

Application Number 18/00099/FUL

Proposal Change of use of 27 bedroom residential care home (use class C2) to a house in multiple occupation (use class sui generis) of 27 rooms, including the allocation of 25 no. cycle storage spaces, associated car parking and amenity space.

Site Holly Grange, 17 Oxford Road, Dukinfield SK16 5PQ

Applicant Mr Dinesh Chinta

Recommendation Approve

Reason for report A Speakers Panel decision is required as the application constitutes major development.

REPORT

1. APPLICATION DESCRIPTION

- 1.1 The applicant seeks planning permission for the change of use of the building from a residential care home (use class C2) to a House in Multiple Occupation (Use class sui generis). Whilst not stated on the forms it has become clear during the processing of the application that their application is retrospective.
- 1.2 The applicant has provided the following documents in support of the planning application:
 - Design and Access Statement

2. SITE & SURROUNDINGS

- 2.1 The application site comprises a two storey building constructed from brick elevations, with a rendered section in the north western corner fronting onto Oxford Road. Vehicular access to the site is gained via Lodge Lane, which runs parallel with the eastern boundary of the site. The main part of the building occupies the western part of the plot, with soft landscaping and a car parking area in the eastern portion of the land. Commercial development is located to the south and west of the site. Oxford Road runs parallel with the northern boundary of the land.

3. PLANNING HISTORY

- 3.1 There is no planning history on the site that is relevant to the determination of this application.

3. RELEVANT PLANNING POLICIES

4.1 Tameside Unitary Development Plan (UDP) Allocation

The site is not allocated and is located within the settlement of Dukinfield

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**

H2: Unallocated sites
H4: Type, size and affordability of dwellings
H5: Open Space Provision
H7: Mixed Use and Density.
H10: Detailed Design of Housing Developments
OL10: Landscape Quality and Character
T1: Highway Improvement and Traffic Management.
T10: Parking
C1: Townscape and Urban Form
C6: Setting of Listed Buildings
N4: Trees and Woodland.
N5: Trees Within Development Sites.
N7: Protected Species
MW11: Contaminated Land.
U3: Water Services for Developments
U4 Flood Prevention
U5 Energy Efficiency

4.4 **Other Policies**

Greater Manchester Spatial Framework - Publication Draft October 2016;
Residential Design Supplementary Planning Document; and,
Trees and Landscaping on Development Sites SPD adopted in March 2007.

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

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
Section 11: Conserving and enhancing the natural environment

4.6 **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.

5. **PUBLICITY CARRIED OUT**

- 5.1 Neighbour notification letters were issued to all neighbouring properties and a notice displayed on site in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

6. **RESPONSES FROM CONSULTEES**

- 6.1 Local Highway Authority – Raises no objections to the proposals and no conditions are recommended.
- 6.2 Greater Manchester Police (Designing out Crime Officer) – no objections, subject to the incorporation of a number of security measures into the proposals. Measures include: gating the access to the site from Lodge Lane, securing the communal bike storage area,

- the installation of locks on external doors and windows and external security lighting. A management plan relating to the use of the external amenity areas will also be required.
- 6.3 Borough Environmental Health Officer (EHO) – no objection to the proposals subject to the imposition of a condition limiting the hours of work during the construction phase of the development.
- 6.4 Borough Contaminated Land Officer – No objection subject to an informative outlining the applicant's responsibilities should sources of ground contamination be discovered during any construction works.

7. SUMMARY OF THIRD PARTY RESPONSES RECEIVED

- 7.1 No third party responses have been received to the application

8. ANALYSIS

- 8.1 The issue to be assessed in the determination of this planning application are:
- 1) The principle of development
 - 2) The impact upon the residential amenity of neighbouring properties
 - 3) The impact on the character of the site and the surrounding area
 - 4) The impact on highway safety
 - 5) Other matters

9. PRINCIPLE OF DEVELOPMENT

- 9.1 The site is located within close proximity of public transport services. Regular bus services run along Oxford Road, providing access to Hyde and Ashton. The site is within walking distance of a foodstore and the other services and facilities in Dukinfield town centre. This is therefore considered to be a sustainable location for a house in multiple occupation.
- 9.2 The proposal would include accommodation for a manager of the premises to live permanently on the site. Space is also allocated on the ground floor for a manager's office. This provision would allow appropriate management of the facility and would ensure that activity on the site is regularly monitored. Specific details of the management arrangements and a restriction on the occupation of the accommodation to the manager of the facility and their family only can be secured by conditions, which are attached to the recommendation.
- 9.3 The NPPF sets a presumption in favour of sustainable development. The proposal would boost the supply of residential accommodation in the Borough through the re-development of a brownfield site. Given these factors and the above assessment, officers conclude that the principle of development is acceptable, subject to all other material considerations being satisfied.

10. RESIDENTIAL AMENITY.

- 10.1 The scheme does not include any extension or external alterations to the building. An oblique relationship would be retained with the residential properties to the north west of the site, on the opposite side of Oxford Road. The substantial separation distances to the properties to the east, on the opposite side of Lodge Lane and on Hyde Street to the north east would also be retained. On that basis, the proposals would not result in any adverse impact through unreasonable overshadowing of or overlooking into any of those neighbouring properties.

- 10.2 The commercial uses to the south and west of the site are considered not to be of a scale that would result in an adverse impact on the occupants of the proposed development. This assessment is corroborated by the lack of objection from the Environmental Health Officer, who has not suggested any conditions in terms of noise impact.
- 10.3 The proposed room sizes are shown on the submitted plans. Certain rooms would be below the 11.5 square metres required for double rooms laid out in the national space standards. However, all of the bedrooms would meet the minimum 7.5 square metres required for single bedrooms to comply with the guidance and a number of the rooms would be substantially greater than 11.5 square metres in size. The communal rooms are considered to be of sufficient size to provide an adequate level of amenity to occupants of the development, following the inclusion of additional kitchen facilities in the amended scheme. On that basis, there is no evidence to suggest that the living accommodation is sub-standard or of an unsatisfactory quality.
- 10.4 A licence is not currently required for the proposed development at the time of determining this planning application as the accommodation would be over 2 storeys (only HMO's over 3 or more levels of accommodation currently require a licence.) As of October 2018, the licensing regime is changing and a licence will be required for the HMO. However, this is a matter separate from the planning system and the planning application must be determined against assessment of the relevant material considerations. In any case, details of the measures to be put in place to monitor the occupation of the premises can be secured as part of a wider management plan for the development.
- 10.5 It is considered that a condition limiting the total number of residents occupying the development at any one time would not be enforceable, given that people could reasonably be visiting residents and the difficulty in demonstrating harm from a planning perspective if an arbitrarily prescribed threshold was exceeded. The condition requiring the approval of management arrangements would allow specific measures to be agreed and a base from which any potential future breaches could be enforced.

11. CHARACTER OF THE SITE AND SURROUNDING AREA.

- 11.1 Given that the proposals would not result in any extensions or external alterations to the building, it is considered that the proposals would not result in an adverse impact on the character of the site or the surrounding area.

12. HIGHWAY SAFETY

- 12.1 The Local Highway Authority has not raised any objections to the proposals. The proposal would increase trip generation over and above the existing use as a care home, particularly during AM and PM peak periods. However, due to the nature of the proposed accommodation, the total number of trips throughout the day would be more limited than if the scheme proposed self-contained family dwellings (e.g. trips to school are less likely to feature in the proposed development.)
- 12.2 Approximately 10 car parking spaces could be safely provided within the hardstanding area in the eastern portion of the site (7 in front of the 'wing' which runs parallel with the northern boundary of the site and 3 adjacent to the southern boundary.) This would result in less than 50% car parking provision for the development. Policy RD8 of the Residential Design Guide advises that 1 car parking space be provided per 1 bed property, with 1 also set as the maximum provision in locations such as this. However, the application of maximum parking standards is no longer in accordance with national planning guidance.

- 12.3 The amended scheme also makes provision for 25 secure cycle stands, in addition to the car parking spaces to be provided on site. There are bus stops immediately to the north of the site on Oxford Road, providing access to regular services to Hyde and Ashton, as noted earlier in this report. These circumstances would improve the prospect of occupants of the development making trips to the services, facilities and employment in Ashton town centre via alternative means of transport to the private car.
- 12.4 Given these factors and in recognition of the limited weight to be attributed to the deficit in car parking provision in relation to the maximum requirements of policy RD8, it is considered that the proposed levels of parking provision would not be harmful to highway safety. A condition requiring exact details of the car parking arrangements to serve the development can be secured by condition.
- 12.5 It is therefore considered that the proposals would not result in a severe adverse impact on highway safety and in accordance with the guidance within paragraph 32 of the NPPF, planning permission should not be refused on this basis.

13. OTHER MATTERS

- 13.1 The Environmental Health Officer has not raised any objections to the proposals, subject to conditions limiting the hours of work during the construction phase of the development. This condition is considered to be reasonable and necessary due to the close proximity of neighbouring properties and can be attached to the decision notice. A condition requiring the refuse storage arrangements serving the development to be implanted prior to the occupation of the development is also recommended to ensure that these facilities are provided and maintained.
- 13.2 In relation to drainage, the applicant has indicated on the application form that surface water and foul would be disposed of via connection to the mains sewerage network. Given the existing use of the site, it is considered that no further information is required in this regard to determine the planning application as further approvals will be required under the Building Regulations.
- 13.3 The Borough Contaminated Land Officer has not raised any objections to the proposals. An informative can be attached to the decision notice advising the applicant of their responsibilities should sources of contamination be encountered during the construction process.
- 13.4 In relation to crime impact, Greater Manchester Police have suggested a number of measures to be considered in the implementation of the development. The measures include gating the access to the site from Lodge Lane, securing communal bike storage area, the installation of locks on external doors and windows and external security lighting. A management plan relating to the use of the external amenity areas is also recommended. It is considered reasonable to impose a condition requiring the approval and implementation of measures to achieve 'Secured by Design' accreditation within 3 months of the date of this permission, with a defined period for implementation, in acknowledgement of the retrospective nature of the application. Management arrangements for the external areas can be included in the strategy relating to the overall development as referred to previously in this report.
- 13.5 In accordance with the Written Ministerial Statement (WMS) of 28 November 2014, no tariff based contributions are to be sought in relation to open space or education provision, as the proposal would not exceed 1000 square metres in floor area. The WMS is a material planning consideration, forming part of the Planning Practice Guidance and given the need to boost the supply of housing in sustainable locations (such as this site which is within

walking distance of a regular bus services, the public open space at Dukinfield Park and the facilities in Dukinfield town centre), as required by Section 6 of the NPPF, it is considered that financial contributions are not necessary to make the scheme acceptable in planning terms.

14. CONCLUSION

- 14.1 As referred to in the description section earlier in this report, it has come to light during the processing of the application that work has commenced to convert the building to a HMO and as such the application is retrospective. The fact that the application is retrospective is not material to the assessment of the planning merits of the case and should not in itself be given weight in the decision making process. The material planning considerations are those which have been assessed in the main body of this report and are the basis on which the planning application should be determined.
- 14.2 The proposal is considered to be acceptable in principle given that the development would not involve significant alterations to the existing building or the site and residential use would not conflict with any of the neighbouring uses. Given that the windows within the building serve bedrooms in the existing established use of the building, it is considered that the proposals would not result in unreasonable overlooking of neighbouring properties to an extent that would be harmful to residential amenity. There would be no adverse impact on the character of the site or the surrounding area as no substantial changes are proposed to the exterior of the building.
- 14.3 The proposals are considered not to result in an adverse impact on highway safety. Whilst the level of parking provision would fall short of the maximum standards set out in the Residential Design Guide, the harm arising from this situation is considered to be reduced by the provision of 25 secured cycle parking spaces and the close proximity of regular public transport services to Ashton and Hyde. This mitigation, along with the close proximity of the services and facilities (including a foodstore) are considered to outweigh the conflict with local policy and avoid a 'severe' level of harm to highway safety.
- 14.4 Following the above assessment, it is considered that the proposals would comply with the aims and objectives of the national and local planning policies quoted above

RECOMMENDATION

Grant planning permission, subject to the following conditions:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with the following approved plans:

1:1250 site location plan
Amended proposed ground floor plan (drawing no. SAK-D-001 Rev. A)
Amended proposed first floor plan (drawing no. SAK-D-002 Rev. A)
Proposed landscaping and outdoor seating plan (drawing no. P106 Rev. A)
3. Notwithstanding the details on the approved plans, within 3 months of the date of this planning permission, scaled plans showing the location of a minimum of 10 car parking spaces within the curtilage of the building shall be submitted to and approved in writing by the Local Planning Authority. The car parking arrangements shall be implemented in

accordance with the approved details within 1 month of the date of the decision notice discharging this condition and the spaces shall be retained free from obstruction for their intended use at all times thereafter

4. Within 3 months of the date of this planning permission, details of the measures to be put in place to ensure that the house in multiple occupation is managed to preserve the residential amenity of neighbouring properties and the visual amenity of the surrounding area shall be submitted to and approved in writing by the Local Planning Authority. The details shall include measures to manage areas both within and external to the building within the site and details of how the occupation of the premises is to be monitored. The management arrangements shall be implemented in accordance with the approved details within 1 month of the date of the decision notice discharging this condition and shall remain in force at all times thereafter
5. The part of the development hereby approved labelled 'manager's accommodation' on the approved ground floor plan (drawing no. SAK-D-001 Rev. B) shall be occupied only by the manager of the facility and the partner, spouse or dependant(s) of that person.
6. Within 3 months of the date of this planning permission, a Crime Impact Statement shall be submitted to and approved in writing by the Local Planning Authority. The statement shall indicate how the design of the development meets the requirements of the document Secured by Design Homes 2016 or guidance which supersedes that document. The approved details shall be implemented within 1 month of the date of the decision notice discharging this condition and shall be retained as such thereafter.
7. Within 3 months of the date of this planning permission, details (including scaled plans and details of the construction materials) of the means of enclosure of the bin storage arrangements to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The bin storage arrangements shall be installed in the location indicated on the approved site plan (drawing no. SAK-D-001 Rev. B), in accordance with the approved details, within 1 month of the date of the decision notice discharging this condition and shall be retained as such thereafter.
8. The construction materials used in any external works to the building to facilitate the use hereby approved shall match in type, colour and external appearance the construction materials of the existing building on the application site on the date of this notice.
9. During demolition/construction 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 or Public Holidays.

Reasons for conditions:

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004
2. For the avoidance of doubt.
3. To ensure that the development is served by adequate parking provision.
4. To ensure that the use hereby approved preserves the residential amenity of neighbouring properties and the character of the site and the surrounding area.
5. To ensure that a management presence is maintained on the site at all times.

6. To ensure that the development is designed to minimise opportunities for crime.
7. To provide adequate secure bin storage to serve the development and to safeguard the general amenity of the area in accordance with UDP policy 1.12/1.13/H10.
8. To ensure that the development reflects the character of the site and the surrounding area.
9. In order to protect the amenities of nearby residents in accordance with Unitary Development Plan policies 1.12 and H10.