

Marple Area Committee

11th September 2024

DEVELOPMENT APPLICATIONS

Report of the Deputy Chief Executive

<u>ITEM 1</u>	DC090869
<u>SITE ADDRESS</u>	2 Cross Lane, Marple, Stockport, SK6 6DJ
<u>PROPOSAL</u>	Change of use from dwellinghouse (Use Class : C3) to supported residential care home (Use Class : C2) for up to 3 children (Retrospective)

INFORMATION

These applications need to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants [and those third parties, including local residents, who have made representations] have the right to a fair hearing and to this end the Committee must give full consideration to their comments.

Article 8 and Protocol 1 Article 1 confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Unitary Development Plan, the Head of Development and Control has concluded that some rights conferred by these Articles on the applicant(s)/objectors/residents and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. He believes that any restriction on these rights posed by approval of the application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

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ITEM 1

Application Reference	DC/090869
Location:	2 Cross Lane Marple Stockport SK6 6DJ
PROPOSAL:	Change of use from dwellinghouse (Use Class : C3) to supported residential care home (Use Class : C2) for up to 3 children (Retrospective)
Type Of Application:	Full Application
Registration Date:	23/02/2024
Expiry Date:	19/04/2024 (Extension of Time Agreed)
Case Officer:	Mark Burgess
Applicant:	Polarity Care Ltd
Agent:	Eden Planning & Development Ltd

UPDATE FOLLOWING MARPLE AREA COMMITTEE OF 31ST JULY 2024

Following the consideration and deferral of the application by Marple Area Committee on the 31st July 2024, Officers have approached Greater Manchester Police, requesting the submission of comments and additional information in respect of Police activity at the premises, as requested by Members.

Whilst no comments or information have been provided to Officers directly from Greater Manchester Police, the following information has been provided to Members, in order to inform further consideration and ultimately determination of the application :-

In respect of incidents recorded against the address for this year to date, Greater Manchester Police have 26 recorded incidents, not all of which have necessitated Police attendance :-

- 4 calls from staff providing information;
- 1 concern for welfare;
- 1 hoax call;
- 1 report of crime;
- 19 calls reporting missing from home or returned to premises.

Figures prior to 2019 are archived and an application would have to be made via a Freedom of Information request.

DELEGATION/COMMITTEE STATUS

Marple Area Committee. Application referred to Committee due to receipt of more than 6 letters of objection, contrary to the Officer recommendation to grant.

DESCRIPTION OF DEVELOPMENT

Retrospective planning permission is sought for the change of use of Number 2 Cross Lane, Marple from a dwellinghouse (Use Class : C3) to a supported residential care home (Use Class : C2) for up to three children.

No external alterations are sought to the property to accommodate the use. The internal layout of the property is proposed to remain as existing, comprising a lounge, dining room, kitchen, bathroom, conservatory and store and ground floor level and five bedrooms and a shower room at first floor level.

To the exterior of the property, the existing predominantly hardsurfaced amenity area and parking area, along with the detached outbuilding, within the site curtilage would remain as existing. The existing vehicular and pedestrian accesses to the site from Cross Lane would remain.

Information submitted in support of the application confirms that there will be a maximum of 3 children residing at the premises at any one time. In total there are 6 core staff, 2 waking nights, 3 bank staff, 1 deputy manager and 1 manager employed at the premises, with 2 staff present at most times. Shift patterns consist of between 10:00 and 22.00 each day and include sleep in shifts. Waking nights are between 22:00 and 10:00, mainly on a 2 on/3 off rota basis. The manager is present in the premises between 09.00 and 17.00 Monday to Friday. The deputy manager follows the shift pattern, in addition to administrative days in the premises.

The application is accompanied by the following supporting documents :-

- Planning Statement.
- Management Plan.

The plans and drawings submitted with the application are appended to the report.

SITE AND SURROUNDINGS

The application site is located on the North Western side of Cross Lane in Marple and comprises a detached two storey building at Number 2 Cross Lane which is currently being used as a supported residential care home for children.

Internally, the building comprises a lounge, dining room, kitchen, bathroom, conservatory and store at ground floor level and five bedrooms and a shower room at first floor level.

Vehicular and pedestrian access to the site is taken from Cross Lane to the South East. The majority of the site curtilage is hardsurfaced, with a grassed/landscaped area to the front. The site accommodates a large detached outbuilding to the rear.

The site is adjoined on all sides by residential dwellinghouses; to the North East on Capstone Drive, to the South West on Cross Lane and to the North West on Rose Lane, with further residential dwellinghouses on the opposite side of Cross Lane to the South East.

POLICY BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications and appeals to be determined in accordance with the Statutory Development Plan unless material considerations indicate otherwise.

The Statutory Development Plan for Stockport comprises :-

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

The application site is allocated within a Predominantly Residential Area, as defined on the UDP Proposals Map. The site is also located within the boundaries of the Marple Neighbourhood Plan Area. The following policies are therefore relevant in consideration of the application :-

Saved UDP policies

- CDH1.3 : CARE AND NURSING HOMES
- HP1.3 : AVOIDANCE OF LOSS OF DWELLINGS
- MW1.5 : CONTROL OF WASTE FROM DEVELOPMENT

Core Strategy DPD policies

- CS1 : OVERARCHING PRINCIPLES : SUSTAINABLE DEVELOPMENT - ADDRESSING INEQUALITIES AND CLIMATE CHANGES
- SD-1 : CREATING SUSTAINABLE COMMUNITIES
- CS2 : HOUSING PROVISION
- H-1: DESIGN OF RESIDENTIAL DEVELOPMENT
- 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

Marple Neighbourhood Plan (MNP)

Following an Independent Examiners Report in October 2023 and a referendum vote in favour in March 2024, the MNP has been adopted and forms part of the Development Plan. Full weight to the relevant policies of the MNP should be afforded in the determination of planning applications. Relevant policies include :-

- GA1 : WALKING & CYCLING WITHIN MARPLE

Supplementary Planning Guidance and Documents

Supplementary Planning Guidance and Documents (SPG's and SPD's) do not form part of the Statutory Development Plan. Nevertheless, they do provide non-statutory Council approved guidance that is a material consideration when determining planning applications. Relevant SPG's and SPD's include :-

- TRANSPORT AND HIGHWAYS IN RESIDENTIAL AREAS SPD

National Planning Policy Framework (NPPF)

The NPPF, initially published in March 2012 and subsequently revised and published in December 2023 by the Department for Levelling Up, Housing and Communities, sets out the Government's planning policies for England and how these are expected to be applied.

In respect of decision-taking, the revised NPPF constitutes a 'material consideration'.

Paragraph 1 states *'The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied'*.

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

Paragraph 7 states *'The purpose of the planning system is to contribute to the achievement of sustainable development'*.

Paragraph 8 states *'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*
- b) *A social objective*
- c) *An environmental objective'*

Paragraph 11 states *'Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means :-*

c) *Approving development proposals that accord with an up-to-date development plan without delay; or*

d) *Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless :-*

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'.

Paragraph 12 states *'.....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'*.

Paragraph 38 states '*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*'.

Paragraph 47 states '*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*'.

Paragraph 225 states '*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)*'.

National Planning Practice Guidance (NPPG)

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.

RELEVANT PLANNING HISTORY

- DC087461 : Change of use from dwellinghouse (Use Class C3) to residential children's home (Use Class C2) (Retrospective) : Withdrawn – 18/10/2023.
- DC063982 : Certificate of Lawfulness for existing use as a residential children's home within Planning Use Class C2 : Withdrawn – 23/01/2017.
- DC018485 : Change of use of existing dwelling to residential children's home and conversion of existing storage buildings to annex containing 2 self contained units and ancillary accommodation : Granted – 12/05/2005.
- DC016569 : Proposed change of use from dwelling & workshop to children's nursery and baby unit (40 children including 10 babies) plus first floor staff/proprietors flat : Granted – 27/09/2024.
- DC015342 : Change of use from residential and industrial warehouse into children's day nursery : Refused – 06/07/2004.
- J.66879 : New joiners workshop to replace existing (Retrospective) : Granted – 20/08/1997.
- J.47523 : Conversion and extension of private dwelling into 15 bed roomed Rest Home : Refused – 30/01/1990 : Appeal Dismissed – 19/07/1990.
- J.46899 : Conversion and extension of private dwelling into 15 bed rest home : Refused – 05/12/1989 : Appeal Dismissed – 19/07/1990.
- J.46361 : Conversion and extension of private dwelling into 15 bed Rest Home : Refused – 05/09/1989.

- J.41872 : Change of use from part residential/part industrial, to medical group practice, with car parking : Granted – 04/05/1988.

NEIGHBOUR'S VIEWS

The owners/occupiers of surrounding properties were notified in writing of the application.

Letters of objection have been received to the application from 7 properties. The concerns raised are highlighted below :-

Site History/Previous Issues at the Site

- Previous attempts at using the house as a children's home by the same owners have caused large amounts of disruption to residents.
- Since previous objections stating its fail rate, it has failed again. Once closed down by Ofsted and a failed attempt again in the period of the recently withdrawn application.
- The effects of the last attempt were devastating to the community and a strain on public resources, especially the Police, which was documented from start to finish.
- In the short time that it has been trying to get retrospective planning permission approved, residents have seen a return of the disruption from children that have lived there which has include a large number of Police call outs.
- Based on the months since the property has been operating as a children's home, residents have no confidence that it is going to be run in a way that is sympathetic to its location in a residential area.
- After over 12 months of the property already being a functioning residential home, it has caused nothing but stress and anxiety.
- There have been numerous noise complaints from residents which have been logged. This was for one child, not three.
- Residents remember all the problems when the premises were a children's home in the past.
- Neighbours have seen this and heard the same story over and over again so speak from experience yet again.
- Why is this repeating itself? What is different about this application from all the others?
- Nothing has changed from the previous application, apart from a new company name. Despite this being a new application, residents are aware that it is the same people/staff as previously.

- Applicants may have changed as has the name of the company, however this does not delete history or inspire confidence. The owners of this rental property and some directors remain the same and a constant.
- The last planning application for a children's home was withdrawn with advice. One for lack of knowledge and two for damage limitation to avoid refusal.
- The property has been vacant or a residential house for the past 8-9 years since shutting down, so claiming the existence of planning permission DC018485 for 11 years is incorrect and should not be considered significant weight in this assessment.
- Everyone involved has to be taken into consideration by the Council, regardless of policy. This cannot be ignored as residents have first-hand experience of the issues, not ifs and buts.

Impact on Residential Amenity

- Use as a children's home is unsuitable for this purpose and causes a disturbance to neighbours.
- Noise issues have become a problem. Shouting and yelling from the property, footballs being kicked repeatedly against the garage walls, causing neighbours to have to close doors and windows on a nice day.
- The position of the property between residents gardens is making it impossible to enjoy time outside in the nice weather.
- In the summer, neighbours gardens become unusable due to loud music, loud conversation, cigarette smoking and noise from cars and staff. Neighbours cannot open their windows due to noise and cigarette smoke.
- This is a business and the change of character in a residential setting with more commercial activity proposed, from staff shift changes to visitors at any hour, creates excessive noise and disturbance for residents.
- Cars coming and going at all times with doors slamming and radios blaring have woken neighbours up when they have to be up for work in the morning.
- Staff frequently arrive blasting loud music from their cars.
- Staff swear loudly outside. The noise and language is both uncomfortable and embarrassing, especially if friends and family are visiting neighbours.
- Staff spend a lot of time in the back yard area smoking. The smoke is unpleasant and they throw the cigarette butts over the fence.
- It is a place of work for staff so etiquette is low. This is residents' homes. Staff do not care about the neighbourhood as they do not live here.
- Cross Lane is a residential area. This is an obvious business opportunity.
- This is a business and change of character in a residential setting with much more commercial activity proposed from shift changes to visitors at any hour, creating excessive noise and disturbance for residents.

- Having a business on a residential road so close to other houses seems very unfair to those that live there.
- A number of residents in the area are vulnerable older people and starting up a children's home again is extremely worrying for them. Such members of the community require a peaceful life and the problems that occurred previously resulted in a very stressful time.

Crime and Anti-Social Behaviour

- Crime and fear of crime is a massive consideration.
- Increased crime rate and impact on community safety.
- Previous attempts at using the house as a children's home by the same owners have caused large amounts of disruption to local residents. In the short time that it has been trying to get retrospective planning permission, residents have seen a return of this disruption from a few of the children that have lived there which has include a large number of Police call outs.
- Residents have had experience of a children's home at the site before and all the associated problems and crime that it brought with it.
- Last year, after smashed windows at the property, a number of complaints were made to the Police which were logged and resulted in constant Police visits. No doubt that these sort of things will become a regular occurrence.
- There were 50 plus Police visits last time, for broken windows, anti-social behaviour and many arrests. A resident was threatened with a steel bar. There is photographic evidence and a crime reference number for this.
- There were constant visits from the Police for public disorder offences when it was previously opened as a children's home.
- There will be noise, trouble, mess, cars and staff hanging about looking menacing. The disruption to residents will be constant and Police will be here all the time again. It has happened before and will happen again.
- Increased Police presence which happened many times when the previous children's home was open.
- The residents have caused a lot of police presence due to escaping out of the windows, weapons being used to threaten neighbours and general disturbance.
- When the property was used as a children's home in the past, cars were stolen, there was noise and general mayhem and Police cars were turning up at all hours of the day and night.
- Part of the first closure by Ofsted involved children stealing staff cars.
- Since children moved into the premises without planning permission being granted, there have been constant visits from the Police, attending the

premises throughout the day and night. This has caused disturbance to residents, especially hearing Police Officers at 3am.

- It is currently generating nuisance, anti-social behaviour and criminal activity.
- Due to the nature of the home there will no doubt be a constant turn around of residents. This will potentially bring more problems to the area, with groups of youths coming and causing disruption, as has happened already.
- Youths have come from outside areas to visit the person in residence, loitering at the end of neighbours drives causing neighbours to feel uncomfortable and intimidated.
- Concerns that the children residing will not be kept under suitable control and they may cause anti-social problems, internally and externally from outside areas There has already been evidence of this from previous years from neighbours and it has now come back.
- Problems associated with children's homes include drug abuse and alcohol abuse and associated crimes.
- There is current drug dealing and drug use in the area. Bringing younger children into a children's home environment would only increase this activity.
- There has recently been a congregation of children at the top of the street that have made abusive remarks to neighbouring children as they walked back from school.
- There is a fear for the safety of children, vulnerable people living nearby and a rise of racial abuse.
- Verbal abuse from both carers and children is upsetting and disturbing and neighbours cannot live in peace in their own homes.
- Neighbours have previously felt very safe but now feel apprehensive when walking on their own doorstep.
- Crime is on the increase and fear of it is only increasing.
- What will ensure zero public order offences from this application?
- Are the Police aware of this re-opening? They will be needing extra cover.
- Confidence is completely lost in the home with broken promises and anti-social behaviour.
- The application and management plan states that they are going to bring trouble to the neighbourhood, however states that this is ok as they will call the Police. This is not acceptable.
- Residents have experienced the problems first hand. It is easy for a Planning Consultant to glide over all these actual facts.

Other Concerns

- Staff discuss confidential information about residents and staff they are interviewing at the rear of the property, along with their holidays and social lives, which neighbouring residents can hear in their gardens.
- Staff do not appear to interact with the residents much, certainly not outside where they spend most of the day.
- If the staff are correctly trained to work with young people of this nature, there is not a problem. However, this type of business usually employs poor quality, untrained and inexperienced staff.
- The staff and residents are not from Marple and turn up to a place of work with no consideration for those living here.
- The people running it are not from the local or Stockport area.
- Owned by a private business, nowhere near the Stockport area.
- The residents involved are not local.
- Previous applications are large revenue generating.
- The drive for the business is not the young people but the money it draws down from the Local Authority.
- The children would be better cared for in a building and grounds suitable for their needs with staff that are attentive and respect their confidentiality and privacy.
- There is no garden for the children. The grounds are paved.
- The security light is on 24/7, causing light pollution and disturbing sleep.
- The number of cars is disruptive with the number of carers that come and go to the premises and the police presence during the day and night is a hazard to road safety and people using the road. It is difficult for neighbours to get in and out of driveways, creating blind spots on the road.
- Restricted parking with more vehicles in the area.
- Health hazards due to rubbish not being put away and staff not bothering putting bins out, causing a pile up of bin bags on the drive.
- There are already a few similar homes in Marple.
- Residents of Cross Lane have always been considerate of one another.
- There have been no attempts by the owners or management to engage with local people or communicate their plans/appease neighbour concerns and it has felt quite hostile.
- No attempt has been made to contact neighbours under the new rebranded management.

- Residents have spoon-fed the home with the operating protocol via complaints, which has been used against residents on the application, reiterating the points back.
- Writing about Marple as if it is something that is part of their management plan is laughable. Marple is like it is because the community maintain it. It should not be taken into consideration as a suitable enhancement for a business that has changed names yet again, hoping that residents will forget the disruption.
- Do not understand why there is a 'consultation period' as it will be granted and will open, despite all the local problems it has caused in the past.
- Why do we need this business on Cross Lane? Does it benefit the local community? Does it benefit our local children or residents or give back to Marple in any way?
- What good would it do for the community having a children's home in the vicinity?
- Why is local opinion valued so lowly?
- The Council is aware of the disruption to local residents. Why would a license be issued?
- The uncertainty of the future should the application be granted is unsettling.

CONSULTEE RESPONSES

Highway Engineer

The site lies in an accessible location in Marple centre with easy access to local amenities and public transport.

The level of traffic expected to be generated by the new use is not judged likely to be of a level to cause any severe impact on the operation of the local highway.

There is sufficient hardstanding area within the site to accommodate the number of vehicles which might be expected to visit the site at any time served by existing vehicle access from Cross Lane.

Whilst accepting that the location is sustainable, support should be provided for non-motorised journeys to and from the site primarily by staff. A secured covered cycle store is therefore required and details should be provided. I recommend a condition be applied to any approval to secure same.

Space is available within the curtilage for refuse storage.

- Recommendation : No objection subject to the following condition :-

Condition : No work shall take place in respect to the provision of cycle parking within the site until details of proposals to provide a long-stay cycle parking facility for the approved development (which shall be in the form of a covered and secure cycle store that will accommodate a minimum of 2 cycles) have been submitted to and approved in writing by the Local Planning Authority. Facility to be provided within 3 months of issue of any approval notice.

Reason : To ensure that safe and practical cycle parking facilities are provided so as to ensure that the site is fully accessible by all modes of transport in accordance with Policies CS9 'Transport and Development', T-1 'Transport and Development' and T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD and the cycle parking facilities are appropriately designed and located in accordance with Policies SIE-1 'Quality Places' and T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD, supported by paragraph 5.6, 'Cycle Parking', of the SMBC Transport and Highways in Residential Areas SPD.

Environmental Health Officer (Noise and Amenity)

- This service has no objection to the proposal, in relation to impact upon the environmental quality of life to existing sensitive receptors, in proximity to the proposed development.

The proposal is to regularise the existing current use at 2 Cross Lane, Marple. The premises has historical use as a children's home: examination of the premises history has identified commercial services (food hygiene) premises record reference: 34733 – Cross Lane Children's Home, Open Date 09/11/2011, Closed Date 22/02/2018.

This service has no noise complaint history for 2011 – 2018, on the complaint database.

The previous planning application DC/087461 (withdrawn) - Change of use from dwellinghouse (Use Class C3) to residential children's home (Use Class C2) (Retrospective) - generated two noise complaints (late February and early March 2023) to this service concerning people noise. The matter was unable to be progressed via the statutory noise nuisance regime as 'noise event logs' were not returned to this service and no further issues have been reported.

The application is a detached property. The retrospective change of use from dwellinghouse (Use Class : C3) to supported residential care home (Use Class : C2) for up to 3 children (Retrospective) is not considered that the layout shall introduce unreasonable or excessive noise sources, not usually associated with domestic residential use. In addition the proposal is supported residential care home for up to 3 children. Further, such facilities are required to have adequate staff supervision 24/7, to immediately resolve/manage any issues as they arise.

Childrens Commissioning Team

We request that this change of use is refused on the grounds that there is already a large over-supply of children's homes within Stockport.

The GM Childrens Sufficiency Observatory recognises that Stockport has 3.2 times the number of external children residential placements located in Stockport compared to the number of placements that we need for Stockport children. This is the largest over-supply of children's homes when compared to all other GM authorities. 90% of all available residential children's homes placements within Stockport were filled by young people who were placed by other local authorities. This impacts on services within Stockport, such as education, health and police services.

Greater Manchester Police

No comments made.

ANALYSIS

Background

The application site has an extensive planning history. In 2005, planning permission was granted for the change of use from a dwellinghouse to a residential children's home, to include the conversion of the rear storage buildings to an annexe containing 2 self-contained units (Reference : DC018485).

This planning permission was implemented and it is understood that the premises operated as a children's home until 2016, when the use as a children's home ceased.

It is understood that the property was used as a residential dwellinghouse between 2016 and 2022 and in view of the fact that the residential dwellinghouse was used continuously for a four years, the lawful use of the property is a residential dwellinghouse (Use Class : C3).

Information contained within the submitted application confirms that the property has been used as a supported residential care home (Use Class : C2) since October 2022 without the benefit of planning application, hence the retrospective nature of the current planning application.

Policy Principle

The application site is allocated within a Predominantly Residential Area, as defined on the UDP Proposals Map. Saved UDP policy CDH1.3 relates to proposed care homes and confirms that such uses are appropriately located within residential areas, provided that they do not adversely affect neighbouring properties or the area and 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.

In assessment of the proposal against saved UDP policy CDH1.3, the following is noted :-

- The application site comprises a detached property. Amenity space is provided by way of a hard surfaced rear curtilage, of a size comfortably in excess of the required 15 square metres per resident.
- The application site accommodates an off-road parking area to the front curtilage, screened from Cross Lane by a mature hedge to the front site boundary. An area of landscaping is evident within the front curtilage.
- The application site is located close to and within reasonable walking distance of local facilities within Marple District Centre to the North, along with local primary and secondary schools.

In view of the above, provided that the use of the property as a children's care home can be accommodated on the site without causing harm to the amenity of existing residential properties and is acceptable in respect of other material planning considerations, the use of property as a children's residential care home comprises an appropriate use within a Predominantly Residential Area. These matters will subsequently be assessed in turn.

Impact on Residential Amenity

At the outset, a number of objections have been received to the application from neighbouring properties, which are contained within the Neighbour Views section above. From the neighbour objections received, it is clear that the operation of the property as a children's residential care home in the past and in recent times, has undoubtedly caused a level of concern from neighbouring properties in respect of noise and disruption impacts.

It is acknowledged that the use of the site as a residential children's care home does to some degree differ from that of a residential dwellinghouse, as the level of care and support required for children results in a more frequently accessed site by carers and staff and leads to some additional activity to its use as a single dwellinghouse.

Notwithstanding the above, information submitted in support of the application confirms that the property for which retrospective planning permission is sought is inhabited by a maximum of 3 children and 2 carers/staff at any one time. The level of occupation, including activity at the property and comings and goings to and from the property, is therefore considered to be similar to that of a family residential dwellinghouse. Noise and disturbance generated within the property and garden from activity by the occupiers is likely to be similar to that created by use as a family dwellinghouse. As such, it is accordingly considered that the use of the property as a residential care home for 3 children would not be likely to have any more of an adverse impact on the amenity of nearby residents than use of the property as a family dwellinghouse in respect of noise and disturbance impacts.

The detailed comments received to the application from the Council Environmental Health Officer are contained within the Consultee Responses section above. In raising no objections to the application, the Environmental Health Officer notes that the property is detached and it is not considered that the layout of the property would introduce unreasonable or excessive noise sources not usually associated with domestic residential use. In addition, the Environmental Health Officer notes that children's residential care home facilities are required to have adequate staff supervision at all times to resolve issues should they arise. The Environmental Health Officer further notes that no noise complaints were received in relation to the property between 2011 and 2018. Two noise related complaints were received in

February/March 2023, however the matter was unable to be progressed via the statutory noise nuisance regime as 'noise event logs' were not returned and no further issues have been reported since this time.

In the interests of residential amenity, a condition would be imposed to limit the scale and nature of the use of the premises, to restrict the use as a children's residential care home for up to three children and for no other purpose (including any other purpose within Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended)).

In view of the above factors, whilst the objections raised to the application are noted and acknowledged, it is considered that the use of the property as a children's residential care home for up to three children can be accommodated at the site, within a Predominantly Residential Area without causing undue harm to the residential amenity of surrounding properties. As such, the proposal is considered to comply with saved UDP policy CDH1.3 and Core Strategy DPD policies CS8, SIE-1 and SIE-3.

Fear of Crime and Anti-Social Behaviour

At the outset, a number of objections have been received to the application from neighbouring properties, which are contained within the Neighbour Views section above. From the neighbour objections received, it is clear that the operation of the property as a children's residential care home in the past and in recent times, has undoubtedly caused a level of concern from neighbouring properties in respect of crime, fear of crime and anti-social behaviour impacts.

The perception of and fear of crime is a material consideration in the determination of planning applications. Paragraph 96 of the NPPF states that planning decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible so that crime and disorder and fear of crime do not undermine the quality of life or community cohesion. In addition, under Section 17 of the Crime and Disorder Act 1998, the Council acting as Local Planning Authority has a duty imposed upon it to have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area.

Notwithstanding the above, Members are advised that the operation and regulation of a children's home is not a planning matter and it is not the remit of the planning system to regulate who is housed in a care home and how they are run or managed. The planning system deals with the use of land and development and, as such, the Local Planning Authority must consider the principle of the C2 use at the site. As assessed above, in purely land use planning terms, it is considered appropriate to locate such C2 uses within Predominantly Residential Areas. Members are advised that should planning permission be granted, this would run with the land and not the applicant/operator.

As highlighted in previous sections of the report, in land use planning terms, the use of premises as a residential care home for 3 children is similar in nature to a large family dwellinghouse. What makes it different however is the perceived personalities of the young people that occupy such premises and the level of disruption that results from the behaviour of such residents. This is an unknown, variable factor and it would be unreasonable to consider that crime and anti-social behaviour are an inherent part of the character of a children's care home.

Members are advised the management of such premises are regulated outside of the planning system and the regulating body for this type of facility is Ofsted, rather than the Local Planning Authority. The residential children's home requires to be registered by Ofsted and such registration can only be achieved if Ofsted is satisfied that an appropriate environment and management regime is in place for the children to be cared for. Ofsted would be the regulatory body that would investigate any mismanagement of the premises or if children within their care are creating risks or dangers to themselves or others. Clearly any incidences of crime or criminal behaviour would be handled by the Police.

Key to any impact is the effective management of the premises which would be a matter for the site operator. Provided that the premises are managed responsibly, there is no reason why the use of the premises as a children's residential care home should result in an unacceptable increase in crime and anti-social behaviour and it follows that a well-managed facility ought not to cause significant detriment to nearby residents. Again, whilst a Management Plan has been submitted in support of the application, effective management of the premises would be outside the control of the planning system.

Children are placed in care for any number of reasons and the objective of any operator should be to offer the best possible care, support and security for children in an environment which would be consistent with 'normal' residential living conditions and the regularity of daily life. Living within a community environment and providing the children with a 'normal' and stable lifestyle is one of the reasons for accommodating children within a residential area and environment in close proximity to local amenities and facilities, as is the case with the application site. It is therefore in the interests of the applicant and operator that they integrate with neighbours and the community rather than be a cause of conflict.

In view of the above factors, the perception of and fear of crime is a material planning consideration and the objections raised in respect of increased crime and anti-social behaviour associated with the use of the premises as a children's residential care home are noted and acknowledged. However, the planning system deals with the use of land and it is not the remit of the planning system to control who is housed in such a facility and how they are run and managed, which is regulated by Ofsted. As such, actual or perceived crime and anti-social behaviour risks are not considered to carry sufficient weight in planning terms to justify the refusal of the planning application.

Traffic Generation, Parking and Highway Safety

The detailed comments received to the application from the Council Highway Engineer are contained within the Consultee Responses section above.

In raising no objections to the application, the Highway Engineer notes that the site lies in an accessible location in relation to Marple District Centre, with easy access to local amenities and public transport. The level of traffic expected to be generated by the residential care home for up to three children is not considered to be of a level to cause any severe impact on the operation of the local highway network. There is sufficient hardstanding within the site to accommodate the number of vehicles which might be expected to visit the site at any time served by the existing vehicle access from Cross Lane. Space is available within the curtilage for refuse storage. In order to support non-motorised journeys to and from the site by staff, a condition is recommended to require the provision of appropriate cycle parking facilities.

In view of the above, in the absence of objections from the Highway Engineer and subject to conditional control, the use of the property as a residential care home for up to three children is considered acceptable from an accessibility, traffic generation, parking and highway safety perspective. As such, the application complies with saved UDP policies CDH1.3 and MW1.5, Core Strategy DPD policies SIE-1, CS9, T-1, T-2 and T-3, MNP policy GA1 and the Transport and Highways in Residential Areas SPD.

Loss of Dwelling

The use of the premises as a children's residential care home (Use Class C2) would result in the loss of an existing dwellinghouse (Use Class C3) at the site and is therefore subject to assessment against the requirements of saved UDP policy HP1.3. This policy states that in determining planning applications which would involve the loss of existing dwellings, the Council will have regard to the balance of factors including the restricted housing land supply in Stockport; whether the change of use or redevelopment is for some form of community facility; whether the development is small-scale and is a source of employment or service for the local residential community; the extent to which dwellings suffer from adverse environmental conditions; and whether the loss of dwellings would be justified to facilitate regeneration.

It is acknowledged that Stockport is currently in a position of housing under-supply, with 3.78 years of supply against the minimum requirement of 5 years + 20%, as set out in Paragraph 77 of the NPPF. However, it is considered that the use of the property as a children's residential care home would retain the nature and character of a family dwellinghouse, would provide residential accommodation for members of society who are in need of such residential accommodation and could easily be converted back to a dwellinghouse if the use as a children's residential care home was to cease. Use as a children's residential care home for 3 children is considered to be small-scale, the use could be looked upon as a community facility and the use would generate some employment.

In view of the above, it is considered that the loss of the use of the property as a dwellinghouse would not have a significant detrimental effect on housing supply in Stockport and the proposal would therefore not conflict with saved UDP policy HP1.3.

Over-Provision of Children's Homes

The objection raised to the application from the Council Children's Commissioning Team in respect of an over-supply of children's homes within Stockport is acknowledged. The Children's Commissioning Team confirm that Stockport has 3.2 times the number of external children residential placements located in Stockport compared to the number of placements that are needed for Stockport children. This is the largest over-supply of children's homes when compared to all other Greater Manchester authorities. 90% of all available residential children's homes placements within Stockport were filled by young people who were placed by other local authorities, which impacts on services within Stockport, such as education, health and police services.

Notwithstanding the above objections and whilst over-supply of children's homes within a particular area that may unduly impact on the character of an area may be a material planning consideration, Members are advised that there are no local planning policies in place which specifically restrict the number of such uses within a

particular area and national planning policy and guidance does not identify the factors a Local Planning Authority should take into consideration in planning terms. Coupled with the fact that there are only two other children's homes within the Marple Area with neither being on the same road as the application site, it is considered that a refusal of the application on the grounds of over-supply and an unacceptable concentration of such uses within the area would not be sustainable.

SUMMARY

At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 8 of the NPPF establishes three dimensions to sustainable development – economic, social and environmental and indicates that these should be sought jointly and simultaneously through the planning system.

The application seeks retrospective planning permission for the change of use of Number 2 Cross Lane, Marple from a dwellinghouse (Use Class : C3) to a supported residential care home (Use Class : C2) for up to three children.

In the absence of objections from the Council Highway Engineer, the use of the property as a residential care home for up to three children is considered acceptable from an accessibility, traffic generation, parking and highway safety perspective. It is considered that the loss of the use of the property as a dwellinghouse would not have a significant detrimental effect on housing supply in Stockport. Notwithstanding the objection raised by the Council Children's Commissioning Team, it is considered that a refusal of the application on the grounds of over-supply and an unacceptable concentration of such uses within the area would not be sustainable.

A number of objections have been received to the application from neighbouring properties, raising significant concerns regarding the operation of the property as a children's care home in the past and in recent times, in respect of loss of residential amenity by reason of noise, disturbance, crime and anti-social behaviour. However, it is considered that the noise and disturbance generated by the use of such a detached property within a spacious site as a residential care home for up to 3 children would not result in any more of an adverse impact on the amenity of nearby residents than the use of the property as a family dwellinghouse. In addition, it is not the remit of the planning system to control who is housed in such a facility and how they are run or managed, which is regulated by Ofsted. On this basis, whilst the genuine concerns raised by local residents are noted and acknowledged, a refusal of the application on the grounds of loss of residential amenity by reason of noise, disturbance, crime and anti-social behaviour is not considered to be justified or sustainable.

In view of the above, the proposal is considered to comply with relevant saved UDP, Core Strategy DPD and MNP policies. In considering the planning merits of the proposal against the requirements of the NPPF, on balance the proposal is considered to represent sustainable development. On this basis, notwithstanding the objections raised, in accordance with the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application is recommended for approval.

RECOMMENDATION

Grant.

The webcast of the meeting can be viewed at - https://stockport.public-tv/core/portal/webcast_interactive/895147/start_time/5111000

The Planning Officer introduced the application and highlighted the pertinent issues of the application.

Members sought clarification from the Planning Officer on a number of matters, including the lack of reference to Police intervention and Police presence at the site within the report as highlighted by neighbouring properties; the planning history of the site and previous C2 use at the premises; consideration of issues relating to crime and fear of crime; whether or not the Police had chosen not to comment on the application or had not raised any objections; reference to crime and fear of crime within the NPPF and local planning policies; and whether or not such facilities for use by adults would require planning permission. The Planning Officer provided clarification to the matters raised by Members.

A member of the public spoke in objection to the application on behalf of local residents. It was stated that the application comprised a commercial use within a residential area. The property had been used for such a facility previously and had closed down when it had failed for its purpose and it was questioned why the current application was different to the applications that had failed in the past? It was disappointing that the Police were not present, as it was questioned whether adequate Police resources were available to attend the premises every day. The Police had visited the premises numerous times, which has become a hub of anti-social behaviour, reported and recorded with the Police, including recent incidents. If Police resources are so stretched, why are they choosing not to comment on the application?. The consultation period on the application appears back to front and the process is not clear to follow. The home is open already despite residents objections and it was questioned what was so attractive to open the premises against the wishes of residents. Incidents of issues in the immediate area, including youths fighting with Police in neighbours gardens and neighbours being threatened with a metal bar, were highlighted. It was considered that the home served no purpose for the people of Marple, occupied by children, employing staff and being operated by people from outside Marple. The consultation methods are not fit for purpose. The fear of crime for residents is horrendous.

Members sought clarification from the objector on a number of matters, including where the objections to the application are from; whether or not Ofsted had objected to the application; the extent of Police presence at the premises; whether or not the applicant had sought to address issues with local residents; and when the anti-social behaviour and criminal activity referred to had taken space. The objector provided clarification to the Member questions.

The applicant spoke in support of the application. It was stated that the applicant had been operating the home for approximately 12 months and had 25 years experience within the industry. Neighbour concerns were appreciated and it was advised that management plans were in place to address issues. The aim was to provide a therapeutic and nurturing environment for residents. Recent Police activity was highlighted, however it was stated that this was as a result of a report of a child being missing from home rather than in respect of anti-social behaviour. It was advised that positive correspondence had been received from the Police and relevant safeguarding bodies. It was stated that the applicant had contacted local residents and provided contact details to report when issues arise.

Members sought clarification from the applicant on a number of matters, including who had operated the premises previously and who is operating the premises currently; whether the staff employed are new; whether or not issues experienced by local residents are recent; how the children are allocated to the premises; how long the most recent Police incident lasted for; why planning permission had not been sought prior to the use of the premises commencing; and the extent of discussions that had taken place with local residents in respect of their concerns. The applicant provided clarification to the Member questions.

Members debated the application. The residents concerns in respect of issues relating to fear of crime at the premises and subsequent Police presence were noted and it was not considered acceptable that the Police had not provided comments on the application. In the absence of Police comments, it was considered that there was insufficient information available for Members to make a decision on the application. Concerns were raised as to the discrepancies between the comments made by the objector and the applicant in respect of the number of Police attendance at the premises. It was noted that Stockport have more placements than other Boroughs, which needed to be considered. It was noted that there had been previous issues at the site, however the issues currently seemed under control. Members acknowledged that planning permission would not be required for use of the premises if it was occupied by adults. The oversupply of such premises in the Borough as raised by the Children's Commissioning Team, along with the loss of a dwellinghouse in a period of housing under-supply, were noted. It was acknowledged that it could not be controlled where children/residents came from and effective management of such uses is key.

Following the debate, it was proposed, seconded and resolved that the application be deferred and referred back to Marple Area Committee once comments from the Police had been provided on the application.