

<b>Application Number</b>	17/00864/FUL
<b>Proposal</b>	Change of use from dwelling to 9 bed HMO (Sui generis), including minor elevation change.
<b>Site</b>	35 Stamford Road, Mossley
<b>Applicant</b>	Mr A Rothwell
<b>Recommendation</b>	Grant planning permission subject to conditions
<b>Reason for report</b>	A Speakers Panel decision is required because, in accordance with the Council's Constitution a member of the council has requested the opportunity to address the Panel before a decision is made. Accordingly, the applicant, or their agent, has been given the opportunity to speak also.

## REPORT

### 1. SITE AND SURROUNDINGS

- 1.1 The application site comprises of a large red brick terraced property benefitting from a raised basement, ground and first floor and habitable space in the roof. The property is currently empty and was last used as a single family dwelling. The property is situated in a residential area with residential properties adjoining the site on both sides fronting onto Stamford Street.
- 1.2 Stamford Street rises steeply in a northerly direction from its junction with Manchester Road and the land also falls steeply from Hanover Street to the rear of the application site down to Stamford Road. The property is in very close proximity to Mossley railway station to the south and Mossley town centre to the north-west.

### 2. THE PROPOSAL

- 2.1 The application seeks change of use of the property to a 9 bedroom House in Multiple Occupation (HMO). Four of the bedrooms will have en-suite facilities and 5 will have access to two shared bathrooms. A kitchen/living/ dining space on the lower ground floor and a separate lounge room on the first floor will be shared by all the residents. There is an internal storage room which will be used for bin storage.
- 2.2 The only external changes proposed that require planning permission is the provision of a rear dormer window to serve a bathroom in the roof-space.

### 3. RELEVANT PLANNING HISTORY

- 3.1 No relevant Planning History

### 4. RELEVANT PLANNING POLICIES

- 4.1 Tameside Unitary Development Plan (UDP) Allocation: Unallocated

#### 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

## **Part 2 Policies**

- H7: Mixed Use and Density.
- H10: Detailed Design of Housing Developments.
- T1: Highway Improvement and Traffic Management.
- C1: Townscape and Urban Form
- MW11: Contaminated Land.

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

- Achieving Sustainable Development;
- Section 1 Delivering sustainable development
- Section 6 Delivering a wide choice of high quality homes
- Section 7 Requiring good design
- Section 8 Promoting healthy communities

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

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.

## **Other Policies**

- Residential Design Supplementary Planning Document
- Technical Housing Standards - Nationally Described Space Standard.

## **5. PUBLICITY CARRIED OUT**

- 5.1 The application has been advertised by means of neighbour notification letters dispatched to 28 properties on 13 November 2017

## **6. RESPONSES FROM CONSULTEES**

- 6.1 Head of Environmental Services – Highways – It is not considered that the development will have any significant or severe impact on highway safety or operation, such as would warrant refusal.
- 6.2 Head of Environmental Services – Environmental Health, No objections subject to conditions regarding hours of work and refuse/recycling storage.
- 6.3 Greater Manchester Ecology Unit – No objection but suggests a note for applicant reminding them of their obligations under the Wildlife and Countryside Act.
- 6.4 Mossley Town Council - recommends refusal for the following reasons:
  - The proposal is an over-intensive use of the property, which due to its age and position is not suitable for conversion on the scale proposed.
  - The development will have a significant detrimental effect on the residential amenity by reason of noise, general disturbance, waste and intensified use of the residential accommodation There is no off-road parking so the development will negatively impact on traffic and pedestrian safety on the already busy and dangerous Stamford Road.

- The character of the neighbourhood comprises family homes. The level of activity resulting from a group of 10 unconnected people is likely to result in more frequent comings and goings and differing patterns of behaviour.
- Number 35 Stamford Road has passing over rights to the adjoining terraced houses. Residents are concerned that 10 unrelated people and their visitors will use their private back yards as a thoroughfare resulting in serious detriment to amenity and loss of privacy.
- The proposed additional bathrooms will place an unacceptable burden on the existing infrastructure including water pressure and sewer and drainage systems.
- The proposed development will result in a lack of space and accessibility for potential occupants.
- The residential accommodation proposed does not match local housing need. The proposed HMO is not needed, would be an over-intensive development for the area, and there is a continuing need for family homes in this part of Mossley.

6.5 Councillors - A representation offering objection to the proposals has been received from Councillor Sharif on behalf of the residents of Mossley and requested for a determination at Speakers Panel. Concerns raised are size of the development from a home to a 9 bedroom HMO and the affect it will have on neighbours, parking, traffic, no. of bins, noise, etc.

## 7. SUMMARY OF THIRD PARTY REPRESENTATIONS

7.1 22 letters of objection have been received from neighbouring properties raising the following matters:

- Cause additional pressure on the road in terms of parking
- Lack of parking leads to congestion
- No garage or cycle provision
- Application doesn't comply with Policy in terms of parking standards
- A HMO is counter to the very nature of this residential, family area and be detrimental to the character of the area
- Accommodation for ten persons appears excessive and disproportionate to the house in question
- Additional noise levels that may accompany multiple separate occupants within the same building.
- Concerns about the additional footfall, disturbance, potential intrusion and lack of security across the easement at the back of our terrace owing to increased use of our dual shared access routes though private garden areas,
- No refuse storage capacity.
- The dormer windows proposed will serve only to maximize internal space and will detract from the character of a Victorian terraced property. Loss of traditional character and charm.
- There are already plenty of apartments on Stamford Road including those currently being built, there is no evidence that this property type is needed.
- Noise and disturbance during construction.
- The Development not compliant with The National Space Standards; Single Bedroom - min.2.15m wide and concern that the bedrooms will be double occupancy and therefore contravene "The National Space Standards".
- The financial costs and loss of value
- Human Rights Act, Protocol 1, Article 1, which states that a person has the right to peacefully enjoy all their possessions, which includes the home. Article 8 of the Human Rights Act also states that a person has the substantive right to respect for their private and family life, home and correspondence.
- Increased risk of crime/vandalism/anti social behaviour,

- Bats are often seen flying into and out of the roof space at number 35.
- Fire risk increased by the amount of occupants that could be in the only kitchen space cooking at any one time. Residents smoking in the rooms etc increases the fire risk.
- Additional impact on the drainage, sewage
- Additional impact on local services such as NHS and refuse
- Reduction in local living standards
- Precedent set by refusal of 37 Manchester Road Audenshaw (ref 15/00829/FUL)

## **8. ANALYSIS**

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission are determined in accordance with the development plan unless material planning considerations indicate otherwise. Material planning considerations include the NPPF.
- 8.2 The site is unallocated on the Proposals Map associated with the Unitary Development Plan for Tameside (2004). Therefore, the main issues to consider are:
1. The principle of the proposed development
  2. Intensity of use
  3. Character of the area
  4. Residential amenity; and,
  5. Parking and highway safety.

## **9. PRINCIPLE**

- 9.1 The application seeks planning permission for the conversion of a residential property which is located within a predominantly residential area.
- 9.2 The NPPF has a presumption in favour of sustainable development and confirms that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 9.3 The proposed development would make a positive contribution to the Council's Housing Requirements and provides a sustainable reuse of a vacant building. Furthermore, the site is in a sustainable location adjoining existing residential properties in close proximity to the town centre, bus routes and the railway station. On balance, it is considered that the principle of development is acceptable.

## **10. INTENSITY OF USE**

- 10.1 The application property is a large Victorian Terrace which originally would have provided generous size accommodation and suited a large family. The application was initially submitted with 10 single bedrooms and a communal kitchen/ dining/ living room. This raised concern regarding the potential for a poor standard of living with the only communal living space being located at basement level. During the course of the application negotiation have resulted in the application being amended to overcome this objection and the is now for 9 single bedrooms and includes a communal kitchen/ dining/ living room and separate lounge area. It is therefore considered capable of accommodating the layout and accommodation as shown on the submitted plans and providing an acceptable standard of living.
- 10.2 The proposed room sizes are shown on the submitted plans as single bedrooms comply with the guidance laid out in the 'Technical Housing Standards - Nationally Described

Space Standard' and as a result this part of the proposal is acceptable and there is no evidence to suggest that the living accommodation is sub-standard or of an unsatisfactory quality.

- 10.3 It is acknowledged that within the comments received reference has been drawn to a previous development for an 8 bedroom House of Multiple Occupation in a different part of the borough that was refused due to over intensive use of the property and that this should be refused due to precedent. The two applications are different and should be considered on their own planning merits and the provision of a precedent is not something that can be used as a material planning consideration. The application property for this current scheme is larger in character and set over more levels. The surrounding area is less built up with only one side of Stamford road being developed at that location and with the alterations made to the scheme to reduce one bedroom and use the space as additional living accommodation the proposal is considered to be acceptable in this location.

## **11. CHARACTER OF THE AREA**

- 11.1 The area is predominantly residential and although the tenure is proposed to be changed the general theme will be for residential use albeit within a different use class and the proposal will be the only authorised HMO in this part of the Borough. It is not considered there would be any significant impact on the character of the area resulting from just one HMO. If more HMO proposals follow in the area than the Local Planning Authority would need to consider those against a cumulative impact.
- 11.2 The development would not be contrary with UDP policy C1 as the only external change is minimal located at roof level on the rear of the property and does not detract from the character of a Victorian terraced property.

## **12. RESIDENTIAL AMENITY**

- 12.1 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.
- 12.2 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 residents. It is a substantial property that could house a large family and 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.
- 12.3 With regard to access over the rear easement this is a private matter for agreement between the property owners. There is no reason to suggest that residents from a HMO would require any more or frequent access than would reasonable be required for the existing dwelling or that the nature of access would cause unreasonable disturbance or reduction in security.
- 12.4 The proposed plans for the building show existing window and door openings to be re-used, the only external change being the addition of a dormer window to facilitate a bathroom within the roof space. The proposed external alterations raise no issues with regard to residential amenity.
- 12.5 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.

### **13. PARKING AND HIGHWAY SAFETY**

- 13.1 The application site fronts Stamford Road where local residents park their cars on the highway or in an extended layby located across Stamford Road. This road is a bus route and also the main access from that direction towards Mossley town centre.
- 13.2 The application proposes no off street car parking facilities. Any demand generated from the proposed use for car parking which would have to be accommodated on street along with the other properties on that stretch of Stamford Road. There are currently no parking restrictions in the vicinity of the application property and during the day this road appears to be relatively quiet and capable of providing adequate on street car parking. It is acknowledged that traffic levels would be greater in the morning and evening peak hours and demand for parking would be greater at the end of the working day.
- 13.3 The site is in a highly sustainable location on a bus route and in close proximity to Mossley Railway Station and Town Centre. There have been no objections raised to the proposal from the Highways Engineer in terms of the impact of the development on highway and pedestrian safety.
- 13.4 Given the highly sustainable location the expected levels of car ownership for occupiers of the scheme would be lower than in other areas. It is considered unlikely that the demand for any car parking generated by the proposed use would result in such severe harm being caused to amenity of existing residents in terms of increased demand for spaces to justifying a refusal of planning permission on this basis. It must also be acknowledged that the occupation of the building for its current lawful use would result in demand for parking.
- 13.5 It is acknowledged that there is currently no cycle storage provision shown on the submitted plans, though as in many domestic properties this could be provided within the rear garden area and as such a condition is recommended requiring this to be provided prior to the occupation of the building and permanently maintained.

### **14. OTHER MATTERS**

- 14.1 There is sufficient space within the curtilage of the site to provide the necessary level of refuse facilities for the building with any further provision to be provided by a private waste contract.
- 14.2 Concern has been raised by objectors that bats are often seen flying into and out of the roof space at the application site. The Greater Manchester Ecology Unit have been consulted and have raised no objection. However they suggest that the applicants should be made aware of their requirements under the Wildlife and Countryside act to protect them should any evidence be found during construction work and that this would be included on the decision notice in the event that the application is approved.
- 14.3 Comments have been received from neighbours regarding the potential for disruption at construction stage whilst the development is undertaken. Unfortunately, some degree of disruption is an inevitable consequence of development and this cannot be used as a reason to resist planning proposals. However a condition will be attached restricting the hours in which construction works can be carried out as recommended by Environmental Services.
- 14.4 Objections regarding the loss of value to existing properties, impact on the drainage and sewage of the additional bathrooms, concern about residents smoking and the character of the residents, increased levels of are not material considerations to be considered when assessing a planning application.

## **15. CONCLUSION**

- 15.1 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.
- 15.2 In this instance, the application site is currently in residential use and this application is for a different residential use requiring a change of use class. The impacts of this have been shown to not cause substantial harm to the amenity, character or highway safety of the surrounding occupiers and area. The development would bring forward housing provision and associated economic and social benefits and redevelop a vacant neglected building bringing it back into active use. It is considered that the benefits of the scheme outweigh any the identified harm and so the proposal is therefore recommended for approval subject to the conditions set out below.

## **16. 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 materials to be used in the construction of any external work shall match as closely as possible the corresponding materials in the existing building.
3. During demolition / 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.
4. Notwithstanding the plans hereby approved and prior to the first occupation of any of the residential units a scheme shall be submitted and approved in writing by the Local Planning Authority for the storage of and collection of waste and recyclable materials. The measures within the approved scheme shall be implemented in full and be retained at all times thereafter.
5. Notwithstanding the plans hereby approved and prior to the first occupation of any of the residential units a scheme shall be submitted and approved in writing by the Local Planning Authority for the storage of cycles. The measures within the approved scheme shall be implemented in full and cycle parking be retained and kept available for the parking of cycles at all times thereafter.
6. The development shall be completed in accordance with site location plan and drawing numbers (90)A002, (9)A002 and (9)A001 received on 10 October 2017, (20)A002 rev A received on 24 October 2017 and (20)A001 rev B received on 16 March 2018.

Informatives

1. REASON FOR GRANTING PLANNING PERMISSION, Statement under Article 35 (2) of the Town and Country Planning (Development Management Procedure) England Order 2015 (as amended): The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application

process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraphs 186-187 of the NPPF.

2. CONTAMINATED LAND ADVICE, 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 be encountered during the development of the site the applicant/developer should contact the Council's Environmental Protection Unit (Tel: 0161 342 2691) as soon as is practicable
3. NOTE FOR APPLICANT, The applicant's attention is drawn to the Wildlife and Countryside Act 1981 which makes provision for the protection of bats and their habitat. As the proposed development might affect such a habitat consideration should be given to establishing whether or not bats are using the premises/site for roosting purposes, prior to any development taking place. More information can be obtained from the Bat Conservation Trust Helpline (Tel: 0845 1300 228) acting on behalf of Natural England.