

**Application Number** 18/00582/FUL

**Proposal** Change of use of the building from a dwelling house (use class C3(a) to a care home (use class C2)

**Site** The Coach House, Park Bridge, Ashton under Lyne OL6 8AJ

**Applicant** Kamran Abassi, 1 Stuart Road, Bredbury, Stockport SK6 2SR

**Recommendation** Approve

**Reason for report** A Speakers Panel decision is required due to the call in request made by a neighbouring resident.

## **REPORT**

### **1. APPLICATION DESCRIPTION**

- 1.1 The applicant seeks planning permission for the change of use of the building from a residential dwelling (use class C3 (a)) to a care home (use class C2). The care home would be occupied by up to 4 residents and 2 carers.
- 1.2 The applicant has provided the following documents in support of the planning application:  
- Planning Statement

### **2. SITE & SURROUNDINGS**

- 2.1 The application site comprises a five bedroomed detached, 2 storey stone built dwelling located in the Green Belt in Park Bridge to the north of Ashton under Lyne. There is a neighbouring property (Dean House) located to the east, the terraced properties on Dean Terrace are located to the west and the buildings converted into the Park Bridge Heritage Centre is located to the south west.

### **3. PLANNING HISTORY**

- 3.1 18/00436/CPUD - Certificate of Lawfulness for a proposed use as a home for up to four children or young people with up to two full-time resident carers – refused.
- 3.2 14/00058/FUL - Demolition of existing garage, stable and hardstanding and erection of a new dwelling – approved but not implemented (now expired)

### **4. RELEVANT PLANNING POLICIES**

#### **4.1 Tameside Unitary Development Plan (UDP) Allocation**

The site is located in the designated Green Belt

#### **4.2 Part 1 Policies**

1.3: Creating a Cleaner and Greener Environment.

1.5: Following the Principles of Sustainable Development

1.12: Ensuring an Accessible, Safe and Healthy Environment

#### **4.3 Part 2 Policies**

OL1: Protection of the Green Belt.

OL10: Landscape Quality and Character

T1: Highway Improvement and Traffic Management.

T10: Parking

C1: Townscape and Urban Form

N3: Nature Conservation Factors

N4: Trees and Woodland.

N5: Trees Within Development Sites.

N7: Protected Species

MW11: Contaminated Land.

U3: Water Services for Developments

U4 Flood Prevention

U5 Energy Efficiency

#### 4.4 **Other Policies**

Greater Manchester Spatial Framework - Publication Draft October 2016;  
Residential Design Supplementary Planning Document; and,  
Trees and Landscaping on Development Sites SPD adopted in March 2007.

#### 4.5 **National Planning Policy Framework (NPPF)**

Section 2: Achieving sustainable development

Section 11: Making efficient use of land

Section 12: Achieving well design places

Section 13: Protecting Green Belt Land

Section 15: Conserving and enhancing the Natural Environment

#### 4.6 **Planning Practice Guidance (PPG)**

This is intended to complement the NPPF and to provide a single resource for planning guidance, whilst rationalising and streamlining the material. Almost all previous planning Circulars and advice notes have been cancelled. Specific reference will be made to the PPG or other national advice in the Analysis section of the report, where appropriate.

### 5. **PUBLICITY CARRIED OUT**

- 5.1 Neighbour notification letters were issued to all neighbouring properties and a notice displayed on site in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

### 6. **RESPONSES FROM CONSULTEES**

- 6.1 Local Highway Authority – no objections raised to the proposals.
- 6.2 Borough Environmental Health Officer (EHO) – no objections raised and no conditions considered necessary.
- 6.3 Borough Tree Officer - There are a number of highly significant trees of considerable amenity and habitat value within the footprint of, and adjacent to, the site. The change of use should not affect these, but no excavation or material storage should be permitted within the root protection zones of these trees.
- 6.4 Coal Authority – no comments received.

## **7. SUMMARY OF THIRD PARTY RESPONSES RECEIVED**

7.1 50 letters of objection have been received to the application from nearby residents, raising the following concerns (summarised):

- The site is situated in an isolated location, which is only conveniently accessible by car. The site is not within close proximity of public transport and there are no footpaths along Dean Terrace. The property is just round the corner on a blind bend in the highway. The intensification of the use would result in an adverse impact on highway safety.

- The area is remote and poorly lit. There are already regular occurrences of anti-social behaviour in the area and there is a risk that this will be made worse by the proposed development.

- The proposed development conflicts with the use of Park Bridge as a unique area of quiet informal recreation for residents and its many visitors, individuals and families (over 30,000 annually), and prejudices the functions of the wider area. The increased noise from the property associated with its use as a care home will have a negative impact on the area's amenity and the peace, relaxation and tranquillity that visitors expect and value from a visit to Park Bridge.

- We sympathise with the need for vulnerable children to be given the best possible care, but we feel that Park Bridge in general, and this house specifically, is an unsuitable location for a children's home.

- Park Bridge has little in the way of entertainment or amenities or public transport. This may lead to boredom, groups of young people hanging around with nothing to do, possibly leading to criminal or anti-social behaviour. This could have a conflicting effect as the residents of Park Bridge who are vehemently protective could enforce self-policing measures.

- Concerns regarding how the occupants of the property will be monitored and measures to be put in place to prevent a rise in crime and anti-social behaviour in the area.

- The levels of anti-social behaviour in the area ensure that this is not a suitable location for vulnerable children to live.

- This village already has parking problems. Both Dean and Dingle Terrace are high density with room for just one car on the house frontage. Parking capacity in the area is already severely restricted and would be made worse by these proposals.

- This is not a sustainable location for a children's care home – the nearest school is over 1 mile away and there are no opportunities for social activity or employment within reasonable walking distance of the site.

- Concerns regarding the credentials of the applicant and their ability to operate a children's care home successfully.

- The grounds of Dean House (east of the site) extend to the rear of the application site – what measures are going to be put in place to protect the residential amenity of neighbouring properties?

## **8. ANALYSIS**

8.1 The key issues to be assessed in the determination of this planning application are:

- 1) The principle of development in the Green Belt
- 2) The impact upon the residential amenity of neighbouring properties
- 3) The impact on the character of the site and the surrounding area
- 4) The impact on highway safety
- 5) Other matters

## **9. PRINCIPLE OF DEVELOPMENT IN THE GREEN BELT**

9.1 Section 38 of the Planning and Compulsory Purchase Act 2004, states that applications should be determined in accordance with the development plan unless material

considerations indicate otherwise. Consideration will also be necessary to determine the appropriate weight to be afforded to the development plan following the publication of the National Planning Policy Framework. Paragraphs 212 -214 of the NPPF set out how its policies should be implemented and the weight which should be attributed to the UDP policies. Paragraph 213 confirms that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. At the heart of the NPPF is the presumption in favour of sustainable development.

- 9.2 The site is located within the designated Green Belt. The NPPF, at paragraph 134, sets out the five purposes of Green Belt. These are:
- a. To check the unrestricted sprawl of large built-up areas;
  - b. To prevent neighbouring towns merging into one another;
  - c. To assist in safeguarding the countryside from encroachment;
  - d. To preserve the setting and special character of historic towns; and
  - e. To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 9.3 Paragraph 142 of the NPPF states that inappropriate development in the Green Belt is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 9.4 Paragraph 144 of the NPPF states that ‘when considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other circumstances’.
- 9.5 Paragraphs 145 and 146 state that the construction of new buildings in the Green Belt should be regarded as inappropriate development unless one of the listed exceptions apply.
- 9.6 Policy OL1 of the UDP states that the Green Belt will be protected from inappropriate development and approval will not be given for the construction of new buildings except in specific purposes. The wording of this policy is slightly at variance with updated guidance of the NPPF, however, the fundamental requirement to keep Green Belts open and only to allow built development for specific purposes or where very special circumstances can be demonstrated remains.
- 9.7 This proposal would result in the re-use of a permanent building and therefore meets criteria d) of paragraph 146. Given that the proposals would not result in extensions to the building, the proposals would not result in an additional impact on the openness of the Green Belt over and above the existing situation. On that basis, the proposal is considered to constitute appropriate development in the Green Belt.
- 9.8 Subject to the development being considered sustainable in terms of its environmental impact and the satisfaction all other material planning considerations, the principle of development is considered to be acceptable.

## **10. RESIDENTIAL AMENITY.**

- 10.1 The scheme does not include any extension or external alterations to the building and would retain the separation distance to Dean House and the greater separation distances to the other neighbouring properties. Given these factors, it is considered that the proposals would not result in unreasonable overshadowing into, overlooking of or noise and disturbance to any of the neighbouring properties that would be harmful to residential amenity. This assessment is corroborated by the lack of objection from the EHO to the proposals.

## **11. CHARACTER OF THE SITE AND SURROUNDING AREA.**

- 11.1 Given that the proposals would not result in any extensions or external alterations to the building, it is considered that the proposals would not result in an adverse impact on the character of the site or the surrounding area.

## **12. HIGHWAY SAFETY**

- 12.1 The proposals would not involve any changes to the existing access arrangements serving the site. It is considered that the level of trips generated by the proposed use as a care home would not be significantly different to that of a five bedrooomed dwelling. This assessment is made with regard to the fact that the majority of the occupants of the use would be in receipt of supervised care and are therefore unlikely to be making regular independent journeys from the site. This assessment is corroborated by the lack of objection from the Local Highway Authority.
- 12.2 In relation to parking, there is a detached garage on the site and sufficient space for a minimum of 3 cars to park on hardstanding within the curtilage of the property. This level of provision would far exceed the requirements of the UDP in relation to C2 uses, which suggests that 1 space per 4 beds would be acceptable. It is therefore considered that proposals would not result in a reliance on on-street parking or result in a highway safety hazard in this regard.
- 12.3 It is therefore considered that the proposals would not result in a severe adverse impact on highway safety and in accordance with the guidance within paragraph 109 of the NPPF, planning permission should not be refused on this basis.

## **13. OTHER MATTERS**

- 13.1 Neither the Environmental Health or Contaminated Land Officer have raised any objections to the proposals and given that there are no physical works proposed, no conditions are considered necessary in that regard. It is considered that there is adequate space within the site for the storage of bins and therefore no further details are considered necessary in this regard. The site is located within an area of high risk with regards to coal mining legacy but does not involve any works that would involve excavations below ground level. There is nothing to suggest that ground stability would be adversely affected therefore. An informative can be attached to any planning permission granted explaining the responsibilities of the applicant in this regard.
- 13.2 In relation to drainage, the applicant has indicated on the application form that surface water and foul would be disposed of via connection to the mains sewerage network. Given the existing use of the site, it is considered that no further information is required in this regard to determine the planning application as further approvals will be required under the Building Regulations.
- 13.3 There is a group Tree Preservation Order on the land. The Borough Tree Officer has not raised any objections to the proposals given that the footprint of built development on the site would not change beyond the existing situation. A condition can be attached to the permission to ensure that during any internal works necessary to convert the building to the proposed use, protection measures are installed around the protected trees, to prevent damage to the root protection area of the specimens.

- 13.4 A number of objectors have raised concerns regarding the potential risk of increased crime and anti-social behaviour in the area arising from the proposed development. Whilst reducing opportunities for crime through the design of development is a material planning consideration, the risk of crime rates increasing in an area is not something that can be controlled through the planning system. In this case, there are no physical alterations to be undertaken to the building and so no opportunities for crime would be created by built environment factors. It is considered reasonable to condition the submission and approval of a management plan for the facility to ensure that the impact on the residential amenity of neighbouring properties minimised. The planning application could not however reasonably be refused on the hypothetical assertion that the change of use would lead to a risk of crime or that existing anti-social area would be detrimental to the amenity of the future occupants of the development.

## **14. CONCLUSION**

- 14.1 The development would not result in inappropriate development in the Green Belt. There would not be an adverse impact on the openness of the Green Belt or the character of the site or surrounding area as no physical alterations are proposed. Given the separation distances to be retained, there would not be any unreasonable overlooking into or overshadowing of neighbouring properties and the level of intensification of activity in the site would not lead to noise or disturbance that would harm the amenity of neighbouring properties. There are no objections from any of the statutory consultees and officers consider that there are no material planning reasons to refuse the application.
- 14.2 Following the above assessment, it is considered that the proposals would comply with the aims and objectives of the national and local planning policies quoted above.

## **15. RECOMMENDATION**

Grant planning permission, subject to the following conditions:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with the following approved plans:  
  
1:1250 Site location plan
3. Prior to the first occupation of the property for the use hereby approved, details of the measures to be put in place to ensure that the care home is managed to preserve the residential amenity of neighbouring properties and the visual amenity of the surrounding area shall be submitted to and approved in writing by the Local Planning Authority. The details shall include measures to manage areas both within and external to the building within the site and details of how the occupation of the premises is to be monitored. The management arrangements shall be implemented in accordance with the approved details on the first occupation of the development and shall remain in force at all times thereafter.
4. Prior to the commencement of any construction works on the site, tree protection measures to meet the requirements of BS5837:2012 shall be installed around all of the trees on the site to be retained. These measures shall remain in place throughout the duration of the demolition and construction phases of the development, in accordance with the approved details.