
APPLICATION DETAILS

Application No:	24/0179/COU
Location:	22 Dixons Bank, Middlesbrough, TS7 8NT
Proposal:	Change of use from residential dwelling (C3) to care facility (C2)
Applicant:	Mr Stephen Ashton
Agent:	Adapt Architectural Solutions Ltd
Ward:	Marion East
Recommendation:	Approve Conditionally

SUMMARY

The application seeks planning permission for the change of use of the property from a residential dwellinghouse (C3) to residential care facility (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 staff parking and general traffic movements at the site and along the side road, as well as the associated nuisance implications of the potential children residents.

Noting the number of expected staff and users at any one time and the parking spaces within the curtilage of the application site, it is the Officer view that the number of vehicles anticipated with the proposals can be accommodated at the site. Any surplus parking outside of the site is likely to be infrequent and can be accommodated near the property and is not likely to adversely affect the amenities of nearby residents.

The activities associated with the proposed residential care facility use are considered to be compatible and appropriate within a residential estate in a suburban context. Many issues raised relating to anti-social behaviour have no evidence to demonstrate that this would be the outcome of the use and such matters could also be associated with the occupation of any residential dwelling.

It is the Officer view that the proposals be approved subject to conditions.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site is a two-storey detached residential dwellinghouse situated on the eastern side of Dixons Bank, Marion. The local area is a well-established residential area, which comprises predominantly of two-storey semi-detached properties arranged at a medium density.

Planning permission is sought for the change of use of the property from a residential dwellinghouse (C3 use class) to a residential care home for young people (C2 use class). Consent is being sought for the caring of up to five children between the ages of 9 and 17. The principal reason for the change of use of the property is the requirement to move from its existing premises at Rigwood House in Saltburn. It is understood that the five children who currently reside at Rigwood House would be transferred to the application property.

It is stated within the application that the current facility at Rigwood House employs 12 staff, although the number of staff on shift at any one time would be three. It is understood that staff will be on site 24/7 to provide care.

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)
CS18 (Demand Management)
CS19 (Road Safety)

Local Plan

H1 (Spatial Strategy)
H11 (Housing Strategy)
CS17 (Transport Strategy)

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

Neighbour consultation letters were sent to properties surrounding the application site and a site notice was also displayed at the site giving wider publicity for the application.

Summary of Public Responses

Number of original neighbour consultations	24
Total numbers of comments received	21
Total number of objections	21
Total number of support	0
Total number of representations	0

List of addresses submitting objections to the application:

- 48 Captain Cooks Crescent
- 54 Captain Cooks Crescent
- 2 The Croft
- 3 The Croft
- 13 The Croft
- 2 Dixons Bank
- 6 Dixons Bank
- 8 Dixons Bank
- 12a Dixons Bank
- 14 Dixons Bank
- 18 Dixons Bank
- 20 Dixons Bank
- 24 Dixons Bank
- 2 Grange Crescent
- 33 Tasmania Square
- 56 Tasmania Square
- 60 Tasmania Square
- 62 Tasmania Square
- 64 Tasmania Square (two separate objections received)
- 66 Tasmania Square

Objections have also been submitted from the two ward Councillors.

Ward Councillor Dorothy Davison

- No objection to children living there but have concerns about their welfare. The children are being moved into an area surrounded by houses with quite a small garden when they have been living in a quiet house with lots of land around it.
- They will be very near a main road which has over 25000 cars using it every day.
- The front of this house has a few parking spaces (four). Where will others park?
- The area is used by shop owners and workers.

Ward Councillor Jason McConnell

- There are existing problems getting into and out of properties along Dixons Bank. There are cars up and down the road all day every day.
- The [side] road is used as a path en route to schools and the shops.
- The property is not situated in the right place for a children's care facility to house 5 children and members of staff, social workers etc.
- There will be an increase in vehicles (taxis) for family members and visitors.
- It will not be safe for pedestrians.

Summary of Comments Received

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

General Use

- This is not a suitable house for a care home.
- The children of the care home are used to living at a larger dwelling with lots of outdoor space. This property does not provide the same level of garden capacity which is important for their well being.
- The children who will be living at the address would benefit from living at a safer and less busy road.
- The children living there will not attend schools in the area and, therefore, there is a potential for up to five taxis attending the property on a daily basis.
- The children would be at the address until they are 18, not 17 as stated in the application.
- Children living here would be a flight risk. A recent FOI request revealed that one child at Rigwood absconded and went missing 42 times in a year. Across five children, that is over 200 escapes a year onto a busy main road.
- The property is situated within 200m of 2 pubs.
- This will lead to an increase in potential for crime, fear of crime in the neighbourhood. There is likely to be problems from the new occupation, including anti-social behaviour, crime, drugs and alcohol, which will directly contribute towards degradation of the area.
- Crime in the area is low and we do not want a childrens/offenders home or similar in the path towards our shops and schools.
- The balcony is not considered appropriate for the change of use proposed.
- Why can a suitable property not be selected in Saltburn [where the existing use is].
- The leisure activities here [in Marton] are almost non existent and not what is claimed in the application.

Highways

- There will be an increase in the vehicle movements to and from the property, which will be different to a normal residential property.
- The site cannot accommodate the seven vehicles shown on the site plan.
- A car could not fit in the garage as shown.
- The site cannot accommodate the number of cars anticipated. Vehicles for care staff, family and friends, support services will all visit the property and require constant and changing access to the property, which will only exacerbate the congestion and parking problems.
- Cars could not leave practically if the drive was full. Cars would have to reverse out which is very dangerous next to the main road.
- There are already parking problems on the road as vehicles park on the highway [no designated parking spaces on the side road] with people working at the shops or collecting/dropping children at the nearby school. This can also lead to obstruction of driveways and the proposals will add to this and undermine highway safety.
- This location is dangerous as there is no pavement outside the application property and any children leaving will walk straight onto public road. Likewise with people using the side road, the considerable traffic movements in and out of the site would be dangerous.
- Children at the address could run out in front of traffic.
- There have been many accidents close to the property including a fatal car accident directly outside 22 Dixons Bank.
- The proposed location is a high risk location on an extremely busy road and junction and this will place children at risk.
- Public transport links are not adequate to sustain staff and other movements, so car use will be the main transport used.

- The application will adversely impact highway safety and car parking provision.

Amenity/Character of Local Area

- The proposed use would affect the dynamic of the area and result in the reduction of enjoyment of residents properties.
- The use of the house for a business in a residential area is not appropriate.
- This area has very few children so this property will not provide the children with the integration into the community required.
- The local population is mainly aged 50+ which could leave the young people isolated from society locally.
- The proposals would lead to a loss of character and loss of amenity more generally.
- The property borders six or seven other gardens and there will be a serious loss of privacy for some existing residents being overlooked by five vulnerable children with behavioural issues. Likewise, the children at the facility will be exposed.

Noise Implications

- The noise implications arising from the proposed use. The noise levels will increase significantly which will affect how neighbours use their gardens.
- Excessive noise and disturbance from staff arriving/leaving and too many visitors.

Lack of Information

- The application lacks detail on how the home will operate on a day to day basis, with no detail around shift patterns and how shift changeovers will be managed, or the number of professional visitors that will attend the home.
- The information is only accurate for the current children being cared for. New children in their care may have different requirements (additional vehicles depending on their individual needs).

Responses from Internal Technical Services

MBC Planning Policy – No objections

The principle of the proposed use is considered to be acceptable. Subject to the consideration that the development will not have a detrimental impact on residential amenity, and that it satisfies the provisions of all other relevant policies, it may be deemed that the proposal accords with the Development Plan.

MBC Commissioning and Procurement

There is a need for local residential accommodation to meet the increased need for our children/young people and there is a limited market.

MBC Environmental Health – No objections

MBC Highways – No objections

Proposals seek a change of use from a residential dwelling to a care facility. It is intended that up to 5 children aged up to 17 will live at the property and that they will be supported by 3 staff on site at anytime. When assessing the proposals against the current use of the property it is considered that changes in parking demand and traffic movements will be negligible and not significantly different to a large family living in a large property such as this.

The forecourt/drive area to the property caters for 6 cars plus an integral garage. Access is to remain unchanged using the existing drive entrances which enable vehicles to enter and leave in a forward gear.

The property is located in an area with day to day facilities within a short walk and easy access to a number of bus services which will further reduce the dependency on the private car for those living/working at the property.

Responses from External and Statutory Consultees

Cleveland Police – No objections

Cleveland Police encourages applicants to build/refurbish developments incorporating the guidelines of Crime Prevention Through Environmental Design (CPTED).

Cleveland Police operate the “Secured By Design” (SBD) initiative. This is a scheme which promotes the inclusion of architectural crime prevention measures into new projects and refurbishments. It is recommended that the applicant/operator actively seek SBD accreditation at the earliest opportunity. If SBD Certification is not achievable, incorporation of some measures to reduce the opportunities for crime and anti-social behaviour are encouraged.

PLANNING CONSIDERATION AND ASSESSMENT

1. The application seeks planning consent for the change of use of the property from a residential dwellinghouse (C3 use) to a care facility (C2 use). The key issues to be considered as part of the proposed development are the principle of this use in this location, the likely impacts on residential amenity, the impacts on the character of the area, and the highways implications.

Policy Context

2. 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 December 2023. 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. 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.

3. Put simply, this means that unless material considerations indicate otherwise, all proposed development that is in accordance with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused.

4. Section 2 of the NPPF gives a broad outline on achieving sustainable development. To ensure sustainable development is pursued in a positive way, the presumption in favour of sustainable development is at the heart of the framework. Development proposals that are in accordance with the development plan should be approved without delay.

5. 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.

6. 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 96 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 97 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.**

7. The relevant policies in the Local Development Plan regarding this application include H1 (Spatial Strategy), H11 (Housing Strategy) and CS17 (Transport Strategy) of the Local Plan, DC1 (General Development), CS4 (Sustainable Development), CS18 (Demand Management) and CS19 (Road Safety) of the Core Strategy (2008). 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.

Principle of Development

8. The application site relates to an area of land in South Middlesbrough that is not allocated for a specific use in the Local Plan, being a residential property in a residential area, in a sustainable located close to shops, a school and bus stops. Whilst Local Plan Policies H1 and H11 are relevant to new housing development, they are aimed more at new housing estates rather than the change of use of individual properties, and in this case, the proposed use is also a residential use. The loss of a C3 use class, residential dwelling to a C2 use class, residential home for children would not unduly affect the available housing stock within Middlesbrough and the proposed use is considered to remain to be residential in function.

9. Children's homes are often positioned in different types of places, some within the dense urban area, some within the suburb areas and some within a countryside setting or similar. Fundamentally however, they provide a home for children and although staffed most of the day-to-day activities are the same as those associated with C3 housing, the main difference between the two being one is staffed. In this instance, the staff would be on a shift basis and so the coming and goings of staff would take place.

10. Notwithstanding the above and having taken note of concerns raised by residents that the site is not a suitable location (some matters considered in later paragraphs), children's homes are considered to be an acceptable use in principle within a residential area. As this proposal is a change of use and the property is not being altered and as such the proposed use would not result in either a low quality or high quality development, the latter being advocated by Policy H11.

11. 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, making the most efficient use of land with priority being given to development on previously developed land, in particular vacant sites, and ensuring that green infrastructure is protected. The site is 200 metres south of the Marton Road/Gypsy Lane Local Centre, which provides a number of shops serving the everyday needs of people. It is considered that the creation of a care facility within an existing building and an area that has accessible services and facilities meets the principles of CS4.

12. The proposed floor plans show 5 bedrooms at first floor level, 2 with ensuite bathrooms as well as a separate bathroom. At ground floor level, there is a manager's office, kitchen/diner area, snug, living room as well as a garage, porch and separate toilet. It is considered that the size of the house can reasonably cater for the number of children that would be accommodated at the property, with each child having their own bedroom space and there being 3 rooms downstairs for their use. The property also has a reasonably sized rear garden.

Potential Impacts of Associated Activities on Surrounding Areas

13. Policy DC1 requires all new development to consider the potential impacts of its operations on the amenity of the occupants of neighbouring properties and it is noted from the consultation and publicity responses that some local residents have concerns over a number of matters including additional noise levels and disturbance associated with the intended use within the residential area and due to the number of people associated with the use, with particular concerns raised over the proximity to surrounding residential properties and garden uses.

14. Whilst noted – although not likely to be the average – there are instances where properties house 5 children along with parents, and the majority of properties in Middlesbrough, as is the case in most areas, have front and rear gardens that abut the front and rear gardens of other properties. Furthermore, families with children who use their gardens intensively will be likely to be more obvious to neighbouring properties occupiers than those properties that do not. The same can be said of properties which are occupied by active or particularly social adults or similar. The reality is that the level to which the occupation of one property affects another will range significantly and is essentially down to the nature of the individuals residing there at any given time, rather than the residential use of the property being the specific trigger for noise and disturbance. Giving regard to these considerations, it is therefore considered that the key matters to consider with regard to the amenity associated with neighbouring properties is around the scale of the use and whether any perceived intensification/operations associated with the use would be reasonably in keeping or notably out of keeping with the character of the surroundings.

15. The supporting documentation states that this would be a staffed residential home for young people, which would provide accommodation for up to five children between the ages of 9 and 17. It is indicated in the supporting documentation that the children's home employs 12 staff overall although, at most times and under normal circumstances, there would only be three staff at the site.

16. There would be instances when the number of staff at the site would be greater. Firstly, during shift handovers (08:30 and 20:30) there would be a window of approximately 45 minutes where there would be five staff at the site. Secondly, it is understood that staff meetings would take place at the site once a month, which would involve all 12 staff

members. It has been put forward by the applicant that these meetings follow a night shift and last a relatively short period of time. Finally, there would be occasional visits from external and associated parties, such as social workers and the local community support officers. It is advised that these are infrequent with the supporting information stating that these occur once a month. The applicant states that no family visits currently take place nor are there visits from therapists or other specialists.

17. Whilst it is noted that the above trips may change depending on the care being provided, it is considered that for the most part the premises would operate in a matter not too dissimilar to a residential dwellinghouse. This would be evident with the children in care at the property attending school during the day and living together with appropriate adults outside of school time.

18. One of the main differences is considered to be the intensification of the usage of the property. It is acknowledged that there is likely to be more vehicular movements associated with the property compared to a conventional residential dwellinghouse. These vehicular movements are likely to be noticeable from neighbouring properties, especially with the gravel drive at the property, generating greater noise levels and disturbance, particularly at shift changeover times. It is considered against the comings and goings of a typical residential property would, in part, result in similar patterns of movement, where vehicle movements tend to be in the morning for going to work/school runs and returning from work/school runs, sometimes associated with night shifts and also associated with older children of car driving age potentially coming and going in the evening time.

19. In view of this, it is considered that throughout the day the general use of the property would be similar to a regular dwellinghouse of this scale. Moreover, being a detached building, the property enjoys spacing from the adjacent properties, which would assist in mitigating some disturbance caused by the anticipated site movements. It is also recognised that Dixons Bank lies to the front of the site, which is heavily trafficked, and means that the noise created by additional vehicular movements will be against the backdrop of vehicles using Dixons Bank.

20. It is noted that objectors have raised some concern in relation to the potential for anti-social behaviour associated with the children being looked after at the premises. However, this can only be an assumption of the impacts of individuals rather than any definitive impacts from the operations. As with any residents of any property, anti-social behaviour may or may not occur. The actions of an individual in this sense are not material planning considerations and cannot, therefore, reasonably be given weight in determining the application.

21. It is noted that objectors have referenced the existing accommodation site in Saltburn. Whilst the property curtilage is undoubtedly not as generous as the current accommodation at Rigwood, that on its own does not make the proposed site/use unacceptable. The property subject of this application is considered to be relatively large, having five bedrooms at first floor level and a moderate-sized garden. It is deemed to be of an acceptable size to accommodate the proposed facility as detailed earlier in this report.

22. The rear garden of the application property and those surrounding contain typical timber boundary fencing as well as mature landscaping. There is considered to be little direct overlooking between properties either side or to the rear; privacy levels would not be any different to those expected for a typical family home.

23. Officers from the Council's Environmental Health service have been consulted on the application and have no comments to make on the proposed arrangements.

24. It is recognised that the proposed use will result in a change to how the property is occupied and may result in a change to the level by which neighbouring properties are aware of any new occupants, as would be the case with any new occupiers of any dwelling. It is also the case that any new occupiers could result in anti-social behaviours, heightened noise levels or similar, but this is the case for any change in occupation in any residential property. There is no evidence provided which would clearly demonstrate this use would result in an unacceptable level of noise and disturbance to the amenity associated with adjacent properties. It is considered that the scale of the use, with (more commonly) 3 staff and 5 children at the property, would not be occupied to a level that would be likely to be too intensively used to be reasonable in this location. In view of the above, it is the view of Officers that although the proposed use will noticeably intensify the use of the residential property, the use is considered not to significantly affect the living conditions of neighbouring properties and is deemed to accord with the requirements set out in DC1.

Character and Appearance of the Area

25. Policies DC1 and CS5 along with the requirements within the Middlesbrough Urban Design SPD state that all new development should be a high quality in terms of layout and contribute to the character of the area.

26. It is noted that there are no proposed alterations to the external elevations of the property. As the proposed use would be utilising the existing property, it would still look and appear like a residential dwellinghouse.

27. In addition, the proposed children's home development is categorised in the Use Class Order as a residential institution and, therefore, would remain a residential use within a residential environment. This is considered to be wholly appropriate and there are deemed to be no adverse impacts on the character of appearance of the area.

28. The main change that is likely to be noticeable on the character of the area is the movement of vehicles and number of vehicles at the site, not necessarily during the course of the day but at shift changes specifically. Notwithstanding this, given the property is adjacent to Dixons Bank, which is a well trafficked main road into Middlesbrough, it is considered that any additional movements over and above what might be perceived with a typical family home of this scale would have a very limited change to the character of the area.

Highways Implications

29. Policies CS17, CS19 and DC1 require that development proposals do not have a detrimental impact upon the operation of the strategic transport network, road safety, and the capacity of the road network. Policies CS18 and CS19 encourage development proposals to incorporate measures that improve the choice of sustainable transport options available to people and schemes that promote their use.

30. A considerable number of objections have been raised in relation to the amount of parking spaces available at the site and near to the site, the movement of vehicles into and out of the property, and general highway safety.

31. The submitted drawings show that the pedestrian and vehicular access to the site would remain unchanged. The site has a large parking area to the front of the property, with the proposed site plan showing that spaces for seven vehicles can be accommodated.

Although there are reservations over the practicality of the vehicular space in the garage, the six spaces shown on the driveway are considered to be adequate for the expected levels of staff and usage as part of the proposed use.

32. The application site is located in close proximity to bus stops along Dixons Bank and Stokesley Road, which serve multiple services, as well as being a relatively short distance from Gypsy Lane railway station. Whether the staff or children use these is a matter of their choice/options but the relevance in planning terms is that these are available for use in close proximity to the property.

33. It is recognised that movement of vehicles at shift handover is likely to represent the most intense periods, although it is considered that staff at the site would be able to move their vehicles during their shift in good time so that the vehicles of staff for the next shift are able to pull up on site in a forward gear and leave in a forward gear. It is considered that this could be done without undue disturbance to the surrounding properties. Whether staff use the space in a way which minimises impact on neighbouring properties amenity becomes a matter of actions for those individuals. From a perspective of making a decision on this application, it is considered that sufficient driveway exists and ease of manoeuvring to prevent undue harm/awkward manoeuvring.

34. Comments have been received suggesting that the vehicles manoeuvring off the site would present a highways safety hazard, particularly when reversing off the drive onto this side road where there are no designated pavement or footpaths. Whilst it has been acknowledged that movements associated with the proposed development may at times be more intense than from a typical residential dwellinghouse, it is considered that the highway safety implications are no different from other properties along this stretch of Dixons Bank.

35. Comments have also been received that children in care would be a flight risk and could run off the site and into traffic. It is noted that this is a staffed children's home and all children in care would be looked after by appropriate adults. Furthermore, the property is situated off a side road before getting to Dixons Bank itself and this area is relatively open to viewing between motorists and pedestrians alike.

36. In view of the above matters, it is considered that the proposed children's home use would not result in any significant impacts on the local highway network in relation to safety or capacity.

Residual Matters

37. Objections have been received that the change (from Saltburn to Marton) may create an environment which is less conducive for the well-being and development of the children. The property is considered by some objectors to not cater specifically for the needs of the children, which could impact on their mental health, social integration and quality of life. The management and care provision will be the responsibility of the 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.

38. Concerns have been raised in respect to issues with drugs and alcohol, however, as this is a children's home where someone has responsibility of care, any matters surrounding this are a matter for other legislation/control, specifically falling to the management of the home and, therefore, not something planning decision making could add weight to in decision making.

39. Concerns raised have indicated that there are no nearby parks or recreational activities for young people. It could be argued that there are many such provisions all within walking distance, but it is considered that the area remains a suitable area for children to live, particularly taking into account the scale of the property and its associated garden area. This matter would not give reasonable grounds to warrant refusal of the application.

40. Comments have been received regarding anti-social behaviour, personal safety of nearby residents and increase in crime. There is no evidence to clearly demonstrate this would be an outcome of the use and such matters could also be associated with the occupation of any residential dwelling and are not an absolute impact of the proposed use.

41. 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 principle.

42. Objection has also been raised that there are two pubs in the near vicinity. Whilst noted, this is not considered to add weight either for or against the proposal. The premises would be a managed home for children and it would be a management responsibility to deal with any matters around what the children engage in.

Conclusion

43. The proposal has been considered against national and local policy and it is concluded that the proposed use is deemed to be an acceptable use in this area. The loss of a single dwellinghouse is not considered to have a significant impact on the Council's Housing Delivery Strategy. The extent of the intended use as a children's home is considered not to result in any undue impacts on the character and appearance of the area. With no alterations to the external elevations of the property, there will be no significant adverse impacts 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).

44. In view of the proposed use being considered and assessed based on the occupation by up to five children, it is considered important to limit the use of the premise to that of a children's home and for no more than five 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.

45. On balance, the proposed change of use is considered to be acceptable for the site and is in keeping with the relevant policies. It is the Officer's 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.

46. It is the Officer's recommendation to approve subject to conditions.

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 7th May 2024)
- b) Proposed Floor Plans (Drawing No. 02)

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

3. Restriction on Use

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 residents amenity having regard for policies CS4, CS5, DC1 and section 12 of the NPPF.

4. Number of Children in Care

The use hereby approved shall be limited to provide children's accommodation for up to five 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.

REASON FOR APPROVAL

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

In particular, the proposed children's home 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, sustainable development, the efficient use of land, and transport and accessibility, whilst proposing a development that would not be out of 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.

INFORMATIVES

Informatives

Cleveland Police operate the *Secured By Design* initiative. This is a scheme which promotes the inclusion of architectural crime prevention measures into new projects and refurbishments.

The applicant is recommended to actively seek *Secured By Design* accreditation, full information is available within the SBD Homes 2024 Guide at www.securedbydesign.com

Case Officer: Peter Wilson

Committee Date: 11-Jul-2024

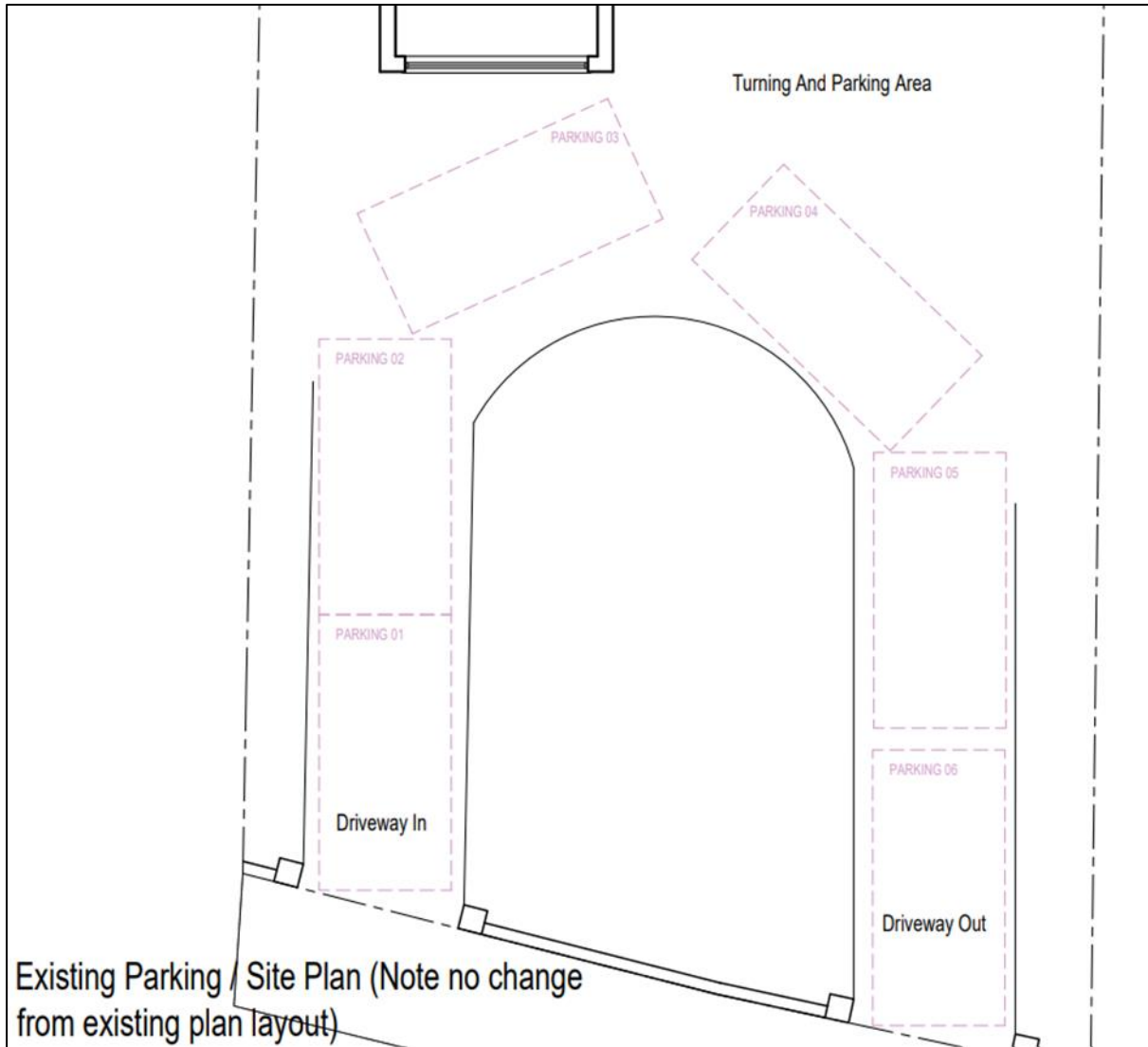
Appendix 1:

Location Plan



Appendix 2:

Car Parking Layout



Appendix 3:

Floor Plans

