

**Application Number 18/00950/FUL**

<b>Proposal</b>	Change of use from public house (Use Class A4) to a large, 12-bedroom House in Multiple Occupation (sui generis use).
<b>Site</b>	Gardeners Arms, 279 Edge Lane, Droylsden.
<b>Applicant</b>	Mr Dinesh Chinta
<b>Recommendation</b>	Approve, subject to conditions
<b>Reason for report</b>	A Speakers Panel decision is required at the request of councillor Boyle.

**UPDATE REPORT:**

This application was presented to the Panel at the meeting on 20<sup>th</sup> March 2019. The Panel then deferred a decision with a direction that GM Police be consulted on the application. Consultation responses have subsequently been received from three different sources at GM Police.

- Design for Security Unit – Recommend that a full Crime Impact Statement (CIS) report should accompany the application.
- Detective Superintendent (Higham) – No objection subject to the use not being a hostel or for accommodation for Registered Sex Offenders
- Neighbourhood Beat Officer (NBO) for Droylsden East – Objects on the grounds that anti-social behaviour is having a huge impact on the quality of life for local residents and that a major contributing factor with these issues in Droylsden is the involvement of HMOs and their residents. It is cited that a number of nearby HMOs have been used by various agencies to house asylum seekers, former prisoners, people with complex needs and persons suffering drug addiction and this has resulted in the area becoming a focus of criminality and anti-social behaviour. Another concern is the specific location of the former Gardeners Arms in Edge Lane, which has suffered problems with youth and gang-related anti-social behaviour. Also, if the premises were to accommodate vulnerable individuals there is the fear that residents will be targeted by these gangs and ASB perpetrators of anti-social behaviour.

**Commentary**

This not the type of application where a CIS is required usually. The Unit, which provides CISs, advises on designs of new built developments, addressing crime and security issues in the design and minimise future opportunities for offenders. The proposed use is in the building as it exists. It is not a new build. It is not considered that the application need be accompanied by a CIS.

As does the larger HMO (more than 6 occupants), for which permission is sought, a hostel providing no significant element of care, is a sui generis use (it does not fall within any given use class, or is a class of its own). A hostel where care is provided falls with Use Class C2 (residential institution). In either case, if permission is granted for the use as a larger HMO a further planning permission would be required if the use were to change again to a hostel. The approval of this application would not allow use as a hostel.

Fear of crime can, in certain circumstances, be a material consideration in the determination of a planning application where that fear is based on past events and not on an assumption of the characteristics of the future occupiers of a development where this assumption is not supported by evidence. The proposed HMO would be occupied by individuals, as their only or main residence and sharing basic amenities such as a kitchen or bathroom. Fears about the characteristics of

those individuals can only be based on assumptions and so, in this instance, the fear of crime arising from the proposed use is not a material, land use planning consideration.

#### Correction

The report (paragraph 1.2) presented to the Panel at the meeting on 20 March 2019, and reproduced below, referred to the proposal providing 8 demarked car parking spaces. In fact, 7 parking spaces would be provided.

## ORIGINAL REPORT

### 1. APPLICATION DESCRIPTION

- 1.1 The application proposes the change of use of the now disused public house to a house in multiple occupation comprising:

4, double-bedrooms and 2, single-bedrooms on the ground-floor, each of which would have en-suite bathroom facilities, together with a dining room, kitchen, lounge and w.c.; and,

3, double bedrooms, 2 of which would have en-suite bathroom facilities, and 3, single-bedrooms, each of which would have en-suite bathroom facilities, on the first-floor, together with a bathroom, separate w.c, and kitchen/dining room.

- 1.2 Within the curtilage of the building, and the current means of access being retained, the existing hard-surfaced area to the south of the building would provide 8 demarked car parking spaces together with secure cycle store for up to 12 cycles. A refuse storage compound is proposed immediately alongside the western side of the building and would comprise a close-boarded timber enclosure.

### 2. SITE & SURROUNDINGS

- 2.1 The public house, known as the Gardener's Arms, closed for business in October 2017 and since has remained vacant. The building is detached and occupies a corner plot at the junction of Edge Lane and Arbroath Street at the westernmost extent of the Borough, approximately 100m to the south of Manchester Road (A662) which is the main route through Droylsden town centre and includes the Metrolink route from Ashton through to Manchester.
- 2.2 The building is 2-storey and brick-built. There is an associated car park on the southern side of the building that is accessed from Arbroath Street.
- 2.3 There is a mix of uses in the surrounding area, but mainly residential, with commercial uses, including industrial and retail, across the border with Manchester to the west.

### 3. RELEVANT PLANNING POLICIES

#### 3.1 Tameside Unitary Development Plan (UDP) Allocation

Unallocated

#### 3.2 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..

### **3.3 Part 2 Policies**

- H4: Type, Size and Affordability of Dwellings.
- H7: Mixed Use and Density.
- H10: Detailed Design of Housing Developments.
- T1: Highway Improvement and Traffic Management.
- T10: Parking
- MW11: Contaminated Land.

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

- Section 2. Achieving sustainable development;
- Section 5 Delivering a sufficient supply of homes
- Section 9. Promoting sustainable transport
- Section 12. Achieving well-designed places

### **3.5 Other Policies**

Residential Design Supplementary Planning Document.

It is not considered there are any local finance considerations that are material to the application.

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

- 3.7 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.

## **4. PUBLICITY CARRIED OUT**

- 4.1 Neighbour notification letters were issued on 8th November 2018 in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

## **5. RESPONSES FROM CONSULTÉES**

- 5.1 The Head of Environmental Services (Environmental Protection) has raised no objection and as suggested that a condition restricting the hours of work during the conversion be attached to any permission.
- 5.2 The Head of Environmental Services (Highways) has raised no objection and as suggested that conditions regarding car parking and cycle storage provision, and informative notes regarding postal addresses and working near to a highway, be attached to any permission.

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

- 6.1 Councillor Boyle has objected to the application on the grounds that:

the building is unsuitable and would not provide adequate living space for its intended purpose;

the proposed use would likely give rise to anti-social behaviour; and,

the proposed use would cause parking problems on surrounding streets.

- 6.2 A neighbour has objected on the grounds that this is a quiet residential area with a church and nursery nearby. HMOs have a number of people coming and going with would have a negative effect on the area.

## **7. ANALYSIS**

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

- 1) The principle of development
- 2) Design and appearance
- 3) The impact on existing residential amenities
- 4) The impact on highway safety and the road network
- 5) The impact on trees and ecology
- 6) Other Matters

## **8. PRINCIPLE OF DEVELOPMENT**

- 8.1 Although being out-of-centre, the location is relatively highly accessible, with numerous and regular bus routes, and Metrolink, passing close to the site along Manchester Road. The local shopping parade at the junction of Manchester Road and Charles Street is situated an approximately 150m walk away. Constituting the re-use of an existing building, albeit in part, the principle of the application is supported by Section 2 of the NPPF and UDP policy 1.5, as a means of achieving sustainable development. The principle of the development is thereby considered acceptable.

## **9. DESIGN AND APPEARANCE**

- 9.1 Involving no external alterations to the building character and appearance would be unchanged and so in this respect the proposal is considered acceptable and compliant with Section 12 of the NPPF and policies 1.3 and H10(a) of the UDP.

## **10. RESIDENTIAL ENVIRONMENT CREATED**

- 10.1 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. The proposal would provide a minimum single-bedroom size of 9.7sqm and a minimum double-bedroom size of 14.5sqm. The ground-floor communal kitchen would have a floorarea of 20.7sqm and the first-floor communal, combined kitchen/dining room would have a floorarea of 22.9sqm. The communal lounge would have a floorarea of 33.3sqm. The accommodation that would be provided achieves the requirements of the DCLG Technical Housing Standards is therefore considered of an adequate size to comply with Section 12 of the NPPF and policy H10(a) of the UDP.

## **11. THE IMPACT ON EXISTING RESIDENTIAL AMENITIES**

- 11.1 Sufficient distance would be maintained between habitable room windows in the proposed development and of habitable room windows existing houses so as to comply with policies designed to prevent undue over-looking and over-shadowing of neighbouring properties. The impact on existing residential amenities in these regards is considered acceptable and compliant with UDP policy H10(d) and SPD policy RD5.
- 11.2 With space enough to accommodate 5 black, 5 blue and 2 brown domestic refuse bins, together with a 1100ltr and 1500ltr trade refuse bins, the proposed bin store is considered adequate to serve the development. Being located behind the building the store would be hardly visible from the street and there would be the capability for bins to be manoeuvred for collection. In these respects the proposal is considered satisfactory and compliant with SPD policy RD14.

## **12. THE IMPACT ON HIGHWAY SAFETY AND THE ROAD NETWORK**

- 12.1 Given the relatively highly accessible location the 7 demarked car parking spaces and cycle store to be provided are considered adequate to serve the development. Having been consulted, the Head of Environmental Services (Highways) has raised no objection to the proposal and so it is considered that the impact on the local highway network would not be severe and so the proposal is compliant with Section 9 of the NPPF and policies H10(b), T1 and T10.

## **13. OTHER ISSUES**

- 13.1 The issue of tenure is not a material consideration in the determination of the application and, in land use terms, it is considered that the proposal constitutes a sustainable development that would not impinge unduly on any existing amenities.

## **14. 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 permitted shall be carried out in accordance with the following approved plans: ref. 2125/E01, 2125/E03, 2125/E04, 2125/P03 and 2125/P04, received on 30.10.18; 2125/P01B and 2125/P02A, received on 19.12.18; and, 2125/L01B, received on 25.01.19.
3. Prior to the commencement of development, the CLS2B Contaminated Land Screening Form shall be submitted to, and approved in writing by, the Councils Environmental Protection Unit. Where necessary, a scheme to deal with any contamination / potential contamination shall be submitted to, and approved in writing by the EPU. The scheme shall be appropriately implemented and a completion report demonstrating this and that the site is suitable for its intended use will be approved in writing by the EPU prior to occupation. The discharge of this planning condition will be given in writing by the Local Planning Authority (LPA) on completion of the development and once all information specified in this condition has been provided to the satisfaction of the EPU.

4. During 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.
5. Full details of the appearance having beforehand been submitted to, and approved in writing by, the local planning authority, the external refuse bin store, the gates of which shall be lockable, and the cycle storage hub, indicated on the approved plan, ref. 2125/L01B, shall be provided prior to the first occupation of any part of the development hereby approved and thereafter maintained for the intended purposes at all times.
6. Prior to first occupation of the development hereby approved a contract, details of which shall have been beforehand submitted to, and approved in writing by, the local planning authority, for the collection of refuse shall have been made.
7. The car parking facilities indicated on the approved plan ref. 2125/L01B shall be provided prior to the first occupation of the development hereby approved and thereafter be kept available for the intended purpose at all times.
8. Prior to the first occupation of the development hereby approved a scheme for any television or radio aerial, satellite dish or other form of antenna shall be submitted to, and be approved in writing by the local planning authority. Such equipment shall be erected in full accordance with the approved details.
9. Notwithstanding the provisions within the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no television or radio aerial, satellite dish or other form of antenna shall be installed on the exterior of the building, other than those approved through the discharge of condition no.8.