard standing to the front and large rear garden.

This application is to vary two conditions on the recent planning approval which granted permission for the change of use of the property to a children's home, and which restricted the cared for residents to be children under 18 years of age. This variation is to alter the condition wording to provide a care home use which would enable the intended use of the building for young adults between the ages of 16 - 25 years. There will be no external works to the building or additional parking spaces for the proposed use and the internal works will remain the same as the previous approval.

The planning statement sets out that subject to the individual needs of the individuals, the staffing levels for the proposed adult service is expected to be 7 as opposed to the previous 8-9 staff that was approved for the children's care home on the site. Principally due to the omission of a dedicated housekeeper as the residents would be encouraged to do more of their own cleaning/domestic management than children would have been. Similarly, the night shift level of staff could possibly reduce from 3 to 2 given the level of support required for adults is less regular than for the children's care.

PLANNING HISTORY

22/0714/COU- Change of use from residential dwelling (use class C3) to care facility (use class C2). No external works, approved with conditions 17th April 2023

M/FP/1000/15/P – Single Storey extension at rear, loft conversion, approved with conditions 30th September 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

Item No:

- 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:

H1 - Spatial Strategy
H11 - Housing Strategy
DC1 - General Development
CS5 – Design
CS4 - Sustainable Development
CS18 - Demand Management
CS19 - Road Safety
UDSPD - Urban Design SPD

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:-

MBC- Adult Social Care Commissioning Team (in summary)

No objections to make in respect of the variation to the planning application in respect of 136 Low Lane.

MBC – Environmental Health

No comments

Councillor Sharon Platt and Councillor Jim Platt

We are writing to state our objections regarding the proposed change in the care home at 136 Low Lane to housing young adults within our community.

As concerned resident and councillors, we have two significant concerns.

Firstly, this area of Low Lane is predominately elderly residents and there is a concern that young people with challenging issues living next door and closely elderly residents who have lived here will be frightened and worried for wellbeing.

This proposed shift could have a significant impact on the peace and harmony of our community. Increased noise levels, disturbances, and potential conflicts arising from the change could disrupt the peaceful coexistence we currently enjoy, causing distress to existing residents and affecting property values.

Secondly, Low Lane is a major through road and it has become increasingly busy over the last 2 years due to increased housing development, and traffic now using the road as an alternative route to the 174.

We cannot accept that traffic will decrease if this home becomes an adult care facility. The application states that this request for change of use again is driven by the requirement from MBC.

It is disappointing and bewildering as to why when the application was already passed.

There have been 9 objection comments received which include 2 comments from Ward Councillors who are also local residents, following the neighbour consultation and the site notice.

Objection comments (in summary)

Principle

- Original submission for children with problems and now changed to allow adults into same facility and into our community. Not opposed to facilities for people with difficulties but not integrated into communities which as is the plan on this application.
- Shortage of suitable care homes for young children in the UK and instead of addressing the shortage the strategy of care home investors to accommodate young adults appears to be solely linked to financial gain, prioritising revenue accumulation over the best interests of the children and residents. Lacks justification when demand for children's care homes.
- To allow this new variation to go through changing it to a facility for young adults, when there is already one at Low Lane House, is an appalling move. It shows the council has no consideration, compassion or empathy towards how residents feel when everyone I've spoken to didn't even want the children's home.
- Object to young adults but happy for younger children as was the original proposal.

Amenity

- Area predominantly elderly residents and there is concern that young people with challenging issues living next door to elderly residents will be frightened and worried for wellbeing.
- Change in the use could have significant impact on peace and harmony in community, increased noise levels and disturbances
- Increase in crime rates and anti-social behaviour from the change of use
- May create an environment which is less conducive for the wellbeing and development of the individuals themselves with transitioning to a setting that may not cater specifically for their needs could negatively impact the resident's mental health, social integration and quality of life.
- Urge Council to look at alternative solutions to prioritise safety and welfare of young adults such as alternative location or providing additional support and supervision within the current set up.
- Relative works 1 mile from this application site working with young adults and cause nothing but problems for the area, damage to property and cars and stealing and misbehaving night and day.

Highways/Parking

- Parking area now fenced off so no space for more than 4 cars for the 25 staff and management shifts
- Construction vehicles already park across the pavement
- Delivery vans /visitors will be parking all around the area.
- Low Lane major through road and increasingly busy over last 2 years due to increased housing and traffic as alternative route to A174 and cannot accept the traffic will decrease if the home becomes an adult care facility.

Application process

- Rubber stamp exercise as planning by stealth as this was always the intention and Council will always approve this.

Residual matters

- Castle Construction have been working on alterations to the home for month and only received the consultation on the 8/ 12/ 2023
- Issues selling our homes and devaluation.
- Where are the children who were supposed to reside in the home now and surely children and vulnerable adults not to share the same facility
- Existing cases involving care in the community adults which is making residents uneasy and vulnerable
- Application states driven by MBC requirements and disappointing as to why when the previous application was already passed.
- Unhappy Council not supporting their own residents and showing more support for business that is from the West Midlands

Objection comment addresses

43 (x2), 47 (x2), 85, 87 (x2), 93, 138 Low Lane

Public Responses

Number of original neighbour consultations	35
Total numbers of comments received	9
Total number of objections	9
Total number of support	0
Total number of representations	0

PLANNING CONSIDERATION AND ASSESSMENT

1. The applicant is seeking a variation to conditions 3 and 4 of the recent approval of the property which restricted the use to a children's home (C2) use. The proposal seeks the use to be amended to a care home for young adults aged between 18 and 25 years of age. The key material considerations to be considered are the principle of the development, the impact on amenity, impact on the character and appearance of the property and wider area and highway safety.

Principle of the Development

2. The National Planning Policy Framework (NPPF) was most recently revised and published by the Government in December 2023, 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 225). As a starting point, the proposal should be assessed against policies set out in the Development Plan.
3. The application site is located within a residential area of Brookfield with Core Strategy Policies CS4 (Sustainable Development), CS5 (Design), DC1 (General Development), H1 (Spatial Strategy and H11 (Housing Strategy) being relevant.

4. Policies H1 (Spatial Strategy) sets out the need to increase the supply of housing to meet the aspirations of an 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.
5. Core Strategy CS4 (Sustainable Development) and CS5 (Design) set out that new development should be high quality and located so that services and facilities are within walking distance to encourage sustainable transport methods.
6. The application site is located within a residential area of Brookfield. The property is in a sustainable location with shops located within walking distance at The Oval and a bus stop directly to the front of the property and to the less than 100 metres to the north-east along Low Lane.
7. The proposed use would not notably alter the provision or levels of housing within this area.
8. Objection comments have been received which relate to the shortage of children's homes in the area and the fact the change to adults appears to be for financial gain over the best interests of residents and children. The required need or market requirement for either a children's home or an adult service in this area is not a material planning consideration which can be considered. However, this variation application would enable the home to be utilised by both children and adults.
9. Overall, the proposed care home use is considered to be within a sustainable location and the loss of a single dwellinghouse is considered not to have a significant impact on the Council's Housing delivery strategy. The proposal therefore accords with the guidance set out within Core Strategy Policies CS4, H1 and H11.

Amenity

10. 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.
11. Objection comments have been raised regarding the potential impact in terms of noise levels/disturbance associated with the intended use within this residential area.
12. This variation application seeks to amend the age limit of the previously approved children's home use at the property to enable occupants between the ages of 16-25 years. The proposed use would provide a transitional form of service to assist residents to transition between the child-care and adult care services. This variation relates to the age of the occupants only and not to the number of occupants within the dwelling which will remain as a maximum of 6 but may be lower dependant on individual needs.
13. This application seeks to vary the age range of the occupants that was previously approved and specifies an age range of 16 to 25 years. The proposed use of the premises is to provide a home to assist young adults with care and advice to enable them to transition into future independent living. From a planning perspective, if the occupants were to be over 25 years of age the operational use of the building would remain the same in terms of staff levels and care provision etc. On this basis, given

Item No:

there would be no significant changes to the operational use of the building should adults over the age of 25 be accommodated within the building, there is considered to be no requirement for a condition to limit the age range of the intended occupiers of the care home.

14. As set out within the planning statement, the increase in the age limit of the occupants will not result in an overall increase in the staffing levels and whilst the staff provision will still be 24 hours a day the levels of staff may in fact reduce given the increased age range of the intended occupants. The proposed variation to the age range of the occupants is considered not therefore to result in an intensification of the previously approved use of the property.
15. Concerns have been raised regarding the potential for anti-social behaviour given the proposal will increase the age range of the occupants and given similar issues which are indicated as having arisen at adult care homes in the vicinity and particularly given there are elderly residents in the area. Anti-social behaviour is not a material planning consideration given it relates to the actions of an individual rather than being an impact of the use and it may or may not occur as would be the case for any occupation of any residential property. Notwithstanding this, it is considered important to ensure the scale of the care home is limited to be of a scale which is suitable for its location. Whilst the existing built scale of the property will largely do this, it is considered appropriate to restrict the number of cared for people by condition, restricted to a maximum of 6 residents, which match's the limits placed on the previous approval for a children's home.
16. This variation application is solely in relation to the age range of the intended occupants and not to the proposed number of occupants or for an increase/change to the staffing levels / shift change times. Therefore, this proposed variation to the age range of the occupants is considered to not result in any additional undue noise/disturbance to the amenity of the neighbouring properties and is considered to accord with the guidance set out in Core Strategy Policy DC1(c).

Character and Appearance

17. Policies CS5 and DC1 along with the Middlesbrough Urban Design Guide state that all new development should be of a high quality in terms of layout and contribute to the character of the area.
18. The previous approved change of use to a children's home provided no external alterations to the property and this variation application shows no external alterations to the property.
19. Sections of boundary fencing have been constructed within the garden areas and where above 2m in height these would require planning permission. The applicant has confirmed that the fencing recently erected will be reduced to fall within the permitted development regulations, which would not then require planning permission. These works to reduce fencing height will be secured by condition to be completed prior to the occupation of the building.
20. The proposal will result in more comings and goings than the previous residential (single dwelling) use of the site given the staffing numbers at the site and the need for shift changes of the staff. Whilst noted, the property is detached, set behind a wall and gate from Low Lane which itself is a well trafficked highway. Adjacent properties are

large properties within their own grounds and spacing is considered to be sufficient to prevent this having a significant adverse impact whilst the movement of vehicular traffic is a defining characteristic of this immediate area.

21. The proposal is considered to have no significant impact on the overall character and appearance of the street scene and accords with the criteria set out within Policies CS5 and DC1.

Highway Safety

22. Core Strategy Policy DC1 (d) requires all new development to ensure there will be no impact on highway safety.
23. Objection comments have been received that construction vehicles park across the pavement, delivery vans/ visitors will be parking all around the area, parking area has been fenced off so cannot provide space for more than 4 cars within the site and that cannot accept the traffic will decrease if the home becomes an adult facility with Low Lane being a major through road with increase in level of traffic in the last two years due to additional housing.
24. The vehicle access to the property is taken off Low Lane with a large area of hard standing to the front of the property. The plans for the previous approval confirmed the area to the front of the property could accommodate 8 car parking spaces which was considered adequate for the level of staff and usage of the site although may result in some parking outside the premises depending on how the management operate the premises. The current driveway allows vehicles to enter and leave the site in a forward gear, thereby limiting the need to manoeuvre cars outside of the site.
25. Since the submission of the application the applicant has constructed a formal bin store area to the front of the property which removes one car parking space. The applicant has confirmed the fencing will be removed from the bin store area with the concrete remaining for the installation of an electric vehicle charge point, which can be installed under permitted development rights subject to height restrictions on the charge point upstand. The removal of the fencing around the bin store prior to the occupation of the building can be secured by a condition.
26. The supporting statement sets out that the variation to enable adults to reside at the premises will not increase the levels of staff or vehicles to the property which was approved under the previous children's home application. The exact numbers of staff will be dependent on the specific needs of the occupants but the planning statement in support of the proposal sets out that a typical young adult use would require a lower staff to resident ratio than a children's home.
27. In this instance, the expected staff level during the day would be 7 with the night time staffing levels potentially being reduced from the previous 4 night time staff for the children's home approval to 3 or possibly 2 night time staff members dependant on the individual requirements. The potential reduction in the staffing levels and the fact the staffing levels will not be increased from the previous children's home approval means the proposed variation to the approved use will not generate any additional staff vehicles to the property with adequate parking within the site.
28. In view of these matters, it is considered that the proposed variation to the previous approved use will not result in a notable impact on the local highway network in relation

to safety or capacity, being in accordance with the criteria set out within Core Strategy DC1(d).

Residual Issues

29. Objection comments have been received that the change may create an environment which is less conducive for the well-being and development of the individuals transitioning to a setting that may not cater specifically for their needs which could impact on their mental health, social integration and quality of life. The management and care provision of the service will be the responsibility of the care providers but the proposed location is within an existing sustainable residential area which has access to local transport links and services which is considered appropriate for the integration of the occupants into the community.
30. Objection comments note the Council should look at alternative solutions in terms of the locations to prioritise the safety and welfare of the young adults. Whilst noted, the Local Planning Authority consider the applications placed before it, rather than defining a strategy for the provision of child / adult social care. Furthermore, the safety and welfare of the occupants is the responsibility of the operator.
31. Comments have been received that the process is a rubber stamp exercise and is planning by stealth as this was always the intention and the Council will always approve this. The supporting statement sets out the requirement for the change to the age limits is a direct result of the recent change in local commissioning intentions and priorities of social services since the original consent was granted for the children's home. Notwithstanding the applicants reasoning, it is a legal requirement for decisions to be made in line with Local Planning Policies and relevant material planning considerations and officers have undertaken this in the provision of this report.
32. Objection comments indicate there has been ongoing alterations to the property for a month and that residents only received the consultation on the 8th December 2023. Whilst noted, planning permission was granted in April 2023 for the change of use to a children's home and therefore works can be completed in line with this permission with this variation application only relating to the age of the future occupants of the building.
33. A number of matters have been raised such as devaluation and selling properties, existing issues with adult care homes and the application being from a firm in the West Midlands. These are not material planning considerations and cannot be taken into account in reaching a decision on this application.

Conclusion

34. This proposed variation is to the wording of two of the conditions of the previous approval to alter the use from a children's home to a care home to enable young adults. There will be no external changes to the property with the internal changes remaining as under the previous approval. The total number of individuals accommodated within the property would not increase from the previous approval which would be limited to 6 with the staffing levels remaining the same or possibly depending on the individual circumstances lower than the staffing level previously approved.
35. As a result, the variation of the conditions and proposed use to enable adults to be accommodated is not considered to generate any significant increases in traffic,

parking and will not result in any issues in relation to highway safety, noise or amenity to the neighbouring properties. The proposal is considered to accord with the guidance set out within Core Strategy Policies H1, H11, DC1, CS4, CS5, CS18, CS19, UDSPD and the NPPF (December 2023)

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: 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 submitted and approved under application 22/0714/COU and shall relate to no other plans

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

3. Removal of Bin Store

Prior to the occupation of the development hereby approved the fencing surrounding the bin store area within the front hard standing area towards the front boundary wall/entrance gates shall be removed and this area retained as a car parking space for the lifetime of the development, unless otherwise agreed with the Local Planning Authority.

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

4. Reduction in the height of the internal boundary fences

Prior to the occupation of the development hereby approved the internal boundary fencing shall be reduced to 2 metres in height or below from ground floor level, unless otherwise agreed with the Local Planning Authority.

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

5. Restricted Use

The premises shall be used as a care 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

Item No:

area and in the interests of resident's amenity having regard for policies CS4, CS5, DC1 and section 12 of the NPPF.

6. Maximum occupation

The use hereby approved shall be limited to provide care accommodation for up to 6 people and no more at any one time.

Reason: In order to ensure the facility is limited in its scale relative to the considerations taken and ensure the facility is appropriate for its location.

Reason for approval

This application is satisfactory in that the variation of conditions 3 and 4 to change the use to a care home to allow young adults to reside in the premises accords with the principles of the National Planning Policy Framework (NPPF) and the local policy requirements (Policies H1, H11, CS4, CS5, CS18, CS19 and DC1). 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 variation of conditions 3 and 4 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 proposed 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 variation to the 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

- Building materials

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



COMMITTEE REPORT

Item No:

the general public.

Case Officer: Debbie Moody

Committee Date: 8th February 2024



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Site Location Plan
1 : 1250

