

# Redcar and Cleveland Borough Council

## Planning (Development Management)

APPLICATION NUMBER: R/2024/0602/FF  
LOCATION: 16 BRANSDALE GUISBOROUGH TS14 8JR  
PROPOSAL: Change of use from dwelling (Class C3) to children's home (Class C2)

### [Planning Application Details](#)

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#### APPLICATION SITE AND DESCRIPTION

Planning permission is sought for the change of use from dwelling (Class C3) to children's home (Class C2).

The application relates to 16 Bransdale, Guisborough. The application is a two-storey detached dwelling located in an established residential area.

Bransdale is located in the west of Guisborough, it is a cul-de-sac of some fifteen properties accessed off Farndale Drive which in turn is accessed from Stokesley Road to the north.

The property has a traditional layout providing on the ground floor; a kitchen, living/ dining room and conservatory with integral garage. On the first floor are four bedrooms, family bathroom and storage. Externally the property provides a rear garden area. Access to the site is direct from Bransdale to a private drive.

Internally, the property will remain as currently laid out in terms of its use, externally there will be a requirement to alter the property drive to provide additional parking.

The application is supported by an existing and proposed plans and a covering letter.

Permission was granted for the same development in 2021 however the permission was not implemented and has since lapsed. The covering letter submitted with the application states:

*Our client is merely seeking to secure a further permission due to the pending lapse of the previous approval in 2021 by Redcar and Cleveland Local Planning Authority under application reference R/2021/0690/FF. we do not consider that there have been any material changes to planning policy in the past 3 years that would warrant a different decision and can confirm that all submitted details remain as per the previous permission.*

The covering letter describes the proposal as:

*Children's Home will be occupied by 3 Children age 8 to 18.*

*The Children's home will be staffed with two members of staff required on site per shift; management will be provided by an Ofsted registered manager living close by but offsite. A shift rotation pattern will be in place, such that the home will be staffed on a 24-hour basis.*

*The children will be looked after in accordance with 'looked after children' regulations under sections 20 of The Children's Act. The management of the facility would be subject to the regulatory controls of Ofsted.*

The agent has provided additional information through the lifetime of the application which states;

*The parking as per the proposed plans and in the statement we were referring to works to the building itself. In addition I would consider the simple alterations to the parking to be diminimis but I'm sure as your aware a condition could be imposed that the external parking is in place prior to the use commencing if this would offer some comfort.*

*The home would be looked after by 2 members of staff per shift. A manager would live off site. The home would be staffed on a 24 hours basis through a rota.*

*This is no different to a family with two parents in terms of the highway impact or parking demand and activity associated from a highways perspective. The scale of staffing is therefore inconsequential from a highways perspective and I would also add that this application was previously considered acceptable by highways in 2021 on the exact same basis.*

*Health care workers would access in the exact same way they would a household dwelling or foster situation.*

*The property is in a sustainable location close to bus stops, facilities and schools which are all within walking distance.*

*This is a typo and obviously the site location plan and address is in Guisborough.*

*The property has an existing garage (where bikes could be affixed to the walls) and an enclosed rear garden that provide ample opportunity for cycle storage.*

*The highway layout is an existing situation and has previously been considered acceptable for the same application and same level of activity in the 2021 permission.*

## **DEVELOPMENT PLAN**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

## **NATIONAL PLANNING POLICIES**

National Planning Policy Framework (NPPF)

## **REDCAR & CLEVELAND LOCAL PLAN (2018)**

SD1 Sustainable Development

SD2 Locational Policy

SD3 Development Limits

SD4 General Development Principles

H5 Sub-division and conversion of buildings to residential uses

TA1 Transport and New Development

## **OTHER POLICY DOCUMENTS**

None

## **PLANNING HISTORY**

R/2021/0690/FF Change of use from dwelling (class C3) to children's home (class C2). Approved by Regulatory Committee 30/09/2021.

## **RESULTS OF CONSULTATION AND PUBLICITY**

The application has been advertised by means of a site notice and neighbour notification letters.

As a result of the consultation period 59 representations have been received which make the following comments:

- Three parking spaces will not be sufficient.
- Other children's homes have many more cars.
- Access issues as cars will park on the pavement.
- It is a business in a residential area.
- Comparing a business to a residential property is misleading.
- Disregarding the previous application.
- The application is full of errors.
- Highways safety.
- Driveway and garage not suitable for parking.
- Location unsuitable.
- Roads not suitable for additional traffic.
- Business will cause disruption.

- This is a quiet estate and parking is limited.
- The site is not close to any facilities.
- Additional cars and parking will result in more accidents.
- Additional noise and activity in the area will cause disturbance.
- Suitability of owners to manage a children's home.
- Works already been carried out at the property.
- Safety of existing families in the area.
- Disappointed with the previous decision and highway response.
- Objections for the previous application still stand.
- Work as a care officer so have first hand experience and can confirm there is insufficient parking.
- Staff and visitors will need more parking.
- Planning strategy comments should be withdrawn.
- Business is not financially viable.
- Recent newspapers suggest such businesses are exploiting Councils and over charging.
- Business will impact on the Councils financial position.

### **Guisborough Town Council (19/09/2024)**

*OBJECT - there will be additional traffic generated by virtue of staffing levels and ancillary services such as social workers etc, therefore it does not meet the criteria within Policy H5d" to the above planning application.*

### **Ward Members**

Councillor Jeffery (24/09/2024)

*Objection due to increased volume of visiting traffic outside the property*

Councillor Joy (23/09/2024)

*Sole reason for the objection is to reconsider the parking provision for the additional vehicles attending the business and request that this is investigated more before this application is approved.*

*The cul-de-sac is very small and the business being on the corner has some safety issues with a suggestion that traffic volume would increase.*

*The Planning Strategy Comments echo this mentioning part (d) of change of use from C3 to C2.*

*"The application seeks permission for change of use from dwelling (C3) to children's home (C2). Use class C2 is a residential use. Policy H5 states that conversion of buildings to residential uses will be permitted provided that the following criteria are met: d. the proposal would not give rise to conditions prejudicial to highway safety by reason of additional traffic generation.*

*My belief is that highway safety is compromised by this application through significant additional traffic generation.*

Councillor Hart (25/09/2024)

*I object to the planning application to change this property from residential to business use because of the following reasons.*

*The residents unanimously object to having a business operating in this small road.*

*The parking is inadequate contravening Highway policy H5d. There is now evidence from two further homes that there are 7/8 cars regularly parked (one housing just one person) at any one time. A third home more suitably placed with off road parking has at least 6 cars parked at most times.*

*This will cause noise and nuisance.*

*The planning states three cars can park on the driveway. this would be an impossibility if the doors to the cars were to open.*

*The property is sited on a blind bend and if vehicles were parked on this bend the road would not be wide enough for emergency services and traffic view would be dangerously restricted causing grave safety problems.*

### **Redcar and Cleveland Borough Council (Development Engineers)**

**30/09/2024**

*The application is for a change of use from C3 to C2 a children's home. The property is a detached dwelling with four bedrooms, a garage and a curved block paved driveway measuring approximately 2.4m wide (at its narrowest point) by 6.5m in length (at its longest point).*

*The application form states that three parking spaces can be provided, and those three spaces are the total that will be retained as part of the application. That statement is contradicted by the parking plan submitted as part of the application, which shows four spaces, although given the confines of the site it is only viable to accommodate one space on the block paved driveway and one space within the garage. The cover letter states that no alterations are proposed as part of the application, therefore no additional parking is proposed as part of the application. This level of provision does not meet the parking requirement as prescribed in the Tees Valley Design Guide & Specification.*

*The children's home will operate a shift rotation pattern that ensures 24-hour staffing, a minimum of two members of staff will always be on site, with a manager on hand but located off site. No travel plan has been provided as part of the application, nor has any description been provided that considers in detail how transport for staff will be accommodated, or how the shift*

*patterns will operate. The nature of the use also makes no allowance for health care visitors and professionals that require access to the property. Therefore, the property will not operate in the same manner as its current use and displaced parking will overspill onto the surrounding highway network that serves the site.*

*The cover letter refers to the application site being in New Marske, although the application site is in Guisborough. There is no analysis of the surrounding highway network or how parking or sustainable modes of transport can be accommodated as part of the proposals.*

*The property is located within a 10-minute walking distance of amenities and bus stops, although no reference has been made to cycle storage within the property.*

*The property is located on the southern side, towards the middle, of a curved 50m long access road, between two junctions, that runs between Farndale Drive and the cul-de-sac of Bransdale. The access road serves two driveways to properties which includes the application site. The area is a residential estate characterised by a variety of housing, predominately semi and detached housing. Given the lack of in curtilage parking provision, there is the potential for displaced parking to have a detrimental impact on the free flow of traffic and highway safety given the proximity of the junctions and the nature of the road layout.*

*It is therefore for the above reasoning we object to the application, which does not accord with Local Plan Policy SD4 Parts B & P, and TA1 Parts A, C & D.*

**03/12/2024**

*An additional response has been provided. That highlights from a highway perspective the children's home will operate no differently to that of a family with two parents in terms of demand, parking requirement and activity. That being two members of staff per shift over a 24-hour period.*

*Cycle storage was discussed in the response and highlighted that the garage can be utilised for such provision, although the garage formed part of the parking offer.*

*The applicant reiterated that the site has previously been granted consent in 2021, and that the parking provision can now be the subject of condition. A suitably worded condition will mitigate the potential for displaced parking to occur and ensure the provision of cycle storage.*

*We accept that the highway and the curvature of the road has been an existing arrangement for a number of years, with no reported road traffic incidents on Bransdale in the last 20 years.*

*Therefore, it is for the above reasoning we remove our objection subject to condition.*

**Redcar and Cleveland Borough Council (Childrens and Families Information Services) (05/09/2024)**

*No objection*

**Redcar and Cleveland Borough Council (Planning Strategy) (09/09/2024)**

*The application seeks permission for change of use from dwelling (C3) to children's home (C2).*

*Use class C2 is a residential use. Policy H5 states that conversion of buildings to residential uses will be permitted provided that the following criteria are met:*

*a. the building is capable of providing the number of units or proposed use to an acceptable standard of accommodation; b. the development will not result in an adverse impact upon local character or residential amenity; c. the proposed development would not give rise to an over-concentration of similar accommodation or exacerbate a shortage of single family dwellings in the local area; and d. the proposal would not give rise to conditions prejudicial to highway safety by reason of additional traffic generation.*

**CONSIDERATION OF PLANNING ISSUES**

The main considerations in the assessment of the application are;

- The principle of development
- The impacts on the character and appearance of the area
- The impacts on neighbour amenity
- The impacts on highways safety

**The principle of development**

The application site is located in an existing residential area within the development limits identified in the Local Plan, as such the development proposed is considered to be located in a sustainable location consistent with policy SD1 (Sustainable Development), SD2 (Locational Policy) which identifies Guisborough as a sustainable location within the rural area for the majority of new development and SD3 (Development Limits).

Policy H5 of the development plan considers the sub-division and conversion of buildings to residential uses and, although the existing use is residential in planning terms (use class C3 – dwelling) the application proposes a change of use to an alternative residential use with class C2 (Residential Institutions)

Policy H5 states;

*Within development limits, the sub-division or conversion of buildings to*

*residential uses will be permitted provided that the following criteria are met:*

- a. the building is capable of providing the number of units or proposed use to an acceptable standard of accommodation;*
- b. the development will not result in an adverse impact upon local character or residential amenity;*
- c. the proposed development would not give rise to an over-concentration of similar accommodation or exacerbate a shortage of single family dwellings in the local area; and*
- d. the proposal would not give rise to conditions prejudicial to highway safety by reason of additional traffic generation.*

In terms of criteria (a) it is for other regulatory services to decide if the premises are fit for the purpose intended in terms of the standard of accommodation of such small care homes but, in planning terms, the number of occupiers proposed is consistent with a family group of five. In terms of criteria (c) there would be no overconcentration of such use in the area.

Criteria b and d are discussed in the report below.

The previous application in 2021 also sought consent for the change of use to a children's home. The application was considered acceptable, and permission was granted although that permission has since lapsed without being implemented. The policy considerations in relation to the development proposed under this application remain the same as they were under the 2021 application.

The principle of development is one that continues to remain acceptable and a change of use would comply with policies SD1, SD3, SD3 and parts a and c of policy H5 of the Redcar and Cleveland Local Plan.

### **The impacts on the character and appearance of the area**

No alterations are proposed to the building itself as part of the application. The use of the property by three children and two adults equates, in planning terms, to a family unit of five which can be accommodated in the property as currently configured.

Externally, there would be a requirement to provide additional on-site parking. The total number of spaces provided on site would be four (including the integral garage). It is noted that to provide this parking some of the existing planting is required to be removed. This will have an impact of the external appearance of the building but is not considered a reason to withhold permission. Under the General Permitted Development Order additional parking could be provided at the front without the need for planning permission and the removal of any planting is not controlled through planning in this instance.

The proposed change of use would not have an adverse impact on the character and appearance of the area and the application would accords with



part b of policy H5 and parts j and k of policy SD4 of the Redcar and Cleveland Local Plan.

### **The impacts on neighbour amenity**

No extension or alterations to the building itself are proposed as part of the application. The proposal therefore raises no issues in terms of overlooking or loss of privacy and would not have any overbearing impacts.

The development proposes the use of the property for a small private children's home which will comprise three looked after children and two supervising adults. In land use planning terms this is equivalent to a family unit of five. In planning terms there is no reason to conclude that the use of the premises will give rise to impacts on local amenity which would justify withholding planning permission.

The proposal raises no issues in terms of neighbour amenity and the application would comply with part b of policy SD4 and part b of policy H5 of the Redcar and Cleveland Local Plan.

### **The impacts on highways safety**

The application was reviewed as originally submitted by the Councils Development Engineers who raised queries on the submission and objected to the proposed change of use.

The agent in addressing the highway objections has confirmed:

*The parking as per the proposed plans and in the statement we were referring to works to the building itself. In addition I would consider the simple alterations to the parking to be diminimis but I'm sure as your aware a condition could be imposed that the external parking is in place prior to the use commencing if this would offer some comfort.*

*The home would be looked after by 2 members of staff per shift. A manager would live off site. The home would be staffed on a 24 hours basis through a rota.*

*This is no different to a family with two parents in terms of the highway impact or parking demand and activity associated from a highways perspective. The scale of staffing is therefore inconsequential from a highways perspective and I would also add that this application was previously considered acceptable by highways in 2021 on the exact same basis.*

*Health care workers would access in the exact same way they would a household dwelling or foster situation.*

*The property is in a sustainable location close to bus stops, facilities and schools which are all within walking distance.*

*This is a typo and obviously the site location plan and address is in Guisborough.*

*The property has an existing garage (where bikes could be affixed to the walls) and an enclosed rear garden that provide ample opportunity for cycle storage.*

*The highway layout is an existing situation and has previously been considered acceptable for the same application and same level of activity in the 2021 permission.*

The Councils Development Engineers have reviewed the additional information provided and have now stated:

*An additional response has been provided. That highlights from a highway perspective the children's home will operate no differently to that of a family with two parents in terms of demand, parking requirement and activity. That being two members of staff per shift over a 24-hour period.*

*Cycle storage was discussed in the response and highlighted that the garage can be utilised for such provision, although the garage formed part of the parking offer.*

*The applicant reiterated that the site has previously been granted consent in 2021, and that the parking provision can now be the subject of condition. A suitably worded condition will mitigate the potential for displaced parking to occur and ensure the provision of cycle storage.*

*We accept that the highway and the curvature of the road has been an existing arrangement for a number of years, with no reported road traffic incidents on Bransdale in the last 20 years.*

*Therefore, it is for the above reasoning we remove our objection subject to condition.*

The proposed change of use would operate in a similar way to a family dwelling and the level of parking provided, as indicated on the proposed site plan, is acceptable for the scale of dwelling. The parking provision can be secured by condition to ensure it is provided before the occupation of the proposed children's home.

The application raises no issues in terms of highways safety and the application accords with part p of policy SD4 and part d of Policy H5 of the Redcar and Cleveland Local Plan.

### **Other matters**

Members are reminded that the Council must base its decision on planning policy in the development plan and land use considerations.

The number of objections received to the application is of course noted however, members will be aware the number of objections received is not in itself a determining factor and many of the objections raised are not material planning considerations that can be given weight in the decision on this application.

In particular there is no fit and proper persons test and comments made on the applicant company are not relevant. In addition whilst crime and the fear of crime can be a material consideration, the bar is set very high in terms of evidence and to refuse an application on those grounds will require the Council on any appeal to demonstrate such events will occur; this in turn requires the planning authority to make unacceptable non-evidenced judgements on the character of the proposed occupiers of the property.

In terms of service delivery and the safety of the looked after children these are matters for other regulatory services and Ofsted.

The application falls outside of scope for requiring additional information / assessment in relation to nutrient neutrality.

A C2 use class covers a range of uses including a children's home, as the application has been assessed on the basis of a children's home a condition is recommended to restrict the use to a children's home and no other uses within the C2 use class.

## **Conclusion**

For the reasons outlined above the proposal is considered acceptable.

The change of use would not have an adverse impact on neighbour amenity and raise no issues in terms of highways safety. The proposal would respect the character of the site and surroundings.

The proposed use as a children's home is considered acceptable within the residential area.

The comments received throughout the consultation period are noted and have been considered through the assessment of the application. However, for the reasons outline in the report the proposal raises no material planning objections and complies with the requirements of national and local planning policies.

The application accords with policies SD1, SD2, SD3, SD4, TA1 and H5 of the Redcar and Cleveland Local.

## **RECOMMENDATION**

Taking into account the content of the report the recommendation is to:

**GRANT PLANNING PERMISSION** subject to the following conditions:

1. The development shall not be begun later than the expiration of THREE YEARS from the date of this permission.

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:  
Location plan received by the Local Planning Authority on 03/09/2024  
Site plan with parking received by the Local Planning Authority on 03/09/2024  
Existing and proposed plans and elevations (003) received by the Local Planning Authority on 03/09/2024

REASON: To accord with the terms of the planning application.

3. The use of the property hereby approved shall be restricted to that of a small children's care home of not more than five residents within Class C2 (Residential Institutions) of the Town and Country Planning Use Classes Order 2020 (as amended) and for no other purpose including any other purpose within Class C2 of the Order.

REASON; To accord with the terms of the application and allow the Local Planning Authority to exercise appropriate control over any other use within Class C2 in the interests of protecting the amenity of the area.

4. Prior to the commencement of the use hereby approved the three parking spaces shown on the submitted site plan shall be provided on the site, be available for use and maintained as such. In addition, the existing vehicle crossing shall be extended in accordance with details to be agreed with the Council's highways engineers and the extended crossing shall be installed prior to the commencement of the use. The enlarged parking area shall either be made of porous materials, or provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

REASON: To ensure the development is provided parking in accordance with the Council's adopted standards, that access from the adjoining highway is improved to the required standard and that provision is made for the disposal of surface water without increasing flood risk.

## **STATEMENT OF COOPERATIVE WORKING**

Statement of Co-operative Working: The Local Planning Authority considers that the application as originally submitted did not meet with the local policies and guidance. Following discussions with the applicant / agent a satisfactory scheme has been negotiated.