

Application Number 21/00421/FUL

Proposal Change of use of premises from vacant hairdressers with residential unit above to 5 person House in Multiple Occupation (HMO) together with associated alterations to elevations.

Site 95 Houghton Green Road, Denton, M34 7GR

Applicant Mr Hyane Moussassa

Recommendation REFUSE

Reason for Report The applicant has requested that the application be determined by Members of the Speakers Panel (Planning).

1.0 APPLICATION DESCRIPTION

- 1.1 The application (as amended) seeks planning permission to change the use of the existing ground floor hairdressers and self-contained flat above into a 5 bedroomed House In Multiple Occupation (HMO).
- 1.2 The proposed accommodation comprises of 5 bedrooms situated over two floors (ground, and first floor). Additionally there would be a communal kitchen and living/dining area on the ground floor. A separate bin storage area and bike store is also proposed at ground floor level. The basement would accommodate a separate store room.
- 1.3 Minor alterations are proposed to the external elevation including the replacement of an existing door fronting Henry Street with a window.
- 1.4 The application has been supported by the following plans documents:

Block Plan (Drawing No.: 4D01BP)
OS Map/Location Plan (Drawing No.: 4D01OS)
Existing Floor Plans (Drawing No.: 4D01)
Existing & Proposed Elevations (Drawing No. 4D03 Rev A)
Proposed Floor Plans (Drawing No. 4D02C Rev A)
Design & Access Statement
Sales Particulars for 95 Houghton Green Road, Denton, Manchester, M34 7GR
Transport Note dated 01 June 2021 (reference J325880)

2.0 SITE & SURROUNDINGS

- 2.1 95 Houghton Green Road relates to an end terraced property which was last used as a hairdressers shop on the ground floor with separate residential accommodation above. The property is adjoined by residential properties at 93 Houghton Green Road and 1 Henry Street. Retail premises lie opposite the site at 97 Houghton Green Road. The premises lie within Houghton Green village which is allocated as a Local Shopping Centre and Parade ('LSCP') on the UDP Proposals Map.

3.0 RELEVANT PLANNING HISTORY

- 3.1 There is no relevant planning history relating to the application site.

4.0 RELEVANT PLANNING POLICIES

4.1 Tameside Unitary Development Plan (UDP) Allocation

Within Local Shopping Centre and Parade

4.2 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
- 1.12: Ensuring an Accessible, Safe and Healthy Environment

4.3 Part 2 Policies

- S5: Changes of Use in Local Shopping Centres
- H7: Mixed Use and Density.
- H10: Detailed Design of Housing Developments.
- T1: Highway Improvement and Traffic Management.
- T10: Parking
- C1: Townscape and Urban Form
- MW11: Contaminated Land.

4.4 National Planning Policy Framework (NPPF)

The NPPF sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

Paragraphs of particular relevance to this application include:

- Chapter 6 - Building a Strong, Competitive Economy
- Chapter 7 - Ensuring the vitality of town centres
- Chapter 8 - Promoting healthy and safe communities
- Chapter 9 - Promoting Sustainable Transport
- Chapter 11 - Making Effective Use of Land
- Chapter 12 - Achieving well-designed places

4.5 Other Policies

Haughton Green Supplementary Planning Document
Residential Design Supplementary Planning Document

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

4.6 Planning Practice Guidance (PPG)

4.7 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.

5.0 PUBLICITY CARRIED OUT

- 5.1 As part of the planning application process neighbour notification letters and a site notice posted on Haughton Green Road were issued in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

6.0 RESPONSES FROM CONSULTEES

- 6.1 The Head of Environmental Services (Environmental Protection) – No objections in principle. Recommend conditions relating to hours of work during the construction/conversion period and details of bin storage to be provided. Also note that there is no indication as to where the bin store would be hence the above recommendation. As a guide, for a 6-bed HMO, the proposal would need a bin capacity of 840 litres for general, black bag waste and the same again for paper / cardboard and the same again for glass / plastic. If the bins were to be stored on the street then you could be looking at a total of 9 – 12 normal size bins or 3 large Eurobins which would have a visual impact as well as blocking the pavement area.

- 6.2 The Head of Environmental Services (Highways) - object to the proposal for the following reason:

There is inadequate in curtilage parking provision proposed for the development, which is not in a town centre location and in the LHA's opinion not well served by regular public transport journeys.

The proposed change of use of the building to a 6 Bedroom HMO would result in greater demand for on street parking around the junction of Haughton Green Road/Henry St than the historical use and have a detrimentally impact on the amenity of other residents which currently has high demand for on street parking spaces within the immediate location of the development.

- 6.3 Head of Environmental Services (Contaminated land) - It would appear that the application property was constructed in the mid nineteenth century. No significant sources of contamination appear to be present in the immediate vicinity and no gardens/soft landscaping are proposed. Consequently, it is recommended that the following note is attached to the above application:

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 / organic materials / wastes 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.

7.0 SUMMARY OF THIRD PARTY RESPONSES RECEIVED

- 7.1 Councillor Reid on behalf of the Denton South Ward councillors object to the proposal for the following reasons:

- Tameside's UDP designates this area of Haughton Green Road as a 'shopping parade' and this policy should be upheld in this area. Allowing this change of use class from retail would undermine the UDP for this area.

- The traffic and parking situation is a concern and whilst it is accepted that the application proposes bike storage, there is no guarantee these new residents won't contribute to the already unsustainable parking situation on Haughton Green Road.
- The beauty of shopping local is residents of Haughton Green frequently walk to the local shops. Converting this retail unit to residential will undoubtedly make the road busier, and more than that the end objective of a HMO will potentially generate more traffic than a normal terrace with one family living there. In addition to this the Supplementary Planning Document for Haughton Green also refers to the need to keep traffic and parking to a minimum.
- Finally 'there has been a boom in businesses along Haughton Green Road, at least four opening in the last two years. There is demand for local retail units and I am sure before long the former hairdressers will be transformed into another thriving local business, providing much needed employment and economic contribution, again as described as a need in the UDP'.

7.2 Andrew Gwynne MP objects to the proposal and supports the Ward Councillors comments. The UDP designates the area as a shopping parade, and it is important this policy is upheld in order to support the local economy. Concern expressed also over parking and traffic, HMOs undoubtedly attract more vehicles than a very localise shopping area.

7.3 Representations have been received from 73 neighbours raising the following (summarised) points:

Principle of development

- The community have worked hard to make the high street nice. The Community Group have put new planters all along the main road, notice boards & there are thriving local shops.
- New businesses have opened in the village and the local community have supported them through lockdown & want to build that support into the future.
- The high street should be a hub for the whole community & for visitors who visit the Tame Valley.
- To allow a HMO would not only ruin the high street and set a precedent for further HMOs. It would also cause great harm to the businesses that are new and trying to survive the current climate, especially the new bistro adjacent.
- The hairdressers that traded from that building had been a good business for many years.
- Changing the zoning from commercial to residential would be a detriment to the spirit of the village.
- More local businesses are needed and not housing in the village centre. Local amenities are essential to encourage the 'local community' feel that a 'village' should have.
- Haughton Green has just welcomed the opening of several new businesses during lockdown and this area needs to keep commercial property so that 'The Green' can be vibrant again with shops and local people can keep shopping local.
- The shop has been a hairdressers for over 20 years. If the shop had been vacant for years, then an alternative residential use should be considered but this is not the case.

Highway and Pedestrian Safety

- The street has enough room for residents of 3 to 5 Henry Street along with the garage. The proposal would result in it being impossible to park.
- There is no parking provision for what could potentially be 6 cars. On road parking is not an option.
- The proposal would have a detrimental impact on highway and pedestrian safety.

Other

- The application states that there is adequate space for storage of waste generated by 6 people, however there is no evidence of this.
- A HMO by its very nature will attract transient tenants who have no investment in Haughton Green.
- Increased noise, nuisance and anti-social behaviour.
- There is already a HMO in Denton.
- Would spoil ambience of village.
- Inadequate infrastructure to accommodate more housing.

8.0 ANALYSIS

8.1 The main issues to consider in the determination of this application are:

- The principle of the development;
- Character of the area;
- Residential Amenity; and
- Parking and Highway Safety.

9.0 PRINCIPLE

9.1 With regard to the principle of development, the main issue in this regard relates to the loss of the existing retail unit and the impact of this on shop provision in the area. The application site lies within a 'Local Shopping Centre and Parade' (LSCP) as identified on the UDP Proposals Map. In such locations, in accordance with UDP Policy S5 'Changes of Use in Local Shopping Centres', the Council will permit changes of use of retail premises to other uses where the following criteria can be 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; and
- (c) The day to day needs of the local community can still be met from other local shopping facilities in the area.

In order to comply with the requirements of policy S5, all three requirements of this policy should be met.

9.2 In respect of the above policy, the applicant has confirmed the following:

- That the existing hairdressers has been vacant since September 2020;
- That the premises has been marketed for a period of 6 months between September 2020 and January 2021;
- There seems no lack of retail space around the area; and
- There are five other hairdressers less than 5 minutes' drive away from the site.

9.3 In support of their case, the applicant has also stated that "it isn't viable to keep the building use as retail, especially given the high number of other retail shops in the area, notably convenient corner shops, and post office. The application site is also adjoining other residential properties, so it would be in keeping with the adjoining residential terrace and precedent".

9.4 In respect of Policy S5 (a) and the issue of viability, it is not considered that the existing local shopping centre is in decline or is no longer economically viable as a retail destination.

Notwithstanding this however, the applicants' claim that it isn't viable to keep the building in use as retail.

- 9.5 In this regard and taking into account the effect of the proposal on local shop provision, it is reasonable to consider whether there is a prospect of the premises being occupied by another retailer. The Council would normally expect a vacant property to be marketed for a period of at least 12-18 months to demonstrate that a retail use was no longer viable.
- 9.6 In this regard, the applicant has provided some information to suggest that the site has been marketed as a retail unit for a period of just 6 months between September 2020 and January 2021 and that there was a lack of interest in the property as a retail unit during this time period.
- 9.7 It is considered that the information provided does not demonstrate that the unit is no longer suitable for further retail use due to its location, size or layout. Indeed the premises are close to other shops and services and within walking distance to residential properties and public transport. It is considered that a 6 month marketing period is not a sufficient period of time to adequately demonstrate that the premises are not suitable or capable of being used for further retail purposes. The lack of vacant retail premises within the LSCP would also suggest that demand for such uses remains relatively high.
- 9.8 Overall, it is not considered that the evidence provided to suggest that the site is not viable as a retail outlet, has no reasonable prospect of being used to provide a retail use in the future, or has been unsuccessfully marketed as a retail outlet has been adequately demonstrated.
- 9.9 In respect of S5 (b), whilst the proposal would result in the occupation of a currently vacant retail unit, the proposed use of the premises for non-retail purposes is unlikely to complement the role of the existing village as a local shopping centre and has the potential to dilute and detract from its retail character.
- 9.10 In respect of S5(c), it is accepted that there are a range of other uses within the existing village centre including a range of retail shops and services which seem capable of meeting many of the day to day needs of the local community however UDP policy S5 specifically states that the Council will permit changes of use of retail premises to other uses where specific criteria has been satisfied or met and this has not been done or proven by the applicant in support of their application. An adequate marketing exercise has not been undertaken and it is not therefore evident that a continued retail use of the application premises is not viable.
- 9.11 For these reasons, the proposed development would adversely affect shop provision in the area and would be contrary to Policy S5 of the UDP and paragraph 92 of the NPPF which seeks to ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community.
- 9.12 As a result of the above, it is considered that the change of use has the potential to undermine and weaken the retail function of the LSCP and as such is contrary to UDP Policy S5 and paragraph 92 of the NPPF.

10.0 CHARACTER OF AREA

- 10.1 The application property lies within an area where there are no other HMOs in the immediate locality and there is no evidence to suggest that there is an over concentration of this housing type within the surrounding area which is giving rise to environmental or social problems and traditional family housing will continue to be the predominant land use.

10.2 There are no significant alterations proposed to the external appearance of the property. In this regard the proposal is in accordance with UDP Policy C1.

11.0 RESIDENTIAL AMENITY

11.1 UDP Policy H10 requires new development to be of high quality, provide a good standard of amenity for future occupiers, and for there to be no unacceptable impact on the amenity of neighbouring properties. The Residential Design SPD identifies standards for new residential development. It is important that new residential developments achieve appropriate levels of amenity for proposed residents whilst not adversely affecting existing residents. This is mainly achieved by ensuring that developments adhere to inter-house spacing policy in terms of their position, scale and orientation in relation to existing properties.

11.2 The accommodation will be well proportioned. The proposal has been amended since the original submission and has been reduced from 6 bedrooms down to 5 with an increase in the size of communal areas. The bedrooms allow for good levels of storage for residents and the adequately sized communal areas are a good indicator to amenity standards.

11.3 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
- Accommodation is up to standard with relevant safety certification

The licencing arrangements would therefore an effective way in which to enforce good management of the property to prevent incidences of anti-social behaviour.

11.4 The Head of Environmental Services (Environmental Health) has been consulted on the proposal and has raised no objections with regard to the proposed internal layout. Comments have also been made about the bin storage requirements for a HMO. The amended plans show an internal bin storage area. The size of this doesn't meet the capacity suggested by the Head of Environmental Services (Environmental Health). Notwithstanding this however, there is a storage area proposed in the basement which could be utilised for the storage of additional refuse bags/recycling should the need arise.

11.5 With regard to issues relating to overlooking and impact on privacy, the application does not propose any new or additional openings and as a result, the impact on existing amenities in terms of over-looking and privacy, would be minimal and no greater than the existing situation. In this respect the proposal is considered acceptable.

11.6 In terms of objections raised with regard to noise and disturbance as a result of the number of potential residents, the proposed use is residential and the property has been shown to be sufficient size to provide for acceptable living accommodation for the proposed number of occupiers. It is not therefore considered that the level of noise and disturbance associated with the proposed use would be unacceptable or above the level that could be associated with its current permitted use.

11.7 Following the above assessment, it is considered that the proposed development would not result in an adverse impact on the residential amenity of any of the neighbouring properties and the proposal is compliant with policy H10 (d) of the UDP and Section 12 of the NPPF.

12.0 PARKING AND HIGHWAY SAFETY

12.1 The application site fronts Haughton Green Road and Henry Street where off street parking is limited and residents generally park their vehicles on the highway. The application is accompanied by a Transport Note which has been prepared by Mode Transport Planning and confirms the following points:

- The site has direct access onto a good quality footway network, which provide a safe walking routes to local amenities and public transport connections. This site is accessible by a range of sustainable modes of transport, including buses, rail services and cycle routes which can be accessed within an acceptable walking distance of the site. The site can therefore be deemed sustainable in transport and highways terms and is in accordance with paragraphs 108 and 110 of the NPPF;
- That 70% of flats with comparable tenure to the proposed HMO development within the Denton South ward have no access to a car/van and therefore operate as 'car free'; and
- The proposed residential development is expected to generate 1no. trip during the AM peak and only 1no. two-way trips in the PM peak hour. The proposed development will therefore have an unperceivable impact on the local highway network.

12.2 The Head of Environmental Services (Highways) has objected to the application and considers that the proposal would result in greater demand for on street parking around the junction of Haughton Green Road/Henry St than the historical use and would as a result have a detrimental impact on the amenity of other residents which currently has high demand for on street parking spaces within the immediate location of the development.

12.3 Whilst the above objection is noted, typically car ownership amongst residents within HMOs is low recognising that it is an affordable form of accommodation. The site also lies within an accessible location in close proximity to local services and bus facilities. Furthermore, the evidence presented with the application does not show that the development would result in a material increase or change in the demand for on-street parking in the Borough or vicinity of the site. The site is within walking distance of public transport. There are retail outlets and local amenities and services in the wider locality. In the context of the site's location, it is considered that the proposal would neither represent a material increase or a material change in the character of traffic in the vicinity of the site.

12.4 The proximity to local services and public transport reduces car reliance which gives credibility to the sustainability of the site. Given this situation, in accordance with the guidance contained within paragraph 109 of the NPPF, it is considered that a refusal of planning permission could not be justified on highway safety grounds.

13.0 OTHER

13.1 The licencing arrangements under the Housing Act would form an effective way in which to enforce good management of the property to help prevent incidences of anti-social behaviour.

14.0 CONCLUSION

14.1 At the heart of the NPPF is a presumption in favour of sustainable development, this requires planning applications that accord with the development plan to be approved without delay

unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework as a whole or specific policies in the framework indicate that development should be restricted.

- 14.2 In this instance, it is accepted that the proposal will enhance the range of house types and house tenures available in the area and (to a limited extent) help boost the supply of homes. However, a balance needs to be achieved between this and retaining facilities which could meet a valuable community need. In this particular case, it is considered that the change of use has the potential to undermine and weaken the retail function of the existing LSCP and as such is contrary to UDP Policy S5 and paragraph 92 of the NPPF which seeks to ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community.

RECOMMENDATION

That the application be REFUSED for the following reason:

1. The proposal would result in the loss of a Use Class E (Commercial, Business and Service) retail unit within Haughton Green Village which is designated as a Local Shopping Centre and Parade (LSCP) on the Tameside Unitary Development Plan Proposals Map. The applicant has failed to demonstrate that the continued retail use of the site is no longer viable and the proposal has the potential to undermine and weaken the retail function of the existing LSCP. As such the proposal is contrary to Policy S5 of the Tameside Unitary Development Plan and paragraph 92 of the NPPF which seeks to ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community.