
APPLICATION DETAILS

Application No:	25/0672/COU
Location:	2, Jesmond Avenue, Middlesbrough, TS5 5JY
Proposal:	Change of Use from Dwelling-house (Class C3) to 3 Child Children's Home (Class C2)
Applicant:	Dale Hemmings, Positive Futures
Agent:	Mike Davies, MPD Built Environment Consultants Ltd
Ward:	Linthorpe
Recommendation:	Approve with conditions

SUMMARY

The application seeks planning permission for the change of use of the existing four bedroomed property from a residential dwellinghouse (C3 use class) to a residential children's home (C2 use class) for three children (7-18 years).

Following the consultation period, objections were received relating to highway safety and parking issues, privacy and overlooking, noise and disturbance, impact on the residential character of the area, anti-social behaviour, flooding, environmental issues, human rights, devaluation of properties and lack of consultation.

The proposal will provide four car parking spaces within the curtilage of the property. Noting the levels of staff present at any one time, it is the officer view that the scale of staff and users would not result in an over intensification of the use. No objections have been raised from the Council's highway officers and it is considered that the proposed use and associated movements would be akin to the existing four bedroomed residential use.

There are no external alterations to the building which would result in any additional impacts in terms of overlooking or loss of privacy than the existing situation between the neighbouring properties. The staff changeover times, and the levels of staff mean the comings and goings resulting from the use are akin to the existing four bedroomed property and it is the officer's view that the level of noise and disturbance will not therefore be significant.

Whilst the proposal is for a change of use to a children's home, this is still classed as a residential care facility, and as the physical appearance of the building will not be altered, it is the officer view that there will be no significant impact on the residential character of the area.

The Middlesbrough Council Children's Commissioning has raised concerns on the location of the use given there has been an increase in applications for children's homes in the area and the potential impact this will have on the market, along with the proximity of existing children's homes within the area, particularly if children are from outside the area. Whilst the concerns

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of the Children's Commissioning are noted, in planning terms the proposed use is still classed as a residential use and there is considered to be sufficient existing housing stock within the Linthorpe area to not raise concerns in terms of available housing stock.

The property is within Flood Zone 1 which has the lowest risk of flooding and therefore the proposed use will not result in any flood risks of potential safety impacts for future occupants. In relation to concerns on vermin within the area, the Environmental Health officers have raised no objections.

Issues have been raised in connection with anti-social behaviour but there is no evidence to demonstrate that this would be the outcome of the proposed use. Furthermore, anti-social behaviour could be associated with the occupation of any residential dwelling.

It is the officer view that the proposal be approved subject to conditions.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site is a four bedroomed detached property located at the junction of Jesmond Avenue and Reeth Road. Jesmond Avenue is a cul-de-sac accessed off Reeth Road. The frontage of the property is set back from Jesmond Avenue with a small garden area to the front and a larger garden located to the east side of the property. The property currently has two driveways with one accessed from Reeth Road and the second from Jesmond Avenue which includes a detached garage.

Planning permission is sought for the change of use of the property from a dwellinghouse (C3 use class) to a residential children's home for young people (C2 use class). Since the original submission the proposal has been altered to provide care for a maximum of three young persons aged between 7 and 18 years.

The applicant has submitted supporting information which includes a typical staff rota showing staffing levels. There will be two support workers during the day between 08:00 and 20:00 with a manager in attendance during weekdays between 09:00 and 17:00. There will be two support workers staying over-night between 20:00 and 08:00.

Social worker visits are set out as being quarterly for each child, with many meetings taking place on-line. Any family meetings will take place off-site.

The revised ground floor layout replaces the second living room with a staff office but will retain a separate living room, kitchen, ensuite, storeroom and toilet. The first-floor plans provide three bedrooms and a bathroom with the replacement of the fourth bedroom with a staff room.

The revisions to the plans show the removal of the existing detached garage on the driveway accessed off Jesmond Avenue. The area where the garage was located will become an extension of the existing driveway to provide 2 car parking spaces.

No external alterations are proposed to the building.

The application is supported by a planning statement, statement of purpose and draft staff shift rota.

PLANNING HISTORY

There have been no recent planning applications.

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,

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- 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:

Housing Plan Policy

H1 - Spatial Strategy

H11 – Housing Strategy

Core Strategy DPD (2008)

DC1 - General Development

CS4 - Sustainable Development

CS5 - Design

CS17- Transport Strategy

CS18- Demand Management

CS19 – Road Safety

Other relevant Policy Documents

Publication Local Plan (2005)

Urban Design Supplementary Planning Document (UDSPD)

Design Guide & Specification – Residential and Industrial Estates Development

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 consultation process included neighbour letters and a site notice with additional consultation of the revised plans.

A total of 94 objection letters were received from 56 properties with 29 of the objections being individually signed pro-forma letters. A total of 1 support letter was received.

List of addresses submitting objections to the application:-

- 10 Abdale Avenue
- 33,44,45,51 Appleton Road
- 4,119,123,127,133 Cambridge Road
- 36,49,82,83,103,107,115,117 Green Lane
- 1,3,4,5,6,7,10,12,14,16,18 Jesmond Avenue

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- 14 Marion Avenue
- 1 Melrose Avenue
- 6,14,16,17,23,31,32,37,38,39,40,42,47,51,52 Reeth Road
- 5 Williams Avenue
- 2,11,15 Wimbledon Court
- 10,12,16,20 Wimbledon Road
- 3,16 Wycherley Avenue

Summary of objection comments received:-

Highways

- No dropped kerb providing lawful access to front driveway
- No evidence submitted of highway approval
- Overstated on-site parking
- Rear driveway manoeuvring space limited
- Garage occupies large area of rear driveway
- Ability to park 2 cars on driveway on Jesmond Avenue not demonstrated
- No dimensional layout or swept path analysis provided to show safe access
- Activity levels above those of typical 3 bedroomed house
- Staffing can vary dependant on needs so multiple vehicles at shift changes
- Professional health car visitors result in increase in parking/activity
- Visitor parking not addressed
- Parking activity could be increased at short notice
- Transport impact not properly assessed
- Exiting Jesmond Avenue will incur a dangerous blind spot
- Middle of residential estate with high volume of traffic
- High level of parking in area already blocking views when accessing driveways onto Reeth Road (via Jesmond Avenue and Appleton Road). Proposal will add to this making it more dangerous and potentially more accidents
- Road full of cars on an evening/weekend with site visit during daytime
- Multiple car ownership and on street parking reduces the road to a single lane
- Limited on-street capacity means residents share driveway or make alternative arrangements, demonstrating parking stress in the area.
- Revised plans do not resolve highway safety concerns or staffing related activity levels
- Revised plans would not work as when a car is blocked in it would need to be moved and result in cars not parking on the driveway
- Revised plans do not alter parking layout or access arrangement
- On street parking pressures with narrow carriageway width and servicing constraints remain.
- Cars speeding down roads with 20mph limit risk to children
- Live next door to an existing care home not been able to park my car outside for 20 years due to staff and mobility cars parked on road and not on driveway
- Cul de sac location with low traffic so more sensitive to intensification
- Site located on and adjacent to roads where traffic speeds, vehicle movements and highway safety are recognised concerns and key factor in introduction of a walkable area by Council, highlighting sensitivity of surrounding environment.
- Children with learning or emotional needs have reduced risk awareness making traffic conditions concerning.
- Disabled user and concerned about access issues for existing residents
- Changing demographic mean more cars already down Jesmond Avenue so already access issues.
- Staffing levels may increase due to child's needs resulting in more vehicles.

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- Highway code requires no parking within 10 metres of junction and additional parking demand will increase this likelihood, reducing visibility
- Difficulties with refuse vehicles accessing the street so any increase in parking demand will compromise access.
- Contrary to Policy DC1 which aims to avoid impacts on highway safety and parking
- FOI response by Middlesbrough Council Traffic management noted the location was a previous contender for the Polices top 10 speed camera enforcement list. Will ensure Reeth Road added to upcoming list.
- Parking congestion will overspill into Reeth Road, Appleton Road and Melrose Avenue with residents already parking on these roads

Amenity

- Contrary to DC1 seeking to protect residential amenity
- Loss of privacy to neighbouring garden and kitchen from first floor habitable room from a non-family use. 15 metres from first floor bedroom to garden and 17 metres to kitchen (principal habitable room) below benchmarks.
- Increased overlooking and activity to the neighbours would reduce privacy
- Will significantly intensify the level, frequency, and perception of overlooking compared to a normal family home.
- Temporary agency staff will increase likelihood of disruption
- Cannot rely on management practices regarding behaviour to mitigate overlooking or loss of privacy impacts.
- Screening of windows would not protect actual and perceived loss of privacy
- Garage removal provides driveway next to garden for children so safeguarding issue.
- Anti-social behaviour, impact on existing residents of Wimbledon Court Care Home and the existing children's home in the area.
- Noise impacts of 7 day week, 24 hour day use from cars/staff changes
- Reduced occupancy does not address amenity and privacy concerns which arise from physical relationship between properties.
- Intensity and frequency of occupation, multiple unrelated visitors will result in activity beyond normal dwelling.
- Existing children's home businesses in area having impact on crime and anti-social behaviour
- Who will be responsible for damage or vandalism if caused by residents
- Potential safeguarding issues as close to Whinney Banks which has high levels of crime (200% higher than national average) and anti-social behaviour.
- Council aware of anti-social behaviour at Burlam Road care property
- Increased activity, traffic, noise and parking pressure impact on quiet residential setting and not a calm environment for intended children's recovery/development.
- Inadequate standard of accommodation with one bedroom below minimum standards and insufficient space to accommodate staff.
- No quiet space for children with emotional needs
- No suitable fire escape exit/escape route for bedroom 3 on the proposed plans
- No reference to fire alarms or smoke detectors so safeguarding issue

Principle of Development

- High concentration and cumulative impact of care-based uses in residential area
- Children's commissioners concern on increasing number of C2 to C3 approvals locally, concentration of residential beds and preference for smaller homes due to complexity of needs.
- No cumulative impact assessment provided on the number of care homes in area
- Revisions do not address the Children's commissioner concerns
- Reduction in bedroom numbers does not alter the amount of similar uses in the area.

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- Lawful use but Council has duty to ensure care homes distributed fairly and sustainably within the borough. Ward such as Linthorpe and Acklam accommodate a high number with Marton Stainton, Newby and Nunthorpe having little provision.
- Overconcentration of care homes leads to community imbalance
- Loss of housing stock conflicts with emerging local plan
- Insufficient evidence the proposal would not adversely affect local housing availability
- Ofsted's annual report warning against 'profiteering' in Children's Homes December 2025

Character and appearance

- Overdevelopment of a domestic sized house for a commercial non-family use.
- Cumulative impact of the pressure places on the residential character by the level of care homes, contrary to CS5 (Design)
- Close to conservation area and non-family use will materially alter character of family-based neighbourhood
- Emerging Local plan and interim policy requires residential properties to not harm character or function of surrounding area and not lead to over-concentration of uses

Flood Risk

- Potential flood/surface water risk due within neighbours gardens/driveways

Environmental

- Not suitable for vulnerable children as issue with rats in the area

Other Issues

- Lack of staffing details/visitor information for full assessment
- Lack of consultation
- Limited options to comment as digital systems
- No published track record of the applicant company Positive Futures (North-East) or directors experience in operating Care Homes.
- Safeguarding issues of previous homes operated by the group from Ofsted reports
- Ofsted reporting concerns on the increase in registered children's homes
- Supporting information contains contradictions, relies on generic precedent rather than site specific assessment
- Outbuilding described as an office when it is a garage and undermines accuracy of submission.
- Impact house prices
- Private care venture for profit
- Property sale should be scrutinised for fairness and transparency, and data protection should not be a barrier to the scrutiny
- Safeguarding issue raised with regards to suitability of site with vulnerable adult due to move to the area with regards to Article 8 of the European Convention on Human Rights.

One support comment has been received :-

15 Jesmond Avenue

I support this application very much, I think it is a suitable location for a much needed provision.

Statutory consultees comments:-

Councillor Naweed Hussain

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I have concerns regarding this proposal within the Linthorpe Ward and would like to echo and support the comments below made by Children's Commissioning in relation to the above application:

"There is a need for local residential accommodation to meet our sufficiency, however, there has recently been an increase in the number of C2 planning and C3 certification of lawfulness approvals and we are concerned about what impact this will have on the market. The location of this home is close to an established external children's home, an in-house children's home and a new C3 that was recently approved meaning that there will be significant number of residential beds in very close proximity to each other which does concern us, especially if any of these beds become occupied by children from out of area. This is also a large 4 bedded home and our preferred model of delivery is smaller homes due to complexities of need."

In addition to these concerns, a significant number of local residents have raised objections, details of which are outlined below.

Many local residents have expressed strong opposition to the proposal and have undertaken detailed research into the company submitting the application. This research has highlighted limited relevant experience, alongside several substantive planning concerns, including:

- Over-concentration and cumulative impact
- Loss of housing stock
- Suitability of the location
- Increased traffic generation
- Additional parking pressure
- Noise and disturbance
- Concerns regarding experience in providing care
- Inadequate consultation, digital exclusion, and the timing of the consultation period.

Cleveland Police – Designing Out Crime Officer (in summary)

In relation to this application, my previously submitted comments are still valid.

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

I would like to make you aware that 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.

Full information is available within the SBD Residential Guide 2025 Guide at www.securedbydesign.com

- The National Planning Policy Framework 2024 paragraph 96(b), which states that Planning policies and decisions should aim to achieve healthy, inclusive, and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion...
- The National Planning Policy Framework 2024, paragraph 135(f) which states that "Planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible... and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience".
- Policy CS5 (Design) of the Local Development Framework, section e states, creation of a safe and attractive environment, at all times of the day and night, where crime and disorder, or fear of crime, does not undermine quality of life or community cohesion by

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- incorporating the aims and objectives of both Secured By Design and Designing Out Crime concepts into development layouts and is therefore a material consideration.
- Another material consideration is Section 17 of The Crime and Disorder Act 1998. Further information on the Secured by Design initiative can be found on www.securedbydesign.com

In addition to the above I would also add the following.

For facilities such as this, should permission be granted, good management policies and systems are essential for the most effective running of the premises.

Full compliance with Ofsted Registering for a facility such as this must be adhered to. The applicant should also take into consideration crime statistics available for the locality of the proposed premises.

Once the care home is up and running, owners must email mfhcoord@cleveland.police.uk to add them to the care manager meeting invite list.

Children's Commissioning - MBC

There is a need for local residential accommodation to meet our sufficiency, however, there has recently been an increase in the number of C2 planning and C3 certification of lawfulness approvals and we are concerned about what impact this will have on the market. The location of this home is close to an established external children's home, an in-house children's home and a new C3 that was recently approved meaning that there will be significant number of residential beds in very close proximity to each other which does concern us, especially if any of these beds become occupied by children from out of area.

This is also a large 4 bedded home and our preferred model of delivery is smaller homes due to complexities of need.

MBC Environmental Health (In summary)

I have reviewed the plans and I can confirm that Public Protection has no objections and no conditions to recommend in relation to this application.

MBC Highway planning

Development proposals seek a change of use from a residential dwelling to a children's care home. The property is currently 4 bedroomed and this is not proposed to change. In accordance with the Tees Valley Highway Design Guide the dwelling would need 3 car spaces, which can currently be provided within the curtilage.

Information on staffing supplied by the applicants indicates that there would only ever be a maximum of 4 staff on site at any one time. Even using a worst-case scenario of each staff member arriving by car and individually the majority of car parking can be accommodate on site. The negligible amount of associated parking can be provided on the adjacent highway. In addition, the operation of the care home is similar in scale (in highways and traffic terms) to that which could be reasonably expected to occur with the property occupied by a large family.

The site is in a residential area and sustainably located for frequent public transport, schools and other local facilities which will reduce dependence on the private car and hence car parking demand.

PLANNING CONSIDERATION AND ASSESSMENT

1. The applicant is seeking planning consent for the change of use of the dwellinghouse (C3 use class) into a residential children's home for three young people (C2 use class).
2. During the application process revised plans were submitted to replace one of the four bedrooms with a staff room and the removal of the detached garage on the rear driveway access off Jesmond Avenue. Following receipt of the revised plans the neighbours and consultees were reconsulted. The revised plans are the subject of this report.
3. The key material considerations to be considered are the principle of the development, the impact on amenity, character and appearance, highway safety, flood risk, nutrient neutrality, and any other residual matters.

Policy Context

4. Section 8 of the National Planning Policy Framework (NPPF) 2025 '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.
5. Paragraph 96 of the NPPF advises planning policies and decisions should 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 98 states that decisions should plan positively for the provision and use of community facilities and residential environments and guard against the unnecessary loss of facilities and services.
6. The relevant policies in the Local Development Plan regarding this application include H1 (Spatial Strategies), H11 (Housing Strategy), CS4 (Sustainable Development), CS5 (Design), CS17 (Transport Strategy), CS18 (Demand Management) and CS19 (Road Safety). In general terms, these policies seek to achieve a high quality of sustainable development that is situated in the right place and minimises the impact on neighbouring occupiers.
7. The Council is reviewing its Local Plan and the Publication Plan (PLP) was approved by the Council on the 5th March 2025. The National Planning Policy Framework sets out that decision-takers may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies, and their degree of consistency with policies in the National Planning Policy Framework. It is considered that some weight may be given to PLP policies in the determination of any subsequent planning application.

Principle of Development

8. The application site is located within a residential area of Linthorpe and is within approximately 400 metres walking distance to the shops and services at the Acklam Road/Cambridge Road Local Centre and main bus routes on Acklam Road. Additional

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main bus routes are located on Green Lane which is within 250 metres walking distance. In terms of school provision, Green Lane Primary Academy is within 0.5 miles, Acklam Grange School within 0.8 miles and The Outwood Academy within 1.2 miles walking distance. The site is therefore considered to be in a sustainable location and in accordance with Policies CS4 and CS5.

9. Objection comments reference the loss of residential housing within the area for the proposed use as being contrary to Local Plan Policies. 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 still falls within a residential use. The loss of a C3 use class which is residential use to a C2 use class which is a residential home for children, would not unduly affect the availability of housing stock within Middlesbrough. The proposed use will still function as a residential use.
10. Concerns have been raised by the Children's Commissioning section of the Council with regards to the increase in the number of certificate of lawful use applications and planning applications for the change of use from dwellinghouses (C3) to Children's homes (C2). The concerns relate to number of applications, the effect on the market and the location of this home being close to an established external children's home, an in-house children's home and a recently approved home, resulting in a significant number of residential beds in very close proximity to each other. Further commenting that rather than a four bedroomed home their preferred model are smaller homes due to complexity of needs.
11. The comments from the Children's commissioning section have been noted, however from a planning perspective the children's home use still falls within a residential use even though it operates as a business. Therefore, even though there may be several other residential care homes within the immediate area, it will not change the use of the property out of a residential use, and will not unduly affect the availability of housing stock within Linthorpe.
12. It is noted that the preferred model for a children's home would be a smaller home, however each planning application can only be considered as submitted.
13. As part of the Government's objective of significantly boosting the supply of homes, the NPPF states that the needs of groups with specific housing requirements should be addressed. The Government is also committed to supporting the development of accommodation for looked after children and this scheme would support this.
14. In view of the above, the principle of the change of use is considered in accordance with the principles of relevant policies, Specific planning issues will be discussed and addressed below in further detail.

Impact on the neighbouring amenity

15. Core Strategy Policy DC1 (c) requires all new development to consider the potential impacts of its operation on the amenity of the occupants of neighbouring properties.
16. Objection comments have been raised regarding the potential overlooking and loss of privacy to the living accommodation and the rear garden area of the neighbouring properties. Particularly given the nature of the proposed use as a business with staff attending the premises significantly differing from that of a residential dwelling.

17. The proposed change of use will provide no external alterations to the property, including changes to any windows, that would impact on the privacy and amenity of the surrounding neighbouring properties.
18. Internally the only alteration to the floor plans is the replacement of one of the ground floor living rooms with a staff room and for the replacement of one of the bedrooms (bedroom 4 on the plan) with a staff room. There will be no changes to any of the windows of the rooms which will become staff rooms.
19. In assessing the proposal consideration has been given to the fact the previous occupants had the same ability to look out of the existing windows as the proposed residents. With no additional windows or door openings proposed to the building there is no significant difference in terms of potential loss of privacy from the intended use.
20. Regarding the change in the character of the building and the resulting impact on privacy, the proposal will provide residential accommodation for a maximum of three children. The level of staffing required daily for the three children is considered to be comparable to the number of occupants which could be associated with a four bedroomed property.
21. Objection comments have been received regarding the noise levels associated with a 24/7 business use at the property and the associated number of cars.
22. The proposal is for a maximum of three children aged between 7-18 years and given the age range the children are unlikely to have cars. The applicant has confirmed staff will be in attendance 24 hours a day. However, there may be occasions during the day when the children are at school when no staff will be present.
23. It is understood that there will be two support staff and a manager during the daytime and two support staff overnight. During the staff change period which would be 8:00 and 20:00 there would be a maximum of four members of staff at the property for a limited change over period as the manager would only be present between 9:00 and 17:00 when attending the property during the week. The shift changeover times between 08:00 and 20:00 would be the busiest time frame when there would be four members of staff in terms of traffic and potential vehicle movements. Given the time frames of the shift changes in the morning and not later in the evening, the impact in terms of potential noise is not considered to be significant.
24. Additional staff may attend the property such as social workers or health care visits. Confirmation has been provided that social worker visits are usually quarterly dependant on the child's needs with many meetings taking place online. There will be no family members visiting the property as such visits take place at a venue away from the property. Given any additional staff visits are infrequent they are considered no different to having occasional visitors to a family dwellinghouse.
25. There is the potential for an element of noise to be generated from people within the property and utilising the external garden. With there being a maximum of three children and four staff members (during change over times) present each day the potential noise levels would be similar to those of a family occupying a four bedroomed property. To ensure the level of use of the building, a condition will be placed on the application that limits the use to a three person children's home and no other uses within the C2 planning use class.

26. The Council's Environmental Health officers have assessed the proposal and raised no issues in terms of potential noise impacts and requested no noise mitigation measures be provided.
27. Objection comments have been raised regarding anti-social behaviour given the intended use of the property and noting similar children's homes in the area have resulted in increased crime rates and anti-social behaviour. The actions of individuals and any resulting anti-social behaviour is not a material planning consideration and therefore cannot be given weight in determining the application.
28. Cleveland Police have been consulted on the proposal and have advised that good management policies should be implemented alongside full compliance with Ofsted registering. Further noting that should the application be approved, the operators should register the care home with Cleveland Police to add them to the care managers meetings, this will be added as an informative
29. In light of the above, whilst the proposal will change the use of the property and will involve changes to the occupants, the level of activity in terms of comings and goings, are considered to be similar to that of a standard four bedroomed family home and will not result in significant impacts on the amenity of the neighbouring properties.

Living conditions of the future occupiers

30. Revised plans were submitted following officer's concerns that one of the bedrooms did not comply with the national space standard criteria. The revisions to the plans provide bedrooms which meet the national space standards. The proposal provides three bedrooms, staff room and a separate bathroom on the first floor with a living room, kitchen, staff office and separate utility and w.c on the ground floor. It is considered that the house can easily accommodate the 3 children proposed with each child having their own bedroom and a large living room and kitchen space on the ground floor.
31. Objections have been received that the removal of the garage raises issues in terms of child safety when utilising the rear garden as the driveway will be located immediately adjacent to the garden area. The garden area currently operates with a driveway towards the rear boundary with the only difference being the removal of the detached garage. If required, the owners could install a boundary treatment or landscaping to separate the garden from the driveway.
32. Objection comments note the submission provides no acceptable fire escape routes due to the size of bedrooms windows and no details of smoke alarms etc. The installation of fire safety procedures is not a material planning matter, but would be addressed as part of the Ofsted requirements.
33. As such the proposal is considered to provide an acceptable level of accommodation for future occupiers in accordance with NPPF paragraph 135.

Character and Appearance

34. 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.

35. Emerging Plan Policy CR2 (e) advises that proposals are required to achieve a high quality of design appropriate to its context. Policy CR3 (a) outlines that this high quality is in regard to layout, form, materials, and the contribution to the identity, character and appearance of the area within which they are located.
36. The proposed change of use will provide no external changes to the exterior of the property. The existing detached garage within the rear garden will be demolished and the existing driveway from Jesmond Avenue will be extended to replace the garage. Although the garage could be demolished without planning permission, the removal of the garage is not considered to result in any significant impact on the character and appearance of the property or the wider street scene.
37. Objection comments have been received that the proposed use and resulting intensification of the use of the property will undermine the established residential character of the area, contrary to policy CS5. The change of use may be operated as a business, but it will provide residential accommodation for children. The proposed C2 children's home use is still classed as a residential planning use. Given the precise nature of the proposal is a consideration in reaching the decision, it is considered appropriate to make it a conditional requirement that the permission relates to the provision of a children's home and no other use within the C2 planning use class.
38. In view of the above, the proposed change of use is considered not to have a material impact on the character and appearance of the street scene and accords with the requirements of Policies CS5, DC1 and the emerging local plan Policies CR2(e) and CR3(a).

Highway Safety

39. 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.
40. Objection comments note the lack of a transport or parking assessment, inadequate parking provision for numbers of staff and visitors resulting in on street parking, restriction of access for refuge and emergency vehicles, highway safety issues with cars parking near a corner junction, speeding traffic and an unlawful driveway access.
41. The revised plans show that following the demolition of the detached garage the two existing driveways at the property can accommodate 4 car parking spaces within the curtilage of the property. With two car parking spaces from the existing driveway off Jesmond Avenue and an additional two car parking spaces on the existing driveway off Reeth Road.
42. In assessing the proposal, the Council's Highway officers note that the current property has four bedrooms, and the revised proposal has reduced the number of bedrooms to three. The Tees Valley Highway Design Guide requires a three bedroomed property to provide 2 car parking spaces, which are currently provided within the curtilage.
43. In terms of intensification of the use of the property, the staffing levels provide 2 support workers present during the day and night. With the shift change for the support workers being at 08:00 and 20:00. During weekdays a manger will be present between 09:00

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and 17:00. Additional visits to the property will be social worker visits set out as being quarterly for each child, with many of the meetings taking place on-line. Any family meetings will take place off-site.

44. Following assessment of the staffing levels, the Council's Highway Officer has noted that a maximum of 4 staff would be on site at any one time. In terms of the worst-case scenario, where each member of staff arrived individually by car, the majority of the required car parking can be accommodated on site. The negligible amount of associated parking can be provided on the adjacent highway, without causing any impact on the free flow of traffic.
45. Objection comments note the difficult car manoeuvres to access the two spaces within each driveway which will result in cars parking on the street. The Council's Highway Officer has noted that single driveway accesses mean parked cars will have to manoeuvre into the parking spaces within the driveways, but this is no different to the current arrangements where a house has multiple car ownership. Furthermore, the same shift patterns for staff will mean less movements as staff will be arriving and leaving the property at the same times.
46. Objection comments note that the existing driveway off Reeth Road has no dropped kerb so cannot lawfully or safely be used as a driveway access and should be discounted as parking provision. The existing driveway access off Reeth Road has been in place without a dropped kerb since at least 2009 with no highway issues reported. However, to ensure the driveway is formalised, a condition will be placed on the proposal that prior to the children's home being brought into use a dropped kerb is to be installed.
47. Comments have been made regarding speeding traffic along Reeth Road and the resulting implications for a vulnerable child who may not be as aware of road safety. The property is located within an existing residential area which houses existing families. The children placed within the home will have support workers caring for them 24/7 and as such are not considered to be at any additional risk than any other resident in terms of highway safety.
48. It is noted that the site is sustainably located with local facilities, schools and public transport close by thus reducing the need for car travel (particularly for staff). No highway objections are raised by the Council's Highway officer and these comments are agreed with. As such the proposal is considered to accord with Core Strategy Policies CS17, CS19 and DC1.

Flood Risk

49. Objection comments have been received regarding placing a child in an area at high risk of surface flooding. The application site is located within Flood Zone 1 which is classified as being at low risk of flooding with less than a 0.1 percent annual probability of fluvial or tidal flooding (1 in 1000 year event). Reviewing the surface water flood map produced by the government, the areas of Jesmond Avenue to the east of the application site are shown as being susceptible to potential surface water, however the application site is located outside of the identified area (Appendix 4).
50. The proposed change of use will provide no structural changes to the property itself that would give rise to any potential surface water flooding. An informative will be added to the application that should the rear driveway require any alterations once the

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garage is demolished the materials for the replacement driveway material should be permeable materials to limit any issues with surface water drainage.

Nutrient Neutrality

51. Nutrient neutrality relates to the impact of new development on the Teesmouth and Cleveland Coast Special Protection Area (and Ramsar Site) (SPA) which Natural England now consider to be in an unfavourable condition due to nutrient enrichment, in particular with nitrates, which are polluting the SPA. It is understood that this has arisen from developments and operations which discharge or result in nitrogen into the catchment of the River Tees.
52. Whilst it is understood that this will include farming activities and discharge from sewage treatment works, it also relates to wastewater from development. New development therefore has the ability to exacerbate / add to this impact. Natural England has advised that only development featuring overnight stays (houses, student accommodation, hotels etc) should be deemed to be in scope for considering this impact although this is generic advice and Natural England have since advised that other development where there is notable new daytime use such as a new motorway service area or similar could also be deemed to have an impact which may require mitigating.
53. As with all planning applications, each has to be considered on its own merits. Furthermore, it is recognised as being particularly difficult if not impossible to accurately define a precise impact from development in relation to nutrient neutrality given the scale of other influences. Notwithstanding this, the LPA need to determine applications whilst taking into account all relevant material planning considerations.
54. The Local Planning Authority must consider the nutrient impacts of any development within the SPA catchment area which is considered to be 'in-scope development' and whether any impacts may have an adverse effect on its integrity that requires mitigation. If mitigation is required, it will be necessary to secure it as part of the application decision unless there is a clear justification on material planning grounds to do otherwise.
55. In-scope development includes new homes, student accommodation, care homes, tourism attractions and tourist accommodation, as well as permitted development (which gives rise to new overnight accommodation). This is not an exhaustive list. It also includes agriculture and industrial development that has the potential to release additional nitrogen and / or phosphorous into the system. Other types of business or commercial development, not involving overnight accommodation, will generally not be in-scope unless they have other (non-sewerage) water quality implications.
56. The change of use of the existing four bedroomed detached property to a residential home in a different use class with a reduced number of bedrooms would not result in higher levels of accommodation than could currently be the case. As such, the proposed development is considered to be within the scope for potential impacts on the SPA in relation to additional nutrient neutrality in the River Tees. However, as the property is already a residential use and there will be no intensification in terms of overnight stays the proposal is considered to be no uplift which would require Nutrient Neutrality mitigation.

Article 8 – Human Rights

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57. Concerns have been raised with regards to the placement of a children's home in this specific location given it has been highlighted that it will be close to a property which is soon to house a vulnerable adult and therefore the Council needs to consider Article 8 of the European Convention of Human Rights. An assessment has been made of the importance of ensuring the right to respect a person's private life, family life and home under Article 8 as any adverse effects for residents, would outweigh against the proposal.
58. However, given that the development only relates to three children and taking into consideration the staff to child ratio that would be involved within the proposed children's home alongside the fact the staff will be present at the property 24/7 when the children are at the home, there is no evidence to suggest that the development would threaten the safety of local residents, including any vulnerable residents. Therefore, even with additional weight applied to this, the development would not result in the increased exposure of vulnerable individuals to risk and would not result in significant harm.

Residual Issues

59. Objection comments have been raised with regards to public health and the placement of vulnerable children in an area prone to rats. The proposed use is a residential use which is within an existing residential area. The Environmental Health Public Protection officers have reviewed the proposal and raised no objections or requested any conditions to be placed on the proposal.
60. Objections were received that insufficient details on staffing levels, visitor frequency and mitigation measures were provided to enable a full assessment of the proposal. Additional clarification has been provided in terms of staffing levels/shift changes, professional visitors, family visit which has enabled a full assessment of the proposal.
61. Objection comments have referenced the Ofsted reports for other children's homes and the employment history of the directors and company which are to operate the children's home. The operational requirements of the children's home and subsequent monitoring of the home would be a matter for Ofsted to review and enforce should the home not be in accordance with their requirements.

Conclusion

62. The proposal has been considered against national and local policy. It is considered that the proposed residential children's home is acceptable in this residential location. The loss of a single dwellinghouse is not considered to have a significant impact on the Council's Housing Delivery Strategy.
63. It is considered that the level of the intended use as a three-person occupancy children's home and the fact there will be no external alterations to the main property means the proposed change of use will have no significant impact on the character and appearance of the area or the privacy and amenity of the neighbouring properties and accords with Policies DC1(c) and CS5 (c).
64. The level of incutillage parking provision within the site itself and the proposed staffing levels and shift changes, will mean no additional on-street parking or potential highway safety issues.

65. With the proposal having been assessed on the basis of three children occupying the property, it is considered important to limit the use of the children's home to no more than three children residing there at any one time. This will ensure that the nature and scale of the children's home will not alter without the further consideration of the local planning authority.

66. It is the officer 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: 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. Site Location plan drawing dated 19th December 2025
- b. Existing site plan drawing dated 8th December 2025
- c. Existing and proposed floor plan drawing REV B dated 13th February 2026
- d. Proposed site plan drawing dated 17th February 2026

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

3. Use as a Children's home only

The premises shall be used as a children's home and for no other purpose including any other proposed use in Class 2 of the Schedule of the Town and Country planning (Use Classes) Order 1987 (or any other order revoking or re-enacting that order with or without modification), without 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 particular circumstances of the application to protect the amenity of the area and in the interests of resident's amenity having regard to policies CS4, CS5, DC1 and Section 12 of the NPPF.

4. Control of number of occupants

The use hereby approved shall be limited to provide children's accommodation for up to 3 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.

5. Demolition of garage

Prior to the commencement of the use, the detached garage to the rear shall be demolished and the replacement driveway shall be constructed with permeable materials, unless otherwise agreed in written with the Local Planning Authority.

Reason : To ensure a satisfactory form of development and in the interests of highway safety having regard for Policies CS5 and DC1 of the Local Plan and sections 9 and 12 of the NPPF.

6. Dropped Kerb Crossing

Prior to the commencement of the use, a dropped kerb crossing shall be installed at the existing driveway access on Reeth Road, with such works being carried out at the applicant's expense by Middlesbrough Council approved contractors. The dropped kerb access shall remain for the lifetime of the development.

Reason: To ensure a satisfactory form of development and in the interests of highway safety having regard for policies CS5 and DC1 of the Local Plan and sections 9 and 12 of the NPPF.

Reason for approval

The application is satisfactory in that the change of use of the building to a three person children's home accords with the principles of the National Planning Policy Framework (NPPF) and the local policy requirements (Policies DC1, CS4, CS5, CS17, CS18, CS19, H1 and H11). Where appropriate, the Council has worked with the applicant in a positive and proactive way in line with paragraph 39 of the NPPF(2025).

In particular, the change of use of the building to a three person children's home will not prejudice the character and function of the area and does not significantly prevent adequate and safe access to the site. The residential use will be consistent with the existing residential uses of this location and it will not be detrimental to any adjacent or surrounding properties. The traffic generated, car parking and noise associated with the proposed change of use will not be of a level likely to result in an unacceptable impact on nearby premises.

The application is therefore considered to be an acceptable form of development, fully in accordance with the relevant policy guidance and there are no material considerations which would indicate that the development should be refused.

INFORMATIVES

- Informative Note : Secure By Design
Cleveland Police operate the "Secure 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.securebydesign.com.
- Informative Note : Registration of the use
The applicant is advised that once the care home is in operation the owners must register the home with Cleveland Police to add the home to the care manager meeting invite list by emailing mftcoord@cleveland.police.uk

IMPLICATIONS OF THE DECISION

Environmental Implications:

The proposal relates to residential development and its environmental impacts have been considered within the report above. Such considerations have included amongst others, visual implications, privacy and amenity, noise and disturbance and ecological implications. In view of all those considerations, it is on balance judged that in this instance the associated environmental impacts are considered to not be significant. The proposed development is in scope for Nutrient Neutrality, being within the catchment of the River Tees. Nutrient Neutrality is adequately dealt with as reported above.

Human Rights Implications:

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report and the recommendation is made having taken regard of the Local Development Plan Policies relevant to the proposals and all material planning considerations as is required by law.

The proposed development raises no implications in relation to people's Human Rights.

Public Sector Equality Duty Implications:

This report has been written having had regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Equality Act 2010 and to advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Community Safety Implications:

The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report. Specifically, considerations around designing out opportunity for crime and disorder have been detailed within the report. Whilst actions of individuals are not typically a material planning consideration in reaching a decision in this regard, designing out the opportunity for crime and disorder is aligned to good quality design and is, in that regard a material planning consideration.

Financial Implications:

None

Background Papers

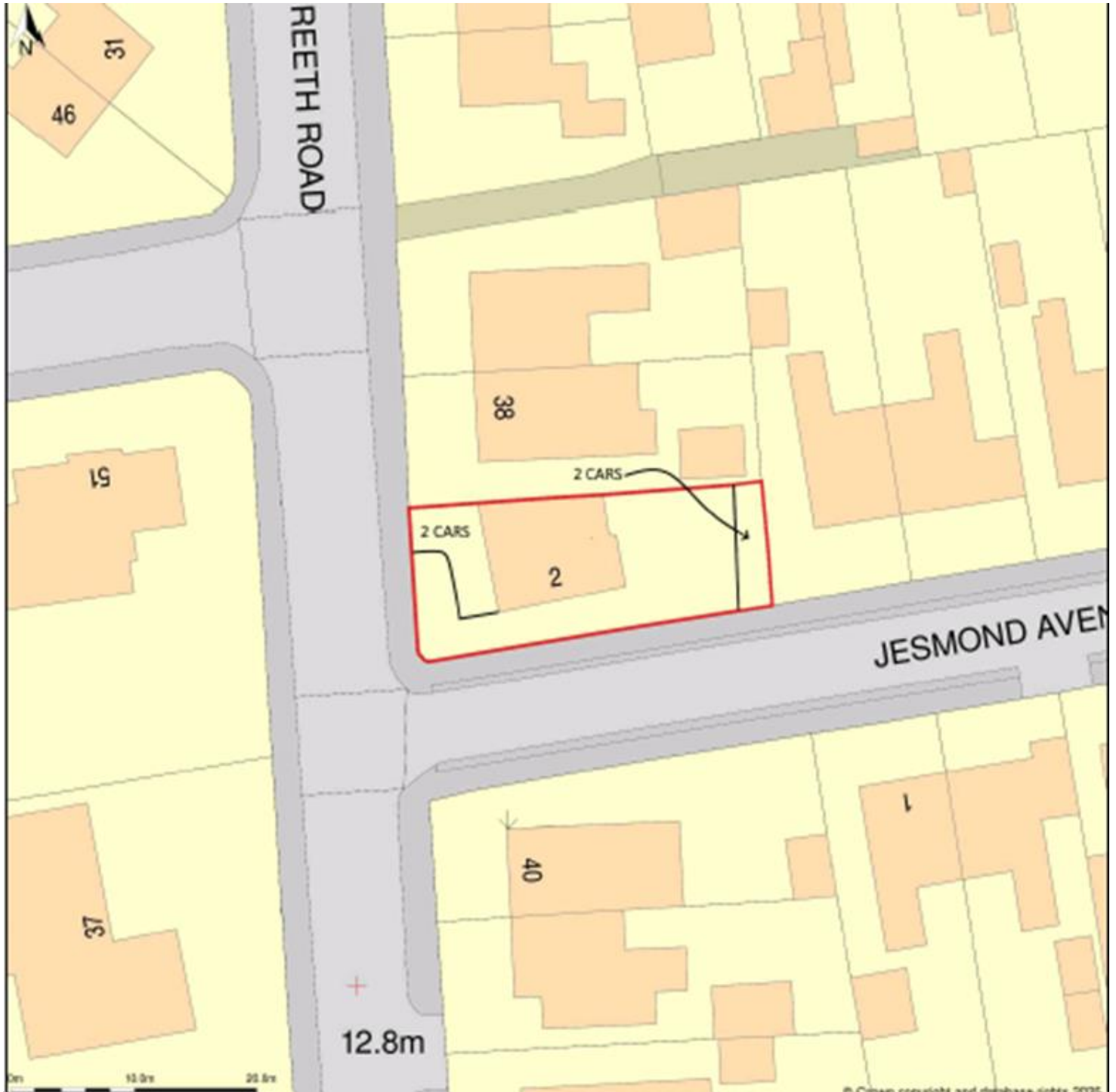
Case Officer: Debbie Moody

Committee Date: 9th April 2026

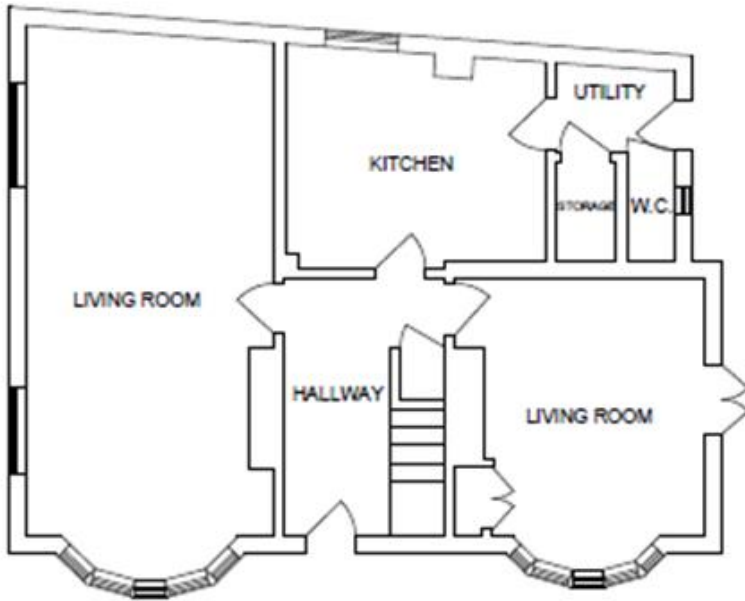
Appendix 1 – Site Location Plan



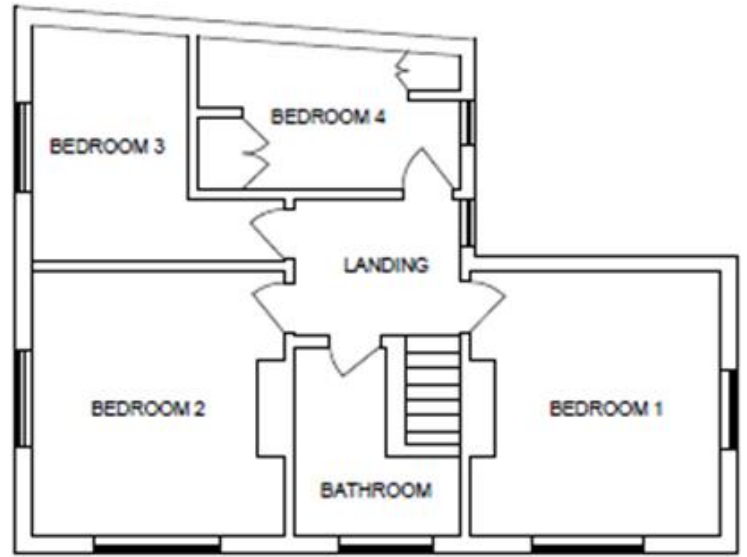
Appendix 2 – Proposed Block Plan



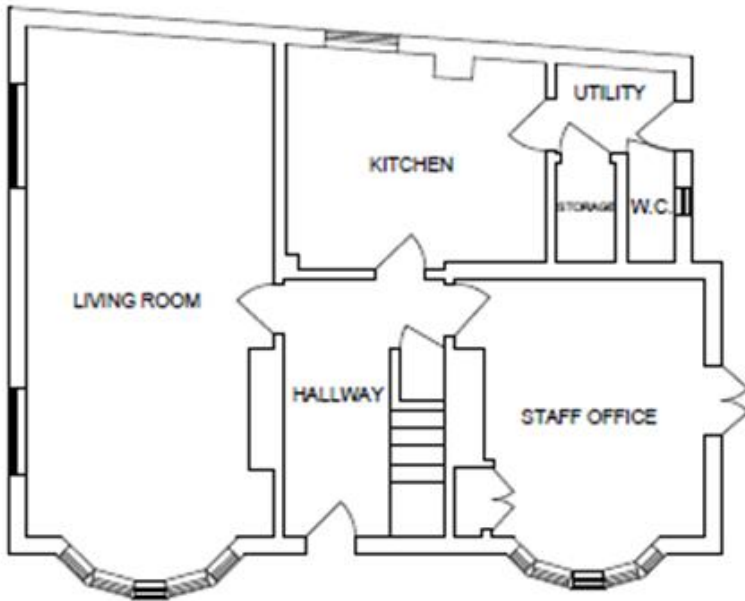
Appendix 3- Existing and Proposed ground and first floor plans



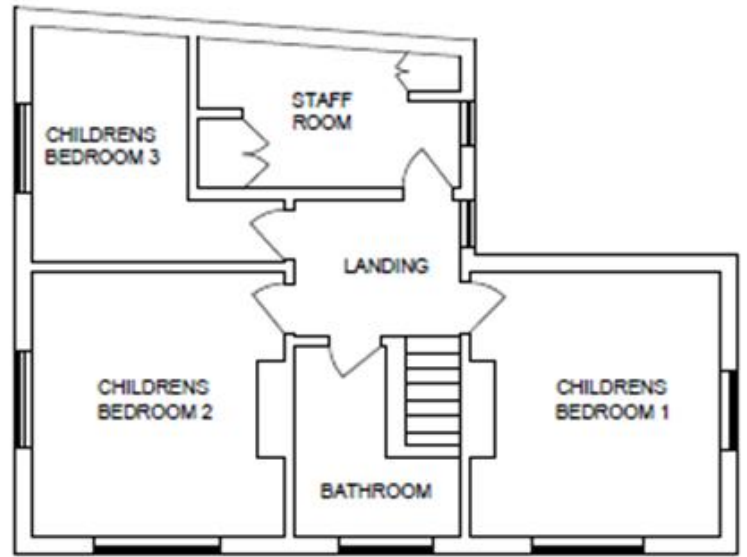
EXISTING GROUND FLOOR



EXISTING FIRST FLOOR



PROPOSED GROUND FLOOR



PROPOSED FIRST FLOOR

Appendix 4 – Surface Water mapping (source gov.uk)

