

Application Number: 22/01080/FUL

Proposal: Conversion of the existing property from 10 bedsits to 12 No. 1 bedroomed self-contained flats including associated works.

Site: 4 Richmond Street, Ashton-under-Lyne, OL6 7TX

Applicant: Mr Bywater

Recommendation: Refuse planning permission.

Reason for Report: A Speakers Panel decision is required because the application is major development.

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 No.4 Richmond Street, known as Enville House, is a large detached red brick property which has been subdivided to accommodate bedsit accommodation. The property is an imposing building which sits at the junction of Richmond Street with Dale Street. To the rear there is a private enclosed rear garden which borders Margaret Street. There are trees and shrubs within the front garden which have heavily overgrown. The surrounding area is characterised by Victorian housing stock. This includes examples of two and three storey dwellings which includes detached, semis and terraces. Beyond the property on the opposite side of Margaret Street is Margaret House which is a 13 storey residential tower block.
- 1.2 The site is located within Ashton Conservation Area.

2. PROPOSAL

- 2.1 The application seeks full planning permission for the change of use of the building from 10 bedsits to 12 no. 1 bedroom self-contained flats including associated works.
- 2.2 External alterations include minor repointing works, minor roof maintenance works, creation of an external bin store and the formation of new openings and insertion of new windows.
- 2.3 To facilitate the proposed use, the internal works comprise a revised internal layout at both ground and upper floors to create 12no. 1 bed self-contained flats. The proposed accommodation would be as follows (approximate):

Flat 1	22.2m2	Flat 7	18.3m2
Flat 2	21.1m2	Flat 8	25.6m2
Flat 3	26.7m2	Flat 9	20.2m2
Flat 4	16.2m2	Flat 10	15.9m2
Flat 5	19.3m2	Flat 11	19.2m2
Flat 6	18.3m2	Flat 12	22.8m2

- 2.4 Each of the self-contained flats would have a bedroom/kitchenette area with en-suite bathroom. All habitable living spaces would have access to natural light/ventilation. Within the building there would be a ground floor office space and separate laundry rooms connected via a communal corridor.

- 2.5 The supporting statement identifies that the building, which was last in use as providing 10no. bedsits, has been empty for the last six years but has been occupied by “property guardians” who have been living there to prevent the property becoming derelict. This type of accommodation is no longer required, the proposals are aimed at providing targeted affordable accommodation for social rent.
- 2.6 There is a shortage of social housing in the area and it is the intention that the revitalisation of the scheme will bring an empty property back into use for social housing. The size and nature of the accommodation is important to enable the support agencies to work with the cohort to help them manage a long-term home in the future.
- 2.7 The supporting statement provided with the application confirms that the viability hangs on the ability of the accommodation to be converted to no fewer than 12 flats/apartments.

3. PLANNING HISTORY

- 3.1 18/00737/FUL - Conversion of the existing property from 10 bedsits to 8No. 1 bedroomed self-contained flats including associated works. – Approved 12 October 2018
- 3.2 22/00634/FUL - Conversion of the existing property from 10 bedsits to 8No. 1 bedroomed self-contained flats including associated works - Approved 5 August 2022

4. PLANNING POLICY

National Planning Policy Framework

- 4.1 Paragraph 9 of the National Planning Policy Framework (NPPF) states that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account to reflect the character, needs and opportunities of each area.
- 4.2 Paragraph 11 states that planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay (as per section 38(6) of the Planning and Compulsory Purchase Act 2004). However, where the development plan is absent, silent or out of date, planning permission should be granted unless the application of policies in the NPPF that protects areas or assets of particular importance, provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 4.3 Paragraph 12 of the NPPF clarifies that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
- 4.4 The following chapters within the Framework are considered relevant:
- Section 2: Achieving Sustainable Development;
Section 5: Delivering a sufficient Supply of Homes;
Section 8: Promoting Healthy and Safe Communities;
Section 11: Making Effective Use of Land;
Section 12: Achieving Well-Designed Places;
Section 15: Conserving and Enhancing the Natural Environment; and

Section 16: Conserving and Enhancing the Historic Environment

Planning Practice Guidance (PPG)

- 4.5 This is intended to complement the NPPF and to provide a single resource for planning guidance, whilst rationalising and streamlining the material. Almost all previous planning Circulars and advice notes have been cancelled. Specific reference will be made to the PPG or other national advice in the analysis section of the report, where appropriate.

Development Plan

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

Tameside Unitary Development Plan (UDP):

- 4.7 The site is located within Ashton Town Centre Conservation Area.

4.8 Part 1 Policies

- Policy 1.3: Creating a Cleaner and Greener Environment
- Policy 1.4: Providing More Choice and Quality Homes.
- Policy 1.5: Following the Principles of Sustainable Development
- Policy 1.6: Securing Urban Regeneration
- Policy 1.10: Protecting and Enhancing the Natural Environment.
- Policy 1.11: Conserving Built Heritage and Retaining Local Identity.
- Policy 1.12: Ensuring an Accessible, Safe and Healthy Environment.

4.9 Part 2 Policies

- C1: Townscape and Urban Form
- C2: Conservation Areas
- C4: Control of Development in or adjoining Conservation Areas
- OL4: Protected Green Space
- H4: Type, size and affordability of dwellings
- H7: Mixed Use and Density.
- H10: Detailed Design of Housing Developments
- MW11: Contaminated Land
- T1: Highway Improvement and Traffic Management.
- T10: Parking

Supplementary Planning Documents

- 4.10 The following are relevant:
- Residential Design Supplementary Planning Document;

4.11 Other Relevant Guidance

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

Places for Everyone

- 4.12 The Places for Everyone Joint Development Plan Document was published in August 2021. It was submitted to the Secretary of State in February 2022 and inspectors 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.
- 4.13 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).

- 4.14 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

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

5. PUBLICITY CARRIED OUT

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

6. SUMMARY OF THIRD PARTY RESPONSES

- 6.1 One representation, neither objecting to nor supporting the planning application, was received raising the following comments (summarised):
- Development too big;
 - Out of character;
 - Traffic/ Parking Matters;
 - Concern with the tenants;
 - Trees to the front need trimming down – overgrown and pedestrians passing by have difficulty; and
 - If all above are looked upon, then support the proposal.

7. RESPONSES FROM CONSULTEES

- 7.1 Housing Growth
In support of the proposal.
- 7.2 Air Quality
No comments received.
- 7.3 Conservation Officer
No comments received.

- 7.4 Environmental Protection Unit (Contaminated Land)
No objection to the proposal. Recommends informative note relating to land contamination risks.
- 7.5 Environmental Health
No objections to the proposals subject to a condition controlling the hours of work during the construction phase of the development and details of the means of storage and collection of refuse to be submitted to and approved in writing.
- 7.6 Local Highway Authority (LHA)
Plans are required to be updated in order to show secure/covered cycle storage provision for each of the 1 bedroom bedsits to mitigate for the lack of off street parking.
- 7.7 United Utilities (UU)
No comments received.
- 7.8 Waste Services
Bin sizes shown are insufficient.

8. ANALYSIS

- 8.1 The key issues to be assessed in the determination of this planning application are:
- 1) The principle of development;
 - 2) The impact of the proposed development on the character of the site and surrounding area;
 - 3) The impact on the residential amenity of neighbouring properties and amenity of the future occupiers;
 - 4) The impact on highway safety; and.
 - 5) Any other material planning considerations.

9. PRINCIPLE OF DEVELOPMENT

- 9.1 Section 38 of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Consideration will also be necessary to determine the appropriate weight to be afforded to the development plan following the publication of the National Planning Policy Framework. Paragraphs 208 - 219 of the NPPF set out how its policies should be implemented and the weight which should be attributed to the UDP policies.
- 9.2 Paragraph 213 confirms that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. At the heart of the NPPF is the presumption in favour of sustainable development and Section 5 of the NPPF requires Local Planning Authorities to support the delivery of a wide choice of quality homes in sustainable locations.
- 9.3 The site has an established residential use, and a change of use from bedsit accommodation to private apartments would be a qualitative improvement.
- 9.4 The planning history of the site sets a strong precedent, it remains that the proposals represent an acceptable use of the property in principle which would be fully compatible with neighbouring uses. The contribution to affordable housing supply is also favourable, there is proven need for additional social rent properties.

- 9.5 The location near to Ashton town centre and its associated facilities ensure that it is highly accessible. This aligns with principles of sustainability which seeks to direct housing development to the identified town centres as promoted by policies 1.4, 1.7 and H1 of the UDP which also look to regenerate vacant and under used sites.
- 9.6 Following the above assessment, the principle of development is considered to be acceptable, subject to all other material planning considerations being satisfied.

10. CHARACTER AND APPEARANCE

- 10.1 The conversion would result in minimal external alterations to the existing building. New ground floor windows would be reinstated to the east facing elevation with a new window installed at first floor level on the western elevation. Other external alterations comprise the replacement of all existing windows with new UPVC windows (colour: black), as well as brickwork repairs and new upvc rainwater goods.
- 10.2 To the rear garden and surrounding curtilage, it is proposed to insert a new access gate for bin collection along Dale Street West, construct a bin store, cut back the existing tree to the front garden (satisfying third party concerns) and remove the existing ramp and make good to paving.
- 10.3 The application site is located wholly within the Ashton Conservation Area but is not within the setting of any listed buildings. The building is an example of one of the more interesting historic buildings located on Richmond Street it being an example of large Victorian Villa. The building is showing signs of deterioration.
- 10.4 Section 16 of the NPPF relates to conserving and enhancing the historic environment. Paragraph 194 provides guidance on the desirability of enhancing the significance of heritage asset. Specifically the potential for 'new development' to make a 'positive contribution to local character and distinctiveness'. Local policies C4 and C7 permit changes of use to existing buildings whereby the use is appropriate to the character of the building/conservation area.
- 10.5 The proposals relate to the full conversion of the building. The redevelopment would contribute to the buildings continued conservation without imposing negatively upon its external appearance.
- 10.6 Overall, the proposed alterations would enhance the appearance of the building and its surrounding gardens. The proposal is therefore found to be acceptable in respect of visual amenity in accordance with policies C1, C2, C4 and H10 of the UDP, which amongst other things, seek high quality design and require proposals for built development to respect the townscape, topography and urban form of an area.

11. RESIDENTIAL AMENITY / RESIDENTIAL ENVIRONMENT CREATED

Existing Occupiers

- 11.1 The adopted Residential Design Guide (RDG) requires 21 metres to be retained between corresponding elevations of properties of the same height that contain habitable rooms, reducing to 14 metres where properties face each other across a highway. A separation distance of 14 metres is also required to be retained where an elevation with an opening serving a habitable room and a corresponding blank elevation.
- 11.2 The RDG also requires a separation distance of 14 metres where developments face each other across a highway. Policy RD5 does include a caveat that variations from these standards may be applied to infill plots, where existing spacing between buildings should be taken into account.

- 11.3 The property is detached with its gardens to the front, side and rear. The continued residential use of the building would be compatible with the surroundings and is not anticipated to cause undue noise and disturbance. As is evidenced by the lack of objection from Environmental Health in this regard.
- 11.4 The proposed development seeks to install a new window to the western elevation at first floor level which would serve a habitable room (bedroom/kitchenette). This new window would face onto the gable of no.6a Richmond Street, whilst this would follow an established pattern of windows, it is nonetheless recommended that it should be obscurely glazed. This same room is also served by two additional windows to the principal elevation of the building, as such officers are satisfied that this room would be served by an acceptable quality of outlook.
- 11.5 The two new windows to be re-instated to the eastern elevation would serve the corridor and store room at ground floor level. These windows would not unduly affect the living conditions of neighbouring occupiers at No.2 Richmond Street in respect of overlooking/loss of privacy.
- 11.6 Following the above assessment, it is considered that the proposal would not have an unduly harmful impact on the occupiers of any neighbouring properties with regards to overlooking, outlook and loss of privacy. The proposal is therefore found to be acceptable in respect of neighbour amenity.

Future Occupiers

- 11.7 Although it is noted that the proposed development would bring back into use a currently vacant building, in order for it to be considered a sustainable development, and reflecting on the requirement of Section 12 of the NPPF, that developments create places with a high standard of amenity for existing and future users, UDP policy H10(a) requires that the design of proposed housing developments, which are acceptable in relation to other relevant policies in the plan, meets the needs of the potential occupiers. To this end, policy RD18 of the Residential Design SPD recommends minimum floor areas that residential developments should achieve. Internal space is interpreted by reference to the nearest equivalent new national technical standard which is given in the Government's Technical Housing Standards – nationally described space standard document (THS).
- 11.8 The proposal seeks permission for 12 no.1 bedroom self-contained flats. The THS requires that as a minimum, a 1-bedroom, 1 person, 1 storey dwelling provides at least 37m² gross internal floor space and 1.0m² of built in storage. As indicated on the proposed ground and first floor plans, each of the apartment provides the following minimum gross internal floor space (approximate):
- | | | | |
|--------|--------------------|---------|--------------------|
| Flat 1 | 22.2m ² | Flat 7 | 18.3m ² |
| Flat 2 | 21.1m ² | Flat 8 | 25.6m ² |
| Flat 3 | 26.7m ² | Flat 9 | 20.2m ² |
| Flat 4 | 16.2m ² | Flat 10 | 15.9m ² |
| Flat 5 | 19.3m ² | Flat 11 | 19.2m ² |
| Flat 6 | 18.3m ² | Flat 12 | 22.8m ² |
- 11.9 Every flat fails to achieve the minimum internal space standards by a significant amount. With the minimum national standard being 37m², flat 10, for example, fails to achieve the minimum standard by around 21.1m². The largest flat, being no.3, still also fails to achieve the minimum standards with a large deficit of 10.3m².
- 11.10 The significantly substandard floor areas for each flat would result in an uncomfortably cramped and enclosed living environment for its future occupiers. The proposed individual self-contained units, comprising a bedroom/kitchenette and bathroom only, leave little-to-no space for other 'normal' residential amenities such as a living room, desk space or

seating/dining area at a minimum. All but one of the proposed flats also do not provide for built in storage, or sufficient space for a chest of drawers or wardrobe (in conjunction with the other amenities noted above). Additionally, the kitchenettes demonstrated on the floor plans comprise solely of a two unit workspace occupied by both a hob and sink area, leaving no space for food preparation or even an under counter fridge/freezer. Although the applicant is not required to demonstrate this level of detail on the plans, it is not clear how such basic amenities detailed above could be accommodated satisfactorily within the provided space.

- 11.11 Quite separate to the internal living space standards, in considering the quality of private amenity space provided within the site to serve the proposed dwellings, regard has been had to Policy RD11 within the Tameside Residential Design Guide SPD. This policy outlines that all residential properties should have access to private or communal outdoor space whatever the type or location. It is noted that gardens, terraces and balconies provide residents with outdoor areas for relaxation, leisure and clothes drying, and contribute considerably to resident wellbeing. All houses should have private amenity space of a size and function suitable for its intended occupants. As indicated on the proposed site plan, the apartments would benefit from a large enclosed rear garden which would adequately support the needs of its intended occupants.
- 11.12 However, as considered above, the shortfall in floor space to be provided for each of the proposed self-contained units is so substandard that it would render the internal space arrangements unacceptable which would generate a harmful and overbearing living environment. The application is therefore contrary to UDP Policy H10 and Section 12 of the NPPF, in particular paragraph 130, and would fail to meet the needs of potential future occupiers in this regard.

12. HIGHWAY SAFETY

- 12.1 As concluded within the two previous approvals, the works will not impede adversely on the access or manoeuvring of vehicles nor have an influence upon pedestrian safety who will continue to access the property in an identical manner. It is recommended that secure cycle storage is provided for the future residents, this is a matter which can be adequately conditioned.
- 12.2 It is considered that the proposals would not result in a detrimental impact on highway safety or have a residual cumulative impact on the highway network which would be considered severe. The proposal is therefore considered in accordance with the contents of paragraph 111 of the NPPF and policies T1 and H10 of the Tameside Unitary Development Plan (2004).

13. OTHER MATTERS

- 13.1 The planning history is acknowledged and the proposed use of the apartments for short stay accommodation for rough sleepers, is noted. It is also acknowledged that the proposal would make use of a vacant building within Ashton Town Centre Conservation Area in a central location which is accessible via sustainable transport modes. Its sub division may also attract further investment and the increased footfall may improve natural surveillance, albeit to a limited extent given the existing natural surveillance provided by existing residential accommodation surrounding the site. Nonetheless, these matters are not considered sufficient to determine that future occupiers should be subjected to substandard living conditions and therefore would not otherwise make the proposal acceptable.
- 13.2 It is accepted that Tameside has a shortfall in housing land supply; however four additional units (above the 8 units which have already gained planning consent) would make a limited contribution and therefore be of only limited benefit. This would not be sufficient to weigh in favour of the proposal or against the identified harms.

- 13.3 The Environmental Protection Unit (EPU) Contaminated Land team have been consulted on the application. The EPU have confirmed that the building appears to have been present on site since the earliest mapping (mid – late 1800's). No significant sources of contamination and / or ground gas have been identified on site or within the immediate surrounding area. As is the case for the majority of sites in the borough, there is also the potential for made ground to be present. This type of ground is commonly associated with a range of contaminants including asbestos, heavy metals (e.g. arsenic, lead etc) and PAH's. Depending on the nature and depth of any made ground it may also pose a potential ground gas risk. That being said, it is noted that there are to be no changes to the end use of the site (e.g. it is currently being used for residential purposes and will continue to be used as such) and that the works proposed are unlikely to require any significant excavations or groundworks. In order to ensure that the EPU are informed if any evidence of contamination is encountered during the development works, a suitably worded contaminated land informative note is recommended to be attached to the decision, if approved.
- 13.4 The Council's Environmental Health consultee has no objection to the proposal but if approved, recommends two conditions – one controlling construction/conversion hours, and the other requiring the submission of storage and collection details for refuse. This is due to the fact that the Council's Waste Services department have identified that the current provision indicated on the proposal site plan, is insufficient.

14. CONCLUSION

- 14.1 The proposal to convert the building to residential use is considered acceptable in principle and the proposed works to facilitate that conversion are considered to be appropriate, and it is accepted that this would not result in there being an unacceptable impact on highway safety, or the residual cumulative impacts on the road network being severe. Nevertheless, the proposals fall short of providing a residential environment that would meet the basic needs of occupiers.
- 14.2 The proposals are therefore considered to be contrary to the aims and objectives of policy H10 of the Tameside UDP. The development would also not be in the form of sustainable development that the NPPF sets out a presumption in favour of, as it would be contrary to paragraph 130 of the NPPF, which seeks, amongst other matters, a high standard of amenity for existing and future users.

RECOMMENDATION

Refuse planning permission for the following reason:

1. The significantly substandard floor areas for each flat would result in an uncomfortably cramped and enclosed living environment for its occupiers, falling unacceptably below the minimum space standards as outlined within the Technical Housing Standards. The shortfall in floor space would render the internal space arrangements unacceptable which would generate a poor quality, overbearing and unsustainable living environment, thus failing to meet the needs of potential future occupiers. The proposals are therefore considered to be contrary to the aims and objectives of policy H10 of the Tameside UDP. The development would also not be in the form of sustainable development that the NPPF sets out a presumption in favour of, as it would be contrary to paragraph 130 of the NPPF, which seeks, amongst other matters, a high standard of amenity for existing and future users.

Informative notes:

- 1) This decision relates to the following:
 - a. Drawing number 200 (Location Plan)
 - b. Drawing number 201 (Site Plan as Existing)
 - c. Drawing number 202 (Site Plan as Proposed)
 - d. Drawing number 204 rev 2 (Ground Floor GA Plans)
 - e. Drawing number 205 rev 1 (Elevations as Existing)
 - f. Drawing number 206 (First Floor GA Plans)
 - g. Drawing number 208 rev 1 (Elevations as Proposed)
 - h. Design and Access Statement rev A dated December 2022 received 06.06.2023
 - i. Supporting Statement dated 30 May 2023