

ITEM 3

Application Reference	DC/075499
Location:	4 Thornfield Road Heaton Mersey Stockport SK4 3LD
PROPOSAL:	Proposed change of use from single family dwellinghouse (Class C3) to large scale 10 bedroom HMO (sui generis) with creation of additional car parking spaces within garden area
Type Of Application:	Full Application
Registration Date:	17.01.2020
Expiry Date:	Extension of time agreed until 16th June 2020
Case Officer:	Jeni Regan
Applicant:	Fast Aquisitions Ltd
Agent:	Plans Drawn

DELEGATION/COMMITTEE STATUS

Heatons and Reddish Area Committee. Application referred due to receipt of 4 or more letters of objection, contrary to the Officer recommendation to grant.

DESCRIPTION OF DEVELOPMENT

Planning permission is sought to change the use of this existing single family dwellinghouse to a House in Multiple Occupation (HMO) (Use class: sui generis). There are no external elevational changes proposed to the building as part of the proposals.

The proposed change of use would create a 10 bedroom HMO. The accommodation would be comprised of the following:

Ground Floor

2 x Bedrooms (sizes 16.50sqm and 18.10sqm)
2 x Kitchen / Diners
1 x Utility Room
1 x Bathroom

First Floor

3 x Bedrooms (sizes 14.30sqm x 2 and 16.50sqm)
1 x Ensuite Bedroom (size 14.40sqm)
2 x Bathrooms

Second Floor / Loft

4 x Bedrooms (sizes 12.10sqm x 2, 13.20sqm and 13.40sqm)
1 x Bathroom

The bedrooms range in size from the smallest at 12.10sqm up to 18.10sqm. All habitable rooms will have a window allowing outlook and natural light.

The proposals include external works to the surrounding grounds to provide vehicular access and car parking. The existing vehicular access has been relocated further within the site and widened in response to comments made from the Highways Engineer. There are 4 car parking spaces being provided on the existing driveway area and then a further 4 being provided within a newly created permeable hardstanding area along the rear boundary. A bike shelter for bicycles and a bin store would also be provided to the rear of the building located on an existing area of hardstanding.

It should be noted that the original submission included proposals to create an 11 bedroom HMO and the creation of 8 new car parking spaces on the front lawn of the property. However, the proposals have now been amended to the development outlined above, following the receipt of comments from local residents and concerns raised by a number of consultees. This will be explained in more detail later in the report.

SITE AND SURROUNDINGS

This application relates to a large two storey detached property with additional accommodation with the roof space and basement, set within landscaped grounds on Thornfield Road in Heaton Mersey. The building sits to the rear of the site in the north western corner, with gardens situated to the front and side of the property. The property was built in the early 1900's and is traditional in style mainly covered in white render and red brick with traditional roof tiles. The building is double fronted with the main entrance door in the centre and large bay windows to either side on the ground and first floor.

The property was a former Library until the mid 1990's, when it was converted back to a single family dwellinghouse. There have been a number of extensions and elevational alterations to the building since it was built including a two storey rear extension and stairs up to the front door. The main vehicular and pedestrian access into the site is to the front from Thornfield Road and there is a long driveway to the existing parking areas around the property. There is a large lawned area to the front of the property with further mature landscaping around the site. The site is bounded by a brick wall with railings to the front and a mixture of timber fencing, concrete panel fencing, more railings and mature trees/hedges around the boundary.

The site is bounded by semi-detached properties to the rear on Heaton Close and opposite on Thornfield Road. The site to the east is occupied by Thornfield Court, which is a three storey apartment building with car parking and gardens within the grounds. To the west is the Local Open Space area of Thornfield Park.

The property is located within a Predominantly Residential Area as designated in the UDP and is located within the Mauldeth Road Conservation Area. However, the property is neither a designated Listed Building nor a non-designated Locally Listed Building.

POLICY BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 ("PCPA 2004") requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan includes-

- Policies set out in the Stockport Unitary Development Plan Review adopted 31st May 2006 which have been saved by direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004; &
- Policies set out in the Stockport Local Development Framework Core Strategy Development Plan Document adopted 17th March 2011.

Saved policies of the SUDP Review

HC1.3 Special Control of Development in Conservation Areas
 CDH1.4 Houses in Multiple Occupation
 EP1.7 – Development and flood risk
 MW1.5 – Control of waste from development

LDF Core Strategy/Development Management policies

CS1: OVERARCHING PRINCIPLES: SUSTAINABLE DEVELOPMENT –
 ADDRESSING INEQUALITIES AND CLIMATE CHANGE
 SD-1: Creating Sustainable Communities

CS2: HOUSING PROVISION

CS3: MIX OF HOUSING

CS4: DISTRIBUTION OF HOUSING
 H-1: Design of Residential Development
 H-2: Housing Phasing

CS8: SAFEGUARDING AND IMPROVING THE ENVIRONMENT
 SIE-1: Quality Places
 SIE-3: Protecting, Safeguarding and Enhancing the Environment

CS9: TRANSPORT AND DEVELOPMENT

CS10: AN EFFECTIVE AND SUSTAINABLE TRANSPORT NETWORK
 T-1: Transport and Development
 T-2: Parking in Developments
 T-3: Safety and Capacity on the Highway Network

Supplementary Planning Guidance

Supplementary Planning Guidance (Saved SPG's & SPD's) does not form part of the Statutory Development Plan; nevertheless it does provide non-statutory Council approved guidance that is a material consideration when determining planning applications.

The following are of relevance to this application -

- Design of Residential Development SPD
- Open Space Provision and Commuted Payments SPD
- Sustainable Transport SPD
- Transport and Highways in Residential Areas SPD

National Planning Policy Framework

A Revised National Planning Policy Framework (NPPF) issued by the Secretary of State for Housing, Communities and Local Government (MHCLG) on 19th February 2019 replaced the previous NPPF (originally issued 2012 & revised 2018). The NPPF has not altered the fundamental legal requirement under Section 38(6) of the Planning and Compulsory Purchase Act 2004 that decisions must be made in accordance with the Development Plan unless material considerations (such as the NPPF) indicate otherwise.

The NPPF representing the governments up-to-date planning policy which should be taken into account in dealing with applications focuses on achieving a lasting housing reform, facilitating the delivery of a greater number of homes, ensuring that we get planning for the right homes built in the right places of the right quality at the same time as protecting our environment. If decision takers choose not to follow the NPPF, then clear and convincing reasons for doing so are needed.

N.B. In respect of decision-taking the revised NPPF constitutes a “material consideration”.

[National Planning Policy Framework.](#)

Para.1 *“The National Planning Policy Framework sets out the Government’s planning policies for England and how these should be applied”.*

Para.2 *“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise”.*

Para.7 *“The purpose of the planning system is to contribute to the achievement of sustainable development”.*

Para.8 *“Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*

- a) an economic objective*
- b) a social objective*
- c) an environmental objective”*

Para.11 *“Plans and decisions should apply a presumption in favour of sustainable development.*

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.

Para.12 “.....Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually 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”.

Para.38 “Local planning authorities should approach decisions on proposed development in a positive and creative way..... Decision-makers at every level should seek to approve applications for sustainable development where possible”.

Para.47 “Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing”.

Para.124 “The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

Para.130 “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development”.

Para. 189 “In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.”

Para. 190 “Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”

Para. 192 *“In determining applications, local planning authorities should take account of:*

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.*
- Considering potential impacts”*

Para. 193 *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”*

Para. 194 *“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:*

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.”*

Para. 196 *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”*

Para. 197 *“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*

Para. 202 *“Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.”*

Para.213 *“existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)”*.

Planning Practice Guidance

The Planning Practice Guidance (NPPG) is a web-based resource which brings together planning guidance on various topics into one place (launched in March 2014) and coincided with the cancelling of the majority of Government Circulars which had previously given guidance on many aspects of planning.

RELEVANT PLANNING HISTORY

There are a number of historic applications at the site, with the most relevant to this case being listed below.

Reference: J/59689; Type: XHS; Address: Former Library 4 Thornfield Road; Proposal: "CHANGE OF USE OF FORMER LIBRARY BUILDING TO DWELLING - EXTENSION TO FORM GARAGE, ERECTION OF PORCH AND BOUNDARY WALL/RAILINGS TOGETHER WITH ALTERATIONS TO EXTERNAL ELEVATIONS."; Decision Date: 23-JUN-94; Decision: GTD

Reference: DC/006835; Type: OUT; Address: Former Heaton Moor Library, Thornfield Road, Heaton Moor, Stockport; Proposal: Outline application for 12 No. 2 bed apartments; Decision Date: 18-APR-02; Decision: WDN

Reference: DC/010199; Type: CAC; Address: 4 Thornfield Road, Heaton Moor, Stockport, Cheshire; Proposal: Demolition of existing building (Conservation Area Consent); Decision Date: 10-NOV-03; Decision: REF

Reference: DC/009952; Type: FUL; Address: 4 Thornfield Road, Heaton Moor, Stockport, Cheshire; Proposal: Erection of 6 no. apartments in a part three storey, part two storey block; Decision Date: 10-NOV-03; Decision: REF

Reference: DC/015210; Type: FUL; Address: 4 Thornfield Road, Heaton Moor, Stockport, Cheshire; Proposal: Erection Of 6 No. Apartments In A Part Three Storey, Part Two Storey Block. Re-submission of DC009952; Decision Date: 06-OCT-04; Decision: GTD

Reference: DC/015214; Type: CAC; Address: 4 Thornfield Road, Heaton Moor, Stockport, Cheshire; Proposal: Demolition Of Existing Building (Conservation Area Consent). Re-submission Of DC01099; Decision Date: 06-OCT-04; Decision: GTD

Reference: DC/027750; Type: FUL; Address: 4 Thornfield Road, Stockport, Cheshire, SK4 3LD; Proposal: Detached garage/store and single storey side extension.; Decision Date: 13-MAY-08; Decision: GTD

Reference: DC/042289; Type: FUL; Address: 4 Thornfield Road, Heaton Moor, Stockport, SK4 3LD; Proposal: First floor rear extension , ; Decision Date: 06-JAN-10; Decision: GTD

Reference: DC/043291; Type: FUL; Address: 4 Thornfield Road, Heaton Moor, Stockport, SK4 3LD; Proposal: Widening of pavement crossover and extension to front canopy; Decision Date: 09-DEC-10; Decision: FDO

Reference: DC/069131; Type: LCP; Address: 4 Thornfield Road, Heaton Mersey, Stockport, SK4 3LD; Proposal: Lawful Development Certificate for use of existing dwellinghouse as a care home for up to 4 children/young people with 2 resident carers'; Decision Date: 30-DEC-18; Decision: WDN

NEIGHBOUR'S VIEWS

The owners/occupiers of thirteen surrounding properties were notified in writing of the proposal. In addition to this, as a result of the site being located within the

Mauldeth Road Conservation Area, a site notice was displayed in the area and a press notice advertised the proposed development and invited representations.

10 emails / letters of objection and 1 email of support have been received in response to this notification process. The comments made can be summarised as follows:

Support

- Good for us.

Objections

Use / Occupants

- No information about who will occupy the property.
- They appear to be bedsit rooms with shared bathing/toilet facilities, which seems odd with this modern refurb, as one would expect each room to have individual toileting facilities.
- The size of this HMO would require it to be licenced. A cursory review of Stockport MBC's recommended standards for HMOs suggest that the current proposals may not comply with the Council's standards.
- Is there is the demand for a multi occupancy dwelling in the Mauldeth Road conservation area?
- Judging from the nature of the rooms, it seems likely that they will be taken as short-term tenancies with the result that there will be a high turnover of tenants with little incentive to maintain their environment. The plans seemed to me to be closer to hostel style accommodation rather than flats with more long-term tenants and aimed to maximise the income from the property rather than providing adequate accommodation.
- There is a distinct concern that such low-grade stock, not enjoying en suite facilities and with minimal cooking provision would only attract short term occupiers to the detriment of the neighbourhood. That would be wholly incompatible with the character of the surrounding neighbourhood.
- The proposed plans do not appear to have sufficient kitchen area's, bathrooms or outside space for such a large number of people.
- The site, designed to be occupied by one family, would soon become overpopulated if this planning application is granted.
- It has been demonstrated that HMO's can result in an increase in anti-social behaviour and amenity issues for the local community.
- The neighbouring authority of Manchester has recognised these issues and implemented a city-wide article 4 direction to keep control of sites on which HMO development is permitted and to prevent sites that are unsuitable, such as this, from being developed as HMOs and to control such dense development.

- The Council's focus should be on encouraging good quality and affordable residential accommodation in a suitable location that will encourage occupiers to stay for the long term for the benefit of the wider community rather than encouraging overly dense and low quality "battery farm" accommodation in inappropriate locations, such as this.
- It is noted from legislation governing HMO's that there should be 50m² usable garden to the rear of the property, I do not think that there is this amount of space behind the property and there will be even less usable space at rear should a bin and cycle store be erected.
- This is an over development of what is essentially a detached family home.

Traffic / Parking

- Development will significantly increase volume of traffic entering and leaving the site on a very busy road close to a bend.
- The pavement is used by many school children as it is the main route for Priestnall School and other local primary schools. It is also next to the entrance to Thornfield Road Park.
- The increased amount of traffic crossing the pavement will increase risk of accidents.
- Introducing this number of additional extra vehicles potentially entering and leaving number 4 during rush hour on such a busy and dangerous corner would only serve to exacerbate that problem.

Amenity

- There can be no doubt that this proposed development in this location can only lead to a reduction in the standard of amenity for local residents, neighbouring properties and the area in general.

Flooding

- The additional gravel area for car parking which will replace some of the grass lawn may well increase the flooding which occurs in heavy rain around the entrance area.
- When there is heavy rain, the drains on Thornfield Road often block causing considerable backing up of water and localised flooding on what is already a busy, tight and dangerous corner.

Contrary to Policy

- Due to the nature of the development; the scale of it; the transport issues which will be generated and the transport safety issues which will be created; the character change of the relevant area; and the proximity of the development, there is clear conflict with the Development Plan in terms of the Application breaching policy CDH1.2.

- Due to the scale of the proposal in terms of the property concerned, the character of the area being adversely affected due to the parking provisions and lack of landscaping, the Application is in clear breach of policy CDH1.4.
- The application is contrary to the NPPF.
- Design – the Application is not of good design. It is not sustainable development. Good design is a clear NPPF concept in terms of what is sustainable development. Good design creates sustainable development in the form of creating better places to live and helps make development acceptable to communities. This Application is in direct conflict with this important material consideration.
- Conservation Area – the Application site is located in a designated heritage asset area – a Conservation Area. This status must be given significant weight in the determination process, as the Council will be aware. The Application proposal due to the loss of the front garden for parking will lead to substantial harm (in the context of the Application) to a designated conservation asset. Under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, special attention has to be paid to the desirability of preserving and enhancing the character or appearance of the conservation area. The Application proposal does not physically or via use preserve or enhance the character or appearance of the conservation area. It harms both. Therefore this is another material consideration requiring special attention and significant weight, pointing to the Application being refused. In the same way, the NPPF requires substantial harm (or less than substantial harm) to a conservation area to have to be outweighed by the public benefits of a proposal, before conflict with the NPPF is resolved. The Application proposal does not do this. As above and below, there are no redeeming public benefits, only negatives.
- Even with the amendments, the proposed development remains in poor design, unsustainable and in conflict with the Development Plan. There are still no clear material overriding considerations.

Neighbour Notification

- A number of neighbours didn't receive the planning permission announcements and have been informed by word of mouth, does this fit the required process for permission.

Other Comments

- The grounds for my objection is based on limited information available on SMBC website.
- The Design and Access Statement submitted in support of the Application suggests that “all existing neighbours have been told these alteration works comply with Design for Access 2 (for work within existing properties)”. Neither I, nor so far as I'm aware any of the other neighbours have at any stage be consulted in relation to any of these proposals prior to us being served with formal notice of the Application.
- The heritage statement also suggests that the owners “need to change it to an 11-bedroom HMO”. I do not know on what basis this statement is made. I

cannot see any evidence that the property has been exposed to the market for sale as the four-bedroom family home that it is. The presumption should always be that existing family homes are retained in suburban areas such as this.

- Planning permission for the erection of six apartments on the Property was granted in October 2004 (decision number DC 015210). This permission has now expired but, if implemented would have provided an alternative use of the Property that would be more in keeping with the surrounding neighbourhood if continued use as a residential dwelling was unsustainable (which has not been demonstrated).
- The wrong Certificate of Ownership has been submitted as the applicant is a Dr Hafeez Khan of Fast Acquisitions Limited and the registered proprietor of the freehold of the Property (title number GM640545) is Mr Shahzad Haider.
- Social distancing - we are being told by the Government that due to COVID 19, social distancing may be in place for some time and that further mutations of coronavirus could emerge for several years. Does the council not have a responsibility to take this into account when considering an application which would not enable a professional tenant to wash their hands in their own room, illness' such as noravirus/ winder vomiting bug could not be safely managed in this type of property.

CONSULTEE RESPONSES

Highways

(Original Comments 14.02.2020)

Highways have no concern in principle with the proposed conversion of this dwelling into a HMO with 11 bedrooms. The consequent traffic generation is not at a level that would give rise to highway operational and safety concerns and Highways are satisfied that the point of vehicular access, subject to some improvement, can be suitable for the intensity of development proposed.

However, due to the proposed intensification of the site, work would need to be completed to the existing access to widen it to 5.5m. In addition to widening, the gates would need setting back 5.5m from the carriageway edge and 1m by 1m pedestrian visibility splays providing on either side.

In terms of car parking, the provision of 11 spaces would satisfy Council standards in terms of Core Strategy Policy T-2 'Parking in Developments' and Saved UDP Policy CDH1.4 'Houses in Multiple Occupation'. The construction, surfacing and drainage of the parking area is a matter capable of conditional control.

Subsequent comments following amended plans 11.05.2020

Highways are accepting of the revisions, albeit for the need for pedestrian visibility splays on either side of the access at the back edge of the footway. However, Highways are satisfied that this can be covered under conditional control.

Highways are accepting of 8 spaces (including one wider disabled potential space) to serve the use and the layout is practical in terms of use and would not give rise to vehicles reversing on or off the highway.

Suggested conditions:

1) No part of the development hereby approved shall be occupied until the means of access has been widened and constructed in accordance with the submitted drawings and including the provision of 1m by 1m pedestrian visibility splays at either side of the access and a widened dropped kerb footway crossing. The details of visibility splays and dropped kerb works shall have first been submitted to and approved in writing by the Local Planning Authority. No structure, object, plant or tree exceeding 600mm in height shall subsequently be erected or allowed to grow within the pedestrian visibility splays and the means of access and visibility splays shall be retained for the planning life of the development.

Reason: In order that the site will benefit from safe and practical access arrangements in accordance with Policies SIE-1 'Quality Places', CS9 'Transport and Development' and T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD.

2) No gates, barrier, or similar form of obstruction shall be erected across the access any closer to the highway than is indicated on the drawings hereby approved.

Reason: In order to ensure that vehicles can pull off the highway before reaching the any gates / barrier, in terms of Policies SIE-1 'Quality Places', CS9 'Transport and Development' and T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD.

3) No part of the development hereby approved shall be occupied until the driveway and car parking area have been constructed and are available for use in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Details and drawings shall be provided which show:

- the construction, surfacing and means of drainage (in a sustainable manner) of the driveway;
- the construction, surfacing and means of drainage (in a sustainable manner) of the car parking area and
- how the car parking spaces will be marked out on site.

The driveway and car parking facilities shall thereafter be retained and shall remain available for use.

Reason: To ensure that adequate access and car parking facilities are provided and that they are appropriately located and are of a safe and practical design, in accordance with Policies SD-6 'Adapting to the impacts of climate change', SIE-1 'Quality Places', T-1 Transport and Development', T-2 'Parking in Developments' and T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD.

4) No work shall take place in respect to the car parking area until details of the provision of two spaces within the car park which have facilities for the charging of electric vehicles have been submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include a drawing indicating the location of the spaces; a method statement outlining how the spaces and electric charging equipment will be managed and operate; how the spaces will be signed and marked out and details of the electric charging equipment. The approved development shall not be occupied until the parking spaces and electric charging equipment have been provided in accordance with the approved details and are available for use. The parking spaces and electric charging equipment shall thereafter be retained as approved and shall remain available for use and shall be managed and operated at all times in complete accordance with the approved method statement.

Reason: To ensure that adequate parking with facilities for the charging of electric vehicles are provided in accordance with Policies SD-6 'Adapting to the impacts of climate change', T-1 Transport and Development', T-2 'Parking in Developments' and T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD and Paragraph 110 of the National Planning Policy Framework.

5) *No part of the development shall be occupied until a long-stay covered and secure cycle parking facility for a minimum of four cycles has been provided in accordance with details that have previously been submitted to and approved in writing by the local planning authority. The facility shall then be retained and remain available for use at all times thereafter.*

Reason: To ensure that safe and practical cycle parking facilities are provided so as to ensure that the site is fully accessible by all modes of transport in accordance with Policies CS9 'Transport and Development', T-1 'Transport and Development', T-2 'Parking in Developments' and T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD.

Informative:

The applicant's attention is drawn to the need to seek approval under the Highways Act 1980 from the Highways and Transportation Section (telephone 0161 474 4848) regarding alterations to and the construction of the dropped crossing prior to works commencing on site.

Conservation

(Original Comments 17.02.2020)

The proposed development has been assessed and it can be confirmed that the main issue from a conservation perspective is the loss of the lawn within the front garden to form a car park. It is considered that would harm the green and low density character of the conservation area. It is questioned whether it this level of parking is necessary for a HMO, given Thornfield Road is situated on a bus route and the nature of the proposal is not be reliant on that level of on-site parking.

It is also questioned whether the 4 units shown on the proposed loft plan can be adequately accommodated within the attic space, without further necessary alterations to the roof. There are 2 small rear existing dormers, but there are currently no rooflights and no additional rooflights or dormer windows are proposed.

It is recommended that a section through the building is provided to show how much useable space would be provided within the 4 attic bedrooms, without the provision of further external changes. This would help to establish floor levels/ceiling heights.

Subsequent comments following amended plans 11.05.2020

The current proposals will have a minimal harmful impact upon the character and appearance of the conservation area because few external alterations will result from the internal conversion and the revised site layout allows for the retention of the lawn within the front garden, thus maintaining the green and low density character of the conservation area.

The submitted section demonstrates that the attic space can be subdivided into 4 bedrooms whilst using existing windows for natural light and ventilation.

Whilst the current application seeks to minimise external change, it fails to consider opportunities for enhancement. The character and appearance of the conservation

area would be considerably enhanced through the replacement of the existing windows/doors with painted timber sash windows/panelled doors to replicate the original design. Any approval should be subject to a condition requiring details of all external alterations, including reinstatement of original features of architectural and historic interest.

Housing Standards

(Original Comments 19.02.2020)

The plans submitted by the applicant do not provide enough information/detail to confirm whether or not the proposals meet the range of standards for the provision of a HMO in Stockport. However, from a brief assessment of the plans, it would be advised that the applicant should pay particular attention to the requirements to provide a suitable level of communal space if they are intending on providing units of accommodation that are below 10.2 sq/m.

It is advised that the applicant should be familiar with the whole standards document, including kitchen and washing amenities. If not, the applicant may submit plans for license approval only to find that they will not be able to get a licence at a later date.

It can be seen that for an 11 bed HMO, it is the standards for 10-14 occupants in relation to the necessary kitchen facilities, and the standards for 11-14 occupants in relation to the necessary washing/toilet facilities. For an 11 bed HMO, the kitchen would need to include 2 kitchen sinks, 2 dishwashers, 2 cookers (each with 4 rings + grill + oven), 1 additional combi microwave, 2 fridges and 2 separate freezers. For an 11 bed HMO, the property would need to include one separate toilet with hand basin for every 5 sharing (3 in this case) and at least one full bathroom for every 5 sharing (again 3 in this case).

Arboriculture

In principle the main works and design will not have a negative impact on the trees on site, in neighbouring properties on all the boundaries and therefore a landscaping plan is required to show how they propose to enhance the site in current layout or changes to the frontage layout to incorporate room for a replacement tree(s).

In its current format it could be considered favourably as long as the protected trees are fenced off prior to any works, improved landscaping detail is submitted offering significant environmental benefit to the area with greater tree replacement planting if offered on the site layout plan.

Amendments to the front layout needs submitted to incorporate a greater planting area for replacement tree planting, but the details will need to be submitted to discharge the condition, as well as protection from any construction traffic or deliveries to all the retained trees in the area, as any damage would not be acceptable and result in potential prosecution, therefore all deliveries and construction workers need to be made aware of the level of tree protection in the area.

In addition, some consideration needs to be given to enhancing the local environment and so the submission of a new improved landscaping design to include a detailed landscaping scheme that includes a greater number of new trees to improve the amenity and aesthetics of the site for users and making sure a percentage of these are native large species and fruit trees at every opportunity

would be a welcome enhancement if this can be delivered, including in the area of the closed off gate.

ANALYSIS

At the heart of the NPPF is a presumption in favour of sustainable development (para 10). Para 11 of the NPPF reconfirms this position and advises that for decision making this means:-

- approving developments that accord with an up to date development plan or
- where the policies which are most important for the determination of the application are out of date (this includes for applications involving the provision of housing, situations where the LPA cannot demonstrate a 5 year supply of housing), granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

In this respect, given that the Council cannot demonstrate a 5 year deliverable supply of housing, the relevant elements of Core Strategy policies CS4 and H2 which seek to deliver housing supply are considered to be out of date. That being the case, the tilted balance as referred to in para 11 of the NPPF directs that permission should be approved unless the adverse impacts of approving planning permission would significantly and demonstrably outweigh the benefits.

Principle of development

Saved UDP policy CDH1.4 'Houses in Multiple Occupation' states that the conversion of dwellings to multiple occupation will be permitted provided that the proposal does not result in more than 2 houses in multiple occupation adjoining; does not result in a single dwelling having a house in multiple occupation on both sides; and does not create such a concentration of houses in multiple occupation in a particular area or intensity of occupation of the property concerned that the character of the area is adversely affected.

In respect of the conversion of the property to provide a HMO, having regard to the range of uses in the immediate vicinity of the application site, with the majority of residential units in the area being family dwellings and no licensed HMOs being found within a 100m radius of the site, it is not considered that the proposal will result in an over concentration of HMOs in the area. Rather, the introduction of an HMO at the application site would allow for the range of housing in the area to be expanded, thereby contributing towards the creation and maintenance of a sustainable urban neighbourhood, as advocated by Core strategy policies CS2 and CS3. The proposal therefore offers an opportunity to re-develop the existing building that is located within an accessible and sustainable location.

Significant concerns have been raised by local residents in relation to the lack of information submitted with the application about the intended occupants of the proposed accommodation. The applicant is not required to stipulate who would occupy the accommodation of the proposed HMO if approved, nor is it possible for the Local Planning Authority to control or restrict who may occupy the accommodation in the future. However, notwithstanding this, the applicant has confirmed in the application information that the rooms would be for Key workers

and Professionals.

For these reasons, and given that Stockport does not have a five year housing supply, subject to the development being acceptable in terms of its visual impact, its relationship to neighbouring residents; its impact upon the highway network and in all other regards, the principle of converting the buildings to provide a 10 bed HMO is acceptable and in accordance with the NPPF and policies CS2, CS3, CS4, and H2 of the Core Strategy. The proposal would provide additional residential accommodation and contribute towards meeting the housing needs of the Borough.

Quality of the Accommodation

The original proposals submitted under this application were to create an 11 bedroom HMO, with minimal internal alterations to the existing property. From an initial inspection of the accommodation proposed, it appeared that the proposed accommodation may fall short of the necessary standards for Houses in Multiple Occupation in Stockport under the relevant Licence Guidelines. Although this sits outside what is considered to be material under Planning guidance, this matter was brought to the applicants attention and the scheme was assessed and amended in line with the Council's HMO licensing standards.

The amended proposals remove one of the proposed bedrooms on the ground floor and provide an additional kitchen / dining space for the future residents to use. Therefore, the proposals now include the provision of 2 large kitchen / dining rooms along with a utility room that is considered to be adequate for residents cooking, eating and washing pots/clothes.

The bedroom sizes are also considered to be adequate, ranging from 12.10sqm up to 18.10sqm. It has been stated by Housing Standards, that an additional lounge area is only required for residents where the bedroom sizes are below 10.2 sqm. Therefore, in this case, as all the bedrooms exceed this size, it is not necessary for an additional residents lounge to be provided.

The number of bathrooms at the property has also been increased to provide adequate washing facilities for the future occupants. The proposals now include a full bathroom on the ground floor, 2 full bathrooms and an ensuite bathroom for Bedroom 5 on the first floor and 1 full bathroom on the second / loft floor to provide washing facilities on each floor of the accommodation. Again, this is considered to be acceptable and in line with the standards for HMO licenses in Stockport.

In terms of residential amenity, future occupants of the proposed HMO would be provided with adequate light and outlook from their habitable room windows along with ample outdoor useable space. It is acknowledged that saved UDP Policy CDH1.4 states that the accommodation should include useable rear gardens within the curtilage of at least 50m². Due to the siting of the existing dwelling to the rear of the Plot, the garden area at the property is located to the front and side, with a substantial lawned area, planting, trees and a long driveway. This area far exceeds the required 50 sqm of amenity space required under Policy CDH1.4. This is bounded by tall boundary treatments and trees to all sides, which offer a good level of privacy and screening from the street. Therefore, despite the amenity area not being provided to the rear, it is considered that there is ample outdoor useable space for the future occupants of

the property in compliance with Policy CDH1.4. This is further boosted by the location of the application site immediately adjacent to Thornfield Park.

For these reasons, it is considered that the proposed development is not poor quality accommodation and the future occupants of the proposed dwellings would be provided with a satisfactory standard of living. It is also considered that the provision of smaller units of accommodation such as this in Heaton Mersey, would create much needed affordable housing for young professionals and key workers within an area of such high house prices, to increase the housing choice and mix to the benefit of creating sustainable communities.

Residential Amenity

The site is located within a primarily residential area – there are residential properties on three sides of the application site and Thornfield Road Park on the other. There is a mix of detached, semi-detached and apartment blocks within the vicinity of the site. As the proposal is to retain the residential use of the property, this would be appropriate for this site in this context and would not be at odds with the predominant use and character of the area.

The proposed change of use does not include any elevational alterations to the existing building, with no further extensions, or additional windows or other opening proposed. Therefore, there should be no impact on the amenity of the surrounding properties from an overlooking or overshadowing perspective.

Given that occupants of the proposed HMO will be active, there will be a level of noise and disturbance created by occupants as they go about their daily business, moving to and from the site and as they use the building and the space at the rear. However, given the existing size of the property as a 6 bedroom dwelling, it is not considered that the additional comings and goings would be significant over the existing situation. The sizeable grounds around the existing building, the presence of substantial boundary treatments and trees around the site, the location of the building towards the rear of the Plot and the adequate spaces between the accommodation, the proposed car parking areas and the adjacent dwellings will ensure existing levels of amenity in the vicinity are protected and well screened.

It is not considered that the use of the property as a 10 bed HMO would result in neighbouring land users experiencing a reduction in the level of amenity they can reasonably expect to enjoy, by virtue of them being exposed to an unacceptable increase in levels of noise and disturbance.

The proposal is therefore considered to be in accordance with policies H1, SIE-1 and SIE-3 of the Stockport Core Strategy, the objectives of the Design of Residential Development SPD and the thrust of the NPPF as it would not adversely affect the level of residential amenity neighbouring residents can reasonably expect to enjoy, with the development providing future occupants with a satisfactory standard of living.

Parking and Highway Safety

Saved UDP policy CDH1.4 states that proposals for HMO should include suitably enclosed refuse storage areas at the rear of the property, should include parking within the curtilage at the rate of 0.5 space per letting and where car parking is to

be provided by hard paving of the area in front of the dwelling, no less than 40% of that area should be landscaped to the satisfaction of the Council.

Core Strategy Policy T-2 'Parking in Developments' outlines that developments shall provide car-parking in accordance with maximum parking standards for each type of land use as set out in the existing adopted parking standards. Policy T-3 'Safety and Capacity on the Highway Network' explains that developments shall be of a safe and practical design, with safe and well designed access arrangements, internal layouts, parking and servicing facilities.

The existing vehicular access to the property is from Thornfield Road, via an existing dropped kerb and secure access gates. This vehicular access to the property from Thornfield Road would be retained and modified in line with the guidance provided by the Highways Engineer. The relocated secure gates would provide access into the site and the existing driveway hardstanding around the property would provide 4 car parking spaces, including one disabled accessible space, secure cycle storage and a secure bin storage space.

A new area of hardstanding is then proposed to the rear of the site to provide 4 further car parking spaces. The plans show that this will be of a permeable material to ensure that any surface water will infiltrate naturally into the ground and not create any flooding or additional drainage requirements on existing drains. Notwithstanding this, a condition would be included to request full details of the proposed surface and drainage scheme of this hardstanding area to ensure no surface water flooding is resulted.

The proposal has been reviewed by the Council's Highway Officer who has confirmed that the consequent traffic generation is not at a level that would give rise to highway operational and safety concerns and Highways are satisfied that the point of vehicular access, subject to some improvement, can be suitable for the intensity of development proposed. The Highway Officer raises no objections to the proposal subject to the attachment of suitably worded conditions to secure details of the proposed improved vehicular access, no gates/barriers being installed closer to the highway than shown on the approved drawings, design details of the proposed new driveway/parking areas, details relating to electric vehicle charging points and adequate cycle storage prior to first use of the property as an HMO. Therefore, it is considered that the proposed development would not severely impact on the operation or safety of the highway with appropriate support for sustainable transport.

For these reasons, it is not considered that the proposal raises any highway safety issues subject to the attachment of the recommended conditions. The proposal is therefore considered to be in accordance with policies CS9, T1, T2 and T3 of the Stockport Core Strategy.

Impact on the Mauldeth Road Conservation Area

The site lies in the Mauldeth Road Conservation Area and as such, development should seek to preserve or enhance the special architectural, artistic, historic or archaeological significance of heritage assets, as set out in Saved UDP Review policy HC1.3 and Core Strategy policy SIE-3.

Saved UDP Policy HC1.3 'Special Control of Development in Conservation Areas' provides the criteria for which development in Conservation Areas must be assessed against. The policy states that proposals within a Conservation

Area will not be permitted unless the “siting, scale, design, materials and landscaping of the development are sympathetic to the site and surroundings”. Proposals which fail to preserve or enhance the character of the conservation area will not be permitted.

Core Strategy Policy SIE-3 goes further to state that clear and convincing justification is required in support of loss or harm to the significance of a heritage asset (which includes conservation areas), through alteration, destruction or development within its setting.

Para. 190 of the NPPF states that “Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.” Para. 193 continues by advising that “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

It is acknowledged that the original submission included the creation of a large car parking area on the existing front lawn of the property, to provide 8 new car parking spaces. This was considered to create substantial harm to the character of the Mauldeth Road Conservation Area, through the loss of the lawn and harm to the green and low density character of the conservation area. However, following discussions with the applicant, the proposals have now been amended to remove this substantial area of new parking to the front of the site.

In relation to any potential harm to the Conservation Area from the amended scheme, the proposal consists of the relocation of the existing vehicular gates and some of the front boundary and the creation of an additional area of hardstanding to the rear to provide 4 car parking spaces. No other physical works are proposed and the change of use of the property alone, would not have any impact on the character or setting of the Conservation Area.

Conservation have made an assessment of the site, and have now confirmed that the proposals would only have a minimal harmful impact upon the character and appearance of the conservation area. This is because few external alterations will result from the internal conversion and the revised site layout allows for the retention of the lawn within the front garden, thus maintaining the green and low density character of the conservation area. The submitted section also demonstrates that the attic space can be subdivided into 4 bedrooms whilst using existing windows for natural light and ventilation.

It has been requested by Conservation that the character and appearance of the conservation area would be considerably enhanced through the replacement of the existing windows/doors with painted timber sash windows/panelled doors to replicate the original design.

However, these works do not form part of the application being considered, and it would not be reasonable or appropriate to enforce the replacement of these features via condition, or warrant a refusal of the application if these works were not carried out.

Therefore, Conservation raise no objection to the proposed development, and in line with the tests of the NPPF, the proposed development would only constitute a less than substantial harm to the significance of this designated heritage asset with the asset's conservation being protected.

The proposal would not detract from the character and appearance of the existing property, or the Mauldeth Road Conservation Area and as such, it would comply with Saved UDP Review policy HC1.3, Core Strategy policy SIE-3, and Paragraphs 189 – 197 of the NPPF.

Trees and Landscaping

A full tree survey has not been supplied as part of the planning application to show the condition and amenity levels of the existing trees, however the proposed development does not require the loss or impact on any of the existing trees at the site. Due to the proposed works to the vehicular access and additional car parking areas, it is necessary to include appropriately worded conditions to ensure the protection of the existing trees from the newly created hardstanding areas. In addition, details will need to be supplied to show protective fencing will be installed to the trees, to prevent any accidental damage or storage in the root protection areas of the trees. However, it is considered that with this protection, the existing amenity levels of the site created by the existing trees and landscaping will be retained.

The Arboriculture officer has requested the inclusion of a condition requiring the submission of a detailed landscaping scheme for the site. However, on the basis that there are very little physical works being completed at the site and that much of the existing garden is being retained, it is not considered appropriate or necessary to include such a condition in this case.

In principle, the design will potentially have a small negative impact on the landscaping on site due to the creation of the new hardstanding area to the rear of the site. However, this area is already used as informal parking on the grass, and the creation of a proper surface will improve the overall appearance of the garden and use of this area for parking.

Other Neighbour Comments

Notifications

The Local Planning Authority only has a legal requirement to notify any “adjoining owner or occupier” to a planning application site. This means any owner or occupier of any land adjoining the land to which the application relates. Therefore, only properties or land which physically adjoin or share a common boundary with the application are usually sent a notification letter. In this case, the properties immediately across the road from the vehicular access into the site on Thornfield Road (Nos. 37, 39 and 41) were also notified due to the potential increase in the number of occupants at the site. However, this did not include all the properties on the opposite side of Thornfield Road.

When the application was first received, neighbour notification letters were sent out to 13 addresses, following these guidelines. These included the addresses of properties that are located immediately surrounding the application site. The application was also publicised through an advertisement in the Stockport

Express and the posting of a site notice to the front of the site, due to the site being located in a designated Conservation Area.

Following this initial notification/publicity exercise, a number of representations were received from both the original neighbours notified and other residents living within a wider area. It is then general practice, that if an application is amended or if any other reason occurs that requires a renotification of residents, further letters are sent out letters to all the original neighbours and anyone else who has made a representation on the application to date. This has been completed in this case, and therefore the relevant and necessary notification and publicity requirements have been fulfilled by the Council.

Land Ownership / Certificates

It was noted in the original round of representations, that the Certificate of Ownership submitted with the application was incorrect. This was subsequently rectified by the applicant and Certificate B was signed and submitted and the appropriate Notice was served on the owner.

The change of ownership does not really make any material difference to the consideration of the application. The applicant for any planning application does not need to own the property or land on which they are applying for permission, providing that the correct Certificate of Ownership has been signed on the application form and the appropriate notice has been served on the owner of the land or property. This does not mean that the planning permission can then be implemented without the land or property owners consent, as planning does not override this civil law.

In this case, the wrong Certificate of Ownership had been completed on the application and this was pointed out to the applicant. This has subsequently been changed and the correct Certificate of Ownership now provided. However, this does not affect whether the proposed change of use would be considered to be acceptable or not. The application has been assessed against the relevant saved UPD and Core Strategy policies.

Developer Contributions

In accordance with saved UDP policy L1.2, Core Strategy DPD policy SIE-2, the Open Space Provision and Commuted Payments SPD and the NPPG, there is a requirement for the provision and maintenance of formal recreation and facilities within the Borough to meet the need of residents of the proposed development. In view of the population capacity of the proposed development, this would be provided off-site and would be secured by the imposition of a S106 Agreement attached to any planning permission granted.

SUMMARY

Overall, the proposal is considered to be in compliance with adopted planning policy and guidance. At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through decision-taking. Paragraph 7 of the NPPF establishes three dimensions to sustainable development – economic, social and environmental and Paragraph 8 indicates that these should be sought jointly and simultaneously through the planning system.

In this instance there are several benefits that weigh in support of the proposal, in particular the continued use and occupation of a prominent property in this area, an acceptable design and no significant impact upon residential amenity or the Mauldeth Road Conservation Area.

The proposed change of use of this property has been assessed with reference to Saved UDP policy CDH1.4, which has an aim to ensure that proposals do not result in an overconcentration of HMOs or adversely affect highway safety, as well as ensuring that future occupiers are provided with a satisfactory standard of living. On the basis of this Policy, the scheme is deemed to be acceptable for the reasons set out above.

In considering the planning merits against the NPPF as a whole, the proposal represents sustainable development and when weighed against the relevant policies of the Councils Saved UDP and Core Strategy the scheme is acceptable.

Therefore, it is recommended that for the reasons given above, the Heatons and Reddish Area Committee grant planning permission subject to conditions.

RECOMMENDATION

Grant

SUBJECT TO CONDITIONS AND S106 AGREEMENT RELATING TO OPEN SPACE PROVISION