

ITEM 1

Application Reference	DC/083500
Location:	Pymgate Lodge Guest House 147 Styal Road Gatley Cheadle SK8 3TG
Proposal:	Change of use of a guest house (C1) to a children's care home (C2).
Type Of Application:	Full Application
Registration Date:	09.06.2022 (initially received 25.11.2021 and subsequently found to be invalid)
Expiry Date:	04.08.2022
Case Officer:	Rebecca Whitney
Applicant:	Resilience Residential Services Ltd
Agent:	Rose Consulting

DELEGATION/COMMITTEE STATUS

The application is presented to the Area Committee as more than 4 objections have been received, contrary to the case officer's recommendation of approval.

DESCRIPTION OF DEVELOPMENT

Full planning permission is sought for the change of use of the site from a guest house (Use Class C1) to a children's care home (Use Class C2). The proposal does not include any internal or external alterations or additions.

The application is supported by a written statement which states that the aim is to provide semi-independent accommodation and related services for no more than ten 16-17 year old young people. The accommodation would have housing management support on-site at all times, including additional 1:1 support where required.

SITE AND SURROUNDINGS

The site is within a Predominantly Residential Area and is bound by residential development to the north, east and south. There are protected trees within the neighbouring site to the south.

Pymgate Lodge is a 2.5 storey detached building forming part of a historic farm group, and is considered to be a non-designated heritage asset. The site is currently in use as a guest house.

The land west of the site, separated by Styal Road, is designated as being within the Greater Manchester Green Belt. There is a pond and meadow designated as a Site of Biological Importance west of the site, and the golf course east of the site is designated as Green Chain.

POLICY BACKGROUND

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

The Development Plan includes-

- Policies set out in the Stockport Unitary Development Plan Review adopted 31st May 2006 which have been saved by direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004; &
- Policies set out in the Stockport Local Development Framework Core Strategy Development Plan Document adopted 17th March 2011.

Saved policies of the SUDP Review

CDH1.3 Care and Nursing Homes

NE1.2 Sites of Nature Conservation Importance

Core Strategy DPD Policies

CS1: OVERARCHING PRINCIPLES: SUSTAINABLE DEVELOPMENT – ADDRESSING INEQUALITIES AND CLIMATE CHANGE

SD-1: Creating Sustainable Communities

SD-6: Adapting to the Impacts of Climate Change

CS8: SAFEGUARDING AND IMPROVING THE ENVIRONMENT

SIE-1: Quality Places

SIE-3: Protecting, Safeguarding and Enhancing the Environment

CS9: TRANSPORT AND DEVELOPMENT

CS10: AN EFFECTIVE AND SUSTAINABLE TRANSPORT NETWORK

T-1: Transport and Development

T-2: Parking in Developments

T-3: Safety and Capacity on the Highway Network

Supplementary Planning Guidance

Supplementary Planning Guidance does not form part of the Statutory Development Plan; nevertheless it does provide non-statutory Council approved guidance that is a material consideration when determining planning applications.

SMBC 'Sustainable Transport' SPD

National Planning Policy Framework

A Revised National Planning Policy Framework (NPPF) issued by the Secretary of State for Housing, Communities and Local Government (MHCLG) on 20th July 2021 and replaced the previous NPPF (originally issued 2012 & revised 2018 and 2019). The NPPF has not altered the fundamental legal requirement under Section 38(6) of the Planning and Compulsory Purchase Act 2004 that decisions must be made in accordance with the Development Plan unless material considerations (such as the NPPF) indicate otherwise.

The NPPF representing the governments up-to-date planning policy which should be taken into account in dealing with applications focuses on achieving a lasting housing reform, facilitating the delivery of a greater number of homes, ensuring that we get planning for the right homes built in the right places of the right quality at the same time as protecting our environment. If decision takers choose not to follow the NPPF, then clear and convincing reasons for doing so are needed.

N.B. In respect of decision-taking the revised NPPF constitutes a “material consideration”.

Para.1 *“The National Planning Policy Framework sets out the Government’s planning policies for England and how these should be applied”.*

Para.2 *“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise”.*

Para.7 *“The purpose of the planning system is to contribute to the achievement of sustainable development”.*

Para.8 *“Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and*
- c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”*

Para.12 *“Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed”.*

Para.38 *“Local planning authorities should approach decisions on proposed development in a positive and creative way..... Decision-makers at every level should seek to approve applications for sustainable development where possible”.*

Para.47 *“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing”.*

Para.126 *“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is*

essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.”

Para.134 “Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”*

Para.219 “Existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)”.

Planning Practice Guidance

The Planning Practice Guidance (NPPG) is a web-based resource which brings together planning guidance on various topics into one place (launched in March 2014) and coincided with the cancelling of the majority of Government Circulars which had previously given guidance on many aspects of planning.

NEIGHBOUR REPRESENTATIONS

35 neighbouring properties were consulted by letter, and a site notice was displayed at the site.

26 representations have been received. 1 representation has been received in support of the proposal, and 25 representations have been received objecting to the proposal. The concerns raised can be summarised as follows:-

- a. Use is unsuitable for the site and wider location
- b. Impact upon the residential character of the area
- c. Impact upon the demographic of the area which is currently occupied by a large number of elderly people and young families
- d. Site is in an unsustainable location (no regular bus service, not close to youth infrastructure, colleges or similar)
- e. Queries whether the company would be Ofsted regulated
- f. Risk of antisocial behaviour and crime, and increase in police attendance
- g. Not knowing the extent of the issues of the occupiers would cause residents to feel unsafe in their homes, walking in the area, and letting their children out on their own
- h. Concern for safety of elderly people, women and children
- i. Provision of accommodation to include asylum seekers could attract protest groups, as has been seen elsewhere where hotels have been used
- j. There is already a prison on Styal Road and a hotel housing asylum seekers nearby
- k. The site has a car park to the front and not a back garden, leading to groups congregating at all times of the day and night
- l. Current occupier wishes to remain
- m. Engagement from applicant is requested

The representation in support of the application makes the following comments:

- a. The house is in a setting which may be different i.e. better than previous ones the residents have experienced
- b. There appears to be adequate transport provided to education and social outings, train stations are in walking distance
- c. Only concern is if the garden of the adjoining property is used for relaxation etc, music (if any) volume is kept low and stops after 21:00.

CONSULTEE RESPONSES

Highways Engineer

Use of the property to provide semi-independent accommodation and related services for up to ten 16 and 17-year-old young people is evidently less intensive in traffic terms when compared to the current use as a hotel with up to 10 bedrooms. Staff numbers are relatively low and traffic movements through the access and along Styal Road will not be at a level that I could reason or justify objection to the proposal. There is sufficient space within the curtilage for staff, visitor and delivery vehicle parking so in conclusion I raise no objections.

ANALYSIS

Principle of the Change of Use

The site is located within a Predominantly Residential Area and is currently in use as a guest house (Use Class C1). The application proposes a change of use to a children's care home (Use Class C2). It is noted that neighbour representations have raised concerns regarding the suitability of the proposed use in this location.

Saved UDP Policy CDH1.3 (Care and Nursing Homes) states that "subject to the overall requirements of Policy CDH1.1, conversion of a dwelling to, or new development for, a care or nursing home will be permitted provided that the proposal:

- (i) provides a minimum of 15 square metres of amenity space per resident in one continuous usable area;
- (ii) provides car parking in accordance with Policy TD1.4. Parking areas should be screened from public view by retention of existing trees and mature planting where possible. A landscaping scheme acceptable to the Council should be implemented within one planting season to screen parking areas;
- (iii) if a change of use is proposed, is in a detached dwelling or a pair of semi-detached dwellings where both are to be converted simultaneously;
- (iv) in the case of care homes, is within reasonable walking distance of local facilities."

Officers note that in respect of care and nursing homes, the supporting text to Policy CDH1.3 states that "the essential difference between the two types of home is that a "nursing home" looks after people who need nursing care and, therefore, requires staff with a nursing qualification and "a registered elderly persons home" looks after people who require care and attention but not nursing care". This indicates that the policy is not aimed at children's care homes, although these uses do fall within the same use class. Nevertheless, the supporting text states that "care and nursing homes are appropriately located in residential areas and the Council will require that they do not adversely affect neighbouring properties or the area."

In respect of part (i) of Policy CHD1.3, the proposed children's care home would have approximately 120sqm outdoor amenity space within the enclosed courtyard area. This would represent a shortfall when considered against the requirement of Policy CHD1.3 as 15sqm is sought for each resident, and it is proposed that the children's care home would have up to 10 occupants. The supporting text to Policy

CDH1.3 states that “the provision of amenity space around the building is important for the enjoyment of residents and also for the protection of the residential character of the area”. The proposed children’s care home would have an amount of amenity space exceeding the requirements for large family homes (4+ bedrooms) as set out in the Design for Residential Developments SPD, and whilst this is not strictly relevant to the assessment of this application, it does indicate that the proposed amenity space would not be at odds with the residential character of the area. The outdoor space would be sited within the existing external courtyard area, preserving the appearance of the site and the residential character of the area. It is noted that neighbour objections have raised concern that the site has a front car park and not a rear garden, however the enclosed courtyard area is considered to provide an acceptable level and quality of amenity space.

In respect of part (ii) the car parking requirements are not particularly relevant to this type of development as it can be assumed that not all residents of the proposed children’s home would require car parking spaces. The Highways Engineer has commented that the car parking spaces proposed are sufficient for staff, visitor and delivery vehicle parking. In respect of landscaping to screen the car parking area, it is noted that the existing parking is set back from the highway with mature planting along the southern boundary. There is not considered to be scope of additional landscaping to screen the car parking area, as this would adversely impact visibility at the access point.

Part (iii) of Policy CHD1.3 is not relevant to this application as the existing building is not in use as a dwelling, although it is detached and therefore complies with the aim of the policy.

Part (iv) of Policy CHD1.3 requires care homes to be within reasonable walking distance of local facilities. The supporting text to Policy CDH1.3 states that “the location of care homes close to local facilities such as shops, a post office and parks is considered important for the benefit of residents who may have limited mobility”. It is noted that neighbour objections raise concerns that the site is in an unsustainable location without a regular bus service, youth infrastructure or colleges etc. Officers note that the application site is not particularly well located in respect of proximity to local services and facilities; however it is located within an established residential area and is not considered to be in an isolated location. In assessing the accessibility of the site, Officers have given consideration to the likelihood that the needs of residents of a children’s home would differ from the needs of adults in care or nursing homes. It is considered acceptable that the site would be located under 1 mile from the nearest convenience store, post office, park, and play area (including 0.8 miles to the shops on Finney Lane to the south). There is also a schools bus service which runs along Styal Road and provides links between Cheadle and Cheadle Hulme.

Officers have assessed the proposal against the requirements of Saved UDP Policy CDH1.3 and whilst the policy is not considered to be especially well related to the type of use proposed (children’s care home), the proposal is considered to be broadly compliant with the policy. It is noted that there is some degree of conflict in respect of outdoor amenity space to be provided, however officers do not consider the shortfall to be so significant as to represent a departure from the development plan nor to justify refusal of the application. On balance, the proposal is therefore considered acceptable with regard to Saved UDP Policy CDH1.3.

Impact upon the Character and Appearance of the Area

The proposal does not include any internal or external alterations or additions. The proposed change of use from a guest house to a children's care home would not significantly impact the level or nature of occupancy such that it would significantly impact the residential character of the site or wider area. The proposal would therefore result in a neutral impact upon the character and appearance of the site within the street scene, and the visual amenity of the area, in accordance with Core Strategy DPD policies CS8 and SIE-1.

Heritage Considerations

Pymgate Lodge forms part of a historic farm group included in the Greater Manchester Historic Environment Record (ref MGM14300). For planning purposes the building should be considered as a non-designated heritage asset.

Paragraph 203 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

In most circumstances, a heritage assessment including consideration of the archaeological significance and potential of the site, will be required to inform any development proposals affecting a non-designated heritage asset.

As noted above, the proposal does not include any internal or external alterations or additions and is therefore not considered to result in a significant impact upon the significance of Pymgate Lodge as a non-designated heritage asset, and as a result, the submission of a heritage assessment has not been required.

Impact on Residential Amenity

The site is within a Predominantly Residential Area and is bound by residential development to the north, east and south. The site is currently in use as a hotel with 10 guest bedrooms, and the proposed children's care home would have a maximum of 10 occupants, with staff present at all times. The proposed use would result in a similar number of occupants as the present use, and it is noted that there would likely be a greater level of control over the amount of noise and disturbance resulting from the proposed use when compared to the existing.

The proposed children's care home would have outdoor amenity space provided within an enclosed courtyard. The use of the amenity space is considered likely to result in an increase in noise and disturbance when considered against family dwellings such as those nearby, however this impact is considered to be sufficiently mitigated as the outdoor space would be enclosed by other built form and would be relatively well separated from the neighbouring residential properties.

It is noted that a neighbour comment asked that if music is played, the volume is kept low and stops after 21:00. Officers do not consider it reasonable or necessary to impose such a condition noting the residential nature of the proposed use.

The proposal does not include internal or external additions or alterations, and as a result, is not considered to result in any additional overlooking, overshadowing or overbearing impacts.

In view of the above, it is considered that the proposal could be accommodated on the site without detriment to the residential amenity of surrounding properties, in accordance with Core Strategy DPD policies CS8, SIE-1 and SIE-3.

Highway Safety and Parking

The Council's Highway Engineer raises no objections and their comments are contained within the consultee responses section above.

The Highways Engineer has commented that the proposed use is less intensive in traffic terms when compared to the current use. Staff numbers would be relatively low, and traffic movements through the access and along Styal Road would not be at an unacceptable level. Further, there is sufficient space within the curtilage for staff, visitor and delivery vehicle parking.

In view of the above, and in the absence of objections from the Highway Engineer, the proposal is considered acceptable from a highway safety and parking perspective, in accordance with Core Strategy DPD policies SD-6, SIE-1, T-1, T-2 and T-3 and the Sustainable Transport SPD.

Other Matters

The land west of the site is designated as being within the Greater Manchester Green Belt, and there is a pond and meadow designated as a Site of Biological Importance. The site is located west of the designated Green Chain, and there are also protected trees within the neighbouring site to the south.

The site is separated from the Green Belt and Site of Biological Importance by Styal Road, and from the Green Chain by residential development. The proposed development does not include any external additions or alterations, and therefore the proposed development would not result in impacts upon the openness of the Green Belt, the Site of Biological Importance, the Green Chain, or the protected trees.

Neighbour representations have been received which raise concerns regarding the crime and anti-social behaviour implications of the proposal. Officers acknowledge that some proposals can result in an increased risk of crime and antisocial behaviour, however the information submitted to date does not indicate that this will be the case. The proposed children's home would be staffed at all times.

Neighbour objections have also queried whether the proposed children's care home would be Ofsted registered, and the applicant has responded that it will be. The agent has advised as follows:

"Ofsted is responsible for inspecting and imposing conditions upon the registration of children's homes such as this. Accordingly, Ofsted would have the power to closely monitor the unit to ensure that the requirements under the Care Standards Act and Residential Family Centres Regulations 2002 are met. Accordingly, a separate regulatory body exists to ensure standards and operations within the unit are acceptable."

Concerns have also been raised that the site could be occupied by asylum seekers. Whilst this may be the case, there is no indication that this would result in adverse impacts.

Neighbour comments have noted that the current occupier wishes to remain. This is not a matter which can be given weight in the planning balance.

SUMMARY

In conclusion, the proposal is considered to comply with relevant saved UDP and Core Strategy DPD policies and does not conflict with the policies of the NPPF. As such, the application is recommended for approval.

RECOMMENDATION GRANT subject to conditions.

