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APPLICATION DETAILS

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Application No:	20/0045/COU
Location:	Ormesby Methodist Church High Street, Middlesbrough
Proposal:	Change of use from Methodist Church (D1) to dance studio/community events centre (D2)
Applicant:	Mrs Natalie Woodgate
Ward:	Park End/Beckfield
Recommendation:	Approve with Conditions

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UPDATE (to previous report presented 8/3/2021)

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1. The application was deferred at Planning and Development Committee on the 8<sup>th</sup> March 2021 to allow the applicant to provide further detail on how the proposed use operates and consider parking arrangements. This report should be read in conjunction with, and as an update to the main report from the 8<sup>th</sup> March 2021. (full report at appendix 1).
2. The following additional information has been provided by the applicant:

***Mondays, Wednesdays and Fridays;***

*Approx. 25-29 children attending (2yrs-10yrs old) between 4pm to 5:45pm*

*Approx. 25 children attending (10yrs to 16yrs old) between 6:15pm to 8:30pm.*

***Saturday***

*Approx. 25-30 children attending between 9am to 1pm with split timings again.*

*Parents don't stay, only drop off and pick up.  
Timings staggered to avoid traffic congestion.*

*Most parents share responsibility of picking up / dropping off of children. i.e. one parent drops the children off and the other collects them.*

*Several children live local and walk to the classes and some use local transport as their parents don't drive.*

***Competitions***

*Run once a month from February to June and September to December. They are local events with other dance schools from Middlesbrough, Acklam, Nunthorpe, Stockton, Yarm and local areas.*

*Competitions run from 9am to 8:30pm and are again split between age groups 2/10yrs and 10/16 years mornings and afternoons with approx. 25 to 30 attending. The stage can only accommodate these numbers due to its size, the parents do stay for these but always share cars.*

*There are never coaches/mini buses attending the events only private cars.*

### **Car Park**

*The car park will be marked out and clear turning points and drop off zones marked out.*

In responding to the request for additional information, the applicant has advised that the church previously operating from the site had funerals, weddings and normal congregation prayers, having 112 seats set out in the main church along with 30 seats in the Sunday school area and has sought to point out that these numbers are far greater than the dance studio attendance and has suggested that Funeral cars and Wedding cars all parked on the road outside the church during services.

The applicant has further advised that a dance school ran from the premises for over 12 years this only ceased after the church sold the site.

In view of these matters, and the level of parking being put forward, the applicant considers that it is not necessary to provide additional parking.

### **Material Planning Considerations**

3. The material considerations were provided within the main report and since the additional information has been submitted, the Councils Highway Engineer has considered the matter further and remains to be satisfied that, in view of the existing use and parking demand associated with the additional use, the proposed use is acceptable as it will not increase the parking demands for the site.
4. The Tees Valley Highway Design Guide parking standards are expressed as a maximum level of provision. When assessing the proposed development against the guide, the proposals could be expected to provide up to a maximum of 18 spaces. The scheme proposes to provide 14 spaces, which is a theoretical shortfall of 4 spaces against the maximum level of parking permitted under the guidance.
5. Officers have discussed the parking arrangements with the applicants and it appeared as though spaces could be provided to the south of the pedestrian entrance to the building by removing a section of boundary wall and introducing a dropped kerb. The applicants consider however that the additional parking is not required and wish the application to be determined as presented. In view of this, an assessment needs to be made as to what impact, if any, the lack of 4 car spaces would have on the adjacent highway in terms of the free flow of traffic and highway safety.
6. The surrounding area is residential, where on-street parking can reasonably be expected to occur, particularly parking for temporary periods. It is considered that 4 cars could be accommodated on the immediate highway or within a short distance of the development without affecting the free flow of traffic nor highway safety.
7. Requests have been made for Traffic Regulation Orders to be introduced and this has been considered by the Senior Highways Officer. It is considered however that waiting restrictions (such as double yellow lines) would have a negative impact on

existing residents as they would also prevent visitors of residents being able to park on the highway and it would be in force even when the Dance School was closed. Furthermore, in view of the indication that this is a short term issue as people drop children off and leave, enforcing yellow lines would be very difficult and it may result in drop off's occurring slightly further away from the premises which may in turn have an adverse impact on the wider residential street.

8. With regards to there being no indicated need for coach access or parking, the parking standards make no reference for the need for such facilities and it is considered therefore that decisions regarding the need for this is based upon a judgement of the scale and nature of development in addition to the parking standards and in this instance, being a relatively small hall, it is accepted that such provision on site is not required.
9. On matters of parking provision, it remains to be considered that the lawful fallback position of the site is a place of worship where the parking demand is both higher and occurs for a longer duration means that it would be unreasonable to withhold permission for the change of use of the premises in this instance as the proposals represent a less harmful impact than that could occur under the existing use class.

#### **Appearance**

10. Officers previously recommended approval of the scheme and note that members queried the provision of additional parking. The impacts of additional parking on the character of the area have not been taken into account in this report in detail as no such provision is being put forward by the applicant. Had the removal of the wall and provision of hardstanding being proposed, it would need to have been considered and potentially a balancing of considerations as to the addition of parking spaces vs the change in the positive character of the area.

#### **Further Comments**

11. Following consideration of the application at Committee, a further objection from the occupier of 8A Pritchett Road was received. In addition to previous comments relating to traffic and parking issues, concerns were raised regarding: collection of waste, pollution, lack of consultation and the difficulty of enforcing parking restrictions. Traffic and parking issues along with potential for provisions of parking restrictions are considered in this update report. In respect of pollution, it is considered that the difference in traffic levels at the site as result of the proposed used will not materially affect pollution levels in the area. With regard to refuse collection, this is a matter of site management which should be organised privately by the operator of the premises. In relation to consultation, the Council do not control works carried out before an application is submitted.

#### **Conclusion**

12. In view of the above, it is considered that the additional information provided in respect of how the use will operate, demonstrates that any additional traffic associated with the use as dance studio is unlikely to result in undue harm to highway safety, amenity of adjacent neighbours or character of the area in accordance with local policy and guidance. Other issues raised have been assessed but are not considered to justify refusal of planning permission.

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#### **Recommendation**

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Approve with conditions in line with the recommendation within the main report and an additional condition which requires parking spaces to be clearly marked on the site in order to allow maximum use of the car park.

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**SUMMARY**

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Planning permission is sought to convert the vacant Ormesby Methodist Church to use as a dance studio and for community functions. As a result of the usual consultation process objections from three local residents were received.

The main areas of consideration are: the principle of a town centre use in an out of centre area, impact on the amenity of local residents and impact on the safe operation of the highway.

It is considered that the sequential test submitted with the application demonstrates that the building is the most sequentially preferable option available and that the use will not have a detrimental impact on the vitality and viability of the nearby local centre. Consideration was given to the issues raised by local residents however it is considered that that the proposal will not result in a significant increase in terms of noise and disturbance to local residents or an increase in traffic or parking demand over and above the previous use.

The proposed change of use is considered to be in accordance with both local and national planning policies and the officer recommendation is to approve subject to conditions.

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**SITE AND SURROUNDINGS AND PROPOSED WORKS**

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The application site is located in a residential area in Ormesby, Middlesbrough. It occupies a corner plot at the junction of Ladgate Lane with Pritchett Road. Surrounding properties are typically two storey semi-detached dwellings. The site is opposite but not within the Ormesby Conservation Area.

The application property is a purpose built, relatively modern building that was previously used as a church. Pedestrian and vehicular access is from Pritchett Road. There is an open landscaped area to the front of the building with Ladgate Lane beyond to the south, residential properties are to the west and north with Pritchett Road and residential properties beyond to the east.

The proposal subject of this application is to change the use of the building from a Church (class F1) to a dance studio/community events centre (F2). No alterations to the exterior of the building are proposed. Opening hours of 9am to 9pm seven days a week are proposed.

Original details submitted with the application indicated provision of 18 parking spaces within the site, a revised plan showing 14 spaces was subsequently submitted.

The following documents were submitted in support of the application:

- a) Sequential Test
- b) Noise Assessment

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## **PLANNING HISTORY**

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There is no relevant planning history associated with this application.

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## **PLANNING POLICY**

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In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities must determine applications for planning permission in accordance with the Development Plan for the area, unless material considerations indicate otherwise. Section 143 of the Localism Act requires the Local Planning Authority to take local finance considerations into account. Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires Local Planning Authorities, in dealing with an application for planning permission, to have regard to:

- The provisions of the Development Plan, so far as material to the application
- Any local finance considerations, so far as material to the application, and
- Any other material considerations.

### Middlesbrough Local Plan

The following documents comprise the *Middlesbrough Local Plan*, which is the Development Plan for Middlesbrough:

- Housing Local Plan (2014)
- Core Strategy DPD (2008, policies which have not been superseded/deleted only)
- Regeneration DPD (2009, policies which have not been superseded/deleted only)
- Tees Valley Joint Minerals and Waste Core Strategy DPD (2011)
- Tees Valley Joint Minerals and Waste Policies & Sites DPD (2011)
- Middlesbrough Local Plan (1999, Saved Policies only) and
- Marton West Neighbourhood Plan (2016, applicable in Marton West Ward only).

### National Planning Policy Framework

National planning guidance, which is a material planning consideration, is largely detailed within the *National Planning Policy Framework* (NPPF). At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). The NPPF defines the role of planning in achieving economically, socially and environmentally sustainable development although recognises that they are not criteria against which every application

can or should be judged and highlights the need for local circumstances to be taken into account to reflect the character, needs and opportunities of each area.

For decision making, the NPPF advises that local planning authorities should approach decisions on proposed development in a positive and creative way, working pro-actively with applicants to secure developments that will improve the economic, social and environmental conditions of the area and that at every level should seek to approve applications for sustainable development (paragraph 38). The NPPF gives further overarching guidance in relation to:

- The delivery of housing,
- Supporting economic growth,
- Ensuring the vitality of town centres,
- Promoting healthy and safe communities,
- Promoting sustainable transport,
- Supporting the expansion of electronic communications networks,
- Making effective use of land,
- Achieving well designed buildings and places,
- Protecting the essential characteristics of Green Belt land
- Dealing with climate change and flooding, and supporting the transition to a low carbon future,
- Conserving and enhancing the natural and historic environment, and
- Facilitating the sustainable use of minerals.

The planning policies and key areas of guidance that are relevant to the consideration of the application are:

DC1 - General Development  
CS4 - Sustainable Development  
CS5 - Design  
CS13 - Town Centres etc 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>

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **Middlesbrough Council Strategic Policy**

The development site is within a predominantly residential area and given that this type of use will give rise to increased travel to the site with associated parking and potential for increased noise it will be important to determine if the impact will be minimal in order to satisfy the requirements of Policy DC1.

As a main town centre use outside of a defined centre, a dance studio in this edge of centre location could have an adverse impact upon the vitality and viability of defined centres which would be contrary to Policy CS13 and the NPPFs 'town centre first' approach. In accordance with requirements of the National Planning Policy Framework for town centre development outside of a defined centre, a sequential test was submitted to assess the availability of more suitable premises within or closer to the nearby local centre. It concluded that there were no other viable sites available and that the application site was the preferred option, that it is a sustainable location and represents an appropriate alternative use of Ormesby Methodist Church.

### **Middlesbrough Council Highways**

The site abuts Ladgate Lane, a main arterial route for both Middlesbrough and Redcar & Cleveland Councils highway networks. The applicant must ensure the proposed activities of the centre do not affect traffic flows along this route, the applicant must ensure an appropriate level of car parking is provided to cater for the proposed use.

The Tees Valley Design Guide and Specification states that, the applicant should provide sufficient operational parking and area for manoeuvring within the site, 1 space per 10m<sup>2</sup> public floor area. A minimum of 4 cycle spaces should also be provided, 2 cycles per 150m<sup>2</sup> gross floor area.

To the north of the church, within the site boundary, there is an area of hardstanding, the applicant could make arrangements for this to be formalised into a managed off street parking facility in order to fulfil the above requirements.

### **Middlesbrough Council Environmental Health**

The applicant should carry out further tests to demonstrate that the suggested limit to noise levels of 85dB LAeq (15min) will not result in unacceptable impact on nearby residents.

### **Middlesbrough Council Waste Policy**

No comments

### **Public comment**

Nearby Neighbours were notified of the proposal, comments from the following were received.

Mr P Meredith 38 Raines Court  
Mrs J Sinclair 57 High Street  
Mr B Pugh 8A Pritchett Road

Concerns / objections raised in relation to;

- Parking
- Loss of privacy due to proximity of parking to window
- Noise
- Access for emergency vehicles
- Highway safety
- Request for yellow lines
- Property already in use as a dance studio

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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### **Policy context**

1. The National Planning Policy Framework (NPPF) was most recently revised and published by the Government in February 2019, and is a material consideration. The NPPF states that, where a planning application conflicts with an up-to-date development plan, permission should not usually be granted (para. 12). In determining planning applications, due weight should be given to local planning policies in accordance with their consistency with the revised Framework, with greater weight given to those policies which are closer to those in the Framework (para 213).
2. As a starting point, the proposal should be assessed against policies set out in the Development Plan. Policies DC1, CS4 and CS5 which in essence seek to ensure high quality sustainable development, ensure the amenity of nearby residents, character of the area and highway safety are not adversely affected by the development.

3. Policy CS13 sets out a hierarchy of retail centres and seeks to prevent development that will detract from their retail function. Although the site is not within a local centre consideration should be given to the potential impact of the development on the nearby Ormesby High Street Local Centre.

#### **Principle**

4. The site is located approx. 200m to the west of the nearby Ormesby High Street Local Centre, the proposed use as a dance studio and community uses is a town centre use which should, in accordance with Policy CS13, be located within the centre or as close as possible to it if there are no suitable units available. The sequential test submitted with the application considers the availability and suitability of other units within both the Ormesby High Street Local Centre and Lealholme Crescent Local Centre. It concludes that there are no vacant units within either centre and that given the location of the application site on the fringe of the Ormesby High Street Local Centre, it is the sequentially preferred site for the dance studio and community events development.
5. Given the nature of the use and the lack of vacant units in the nearby centre's, it is considered that the proposed use will not undermine the provisions and purpose of the local centre and it could be argued that it may result in additional footfall within it due to its proximity, thereby contributing to the vitality and viability of the nearby local centre in accordance with Policy CS13.
6. The proposed development is considered to be a sustainable form of development as it will bring back into use an unused building close to local transport routes and facilities that will serve the local community in accordance with Policy CS4 and may serve to prevent the building being vacant on a longer term basis.
7. In view of the above, it is considered that the proposal is a sustainable use that is acceptable in principle in accordance with Policy CS4 and CS13.

#### **Impact on character**

8. No material alterations to the exterior of the building are proposed. Sometimes however a change in the use of a building can result in a change of its character in the way that the building is used. Although the building was formerly used as a church where traditionally the pattern of arrivals and departures may have been more concentrated at weekends, under its current use class (F2) the building could be used for other less conventional types of worship or other uses such as a school, training centre etc. without the need for further planning permission and where the pattern of attendance could extend across the week and into the evenings. It is considered that the proposed use as a dance school will not result in dissimilar pattern of operation to this and so will not have any significant detrimental impact on the character of the area beyond the existing ability in how the building can be used, as a building visited and attended by the public for group activity.
9. In view of the above it is considered that the proposed development will not have a significantly adverse impact on the character of the area in accordance with CS5 (test c) and DC1 (test b).

#### **Impact**

10. A noise impact assessment was submitted in support of the application, it concluded that, providing amplification of music is limited to a maximum of 85dB LAeq (15min) the proposed activity associated with the dance studio would be considerably less than the pre-existing traffic noise in the area. The councils Environmental Health Officer considered the noise report and requested further measurements to show that the suggested noise level would not have an adverse impact on nearby residents. The agent has declined to provide the additional information and argues that due to

the position of windows in relation to nearby properties and the insulation provided by internal walls, that the noise levels would not be excessive. It is further argued that given the existing use, noise from church services through amplified music already has the potential to generate similar levels of noise.

11. Whilst it would be preferable to have the additional noise measurements to underpin the arguments the applicant is making, there is merit in the view that the use of the building as a church (or other use in the current use class) has the potential to generate as much or possibly more noise than the proposed use being considered under this application. The current use is also unlimited in terms of its hours of operation and so could potentially create noise and disturbance outside of what would be considered acceptable hours. This application provides an opportunity to limit the hours of operation and noise levels at the site which will give greater control over potential disturbance. Taking this into view it would be difficult to justify a refusal of planning permission in terms noise and disturbance arising from the proposed use, particularly where this is relating to the use of amplified music as the level of music being played can, be easily reduced. A suitable condition limiting the hours of use and noise levels at the site is recommended.
12. Noise and disturbance can also occur from the movement of vehicles and opening and shutting of car doors. Again it is considered that the level of traffic movements associated with the proposed use will not differ significantly from the potential operation of the existing use and that impacts of such noise will be more relative to the success and patronage of the previous and proposed uses which is not easily controlled by planning considerations or conditions.
12. Concerns were raised regarding privacy to a side facing kitchen window at No. 4 Chapel Close which faces towards the parking area. There is a fence and some vegetation along the shared boundary that will provide some screening, although due to the differing land levels this is reduced to a certain degree. This situation is however no different than it is with the current use. As such it is considered that any increase in loss of privacy due to use of the car park associated with the approved use would not be significantly different from that existing and as such it would be difficult to justify refusal of planning permission on the basis of loss of privacy.
13. In light of the above, it is considered that the proposed development will not have a significant additional impact on the amenity of nearby residents, beyond that of the existing arrangements and is therefore in accordance with Policy DC1 (test c) in this regard.

#### **Highways**

14. Concerns were raised regarding the movement of traffic and parking on Pritchett Road. In assessing the level of traffic movements and likely demand for on street parking account must be taken of the existing situation. Use of as a place of worship can result in a high level of worshippers arriving at the site at the same time. With the proposed use, it is likely that classes will take place at varying times thereby spreading the arrival and departure of vehicles across the times of operation. It is considered that this will have a lesser impact than the existing use has the potential to have.
15. The Councils Highway Engineer advised that the proposal should comply with the parking standards set out in the Tees Valley Highway Design Guide which requires that 1 parking space per 10m<sup>2</sup> of public space is provided. The applicant indicates a total of 175m<sup>2</sup> of public space within the building (dance studios plus café area) which would require 18 spaces to be provided. The proposed site plan indicates parking for 14 vehicles, this falls short of the required standard. However, as there is an existing building and use at the site, consideration also needs to be taken of the

current situation. The parking standard for places of worship is for 1 space per six seats, there is no information provided for the capacity of the church but based on the size of the floor area of the main hall alone the parking requirement for the existing church would be at least 25 spaces indicating that this is greater than that needed for the proposed use. In view of the parking requirement for the proposed use being less than that of the existing use it would be difficult to justify refusal of planning permission based on lack of parking as it will in theoretical terms, be an improved situation.

16. Plans submitted with the application show provision of four cycle parking spaces which is in accordance with the Highway Design Guide.
17. In view of the above it is considered that the proposal will not result in a significant increase in traffic movements at the site and although the provision of parking falls short of the Design Guide requirements, the proposal will not result in an increase parking demand over and above the approved use. It is considered therefore that the proposal will not have an impact on the safe operation of the highway in accordance with Policy DC1 (test d).

#### **Other matters**

18. Comment was made that parking restrictions should be put in place to resolve parking issues within the area and to avoid access for emergency vehicles being blocked. This is a matter for consideration under highway legislation.

#### **Summary**

19. The proposal has been assessed against local policy and guidance. It is considered that, due to its location close to the local centre, the proposed use is acceptable in principle and that the reuse of a vacant building that is close to local facilities represents a sustainable form of development. It is the Development Control view that the proposal will not have any notable detrimental impact on the character of the area, the amenity of nearby neighbours or on the safe operation of the highway. All other issues raised have been considered but do not justify refusal of planning permission.

#### **Conclusion**

20. In view of the above, the proposal is considered to be an acceptable form of development fully in accordance with National and Local policy and is therefore recommended for approval.

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## **RECOMMENDATIONS AND CONDITIONS**

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### **Approve with Conditions**

1. **Time Limit**  
The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.  
  
Reason: In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).
2. **Approved Plans**  
The development hereby approved shall be carried out in complete accordance with the plans and specifications detailed below and shall relate to no other plans:
  - a) Location Plan received 05.02.2020
  - b) Site plan received 29.09.2020

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

3. Hours of Operation  
The premises shall not operate outside the hours of 0900hr to 21.00hrs Monday to Sunday Monday to Saturday

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

4. Noise Mitigation on request

If noise levels, as a result of the use hereby approved, when measured at the façade of any of the dwellings whose boundaries adjoin the development site, exceed 5dB above background noise levels then;

a. At the written request of the Local Planning Authority, and within 1 month of the request being made, the operator of the premises shall submit a scheme of mitigation measures in writing to the Local Planning Authority, and;

b. Once accepted by the Local Planning Authority in writing, the approved scheme shall be implemented on site within 1 month of the scheme being agreed and thereafter retained in perpetuity.

In the event that an agreed scheme is not implemented within 4 months of the initial request for a mitigation scheme to be submitted, all amplified sound at the premises shall cease until an agreed scheme is implemented.

Reason: To avoid undue noise and disturbance in the interests of the amenity of nearby residents.

5. Windows to the North West elevation shall remain closed during the hours of 9am to 9pm.

Reason: To prevent noise transmission in the interests of the amenity of nearby neighbours

### **REASON FOR APPROVAL**

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

In particular, dance studio/community use will not prejudice the character and function of the area and does not significantly affect any landscaping or prevent adequate and safe access to the site. The dance studio/community use will be consistent with the residential uses of this location and it will not be detrimental to any adjoining or surrounding properties. The traffic generated, car parking and noise associated with the dance studio/community 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

Case Officer: Maria Froggatt

Committee Date: 5th March 2021