

DARLINGTON BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 5th February 2020

APPLICATION REF. NO:	19/01074/CU
STATUTORY DECISION DATE:	12 th January 2020
WARD/PARISH:	Bank Top & Lascelles Ward
LOCATION:	Fir Tree House Residential Home, 37 Pease Street, Darlington
DESCRIPTION:	Change of use of care home to a House in Multiple Occupation
APPLICANT:	Mrs Sarah Ward

APPLICATION AND SITE DESCRIPTION

It is proposed to change the use of this unoccupied residential care home for up to 8 people with special needs to a house in multiple occupation for 11 residents.

There are no alterations proposed to the exterior of the property and only minor internal changes according to the submitted plans. The existing rear garden area is extensive and part of it is to be used for car parking for 11 vehicles.

Pease Street is a narrow back street off Yarm Road fronted by residential terraces with only on street parking.

Application documents including Planning Statement, Design and Access statement, plans, consultation responses, representations received, and other background papers are available on the DBC website.

PLANNING HISTORY

The relevant planning entries are:

95/00707/MISC – Two storey rear extension for extra bedrooms and bathrooms – Approved January 1996.

05/01232/FUL – Two storey rear extension and conservatory – Approved March 2006

RESULTS OF CONSULTATION AND PUBLICITY

Following the Council's publicity exercises relating to the original submission, nine letters of objection were received together with a petition from 46 local residents objecting to the proposals.

The letters of objection can be summarised as follows:

- Additional residents will put unacceptable strain on drains and sewage.
- Not enough space on site for sufficient car parking resulting in overspill onto very congested road.
- Potential for anti-social behaviour from residents who will be transient
- Proposal very different to a residential care home. A lot more noise will be generated.
- Lack of refuse disposal facilities.
- Loss of trees etc with the new car park construction.

Consultee Responses

The **Council's Highways Engineer** has raised no objection.

The **Environmental Health Officer** has no objections to the application.

The **Darlington Association on Disability** have no objection to the proposals but note that the existing ramps etc need renovating to bring them up to a reasonable standard.

PLANNING POLICY BACKGROUND

The relevant local and national development plan policies are:

Borough of Darlington Local Plan 1997

Saved Policy H17 – Concentrations of Houses in Multiple Occupation
Saved Policy H18 – Houses in Multiple Occupation in Other Areas

PLANNING ISSUES

The main issues to be considered are:

- Impact on residential amenity
- Impact on local car parking and road safety

The relevant Local Plan policy H18 referred to above includes the following narrative:

THE SUBDIVISION INTO SMALL DWELLINGS OF LARGE DWELLINGS,
DWELLINGS UNSUITABLE FOR SINGLE FAMILY OCCUPATION, OR NON-
RESIDENTIAL BUILDINGS IN RESIDENTIAL SURROUNDINGS OTHER THAN

THOSE THE SUBJECT OF POLICY H17, WILL NOT BE PERMITTED WHERE THIS WILL HAVE A MATERIAL ADVERSE EFFECT ON:

1. THE QUIET AND PRIVATE ENJOYMENT OF OTHER DWELLINGS AND GARDENS;
2. THE ADEQUACY OF AVAILABLE OFF STREET PARKING AND AMENITY SPACES;
3. THE FREE AND SAFE FLOW OF TRAFFIC; AND
4. THE VISUAL AND NOISE CHARACTERISTICS OF THE SURROUNDINGS

Providing these criteria can be met by the proposed development, then normally planning permission would be granted provided the property is not located within an area where there is already a high concentration of houses in multiple occupation as set out in Saved Policy H17, or where the proposal is involves the sub-division of a small two-storey family house (115m² or less). The application property is not a small family house or located within one of these areas.

Impact on residential amenity

The existing (albeit non-operational) use for this property is as a residential home for people with special needs for a total of 8 residents, which whilst not generating many visits or traffic movements from the residents themselves, would be likely to be the subject of regular visits from friends and relatives of those residents, staff, medical professionals etc in the same way as other types of care home for the elderly.

The proposed use is for a house in multiple occupation, for up to 11 residents. There will be a certain amount of activity generated by the proposed use in terms of the day to day comings and goings residents and associated traffic movements, but the nature of the use is such that car ownership is likely to be limited and impacts on local residents restricted to levels similar to those created by a care home use.

This Authority has not been made aware of any problems in the area relating to sewage and drainage that would be exacerbated by the proposed use.

Whilst anti-social behaviour may be considered to be a material consideration, there is no evidence we are aware of to suggest that the granting of planning permission for the use of a property as a house of multiple occupation would result in such problems occurring in this location. Other similar establishments in Darlington do not appear to have experienced such issues.

Impact on local car parking and road safety

Parking provision for a total of 11 vehicles is proposed, with a further 2 spaces available informally, within the area to the side of the property. This level of provision is suitable for the proposed use and the Highway Engineer advises that this level of car parking provision will ensure that traffic generated by the new use will not have a material impact on on-street parking as there are sufficient spaces provided to cater for the likely traffic generated. Road safety will not be compromised for similar reasons.

Furthermore, the site is in sustainable location being close to the town centre and within 250m walking distance of the nearest bus stops on Yarm Road, as well as good access

to the town's cycle infrastructure. The Council's Highway Engineer raises no objection on this basis.

Other matters

The on-site trees and bushes that will be affected by the new car park are not protected by a Preservation Order or Conservation Area designation and could be removed at any time providing the provisions of the Wildlife and Countryside Act are taken into account. Refuse will be disposed of as with the original use of the property as a care home.

CONCLUSION

The proposal involves the change of use of a vacant former care home to a house in multiple occupation. A certain amount of disturbance and traffic impacts have been in place for a number of years at this location, and the "fall back" position remains that of a care home and its associated activity levels and traffic generation.

It is considered therefore that the use of the property as proposed, as well as bringing a somewhat dilapidated building/site back into use, will not cause loss of amenity to local residents over and above that currently possible, sufficient to warrant refusing planning permission.

THE PUBLIC SECTOR EQUALITY DUTY

In considering this application the Local Planning Authority has complied with Section 149 of the Equality Act 2010 which places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

RECOMMENDATION

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3 - Implementation Limit (Three Years)
2. The development shall be carried out in complete accordance with the approved plans as detailed below:
 - (a) Proposed Car Park Layout Plan – 2100-01
 - (b) Proposed Floor Plan – 05.217.01

Any material change to the approved plans will require a formal planning application to vary this condition and any non-material change to the plans will require the submission of details and the agreement in writing by the Local Planning Authority prior to any non-material change being made.

REASON: In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

3. The car parking area hereby approved shall be completed before the occupation of the property as a house in multiple occupation. Details of the surfacing and layout to be agreed by the Local Planning Authority prior to construction.

REASON: In the interest of residential amenity and road safety.

4. The completed car park shall remain available for use during the occupation of the property as a house in multiple occupation

REASON: In the interest of residential amenity and road safety

THE FOLLOWING POLICIES AND DOCUMENTS WERE TAKEN INTO ACCOUNT WHEN ARRIVING AT THIS DECISION:

Borough of Darlington Local Plan 1997

Saved Policy H17 – Concentration of Houses in Multiple Occupation
Saved Policy H18 – Houses in Multiple Occupation in Other Areas