

Application Number:	21/00976/FUL
Proposal:	Change of use from office to 10 one-bedroomed apartments including re-instating doorway and lifting part of the existing roof.
Site:	8 Warrington Street, Ashton-under-Lyne, OL6 7PR
Applicant:	Mr M Blum, Ashton Solutions NW Ltd
Recommendation:	Grant planning permission, subject to conditions.
Reason for Report:	A Speakers Panel decision is required in accordance with the Council's Constitution because this is a major application as defined by the Town and Country Planning (Development Management Procedure) (England) Order 2015.
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 part 3-storey and part 2-storey building located in the Old Town Quarter in the Ashton town centre conservation area. The building has its main frontage on to Warrington Street on the western side, and has frontages on to parallel roads, Church Street to the south and Fleet Street to the north. At the rear, the eastern side, the building is attached to another building in Church Street, access to the rear of which is taken from Fleet Street alongside the application premises.
- 1.2 The listed former Methodist Chapel directly across Fleet Street and a former technical college directly across Warrington Street have both been converted to flats. Planning permission (ref. 21/00715/FUL) was granted in August 2021 for the use of the attached building, formerly offices, to be changed to a 7-bedroom house in multiple occupation. There is a public house directly across Church Street.

2. PROPOSAL

- 2.1 Full planning permission is sought for the change of use of the building from offices to 10, one-bedroomed apartments. In order to facilitate the proposed change of use, the scheme includes the upward extension of the section of the building that rises currently to two storeys to provide a third floor.
- 2.2 All of the flats would be one bedroomed. One flat would be a duplex utilising part of the ground floor and part of the basement.
- 2.3 Other external alterations proposed are the reinstatement of a door at the corner of the building at the junction of Warrington Street with Fleet Street, which would then provide discrete access to one of the ground floor flats, and the reinstatement of a window in the third floor gable to Church Street and the reinstatement of sections of glazed brickwork at low level in both the Warrington Street and Church Street elevations.

- 2.4 Two of the ground floor flats would be accessed directly and discretely from Church Street. Access and egress to the other flats would be via a hallway and staircase through an existing external door in Warrington Street.
- 2.5 A gated yard alongside the building in Fleet Street would provide two car parking spaces and refuse bin storage facility.

3. PLANNING HISTORY

- 3.1 21/01152/P3N - Change of use of from (Class E) commercial, business and service uses to (Class C3) 8 flats under Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) Order 2015 – Approved 26.11.2021.

4. PLANNING POLICY

National Planning Policy Framework (NPPF)

- 4.1 Paragraph 9 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 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 Paragraph 11 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.
- 4.5 Paragraph 120 states that planning decisions should:
- Promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively; and
 - Support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers.
- 4.6 Paragraph 125 states that when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where

they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

- 4.7 Paragraph 130 states that planning policies and decisions should ensure that developments:
- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); and
 - Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.
- 4.8 Paragraph 197 states that in determining applications, local planning authorities should take account of:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - The desirability of new development making a positive contribution to local character and distinctiveness.

Development Plan

- 4.9 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)

- 4.10 Part 1 Policies
- 1.3 Creating a Cleaner Greener Environment
 - 1.4: Providing More Choice and Quality Homes
 - 1.5: Following the Principles of Sustainable Development
 - 1.11: Conserving Built Heritage and Retaining Local Identity
 - 1.12: Ensuring an Accessible, Safe and Healthy Environment
 - 1.13: Meeting Obligations on Minerals, Waste and Energy
- 4.11 Part 2 Policies
- H2: Unallocated Sites
 - H4: Type, Size and Affordability of Dwellings
 - H10: Detailed Design of Housing Developments
 - T10: Parking
 - C1: Townscape and Urban Form
 - C2: Conservation Areas
 - C4: Control of Development in or Adjoining Conservation Areas
- 4.12 **Supplementary Planning Documents**
- Residential Design Supplementary Planning Document
 - Ashton-under-Lyne Town Centre Strategy Supplementary Planning Document

Other relevant policies

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

Places for Everyone

- 4.14 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 are 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.
- 4.15 Paragraph 48 in the NPPF 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).
- 4.16 Whilst Places for Everyone has been published and submitted, a number of representations have been received objecting to policies, and so in accordance with paragraph 48 of the NPPF, only very limited weight can be given to those policies at this time.

Other Considerations

- 4.17 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's 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.
- 4.18 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 The application has been advertised by means of: a notice being published in a local newspaper on December 9 2021 and posted at the site on December 17 2021, and, neighbour notification letters dispatched on December 22 2021 to 40 addresses in Warrington Street, Stamford Street, and Church Street.

6. SUMMARY OF THIRD PARTY RESPONSES

- 6.1 None received.

7. RESPONSES FROM CONSULTEES

- 7.1 United Utilities has offered no objection to the proposal and suggested the development be implemented in accordance with the surface water drainage hierarchy included in PPG.
- 7.2 The Head of Waste Management and Fleet Services has raised no objection to the proposal and provided advice on refuse bin provision requirement to serve the development.
- 7.3 The Head of Environmental Services (Public Protection) has raised no objection to the proposal and suggested that conditions restricting the hours of construction work, requiring

the provision of refuse bin storage facilities, and investigating the need for acoustic insulation be attached to any permission.

- 7.4 The Head of Environmental Services (Highways) has raised no objection to the proposal and suggested that conditions requiring the provision of cycle storage and car parking facilities be attached to any permission.

8. ANALYSIS

- 8.1 The principle that the proposed development is acceptable is established by the previous issue of notice (ref. 21/01152/P3N) of the prior approval Council for the change of use of the building from offices to residential. The issues to be assessed in the determination of this planning application are:

- The impact of the design and appearance of the extension on the building itself and on significance of both the conservation area and the setting of the listed building as heritage assets;
- The impact on exiting amenities;
- The residential environment created; and
- Accessibility and highway safety.

9. DESIGN AND APPEARANCE

- 9.1 The construction of the extension will impact on the significance of both the conservation area and the setting of the grade II listed former Methodist chapel as well as on the building itself. Although situated in the town centre, the building is not located on a main thoroughfare but on a back street where it is relatively secluded.
- 9.2 The extension is designed to replicate the appearance of the existing third storey of the building to which it would be attached. There is currently a shallow pitched hipped roof on the section of the building that would be extended. The roof of the extension would be hipped and the eaves and ridge heights would correspond with the adjacent existing roof. Fenestration in the extension would match the existing third floor fenestration and windows would be constructed with reveals, or recesses, and sills. It is proposed that brickwork and roof tiles would match the existing.
- 9.3 In these circumstances it is considered that the general form, design and detailing of the proposed extension suitably replicate the existing building and would therefore have a neutral impact and lead to no harm to the significance of the conservation area or the setting of the neighbouring listed building as designated heritage assets, nor to the building itself, and so accord with policies 1.11, C1, C2 and C4 of the UDP and paragraph 130 of the NPPF.

10. IMPACT ON EXISTING AMENITIES

- 10.1 There are habitable room windows in the converted chapel across Fleet Street and also in the apartment building, a converted former mill, facing across Warrington Street. The separation distances between windows in the building subject to the application and those in its neighbours are, respectively, approximately 5m and 11m. Both distances are significantly less than would be required normally by application of policy RD5 of the Residential Design SPD, which is designed to prevent undue over-looking and over-shadowing of neighbouring residential buildings. The policy does allow for flexibility on infill sites where existing spacing should be taken in to account. As existing, the spacing between the building subject to the application and the neighbouring residential conversions is less than would be required

normally. The spacing between the buildings is typical of the Old Town Quarter, as this is defined by the Ashton Town Centre Strategy SPD.

- 10.2 Approval exists for the conversion of the application building to residential. Whilst an additional storey would undoubtedly increase the degree of over-looking and over-shadowing of the neighbouring buildings, given the separation distances involved, the angle of over-looking would be downward at an acute angle. It is therefore considered that the increased incidence of over-looking as a result of the creation of a third storey would not be so much greater than that which would occur as result of the conversion of the building as approved.
- 10.3 Given the circumstances, and adopting a flexible approach, as recommended by paragraph 125 of the NPPF in applying policies relating to daylight and sunlight, in terms of over-looking, over-shadowing and noise, the proposal is considered acceptable and compliant with policy H10(d) of the UDP, policy RD5 of the Residential Design SPD and paragraph 130 of the NPPF.

11. RESIDENTIAL ENVIRONMENT CREATED

- 11.1 Policy H10 (a) of the UDP requires that the design of proposed residential developments, which are acceptable in relation to other relevant policies in the plan, meet 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 new national technical standard as given by the Government's Technical Housing Standards – nationally described space standard document (THS). As indicated on the submitted drawings the proposed single-level flats would provide at least 39sqm of usable, internal floor area, whilst the duplex flat would provide approximately 60.5sqm floor area. The requirements of THS are therefore achieved.
- 11.2 Each habitable room in each of the flats created would be provided with a window. In this arrangement it is considered that the proposal would provide both adequate natural light.
- 11.3 Although a town centre location, the surrounding uses are primarily residential. There is a public house, and a children's day nursery nearby but, as was accepted when the previous application for prior approval was assessed, it is not considered that the impact of noise generated by either would be so detrimental to the amenities of occupiers of the proposed flats so as to render the proposal unacceptable.
- 11.4 The amount of living accommodation that would be provided is considered of a suitable size and would meet the needs of potential occupiers to undertake their day-to-day living. There would be the provision of natural light and ventilation. The proposal is therefore considered acceptable and compliant with policies 1.5 and H10(a) of the UDP and paragraph 130 of the NPPF.

12. ACCESSIBILITY AND HIGHWAY SAFETY

- 12.1 The location is such that there is ready access to services and infrastructure in the town centre so that it is considered that the two car parking spaces proposed would be adequate to serve the development without there being any undue impact on highway safety, or that the residual cumulative impacts on the road network would be so severe so as to warrant refusal of the application. Despite the absence of any dedicated cycle storage provision, the impact on highway safety and the road network of the proposal is thereby considered acceptable and compliant with policies H10(b) and T1 of the UDP and paragraph 111 of the NPPF.

13. OTHER ISSUES

- 13.1 Comprising ten apartments, the development constitutes a major development, as such there would normally be a requirement to provide a contribution towards green space provision. The proposal is for the extension and conversion of an existing building and would provide one-bedroomed flats. It is considered that, given the type of people likely to occupy the flats, either single people or couples, outdoor recreational needs could be provided by the open space on the south side of Park Parade, some 60m to the south, or else the Memorial Gardens, a short walk across the town centre. It is therefore considered that the outdoor recreational needs of future occupiers can be satisfied by existing provision and no contribution towards further green space provision is sought.

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.

Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in full accordance with the following plans/information:

- Floor Plan (Ground Floor & Basement) (drawing no. 2021/0404/101),
- Floor Plans – First & Second Floors – Existing (drawing no. 2021/0404/112),
- Elevation Side – Existing (drawing no. 2021/0404/108),
- Elevation Rear – Existing (drawing no. 2021/0404/110),
- Elevation, Side – Proposed (drawing no. 2021/0404/112),
- Rear Elevation – Proposed (drawing no. 2021/0404/114),
- Roof Plan – Existing (drawing no. 2021/0404/115),
- Roof Plan – proposed (drawing no. 2021/0404/116),
- Received on 16.08.2021
- The Site Location Plan, received 15.11.2021;
- Proposed First Floor Plan (drawing no. 2021/0404/104),
- Proposed Second Floor Plan (drawing no. 2021/0404/105),
- Existing & Proposed Site Layout (drawing no. 2021/0404/106),
- Received on 28.01.2022
- Proposed Plans – Ground Floor & Basement (drawing no. 2021/0404/103 A),
- Existing Front elevation (drawing no. 2021/0404/107 A),
- Existing Church Street Elevation (drawing no. 2021/0404/109 A),
- Proposed Front Elevation (drawing no. 2021/0404/111 A),
- Proposed Church Street Elevation (drawing no. 2021/0404/113 A),
- Received on 03.03.2022.

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.

4. Prior to their use in the development, samples or a full specification of materials to be used externally in the construction of the extension hereby approved shall be submitted to, and approved in writing by, the local planning authority. Such details shall include the type, colour and texture of the materials. The development shall then be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

5. All new windows, as indicated on the approved plans, nos. 2021/0404/111 A and 2021/0404/113 A, shall be constructed with reveals, or recesses, to match those of the existing window openings to be retained.

Reason: In the interests of visual amenity.

6. The car parking spaces to serve the development hereby approved shall be laid out as shown on the approved site plan (no. 2021/0404/106) prior to the first occupation of that development and shall be retained free from obstruction for their intended use thereafter. Driveways shall be constructed on a level which prevents displacement of materials or surface water onto the highway and shall be retained as such thereafter.

Reason: To ensure adequate car parking arrangements.

7. The refuse bin storage facility, indicated on the approved drawing no. 2021/0404/106, shall be provided prior to the first occupation of any part of the development hereby approved and thereafter maintained for the intended purpose at all times.

Reason: To safeguard the general amenity of the area and in the interests of visual amenity.