

# Heatons and Reddish Area Committee

10<sup>th</sup> March 2025

## DEVELOPMENT APPLICATIONS

### Report of the Deputy Chief Executive and Corporate Director (Corporate & Support Services)

#### ITEM 1

**DC/093113**

#### SITE ADDRESS

11 Allerdean Walk, Heaton Moor, Stockport, SK4 3RP

#### PROPOSAL

Application to change the use of a (C3a) dwelling to a children's home for a maximum of three children, with three carers and a manager, two of whom will sleep overnight, working on a rota basis (C2)

#### **INFORMATION**

This application needs 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

<b>Application Reference</b>	<b>DC/093113</b>
<b>Location:</b>	11 Allerdean Walk Heaton Moor Stockport SK4 3RP
<b>PROPOSAL:</b>	Application to change the use of a (C3a) dwelling to a children's home for a maximum of three children, with three carers and a manager, two of whom will sleep overnight, working on a rota basis (C2)
<b>Type Of Application:</b>	Full Application
<b>Registration Date:</b>	23.08.2024
<b>Expiry Date:</b>	Extension of time agreed.
<b>Case Officer:</b>	David Storrie
<b>Applicant:</b>	AM7 Living Ltd
<b>Agent:</b>	Rose Consulting

## DELEGATION/COMMITTEE STATUS

Heatons and Reddish Area Committee - application referred to Area Committee for determination due to the receipt of 6 letters of objection, contrary to the Officer recommendation to grant permission.

## DESCRIPTION OF DEVELOPMENT

Application to change the use of a (C3a) dwelling to a children's home for a maximum of three children (aged between 7 until their 18<sup>th</sup> birthday), with three carers and a manager, two of whom will sleep overnight, working on a rota basis (C2). The internal layout of the property remains the same as the existing at ground floor level apart from the existing garage being converted into a staff office and staff sleeping space, whilst the first floor layout remains as existing with 4 bedrooms. Parking is available on the front forecourt of the property.

The Design and Access Statement (DAS) states, amongst other things, the following:-

*“The intention is to register the home for three children (7 until their 18<sup>th</sup> birthdays) with emotional and behavioural needs. It will, through OFSTED, have a stringent impact assessment to ensure it will integrate with the local community, plus peer groups and assesses against each child as an individual prior to admission into the home. The children will live at the property long-term, hopefully for many years. This is not a half-way house or emergency housing for children.*

*The proposed children’s home seeks to replicate as closely as possible a normal family environment. This type of provision, which government policy is promoting, is to help children who often, through no fault of their own, have not had good parenting in their early years.”*

The application is supported by the following documents:

Application form  
Location Plan  
Floor Plans  
Highway Report plus Addendum  
Design and Access Statement

## **SITE AND SURROUNDINGS**

The application property is a 4-bed two-storey detached dwelling, with an attached garage located towards the head of a cul de sac of another 8 similar residential properties. The character of the immediate area is residential.

## **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.

Other material considerations include the National Planning Policy Framework (‘the Framework’) and associated Planning Practice Guidance (‘the Guidance’), as well as Supplementary Planning Guidance documents

### **The Development Plan includes-**

Policies set out in the Stockport Unitary Development Plan Review adopted 31<sup>st</sup> 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 17<sup>th</sup> March 2011.

### **Saved Policies of the SUDP Review**

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

### **LDF Core Strategy/Development Management Policies**

CS1: OVERARCHING PRINCIPLES: SUSTAINABLE DEVELOPMENT –  
ADDRESSING INEQUALITIES AND CLIMATE CHANGE  
SD-1: Creating Sustainable Communities

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

## **Supplementary Planning Documents and Guidance**

Supplementary Planning Guidance (Saved SPG's & SPD's) 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.

'Transport & Highways in Residential Areas' (2006), Adopted Parking Standards (Appendix 9).

## **Stockport Climate Action Now (Stockport Can)**

The Council declared a climate emergency in March 2019 and agreed the ambition to become carbon neutral by 2038. Subsequently, in December 2020 the Council adopted the Stockport CAN Climate Change Strategy, it sets out the initial actions that Stockport Council will take to make a difference on climate change over the next five years as it begins the journey to net- zero 2038. This document is read alongside current planning policies and is being used to inform work in developing a new local plan.

## **National Planning Policy Framework**

A Revised National Planning Policy Framework (NPPF) issued by the Secretary of State for Housing, Communities and Local Government (MHCLG) in December 2024 replaced the previous NPPF (originally issued 2012 & revised 2018 and 2023). 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".

## **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.

<https://www.gov.uk/government/collections/planning-practice-guidance>

## **RELEVANT PLANNING HISTORY**

Application Reference DC/092020 – Application for a Lawful Development Certificate for change of use of a Class C3 dwelling to a children’s home (Class C2) for up to three children with up to three carers, two sleeping overnight working on a rota basis.

Application withdrawn 24 June 2024

## **NEIGHBOUR'S VIEWS**

The occupiers of 14 nearby properties have been notified directly in writing about the application. The expiry date of the notification period was 19/10/24. At the time of report preparation a total of 8 representations have been received objecting to the proposal on the following summarised grounds:-

- Negative impact on the community
- Frequent emergency presence as witnessed by an existing children’s home at no.15 Allerdean Walk (granted in 2004)
- Increased traffic hazard on a small cul de sac with no designated turning point. Staff, visitors and service vehicles attending the home would have to reverse out creating a higher risk of accidents
- Noise pollution and anti-social behaviour. This has been experienced from the existing children’s home with late night swearing and shouting and arguments in the street. Adding another children’s home so close to the existing will exacerbate matters.
- Lack of community integration. The operators of the existing children’s home have failed to integrate with the community
- Over saturation of care facilities in the neighbourhood
- Impact on property values
- Traffic and parking problems
- Concern about the experience of the applicant in operating children’s homes
- Concern about potential detrimental relationships between occupiers of two children’s homes at close quarters.
- It would result in two out of eight houses in the cul de sac used as a children’s home. Unacceptable impact on residential character of the street.
- Privacy issues being sandwiched between two children’s homes with children with special needs
- Fails to preserve the character and amenity of residential areas.

## **CONSULTEE RESPONSES**

**Highways** – initial comments question if adequate parking provision is available and express concern that parking for 3 cars on-site would not be available. Following further information submitted by the applicant’s Highways consultant that staff would be encouraged to use alternative modes of transport to the car and, that the forecourt could accommodate 2 cars and that traffic movements would be comparable to that of a normal residential use, Highways removed their objection. Whilst it was acknowledged that there may be a potential slight increase in offsite parking causing a potential negative impact on amenity of other residents, loss of amenity is not a justifiable reason for refusing the application on highway grounds.

**Environmental Health (Noise and Amenity)** – No objections. There is no history of children’s homes in the district generating noise complaints to the service. This is

because such facilities have adequate staff present 24/7 to immediately resolve/manage issues as they arise.

### **Children's Commissioning Team**

We have previously informed the applicant that Stockport is over supplied with Children's Homes. We do not work closely with this provider at the moment. 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 analysis 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. Some 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. We feel that parking could create problems as, during hand-over times each day there will be double the number of staff vehicles. There could be additional visits from others such as social workers, education, police and health professionals.

### **ANALYSIS**

At the outset it is acknowledged that the site lies within a Predominantly Residential Area' as identified on the Proposals Map of the Stockport Unitary Development Plan.

The use of the property as a children's home (Use Class C2) would result in the loss of an existing dwellinghouse (Use Class C3) and is therefore subject to assessment against the requirements of Policy HP1.3. This policy considers the loss of dwellings and outlines that the Council will have regard to the balance of factors including amongst others the restricted housing land supply in Stockport; whether the change of use 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.

Stockport is currently in a position of housing under-supply, against the minimum requirement of 5 years + 20%, as set out in the NPPF. However, it is considered that use as a children's home would retain the nature and character of a family house, provide residential accommodation for children in need of a home and could easily be converted back to a dwellinghouse if the use as a children's home was to cease. Use as a children's home for up to 3 children is considered small-scale and could reasonably be considered a community facility and would provide economic benefits thorough generating employment opportunities. Overall, given the balance of factors the loss of a dwellinghouse to a children's home would not have a significant detrimental effect on housing supply in Stockport and accordingly would not undermine the aims and objectives of Policy HP1.3.

Policy CS8 aims to enhance residential character, ensuring new developments are sympathetic to existing environments, Policy SIE-1 emphasizes that developments should positively contribute to the area and not detract from its character and Policy SIE-3 safeguards residential amenities, preventing unacceptable levels of disturbance for residents. With respect to care homes Policy CDH1.3 confirms that such uses are appropriately located within residential areas, provided they do not adversely affect neighbouring properties or the area and the proposal: -

(i) provides a minimum of 15m<sup>2</sup> 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 this instance the site accommodates a 4-bedroomed detached house with a grassed amenity area provided to the rear of the property, of a size comfortably exceeding the required 15m<sup>2</sup> per resident. The children's home would be served by an off-road parking area to accommodate 2 car parking spaces. The site is in a sustainable and accessible residential location within reasonable walking distance of local services and facilities along with local primary and secondary schools. Under the circumstances provided that the use of the property as a children's care home can be accommodated without causing harm to the residential character of the area and amenities of existing residents and is acceptable in respect of other material planning considerations, use as a children's home in principle amounts to a wholly appropriate use within a predominantly residential area under the provisions of Policy CDH1.3

It is however acknowledged that, in planning terms, children's care homes, to some degree, differ from that of a typical dwellinghouse given the level of care and support required for children may result in a more intensive use with carers and staff visiting the site. The submitted Design and Access Statement confirms that the property would be occupied by a maximum of 3 children aged between 7 and 18 and 2 carers/staff would remain at the home 24 hours per day and live as a family unit with the children. Six carers would operate on a shift pattern of 48 hours on and 60 hours off. There would be one changeover of the overnight care staff per day, usually around 9.30am each morning, which would last around 10 minutes. The staff would be supported by a manager who would usually visit the site each weekday between 9am and 5pm. The residential staff role is comparable to that of a parent or foster carer by cooking meals, assisting with schoolwork, emotional and physical support and sharing activities etc.

Overall, the level of activity and comings and goings, is not considered significantly dissimilar to that of a typical 4-bedroomed family house. Noise and disturbance generated from the children's home is likely to be not substantially dissimilar to that associated with a typical house occupied by family and would be unlikely to have any materially greater impact on the amenities currently enjoyed by neighbouring residents, moreover, the Council's Environmental Health Officer raises no objection. Nonetheless in the interests of safeguarding the residential amenities and quality of life of neighbouring residents a condition could be imposed to limit the scale and nature of the use of the property if considered necessary, to restrict the use as a children's home to provide accommodation for up to a maximum of 3 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). Notwithstanding the

objections raised, the use of the property as a children's home to accommodate up to a maximum of 3 children can be suitably accommodated within the predominantly residential area whilst avoiding any undue harm to the character of the area and amenities currently enjoyed by neighbouring residents and overall the proposal is considered to comply with the provisions of policies CDH1.3, CS8, SIE-1 and SIE-3.

In considering the application, it is important to recognise that the operation and regulation of children's home is not a planning matter, and it is not the remit of the planning system to regulate the character/behaviour of resident children or how a children's home is run or managed.

The planning system is limited to the consideration of the use of land and operational development. In purely land use planning terms, it is considered appropriate to locate children's homes within predominantly residential areas and it would be clearly unreasonable to speculate on the behaviour of resident children. It is noted that management of children's homes is regulated outside of the planning system Ofsted would be the regulatory body that would investigate any management issues and children 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 near to local amenities and facilities, as is the case in this instance and it is in the interests of the applicant/operator that they integrate with neighbours and the community rather than be a cause of any disharmony.

Objectors have drawn attention to issues of anti-social behaviour from residents of the existing Children's Home at 15 Allerdean Walk that have caused concerns since its approval in 2004. These are anecdotal comments, and no evidence has been provided such as crime numbers or complaints made to the Council or the Police. Attributing significant weight on such concerns would depend on whether or not there is evidence that shows that the potential risk of crime is shown or expected to be high and the consequences for the community and individual are serious. Furthermore, concerns raised could be issues related to the running of that particular home, which could be overcome by changes to the management of the site.

This application falls to be considered on its planning merits and not on how another children's home nearby has operated.

Policy CS9 requires development to be in areas, which are accessible, Policy T-1 states that new developments should maintain and enhance the connectivity, accessibility, convenience and safety, the policy refers to the Council's adopted parking standards, including cycle parking standards. Policy T-2 requires that developments provide car parking in line with the maximum parking standards for the proposed land use, as per the adopted parking standards. Policy T-3 notes that development, which will have an adverse impact on the safety and/or capacity of the highway network, will only be permitted if mitigation measures are provided to sufficiently address such issues. Developments are required to be of a safe and practical design, with safe and well-designed access arrangements, internal layouts, parking, and servicing facilities.



Notwithstanding the objections raised by neighbouring residents and the Council's Children's Commissioning Team relating to traffic and parking provision the level of traffic expected to be generated by the children's home for up to a maximum of three children is not considered to realistically cause any severe impact on the operation of the local highway network. Most noticeable impact would be at staff changeover where parking demand would be greatest at the shift overlap though the applicant suggests shift changes at 09.30am to minimise impact on peak traffic in the area and when demand for parking would be expected to be relatively low.

In terms of car parking provision and highways matters, the NPPF advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. This is a high policy test, and it is not considered that the proposal would be associated with severe adverse highway impacts to justify withholding permission. Overall, the Council's Senior Highway Engineer remains satisfied with the means of access, off-street parking, and servicing arrangements in accordance with the provisions of policies MW1.5, SIE-1, SD-6, CS9, CS10, T-1, T-2, T-3 and, the Sustainable Transport SPD.

The objection raised by the Council's Children's Commissioning Team in respect of an over-supply of children's homes with Stockport having 3.2 times the number of external children residential placements compared to the number of placements that are needed for Stockport children is acknowledged. 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 that over-supply and/or a concentration of children's homes within a particular locality could theoretically impact on the character of an area and the amenities of neighbouring residents, Stockport's Local Development Scheme does not include any policy which requires consideration of restricting the number of children's homes, and in the absence of national planning policy/guidance regarding over-supply withholding permission on such grounds of over-supply would be unreasonable.

The purpose of the planning system is to contribute to the achievement of sustainable development, which is multi-faceted, encompasses three overarching objectives - economic, social, and environmental, which are interdependent and need to be pursued in mutually supportive ways. Decisions should play an active role in guiding development towards sustainable solutions, but in doing so should consider local circumstances, to reflect the character, needs and opportunities of each area. Overall, when the range of considerations are weighed in the overall planning balance there are no adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

The proposal amounts to Sustainable Development in accordance with the Development Plan, where Section 38(6) requires the grant of permission subject to conditions.

## **RECOMMENDATION**

Grant