

Application Number: 23/00480/FUL

Proposal: Demolition of existing outbuilding and rear extension, erection of a single storey rear and side extension and conversion of existing dwelling to a 10 bedroom HMO.

Site: 106 Stamford Street, Stalybridge, SK15 1LU

Applicant: Mr Montgomery

Recommendation: Approve planning permission, subject to conditions.

Reason for Report: The application has been called in by Councillor Beardmore.

Background Papers: The planning application documents are background papers to the report. They are open to inspection in accordance with Section 100D of the Local Government Act 1972.

1. SITE & SURROUNDINGS

- 1.1 The application relates to a large three storey, six-bedroom semi-detached Victorian villa in a predominately residential area of Stalybridge. The property is situated in an elevated position on Stamford Street, which is the main thoroughfare between Ashton-Under-Lyne and Stalybridge. The application property is located on the outskirts of Stalybridge Town centre, within close proximity to West Hill School and Stamford Park to the west.
- 1.2 The property benefits from a large plot with garden space to the front and rear. A private cobbled stone road runs along the rear boundary connecting the terraced properties on West Street through to the terraced properties on Norman Road, also providing rear access to the Victorian villas on this section of Stamford Street.
- 1.3 The property is currently in a state of disrepair and in the process of being renovated internally. A rear dormer roof extension is also currently under construction utilising the residential dwelling's permitted development rights, as indicated on the submitted existing and proposed floor plans and elevation drawings. At the time of the officers site visit, the rear extension and outbuilding had already been demolished.
- 1.4 The house is constructed from red brick with stone detailing, grey slate roof and white uPVC windows frames as existing.

2. PROPOSAL

- 2.1 Planning permission is sought for the change of use of the existing residential dwelling, known as No.106 Stamford Street (use class C3), to a 10 bedroom house in multiple occupation (HMO) (use class C4). Other works include the demolition of the existing outbuilding and the erection of a single storey replacement rear extension.
- 2.2 To facilitate the proposed use, the internal works comprise a revised internal layout at both ground and upper floors to create 10no. bedroom units, each with en-suite bathrooms. The proposed accommodation would be as follows (approximate):

Room 1	15.1m ²	Room 6	11.4m ²
Room 2	15.8m ²	Room 7	17.1m ²
Room 3	15.0m ²	Room 8	15.1m ²
Room 4	15.0m ²	Room 9	12.0m ²

- 2.3 All habitable living spaces would have access to natural light/ventilation. Within the building there would be a shared kitchen/dining room at ground floor level with an additional shared kitchen space at first floor level. A separate shared W/C would also be located at ground floor level.
- 2.4 Separately, as indicated on the existing and proposed plans, a rear dormer roof extension is also under construction; however this does not form part of the development proposal and instead is being constructed under permitted development rights. To note, householder permitted development rights are set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended. Part 1 of Schedule 2 to the Order sets out the permitted development rules concerning what enlargements, improvements, alterations and other additions a householder may make to their house and the area around it without the need for an application for planning permission (Class B covers additions or alterations to roofs which enlarge the house such as loft conversions involving dormer windows). These conditions and limitations are set by Government.

3. PLANNING HISTORY

- 3.1 There is no recent planning history.

4. PLANNING POLICY

National Planning Policy Framework

- 4.1 Paragraph 9 of the National Planning Policy Framework (NPPF) states that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account to reflect the character, needs and opportunities of each area.
- 4.2 Paragraph 11 states that planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay (as per section 38(6) of the Planning and Compulsory Purchase Act 2004). However, where the development plan is absent, silent or out of date, planning permission should be granted unless the application of policies in the NPPF that protects areas or assets of particular importance, provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 4.3 Paragraph 12 of the NPPF clarifies that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not normally 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.
- 4.4 The following chapters within the Framework are considered relevant:
- Section 2: Achieving Sustainable Development;
 - Section 5: Delivering a sufficient supply of homes;
 - Section 8: Promoting healthy and safe communities;
 - Section 9: Promoting sustainable transport
 - Section 11: Making effective use of land;
 - Section 12: Achieving well-designed places;

Section 15: Conserving and enhancing the natural environment

Planning Practice Guidance (PPG)

- 4.5 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.

Development Plan

- 4.6 The adopted development plan is the Tameside Unitary Development Plan (2004) and the Greater Manchester Joint Waste Development Plan Document (2012).

Tameside Unitary Development Plan (2004) (UDP)

- 4.7 The site is unallocated according to the UDP Proposals Map.

Part 1 Policies

- Policy 1.3: Creating a Cleaner and Greener Environment
- Policy 1.4: Providing More Choice and Quality Homes.
- Policy 1.5: Following the Principles of Sustainable Development
- Policy 1.6: Securing Urban Regeneration
- Policy 1.10: Protecting and Enhancing the Natural Environment.
- Policy 1.12: Ensuring an Accessible, Safe and Healthy Environment.

Part 2 Policies

- C1: Townscape and Urban Form
- H4: Type, size and affordability of dwellings
- H7: Mixed Use and Density.
- H10: Detailed Design of Housing Developments
- MW11: Contaminated Land
- T1: Highway Improvement and Traffic Management.
- T7: Cycling
- T10: Parking

Supplementary Planning Documents

- 4.10 The following are relevant:
- Residential Design Supplementary Planning Document; and
 - Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

Other Relevant Guidance

- Ministry of Housing, Communities and Local Government: National Design Guide (2021)
- Department for Communities and Local Government: Technical housing standards – nationally described space standard.

Places for Everyone

- 4.12 The Places for Everyone Joint Development Plan Document was published in August 2021. It was submitted to the Secretary of State in February 2022 and inspectors have been appointed to carry out an independent examination. It is a joint plan covering nine of the ten Greater Manchester districts, including Tameside, and is intended to provide the overarching framework to strategically manage growth across the boroughs.

- 4.13 Paragraph 48 in the NPPF sets out what needs to be taken into account when considering the weight given to emerging plans. It states that local planning authorities may give weight to relevant policies in emerging plans according to: the stage of preparation of the emerging plan (the more advanced its preparation, the greater weight may be given); the extent to which there are unresolved objections (the less significant, the greater the weight that may

be given); and the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

- 4.14 Places for Everyone has been published and submitted, where examination is on-going. The inspectors have recently issued examination document IN36, which is a 'part one' post hearing note. IN36 states that subject to a number of action points contained therein, the inspectors are satisfied at this stage of the examination that a schedule of proposed main modifications are necessary to make the plan sound and would be effective in that regard. In addition, the inspectors have indicated their position on the proposed allocations and Green Belt additions. Other than consideration of final issues on five specific allocations, or a significant change in national policy, no further action points are likely to be issued before the main modifications are consulted on.
- 4.15 The plan is a material consideration and to date, very limited weight has been given to the policies within it, primarily due to the number of outstanding objections received as a result of previous consultations. However, following the above, it is now reasonable to give a greater degree of weight to the plan, being reasonable within the context of national planning policy.
- 4.16 Places for Everyone cannot be given full weight in planning decisions, as it does not form part of the adopted plan for Tameside. But given the stage reached, it is reasonable to give elements of the plan substantial weight, subject to the inspector's caveat that this is without prejudice to their final conclusions following consideration of responses to consultation on the main modifications later in the examination.
- 4.17 To clarify, IN36 gives a clear steer as to the wording required to make the plan sound. Substantial weight should therefore be applied to the text of the plan as amended by the schedule of main modifications, and not the published version of Places for Everyone.

Other Considerations

- 4.18 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a persons rights to the peaceful enjoyment of property and Article 8 of the Convention of the same Act which sets out his/her rights in respect for private and family life and for the home. Officers consider that the proposed development would not be contrary to the provisions of the above Articles in respect of the human rights of surrounding residents/occupiers.
- 4.19 The application has been considered in accordance with the Tameside One Equality Scheme (2018-22), which seeks to prevent unlawful discrimination, promote equality of opportunity and good relations between people in a diverse community. In this case the proposed development is not anticipated to have any potential impact from an equality perspective.

5. PUBLICITY CARRIED OUT

- 5.1 Neighbour notification letters were issued and a notice was displayed adjacent to the site for 21 days, in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Council's adopted Statement of Community Involvement.
- 5.2 The representations received are summarised below within section 6 of this report.

6. SUMMARY OF THIRD PARTY RESPONSES

- 6.1 Twenty-six representations, both objecting to and/or supporting the planning application, have been received. The following material comments have been raised (summarised):

- 6.2 25no separate letters of objection from 22 neighbouring addresses:
- Development Too Big
 - Noise/Hours of Operation
 - Sets A Precedent
 - Out of character
 - Visual amenity
 - Traffic/Parking Matters (insufficient on street parking)
 - Already HMOs on Norman Road and West Street which contribute to parking issues
 - Concerns for bin storage
 - Additional noise and pollution from increased vehicle use
 - Maybe off street parking is better than the ground floor extension
 - People who use the station already park on West Street and Norman Road
 - Turning circle at the end of the road is already blocked with cars
 - Unable to park outside house
 - A residents parking scheme should be introduced to prevent rail users parking on Norman Road and West Street
 - Damage to neighbouring properties during works being carried out on site
 - no concerns about the properties rear extension as long as it's in keeping with the current style and also no concerns in regards to the property being used as a large family home overlooking
- 6.3 Reduction in house value has been raised, however this is not a material planning consideration.
- 6.4 1no letter of support:
- We are in need of this accommodation in this area
- 6.5 Councillor Beardmore objects to the application, raising the following concerns (summarised):
- Overdevelopment;
 - Parking issues; and
 - Bins and fly tipping.

7. RESPONSES FROM CONSULTEES

7.1 Local Highway Authority (LHA)

No objection subject to the provision of cycle parking within the site.

7.2 Environmental Protection Unit (Contaminated Land)

No objection subject to the submission of a CLS2B contaminated land screening form prior to the commencement of development on site, in order to ensure that all potential contamination and ground gas risks are appropriately considered and where necessary, remediated during the development of the site.

7.3 Environmental Health (Public Protection)

No objections to the proposals subject to a condition controlling the hours of work during the construction phase of the development, the submission of a noise impact assessment and details of the means of storage and collection of refuse to be submitted to and approved in writing.

7.4 Environmental Health (Housing Standards)

The proposal would need to meet the required minimum standards for HMOs.

8. ANALYSIS

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

1. The principle of development;
2. The impact of the proposed development on the character of the site and surrounding area;
3. The impact on the residential amenity of neighbouring properties and amenity of the future occupiers;
4. The impact on highway safety; and.
5. Any other material planning considerations.

9. PRINCIPLE OF DEVELOPMENT

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 208 - 219 of the NPPF set out how its policies should be implemented and the weight which should be attributed to the UDP policies.

9.2 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.

9.3 Section 5 of the NPPF requires Local Planning Authorities to support the delivery of a wide choice of quality homes in sustainable locations. Further to this, when it comes to plan making, paragraph 62 of the Framework states that "...the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).".

9.4 No.106 Stamford Street is a large residential property with capacity at upper floors for a minimum of 6no bedrooms. The dormer roof extension, which is currently under construction utilising permitted development rights, creates an additional habitable room at second floor level. This large 7no.bedroom property also benefits from generously sized habitable rooms (kitchen/dining/living space) at ground floor level.

9.5 The proposal seeks to convert this existing residential property to a 10no. bedroom HMO. Although it is acknowledged by Officers that 10 bedrooms constitutes a large scale HMO within the Borough, it is considered that the application site can comfortably accommodate this number of bedrooms/ occupants within the proposed extended property, whilst offering a good standard of amenity. Without prejudice, the proposal will support the varied needs, capacities and backgrounds of people within the Borough through providing more accessible and affordable living accommodation. The proposal would be an efficient and effective use of the land/infrastructure (maintaining its established residential character) to support a varied and wide-ranging supply of housing in Stalybridge. The location is suitable with sustainable access to local services, employment and transport opportunities. The proposal is therefore deemed to be acceptable and is consistent with the aims and aspirations of section 5 of the NPPF in delivering a wide choice of quality homes in sustainable locations.

10. CHARACTER AND APPEARANCE

- 10.1 The National Planning Policy Framework states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Amongst other matters, paragraph 130 of the Framework requires new development to: function well and add to the overall quality of the area; be visually attractive as a result of good architecture, layout, appropriate and effective landscaping; be sympathetic to local character and history and establish and maintain a strong sense of place.
- 10.2 Policy C1 of the UDP, Townscape and Urban Form, states that in considering proposals for built development, the Council will expect the distinct settlement pattern, open space features, topography, townscape and landscape character of specific areas of the Borough to be understood, and the nature of the surrounding fabric to be respected. The relationship between buildings and their setting should be given particular attention in the design of any proposal for development.
- 10.3 The Residential Design SPD also makes clear that proposals for new development should be drafted with an understanding of a place's character and identity, acknowledging the elements (buildings, features and spaces) that have shaped it and applying a respectful design that complements or enhances it.
- 10.4 Specific to house alterations, as with any development, an extension must acknowledge the character of the house and wider area, creating an extension that compliments rather than dominates. Policy RED1 of the SPD states that extensions should:
- Apply an architectural style that reflects the existing dwelling;
 - Use materials & external fixtures and fittings that align with the existing in terms of size, style, colour and texture; and,
 - The scale and mass of the dwelling must not be significantly altered by an extension. Extensions should be subordinate to the original building & not result in the significant external remodelling of a dwelling.
- 10.5 Further to the above, Policy RED4, which relates to the design of rear extensions, states that:
- The scale and mass must align with the dwelling it extends and not dominate it.
 - Primary materials should align with the house being extended.
 - Roof styles should align with the existing house.
 - Generally, flat roofs will only be supported on properties with them.
 - Ridge heights should not exceed the existing.
 - Windows should not be placed in the boundary wall / façade of any rear extension.
- 10.6 In the first instance, it is acknowledged by officers that the footprint of the proposed single storey extension is quite large - accommodating a new extended kitchen/living area and providing space for new bedrooms at ground floor level. However for the following material planning reasons, the development is deemed to be acceptable on balance:
- The proposed extension requires the demolition of existing tired building/structures on site (including the single storey outrigger and detached outbuilding). The proposed single storey extension would replace this development;
 - The extension is single storey and would be contained neatly to the rear of the property, running flush with the existing gable end of the main dwelling, thus maintaining this same building line;
 - Although flat roofs are not usually encouraged on properties without them, in this instance, being located to the rear of the property away from the public highway, the extension would not be an overly prominent feature within the street scene and would be largely screened by the proposed boundary treatment as indicated on the proposed site plan;
 - The proposed materials are brick to match the existing ensuring compatibility with the host dwelling;

- The proposed single storey flat roof extension would be wholly subordinate in size to the host dwelling and would not compete with the strong proportions, height and architectural style of the Victoria villa.

10.7 For the reasons outlined above the proposal is found to be acceptable in relation to visual amenity and compliant Policy H10 of the UDP and the aims and aspirations of Policies RED1 and RED4 of the SPD.

11. RESIDENTIAL AMENITY

Existing residential amenities

11.1 The NPPF outlines the importance of planning in securing good standards of amenity for future and existing occupiers of land and buildings. Policy H10 of the UDP states that new development should have no unacceptable impact on the amenity of neighbouring properties through noise, loss of privacy, overshadowing, or traffic.

11.2 In this instance, the application seeks permission for an extension to an existing dwelling and change of use to a HMO. Given the proposed use is also residential, when assessing the impact of the development on neighbour amenity, the application has been assessed against section 4 of the Residential Design SPD (Household Extension Guidelines).

11.3 Policy RED2 advises that the siting and size of home extensions should not cause unacceptable overshadowing, loss of natural light or privacy reduction to neighbouring properties. To ensure this, the following minimum distances between extensions and existing properties are applied:

- Between two directly facing habitable rooms, for single storey extensions and bungalows, a minimum distance of 18m is required between extensions and un-extended dwellings, and 14m between extension to extension.
- Between a habitable room window and a single storey blank wall, there should be a distance of 10m, which is increased to 14m for a two storey blank wall.

11.4 The above requirements can be relaxed in cases where there is oblique overlooking; or in cases which already fail to meet these standards, the Council can permit a further reduction in distance if it can be demonstrated that doing so will have no detrimental impact on the neighbouring property.

11.5 As existing there are habitable room windows at ground and upper floors to the gable end of No.106 Stamford Street and indeed to the gable end of the adjacent property known as No.104 Stamford Street to the east (which has been subdivided into flats). The gable ends of these properties are around 4m in distance from each other, thus already substandard (when considering the above requirements of Policy RED2) and therefore forms the established relationship. This is reflected and repeated along all semi-detached properties on this row.

Impact on No.104 Stamford Street

11.6 The proposed ground floor extension would maintain the same building line, flush with the existing gable end (encroaching no closer), however would introduce three new habitable room windows at ground floor level which would overlook the common boundary. To ensure that an acceptable level of privacy would be maintained for both the existing occupiers at the sub-divided property at No. 104 Stamford Street and future occupiers of No.106, Officers sought appropriate boundary treatment along the common boundary to prevent direct overlooking and to 'block' views between the facing windows. The boundary treatment comprises the reinstatement of the existing brick wall with fence panel installed between piers. Subject to this boundary treatment being a minimum of 1.8m in height above natural ground level upon which it is sited, this is deemed to be suitable mitigation to prevent an

undue loss of privacy. Windows at upper floor levels to the original building are existing and no changes are proposed.

Impact on No.108 Stamford Street

- 11.7 Although rear extensions are often hidden from the street, if badly designed they can result in overshadowing, loss of privacy and/or a reduced outlook for neighbours. To help avoid such issues, the Council will limit the size of rear extensions using a 45 degree & 60 degree line rule. For single storey extensions, including conservatories, a 60° line should be taken from the centre of the nearest ground floor habitable room window. Policy RED3 states that guidelines may be relaxed if the nearest habitable room window is not the primary window.
- 11.8 To the rear two storey outrigger of No.108 Stamford Street, there are patio doors at ground floor level. Following a minor design tweak, the proposed extension would run along the common boundary with No.108 at the same rearward projection as the original single storey rear extension (around 4.3m). Beyond this point, the extension has been set-in off the boundary by around 1.8m before extending a further 3m out.
- 11.9 By reason of its flat roof design and mindful of the fact that there is already a fence extending to around 2m in height along this boundary, it is considered that the extension (which is located north of the neighbour's patio doors), would not result in an unacceptable or significant loss of light/ outlook – particularly when compared with the former situation (previous extension/outbuilding).
- 11.10 In order to prevent a loss of privacy, it is recommended that a condition is attached preventing the future insertion of windows along the west facing side elevation of the proposed extension.
- 11.11 No other properties are considered to be unduly affected by the proposed development in regards to light, outlook and privacy. The development would be screened at the rear by a 2m high fence.
- 11.12 As detailed above in this report, the rear dormer roof extension does not form part of the development proposals.
- 11.13 Subject to conditions, the proposal is acceptable in respect of neighbour amenity.

Residential Environment Created

- 11.14 Reflecting the requirement of Section 12 of the NPPF, that developments create places with a high standard of amenity for existing and future users, UDP policy H10 (a) requires that the design of proposed housing developments, which are acceptable in relation to other relevant policies in the plan, meets the needs of the potential occupiers. To this end policy RD18 of the Residential Design SPD recommends minimum floor areas that residential developments should achieve. Internal space is interpreted by reference to the nearest equivalent national technical standard which is given in the Government's Technical housing standards – nationally described space standard document (THS).
- 11.15 All habitable rooms in new accommodation (any rooms used or intended to be used for sleeping or living and not solely for cooking) should have natural light and meet minimum space standards to ensure that adequate living standards are provided for the new residents. The Housing Act 2004 and Council set out minimum bedroom sizes for HMOs (Tameside's Landlord's Guide to HMOs, 2019). This application meets the minimum bedroom sizes as set out in legislation.
- 11.16 Each of the bedrooms have access to natural light and ventilation. Bedroom sizes are larger than the minimum standard allowing space for lounge/seating areas within. The Housing Standards Officer has confirmed that as the bedrooms are all above 9.3m², so as not to require a communal lounge, the proposed room arrangements are acceptable. A larger

kitchen/dining space is located at ground floor level with an additional kitchen/dining space at first floor level to provide optional cooking areas and space for social interaction between occupants. The proposal is therefore found to be acceptable in this regard and would provide a good standard of amenity for future occupiers, in accordance with Policy H10 of the UDP and section 12 of the NPPF.

- 11.17 The site is located on the outskirts of Stalybridge Town Centre with access to useable open public amenity spaces, including Stamford Park; however it is also acknowledged that the property also benefits from a rear outdoor garden. This communal area is large enough for seating and dining and normal residential activity such as clothes drying etc. The LPA are satisfied that the proposed outdoor space is a satisfactory useable/functional amenity space to serve the proposed HMO and its intended occupants.
- 11.18 Overall, subject to conditions, it is considered that the proposal would provide an acceptable level of residential amenity for the future occupiers and would not result in any unacceptable harm on any neighbouring occupiers in respect of their living conditions. The proposal meets the requirements set out by Housing Standards for new HMOs. The proposal is therefore considered to be in accordance with Policy H10 of the SPD and paragraph 130 of the NPPF.

12. HIGHWAY SAFETY

- 12.1 The scheme proposes a 10 bed HMO with no off street parking provision. The works will not therefore impede adversely on the access or manoeuvring of vehicles nor have an influence upon pedestrian safety who will continue to access the property in an identical manner.
- 12.2 Significant concerns and objections have been raised, however, in relation to the impact of the proposal on the surrounding streets – in particular the availability of parking. There are concerns that the provision of 10no. Bedrooms would generate additional demand on-street, potentially further displacing existing residents.
- 12.3 The Local Highway Authority have been consulted on the application and in response, comment the following:
- The proposed development is proposing no off street parking space for the 10 bedroom HMO, which is below TMBC's SPD requirements. However the LHA note that statistically these types of developments have a low percentage of car ownership and we are satisfied that the development is located close to Stalybridge Town Centre which has excellent access to a variety of modes of sustainable transport, which in our opinion would mitigate for the lack of off street parking. Additionally to this, we would require secure/covered cycle storage to be provided to promote active travel, further reducing the dependency on car ownership.
 - After reviewing the supplied information the LHA are satisfied that the vehicle trips generated by the proposed development of the site are expected to generate a minimal increase in the existing vehicular trips, therefore in the LHA's opinion the additional traffic generated by the proposed development would be accommodated on the local highway network without any significant detrimental impact.
 - The development is accessible to pedestrians and no PROW's are affected.
- 12.4 The objections and concerns of residents in respect of parking availability have been noted and considered further with Senior Highway Engineers. However, the NPPF at paragraph 111, states 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.
- 12.5 Consideration has been given to the fact that this existing large residential property already has 6no/7no bedrooms and is capable of accommodating a large family with the potential for

multiple vehicles, without any dedicated parking. This is a very strong material planning consideration which is offered significant weight in the balance. The application property is also in a very sustainable location, with ease of access to excellent transport facilities; so the increase in 3no/4no bedrooms to this property alone, taking into account the specialised advice given by the Local Highway Authority, is not anticipated to create such significant demand on the highway network that would warrant refusal or meet the test of paragraph 111 of the NPPF.

- 12.6 In support of the application, the applicant has provided details of cycle storage upfront. The cycle storage comprises a secure 'FalcoLok' shelter, clad with hardwood, to the rear garden (as indicated on the proposed site plan). Its height is 2.1m above ground level and so would sit neatly behind the proposed 2m high boundary fence along the private cobbled road to the rear of the plot.
- 12.7 Overall, the proposal would introduce and secure measures which encourage sustainable travel. The proposed development would not affect existing access or unduly affect highway safety. Additionally it is not found that the residual cumulative impact of the proposal would be severe on the highway network. The development is therefore not in conflict with 111 of the NPPF on highways grounds and in accordance with policies T1 and H10 of the Tameside Unitary Development Plan (2004).

13. CONTAMINATED LAND / GROUND CONDITIONS

- 13.1 The Council's Environmental Protection Unit (EPU) have reviewed the proposal and note the following:
- 13.2 Early mapping (mid – late 1800's) shows the site as lying within the gardens of a large property identified as Thompson's Cross, situated approximately 18 metres to the north. A pond is shown approximately 30 metres east of the site and Stamford Street is located immediately to the south. On late 1800's – early 1900's mapping, a semi detached property and outbuilding is shown on site. The size and configuration of these buildings (and those in the immediate surrounding area) appear to resemble those currently on site. There appear to have been no significant changes to the site / buildings or immediate surrounding area to the present day.
- 13.3 As is the case for the majority of sites in the borough, there is likely to be made ground at the site (e.g. historically, sites were often levelled with made ground prior to development etc). This type of ground is commonly associated with a wide range of contaminants including asbestos, heavy metals and PAH's, which may pose a potential risk to site end users (e.g. residents) in garden and soft landscaped areas. In addition, depending on its nature and depth it may also be a potential source of ground gas, as may the former pond to the east of the site.
- 13.4 On this basis, the EPU have no objection to the proposal subject to a condition requiring the submission of a contaminated land screening form, remediation strategy, as well as a verification report to be approved in writing by the LPA. This is in order to ensure that any unacceptable risks posed by contamination are appropriately addressed and the site is suitable for its proposed use in accordance with paragraph 178 of The Framework. A condition is therefore recommended on this basis and has been agreed in writing by the applicant.

14. HMO – HOUSING STANDARDS

- 14.1 It would be in the applicant's interests to ensure that the property is well managed with residents being subject to relevant reference and security checks. The management of the

property would also oversee regular inspections to ensure that routine maintenance being undertaken and the property kept in good condition. In the interests of robustness, a condition is recommend which amongst other things will require the applicant to provide:

- Full details of screening and selection criteria of tenants to determine eligibility of the accommodation;
- Tenancy terms and conditions;
- Management procedures for the maintenance and security of the premises;
- Conditions of residential occupancy;
- Waste handling arrangements of all rooms within the accommodation;
- Protocols for investigating and addressing complaints from tenants; and,
- Register of tenants and their employment status.

14.2 These measures are deemed sufficiently robust to ensure the welfare of future tenants would be maintained. It is in the applicant's interests to ensure that the property is well managed with residents being subject to relevant reference and security checks, this in turn would help to provide a more cohesive community. The approach to a Management Plan is the most reasonable control of the properties occupation which can be exercised through the planning system.

14.3 Separate to the planning application it is also pertinent to acknowledge that under the Housing Act 2004 it is a requirement that all large HMO's are licenced by the Local Authority. The licencing arrangements provide a safeguard to maintain accommodation and management standards. The licence arrangements give a further guarantee above conditions which can be applied to a planning permission. Amongst other things the licence arrangements essentially seek to ensure that;

- The HMO is suitable for occupation by the number of people applied for under the licence;
- The licence holder is a suitable/competent person;
- Proposed management arrangements are appropriate; and
- Accommodation is up to standard with relevant safety certification.

14.4 Therefore in addition to the Management Plan the licencing arrangements would therefore form an effective way in which to enforce good management of the property to prevent incidences of anti-social behaviour. The conditioning of the aforementioned Management Plan will ensure that the building is kept in good order with regular maintenance and repair if deemed necessary.

14.5 As a large scale HMO the proposals represents a Sui Generis use and therefore does not a have a recognised use class. If the development is implemented the property would not benefit from any subsequent change of use to any alternative forms of residential accommodation to those detailed within the application.

15. OTHER MATTERS

15.1 The Council's Environmental Health consultee has no objection to the proposal but if approved, recommends two conditions – one controlling construction/conversion hours, and the other requiring the submission of storage and collection details for refuse. The completed development will require a trade waste contract and will need to comply with the requirements of the Developer Waste Leaflet as can be found on the Council's website. The site plan shows the proposed waste bins contained within a suitable enclosure. The sizing of which however has not yet been described, as such additional details are still outstanding and recommended to be secured by condition.

16. CONCLUSION

- 16.1 The site is within the defined urban area with an accessible and sustainable location. The external alterations to the building would not unacceptably impact on the visual amenity/character of the host dwelling/surrounding area and the residential amenity of surrounding properties. The scheme is also found to be acceptable on highways grounds on balance.
- 16.2 The change of use of the premises would allow for the sustainable and efficient use of the existing vacant building. The property lends itself to conversion would be compatible within a sustainable location whereby future residents would have immediate access to Stalybridge's associated services.
- 16.3 In view of the above, the proposal is considered to comply with relevant saved UDP Policies and the SPD on Residential Design. In considering the planning merits of the proposal against the requirements of the NPPF, the proposal is considered to represent sustainable development.
- 16.4 On this basis in accordance with the requirements of local and national policy the application is recommended for approval.

RECOMMENDATION

Grant planning permission subject to the following conditions:

1. The development hereby permitted must begin before the expiration of 3 years from the date of this permission.

Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in full accordance with the following drawings:
 - a. 1:1250 Site Location Plan dated 25 May 2023;
 - b. Drawing number RG369/PL01 revision D (Proposed Plans);
 - c. Drawing number RG369/PL02 revision D (Proposed Elevations);
 - d. Drawing number RG369/PL03 revision C (Site Plans).

Reason: For the avoidance of doubt.

3. During construction / conversion no work (including vehicle and plant movements, deliveries, loading and unloading) shall take place outside the hours of 07:30 and 18:00 Mondays to Fridays and 08:00 to 13:00 Saturdays. No work shall take place on Sundays and Bank Holidays.

Reason: To protect the amenities of occupants of nearby properties/dwelling houses in accordance with UDP policies 1.12 and H10.

4. Prior to the commencement of development at the site, the CLS2B Contaminated Land Screening Form shall be submitted to, and approved in writing by, the Local Planning Authority (LPA). Where necessary, a programme of investigation (including soil analysis and/or ground gas monitoring) shall be undertaken at the site in order to enable an assessment of the risks posed by contamination to be carried out. The proposed scheme of investigation shall be agreed with the LPA prior to being undertaken.

Where necessary, a remediation strategy detailing the works and measures required to address any unacceptable risks posed by contamination shall be submitted to, and approved in writing by, the LPA. The strategy shall include full details of the information that will be obtained in order to demonstrate the scheme has been appropriately implemented. The approved remediation scheme(s) shall be fully implemented and a verification / completion report demonstrating this and that the site is suitable for its proposed use shall be submitted to, and approved by, the LPA.

If, during development, contamination not previously identified is encountered, then LPA shall be informed and no further development (unless otherwise agreed in writing with the LPA, shall be undertaken at the site until a remediation strategy detailing how this contamination will be appropriately addressed and the remedial works verified has been submitted to, and approved in writing by the LPA. The remediation strategy shall be fully implemented and verified as approved.

The discharge of this planning condition will be given in writing by the LPA on completion of the development and once all information specified within this condition and any other requested information has been provided to the satisfaction of the LPA and occupation shall not commence until this time unless otherwise agreed in writing by the LPA.

Reason: To ensure any unacceptable risks posed by contamination are appropriately addressed and the site is suitable for its proposed use in accordance with paragraph 178 of the National Planning Policy Framework.

5. Prior to the first occupation of the development hereby approved, details of the means of storage and collection of refuse generated by the development shall be submitted to and approved in writing by the Local Planning Authority. The details shall include scaled plans showing the location of the required number of bins to be stored within the plot and any communal bin storage areas and scaled plans of the means of enclosure of all bin stores, including materials and finish. The bin storage arrangements for the approved House in Multiple Occupation shall be implemented in accordance with the approved details prior to the first occupation of that dwelling and shall be retained as such thereafter.

Reason: To safeguard the general amenity of the area in accordance with UDP policy 1.12/1.13/H10.

6. Before development commences, an assessment, by a person qualified in acoustics, shall be undertaken, and submitted to the Local Planning Authority for approval, to determine the impact of road traffic noise on the development. The assessment shall be undertaken against British Standard BS8233:2014, and shall identify any mitigation measures required in order to satisfy the aforementioned British Standard. Any mitigation measures shall be implemented prior to the first occupation of the residential units and shall be retained thereafter. Written proof shall be submitted to the Local Planning Authority that all agreed mitigation measures have been implemented.

Reason: To protect the amenities of future occupants from external noise in accordance with UDP policy H10.

7. Prior to the first occupation of the development hereby approved, the FalcoLok 250 Bike store with timber cladding, as indicated on the approved site plan (drawing RG369/PL03 revision C) shall be provided and shall be retained and remain available for use at all times thereafter.

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 UDP Policies T1: Highway Improvement and Traffic Management, T7 Cycling and T10 Parking.

8. The occupation of the building shall be limited to 10 bedrooms as identified on the submitted drawing number RG369/PL01 revision D (Proposed Plans).

Reason: In the interests of residential amenity to ensure that suitable residential environment is provided for future occupants in accordance with UDP policy 1.4.

9. The accommodation hereby approved shall not be occupied by any tenants unless / until the submission of a Management Plan to the local Planning Authority for approval in writing. The Management Plan shall include:
 - i. Full details of screening and selection criteria of tenants to determine eligibility of the accommodation;
 - ii. Tenancy terms and conditions;
 - iii. Management procedures for the maintenance and security of the premises;
 - iv. Conditions of residential occupancy;
 - v. Waste handling arrangements of all rooms within the accommodation;
 - vi. Protocols for investigating and addressing complaints from tenants;
 - vii. The accommodation shall be occupied in accordance with the approved Management Plan at all times and for as long as the building is in use as a shared household.

Reasons: In the interests of residential amenity, to ensure that the property is appropriately maintained in the interests of future occupants in accordance with policies 1.3 and 1.4 of the Tameside UDP.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order, with or without modification), no windows shall be inserted or constructed at any time in the west facing side elevation of the single storey rear extension hereby permitted.

Reason: To protect the amenities and privacy of the adjoining property.

11. The accommodation hereby approved shall not be occupied by any tenants until the boundary treatment, comprising the 2m high close board timber fence with gate to the rear boundary and boundary wall with brick piers to the eastern boundary, as shown on the approved site plan (drawing number R369/PL03 revision C) have been installed. The boundary wall with brick piers shall be erected to at least 1.8m in height above the natural ground level upon which it is sited. The boundary treatment shall be retained as approved thereafter.

Reason: To protect the amenities and privacy of existing and future residents.

INFORMATIVES

1. **REASON FOR GRANTING PLANNING PERMISSION**
Statement under Article 35 (2) of the Town and Country Planning (Development Management Procedure) England Order 2015 (as amended): The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were

incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the NPPF.

2. **STREET NAMES**

The applicant's attention should be drawn to the need to consult the Engineering, Operations and Neighbourhoods, Tame Street Depot, Tame Street, Stalybridge regarding the street names/postal numbers for the proposed development. 0161 342 3417

3. **LAND CONTAMINATION**

The responsibility to properly address contaminated land issues, including safe development and secure occupancy, irrespective of any involvement by this Authority, lies with the owner/developer of the site. Should any evidence of contamination (including asbestos), unusual ground conditions, wastes, and / or organic materials (e.g. peat etc.) be encountered during the development of the site the applicant / developer should contact the Council's Environmental Protection Unit (Tel: 0161 342 3680 / 0161 342 2691) as soon as is practicable.

4. **GUIDANCE NOTES FOR DEVELOPERS - HIGHWAYS**

When carrying out building works on property near to a public highway it is important to remember that the highway is not part of the building site. There are various statutory requirements relating to highways which may be helpful to such persons to know in advance:

- a. Skip permits are available for certain locations where obstruction is not likely to interfere with free flow along the highway.
- b. Similarly hoarding/scaffolding permits may be issued.
- c. Other obstructions of the highway are not permitted, i.e. storage of materials, deposition of rubble, mixing of materials.
- d. Parking/loading or unloading regulations must be observed.
- e. Any damage to any part of the highway or its furniture, or blocking of gullies will be repaired/cleared at the expense of the person causing such damage/blockage.
- f. Water should not be permitted to discharge over a public highway either temporarily or permanently.
- g. The deposition of mud on a highway is illegal and action may be taken against the person causing such deposition (e.g. the driver and/or the owner of the vehicle).
- h. Applications for sewer connections/vehicle crossings over footways should be made in advance of development commencing.

Any persons requiring further assistance in relation to these items should contact the Engineering Service at Tameside Metropolitan Borough Council (tel. 0161-342-3900).