

Application Number 19/00239/FUL

Proposal	Full planning permission for the change of use of the building from retail (use class A1) with office space above to a 5 bedroom house in multiple occupation (amended).
Site	5 Station View, Ashton Old Road, Droylsden
Applicant	Mr George Samoila
Recommendation	Grant planning permission, subject to conditions
Reason for report	A Speakers Panel decision is required because a request has been made by one of the ward Councillors (Councillor Mills) that the application be referred to the Speakers Panel for a decision, due to concerns regarding the intensification of the site, parking and access arrangements.

1. APPLICATION DESCRIPTION

- 1.1 The applicant seeks full planning permission for the change of use from retail (use class A1) unit with office space above to 5 bedroom house in multiple occupation (HMO) (use class C4). The scheme has been amended to reduce the proposals down from a 6 bedroom HMO to address concerns of officers in relation to the use of the basement of the building to provide living accommodation from a residential amenity perspective
- 1.2 The applicant has provided the following documents in support of the planning application:
 - Planning and Design Statement
 - Information relating to the marketing of the property

2. SITE & SURROUNDINGS

- 2.1 The application relates to a currently vacant building which was last occupied as a retail unit at ground floor level with office accommodation on the 2 floors above. The 3 storey building is a mid terrace property, with neighbouring properties adjoined to the eastern and western elevations of the building. The site is located to the south of Droylsden town centre but does form part of a parade of shops that is classified as a local shopping centre on the UDP proposals map.

3. RELEVANT PLANNING HISTORY

- 3.1 There is no relevant planning history on this site

4. RELEVANT PLANNING POLICIES

- 4.1 National Planning Policy Framework (NPPF)
- 4.2 Planning Practice Guidance (PPG)
- 4.3 **Tameside Unitary Development Plan (UDP) Allocation**
Unallocated within the settlement of Droylsden.
- 4.4 **Part 1 Policies**
1.3: Creating a Cleaner and Greener Environment.

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

4.5 **Part 2 Policies**

- S5: Changes of use in local shopping centres
- H4: Type, size and affordability of dwellings
- H7: Mixed Use and Density (Density being relevant to this proposal)
- H10: Detailed Design of Housing Developments
- OL10: Landscape Quality and Character
- T1: Highway Improvement and Traffic Management.
- T10: Parking
- C1: Townscape and Urban Form
- C11: Shop fronts
- MW11: Contaminated Land
- MW14 Air Quality
- U4 Flood Prevention
- U5 Energy Efficiency

4.6 **Other Policies**

Greater Manchester Spatial Framework - Publication Draft 2019.

The Greater Manchester Combined Authority (GMCA) has consulted on the draft Greater Manchester Spatial Framework Draft 2019 ("GMSF") which shows possible land use allocations and decision making policies across the region up to 2038. The document is a material consideration but the weight afforded to it is limited by the fact it is at an early stage in its preparation which is subject to unresolved objections.

Residential Design Supplementary Planning Document; and,
Trees and Landscaping on Development Sites SPD adopted in March 2007.

4.7 **National Planning Policy Framework (NPPF)**

- Section 2: Achieving sustainable development
- Section 5: Delivering a sufficient supply of homes
- Section 9. Promoting sustainable transport
- Section 11: Making efficient use of land
- Section 12: Achieving well designed places

4.8 **Planning Practice Guidance (PPG)**

- 4.9 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 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. This is in addition to a site notice and press notice.

6. RESPONSES FROM CONSULTEES

- 6.1 Local Highway Authority – no objections to the proposals, subject to the imposition of a condition requiring the provision of the proposed cycle storage arrangements prior to the first occupation of the development.
- 6.2 Borough Environmental Health Officer (EHO) – no objections to the proposals, subject to conditions limiting the hours of work during the conversion phase of the development, the provision of the proposed bin storage arrangements prior to the first occupation of the development and details of soundproofing measures to be installed to reduce the impact of the noise associated with the development on the amenity of the adjoining properties and protect the future occupiers of the development against the noise generated by traffic on Ashton Old Road.
- 6.3 Greater Manchester Police (Architectural Liaison Officer) – no objections to the proposals. A Crime Impact Assessment is considered not to be necessary given that this is a change of use as opposed to the erection of a new building. Given that the primary entrance to the building would be from the street frontage, there is no objection to the principle of development.

7. SUMMARY OF THIRD PARTY RESPONSES RECEIVED

- 7.1 Cllr Mills has objected as ward Councillor to the proposals, raising the following concerns:
- The proposal would result in an over-intensification of the use of the site, access problems resulting in highway safety concerns and concerns around an increase in anti-social; behaviour in the locality.
- 7.2 In addition, 19 letters of objection to the proposals have been received from local residents which raise the following concerns (summarised):
- There are already a large number of houses in multiple occupation in the surrounding area. This results in pressure for car parking spaces within the residential streets, a situation that would be exacerbated by the proposed development, which does not make any provision for car parking.
 - Concerns regarding the potential impact of the development on crime and anti-social behaviour in the locality, which would be detrimental to the residential amenity of existing residents.
 - There is already significant congestion on Station View, caused by the fact that the ground floor commercial premises have residential space above, none of which have allocated parking spaces. This situation results in a highway safety hazard that would be made worse if this application is approved.
 - The assertion that the rear yard area can provide adequate space for the volume of refuse storage required is questioned. If adequate provision is not made, the proposals would add to the existing problems of fly tipping and the associated impacts on the amenity of the area.
 - Concerns regarding who may be occupying the premises once converted to a house in multiple occupation.
 - Concerns regarding the safety of the proposed communal space on the amenity and safety of the future occupiers of the property.
 - The suggestion that there are no other houses in multiple occupation in the locality is strongly disputed.
 - It is considered that there would not be sufficient space within the rear yard area associated with the property to accommodate significant bike storage.
 - There are concerns regarding the validity of a letter of support from one of the neighbouring businesses.

- The parking bays to the front of Station View are often full and this obscures the visibility into and from the junction with Fairfield Avenue to the east of the site. This situation would be exacerbated by the proposed development.
- The alleyway providing access to the back of properties on Station View is used to store rubbish and other items by people living on station view (commercial and residential), this will pose an increased health and safety risk to a large occupancy at 5 Station View, additional people will only add to this problem.
- Conversion of the building to residential would further weaken the range of services and facilities available to existing residents in the locality.
- No development of Station View should be permitted that does not include for provision of safe and suitable rear access to the properties and preferably not accessed from Fairfield Avenue. Such access provision should include taking action to demolish the structures at 7 & 9 built in contravention of building regulations and the land leases of the properties/ legal obligations to adjacent land users.
- The area of land to the side of the garage and rear of No's 1 & 3 Fairfield Avenue is hidden from public view leaving these properties as well as Station View vulnerable to drug related activity and burglary. This land is secured by agreement with No3 who provides access. Another 9 individuals potentially utilising the access will undoubtedly mean it is left unsecured despite the best efforts of other residents.
- Another 9 unrelated individuals gaining access via the land and gardens of 1&3 would be an unacceptable disturbance and expense to the residents of 1 & 3 who have no obligation to provide such access thorough their private land.

7.3 Angela Rayner MP has written to the Council regarding the application, making the following comments:

The need for different types of housing throughout Tameside is understood. However, the specific concerns of residents that have been raised in relation to this application need to be addressed. The residents' concerns focus on the fact that there are many other HMO type properties in a concentrated area which they indicate are having a detrimental effect on local services, particularly in relation to the piling of rubbish outside of properties. There are also concerns about access and parking, the security arrangements to be provided and the wider implications of these impacts on existing residents. These matter should be fully investigated by the Local Planning Authority.

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 proposals on the residential amenity of neighbouring properties;
- 3) The impact of the development on the character of the site and the surrounding area;
- 4) The impact on highway safety;
- 5) Other matters

9. PRINCIPLE OF DEVELOPMENT

9.1 Section 7 of the NPPF is entitled 'ensuring the vitality of town centres.' Whilst this site is not part of the core of Droylsden town centre, it is allocated in the Local Plan as a local shopping centre, reflecting the retail function that it serves. Paragraph 85 of the NPPF states that Local Planning Authorities should promote the long term vitality and viability of town centres, allowing a suitable mix of uses (including residential) and to recognise that residential development often plays an important role in ensuring the vitality of retail centres.

- 9.2 The application site forms one unit of a parade of shops which is designated as a local shopping centre on the adopted UDP proposals map and therefore the provisions of policy S5 apply. Policy S5 states that the Council will permit the change of use of retail premises to other uses where each of the following criteria are satisfied:
- a) Continued retail use does not appear to be viable
 - b) Introduction of other uses would reduce the extent of vacant properties and improve the local environment
 - c) The day to day needs of the community can still be met from other local shopping facilities in the area
- 9.3 The applicant has provided details of the marketing exercise that has been undertaken in an attempt to find a new use for the currently vacant site. The information indicates that the property has been on the market since January 2019. The property was advertised by an agent with shops in Droylsden and Stockport (in addition to other locations), via the internet and also through a sales board being erected at the site.
- 9.4 A total of 664 potentially interested parties were contacted directly. The property was marketed with a guide price of £95,000 which is well below the median house price in the Droylsden East ward (£119,000), according to the adopted Housing Needs Assessment. Given the size of the property, it is considered that the guide price reflected its current lawful use as opposed to a more aspirational figure to encourage enquiries for residential use. The marketing exercise resulted in only 6 viewings and no offers being made for the property, which was the subject of an auction process. It is accepted that the marketing exercise has been limited in terms of timescale. However, the extent of the campaign, the guide price given and the lack of interest are considered cumulatively to suggest that there is limited demand for retaining the commercial use of the site.
- 9.5 This unit and no. 1 Station View are vacant at the time of considering this planning application. When coupled with the lack of interest shown in taking over the premises and continuing a retail/commercial use, it is considered that the introduction of an alternative use to the parade would improve the quality of the local environment through securing an active use for the building. The proposed use would also increase footfall within the parade by increasing the residential population in the locality. This factor could lead to an improvement in the vitality and viability of the remaining commercial premises on the parade.
- 9.6 The applicant has provided details of the services and facilities within a 10 minute radius of the site. A number of these facilities would rely on car travel to be accessed in 10 minutes. However, a number of facilities within Denton town centre are 15 minutes walk from the site. The Morrison's store to the east of the site on Manchester Road is beyond a 10 minute walking distance from the site, but a regular bus service runs along this section of Ashton Old Road. It is therefore considered that there are sufficient alternative facilities within relatively close proximity of the site to meet the day to day needs of the local population, which cannot be met by a vacant building.
- 9.7 Section 11 of the NPPF is entitled 'making efficient use of land.' Paragraph 118 states that planning policies and decisions should (amongst other things) 'give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs' and 'promote and support the development of under-utilised land and buildings...' The proposals would comply with this objective through bringing a vacant building back into active use.
- 9.8 It is the case that 9 properties on Fairfield Avenue and 1 property on Edge Lane and Fairfield Road respectively are listed on the Council's Register of Houses in Multiple Occupation. Officers are also mindful of the proposal to convert the former Gardeners Arms on Edge Lane to a 12 bedroom HMO. However, it is also the case that the Housing Needs

Assessment indicates that 16% of residential units in the Droylsden East ward are occupied on a private rent basis. Whilst that figure is higher than the Borough wide average of 14.2%, a comfortable majority (66%) of the properties in the ward are owner occupied properties. It is therefore considered that the evidence does not point of an over-concentration of HMO accommodation within the local area.

- 9.9 Following the above assessment it is considered that the principle of development would not conflict with the objectives of national or local planning policy in relation to the impact on the local shopping centre and is therefore acceptable, subject to all other material considerations being satisfied.

10. RESIDENTIAL AMENITY

- 10.1 The proposal involves the re-opening of blocked openings at the ground and lower ground floor levels, on the rear elevation of the building. The height of the boundary treatment enclosing the rear yard area associated with the application site would prevent overlooking at ground floor level and the corresponding gable of the property at no. 1 Fairfield Avenue (to the north of the site) does not contain any openings. There would be no new openings on any of the other elevations of the building.
- 10.2 Given this situation, it is considered that the proposals would not result in any unreasonable overlooking into any of the neighbouring properties. The proposals do not include any extension of the existing building in terms of either height or footprint and as such, would not result in an adverse impact on neighbouring properties through overshadowing, over and above the existing situation.
- 10.3 The units adjoined to either side of the application site include residential accommodation above ground floor level. In order to mitigate the impact of the intensification of the use of the upper floors of the application site on the residential amenity of those neighbouring properties, the EHO has recommended a condition requiring a scheme to soundproof the party walls be implemented prior to occupation.
- 10.4 Given that the proposals would result in the conversion of office space to residential accommodation on those floors of the building, this is considered reasonable and a condition to this effect is attached to the recommendation. Subject to this scheme being implemented, it is considered that the number of units proposed would not generate noise and disturbance that would result in a detrimental impact on those neighbouring properties.
- 10.5 In terms of the residential amenity of the future occupiers of the development, one of the bedrooms is marginally below the 11.5 square metres in area required by the national technical housing standards (measuring 11 metres squared) but the other 5 bedrooms would exceed this requirement, a number by a significant margin.
- 10.6 Revisions have been made to the layout to remove the communal living space below ground floor level initially proposed, due to concerns expressed by officers regarding the lack of outlook from that part of the building and the detrimental impact this would have on the residential amenity of the future occupiers. The revised scheme has moved this communal space to the front of the property at ground floor level, resulting in the loss of one of the bedrooms originally proposed. Following this alteration, officers are satisfied that the proposals would provide adequate living accommodation to the future occupants of the development.
- 10.7 The EHO has suggested that the soundproofing scheme referred to above be extended to cover measures to mitigate the impact of noise generated by the traffic on Ashton Old Road, in order to ensure that the amenity of the future occupiers is preserved. This is

considered to be reasonable and is incorporated into the relevant condition on the recommendation.

- 10.8 On the basis of the above assessment, it is considered that the proposals would not result in a detrimental impact on the residential amenity of any of the neighbouring properties or the future occupiers of the proposed development.

11. CHARACTER OF SITE AND SURROUNDING AREA

- 11.1 The scheme proposes to render the front elevation of the building at ground floor level and replace the existing shop front with 2 windows and a new entrance door. Policy C11 of the UDP aims to preserve existing shop frontages that have historic value or significant architectural quality. The existing shop front in this case is considered not to fall into either of these categories, with modern signage and a bulky externally housed shutter. Other alterations to the building would be limited to the replacement of windows with frames which would be similar in appearance to those that exist on neighbouring units.
- 11.2 Overall therefore, the alterations required to facilitate the proposed change of use are considered to preserve the character of the building and surrounding area.

12. HIGHWAY SAFETY

- 12.1 The scheme does not propose any on-site parking. There is an unrestricted parking area in front of the terrace of units on Station View. It is however acknowledged that this space is available to serve all of the units within the row, not just the application site. That being said, it is also the case that the extant use of the property includes retail at ground floor, with ancillary office space above. The upper floors of the building could be converted to 2 flats under permitted development rights associated with retail premises. This fall-back position could result in cars associated with the two flats in addition to staff and customers associated with the retail space.
- 12.2 Whilst the concerns of local residents are noted, it is considered that the proposed 5 bedroom unit would not result in a significantly greater impact in terms of trip generation and parking requirements than could be achieved under the extant use. This assessment is corroborated by the lack of objection to the proposals from the Local Highway Authority.
- 12.3 The plans indicate the location of 3 secured cycle stands to be installed within the rear yard area of the property. Given the lack of on site car parking provision proposed and the space available within the rear yard associated with the property, it is considered reasonable to attach a condition requiring details of 5 secured cycle parking spaces to be provided within the basement of the building, providing 1 space per bedroom. Such a condition is attached to the recommendation. The site is considered to be situated in a sustainable location, with regular bus services connecting to Ashton and Manchester city centre within close proximity of the site.
- 12.4 Following the above assessment, it is considered that the proposals would not result in an adverse impact on highway safety and should therefore not be refused on those grounds, in accordance with the guidance within paragraph 109 of the NPPF.

13. OTHER MATTERS

- 13.1 In relation to environmental health, the Borough EHO has not raised any objections to the proposals, subject to conditions limiting the hours of work during the conversion phase of

the development, the provision of the proposed bin storage arrangements prior to the first occupation of the development and the aforementioned soundproofing measures.

- 13.2 The soundproofing condition is considered to be necessary given the commercial nature of the ground floor uses of the properties adjoined on either side of the application site and the close proximity to a highway which has relatively high traffic volumes. The other conditions recommended by the EHO are also considered to be necessary and are attached to the recommendation.
- 13.3 In relation to crime impact associated with the development, the concerns expressed by local residents and the ward Councillor are noted. It is important to acknowledge that the fear of crime and anti-social behaviour are only material planning considerations to the extent that the physical design of a development should not create opportunities for such behaviour to arise. In this case, the application relates to the conversion of an existing building without extension.
- 13.4 Greater Manchester Police have been consulted on the application and the Architectural Liaison Officer has indicated that a Crime Impact Assessment is considered not to be necessary, due to the fact that the principal entrance to the property would be from Station View, to the front of the property. It is considered reasonable to attach a condition to any permission granted requiring details of the security measures to be installed on the property as part of the conversion works and such a condition is attached to the recommendation.

14. CONCLUSION

- 14.1 The proposals would result in the change of use of a retail unit in a local shopping centre to a non-retail use. However, the existing unit is vacant and the marketing information provided by the applicant (albeit it relatively short in time period) tends to indicate that there is evidence of a lack of demand for returning the unit to a commercial use. This is not the only premises within the parade that is vacant and there is an extensive retail and commercial offer within a 15 minute walk of the site. Weighed against any limited harm arising through the loss of a retail unit are the positive benefits of bringing a vacant building back into use in a form that would increase footfall within the area and may well therefore have a positive impact on the vitality of the local shopping area. When balancing these benefits against the limited harm arising from the proposals, the scheme is considered to be acceptable in principle.
- 14.2 The proposals would not include any dedicated car parking. It is acknowledged that car parking to the front of the unit is limited as spaces are provided for the parade as a whole. However, the site is located in a sustainable location, with bus services within close proximity of the site. The provision of cycle stands as part of the development would provide facilities for residents to cycle to Droylsden town centre and Edge Lane tram stop, to access other forms of sustainable transport connecting to Ashton and Manchester city centre.
- 14.3 Whilst the concerns expressed by local residents regarding the concentration of HMOs in the surrounding area are noted, the evidence from the HNA indicates that only a minority of properties within the Droylsden East ward are occupied by tenants in the private rented sector. Officers therefore conclude that there is a lack of evidence to suggest that the frequency of this type of accommodation is resulting in material change to the character of the area, given that not all of private rented properties will necessarily be occupied as HMO's.
- 14.4 In relation to the fear of crime and anti-social behaviour in the locality, there is no evidence to suggest that this scheme would have a material impact in that regard. The Police Architectural Liaison Officer has raised no objections to the proposals and has confirmed

that a crime impact assessment for this development (which proposes change of use of the building only) is not required. A condition can be attached to any planning permission requiring the submission and approval of the security measures to be installed to reduce the risk of crime in relation to the building itself and such a condition is attached to the recommendation.

- 14.5 Following amendments to reduce the scheme to a 5 bedroom HMO, it is considered that the proposals would not result in an adverse impact on the residential amenity of neighbouring properties or the future occupants of the development, subject to the imposition of a condition requiring a soundproofing scheme to be installed within the building to minimise noise associated with the adjoining commercial uses and to preserve the amenity of the upper floors of the neighbouring units. There are no objections to the proposals from the statutory consultees in relation to highway safety or environmental health.
- 14.6 The application is therefore considered to accord with the relevant national and local planning policies listed earlier in this report.

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:

Site location and proposed site plan (reference (20) A005 Rev B)
Amended proposed floor plans (reference (20) A002 Rev C)
Proposed elevations plan (reference (20) A004 Rev A)
3. Notwithstanding the details shown on the approved plans, the building shall not be occupied for the use hereby approved until details of the provision of secured storage for a minimum of 5 bicycles to be provided as part of the development have been submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be provided in accordance with the approved details prior to the occupation of the building for the use hereby approved and shall be retained as such thereafter.
4. The general & recycling bin area, indicated on the approved drawing (reference (20)A005 Rev B), shall be provided prior to the occupation of any part of the development and thereafter retained and maintained for their intended purpose at all times
5. Prior to the first occupation of the building for the use hereby approved, a scheme to soundproof the party walls between the application site and the adjoining commercial properties at either side and the internal walls of the front elevation of the building (facing Ashton Old Road) has been submitted to and approved in writing by the Local Planning Authority. The use shall not be occupied until the approved scheme has been implemented in accordance with the approved details and the development shall be retained as such thereafter.
6. Prior to the first occupation of the building for the use hereby approved, details of the security measures to be incorporated into the building as part of the development shall be submitted and approved in writing by the Local Planning Authority. The use

shall not be occupied until the approved scheme has been implemented in accordance with the approved details and the development shall be retained as such thereafter.

7. During the conversion phase of the development, 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.
8. Prior to the first occupation of the building for the use hereby approved, details of the colour and texture of the render to be applied to the exterior of the building at ground floor level shall be submitted to and approved in writing by the Local Planning Authority. The render shall be applied in accordance with the approved details and shall be retained as such thereafter.