

Werneth Area Committee

31st July 2023

DEVELOPMENT APPLICATIONS

Report of the Deputy Chief Executive

ITEM 1

DC088158

SITE ADDRESS

34 Sandy Lane, Romiley, Stockport, SK6 4NH

PROPOSAL

Change of use to 15 bed HMO (sui generis) with associated external alterations, bin storage, and car and cycle parking.

INFORMATION

These applications need to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants [and those third parties, including local residents, who have made representations] have the right to a fair hearing and to this end the Committee must give full consideration to their comments.

Article 8 and Protocol 1 Article 1 confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Unitary Development Plan, the Head of Development and Control has concluded that some rights conferred by these Articles on the applicant(s)/objectors/residents and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. He believes that any restriction on these rights posed by approval of the application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

This Copyright has been made by or with the authority of SMBC pursuant to section 47 of the Copyright Designs and Patents Act 1988 ('the Act'). Unless the Act provides the prior permission of the copyright owner'. (Copyright (Material Open to Public Inspection) (Marking of Copies of Maps) Order 1989 (SI 1989/1099)

ITEM 1

Application Reference	DC/088158
Location:	34 Sandy Lane Romiley Stockport SK6 4NH
PROPOSAL:	Change of Use to 15 bed HMO (sui generis) with associated external alterations, bin storage, and car and cycle parking
Type Of Application:	Full Application
Registration Date:	13.03.2023
Expiry Date:	10.08.2023
Case Officer:	Rachel Bottomley
Applicant:	Views
Agent:	Paul Butler Associates

DELEGATION/COMMITTEE STATUS

Werneth Area Committee. Application referred to Committee due to receipt of more than 4 letters of objection, contrary to the Officer recommendation to grant.

DESCRIPTION OF DEVELOPMENT

Planning permission is sought for the change of use of an existing building at No. 34 Sandy Lane to a 15 bed House of Multiple Occupation (HMO) (Sui Generis Use Class) with associated external alterations, bin storage and car and cycle parking.

The proposal would provide amenity space to the side and rear of the property, with the existing garden office converted to a garden lounge. 3 parking spaces would be provided to the rear of the side and 4 parking spaces to the front of the property. Cycle parking and bin storage would be provided to the side of the property. No external alterations are proposed to the existing main building. Vehicle access is proposed off Sandy Lane to the front of the site.

SITE AND SURROUNDINGS

The application site is located to the Eastern side of Sandy Lane. To the South and East of the site are existing residential dwellinghouses. To the North of the site are existing 3 storey flats with 2 associated garage blocks to the rear of the application site. Further residential dwellinghouses are sited to the West of the site on the opposite side of Sandy Lane.

The property is an existing two storey detached property which was previously used as a care home. The building has a part two storey, part single storey outrigger to the Eastern rear elevation with an existing garden office building to the side. Existing vehicle access is taken from Sandy Lane with a hardsurfaced driveway to the side, providing access to the garage blocks to the rear of the site and the hard surfaced parking area to the rear. There is also an existing parking area to the front of the site.

POLICY BACKGROUND

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning applications and appeals to be determined in accordance with the Statutory Development Plan, unless material considerations indicate otherwise. The Statutory Development Plan for Stockport comprises :-

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

The application site is allocated within the Town Centre/M60 Gateway (St. Thomas's Hospital), as defined on the UDP Proposals Map. The following policies are therefore relevant in consideration of the proposal :-

Saved UDP policies

- L1.1 : LAND FOR ACTIVE RECREATION
- L1.2 : CHILDREN'S PLAY
- CDH1.4 : HOUSES IN MULTIPLE OCCUPATION
- MW1.5 : CONTROL OF WASTE FROM DEVELOPMENT

Core Strategy DPD 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-2 : PROVISION OF RECREATION AND AMENITY OPEN SPACE IN NEW DEVELOPMENTS
- SIE-3 : PROTECTING, SAFEGUARDING AND ENHANCING THE ENVIRONMENT
- CS9 : TRANSPORT AND DEVELOPMENT
- T-1 : TRANSPORT AND DEVELOPMENT
- T-2 : PARKING IN DEVELOPMENTS
- T-3 : SAFETY AND CAPACITY ON THE HIGHWAY NETWORK

Supplementary Planning Guidance and Documents

Supplementary Planning Guidance and Documents (SPG's and SPD's) do not form part of the Statutory Development Plan. Nevertheless, they do provide non-statutory

Council approved guidance that is a material consideration when determining planning applications. Relevant SPG's and SPD's include :-

- DESIGN OF RESIDENTIAL DEVELOPMENT SPD
- OPEN SPACE PROVISION AND COMMUTED PAYMENTS SPD

National Planning Policy Framework (NPPF)

The NPPF, initially published in March 2012 and subsequently revised and published in July 2021 by the Ministry of Housing, Communities and Local Government, sets out the Government's planning policies for England and how these are expected to be applied.

National Planning Practice Guidance (NPPG)

The PPG 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

- DC/065303 – Erection of garden office room. Granted 07/07/2017
- DC/060058 – Single storey side extensions. Granted 10/12/2015
- DC/020288 – Two side extensions plus rear extension and improved disabled access. Granted 19/09/2005
- J59633 – Two storey extension and alterations. Granted 09/05/1994
- J25873 – Change of use of house to nursing home. Granted 22/07/1982

NEIGHBOUR'S VIEWS

The owners/occupiers of surrounding properties were notified in writing of the application.

16 letters of objection have been received, the contents of which are summarised below:-

Parking and Traffic Issues

- Syke Croft and Far Ridings would be used for parking.
- Driveway belongs to residents of Hurst and Guywood Court and residents of No. 34 are not permitted to use this for parking.
- Application does not provide enough parking spaces.
- Existing driveway is concealed from the main road.
- Proposal would result on additional parking on Sandy Lane.
- Any on road parking would be dangerous.
- No access for large work vehicles.
- Vehicles parking on street would also occupy pavement which would affect prams and mobility scooters.

Residential Amenity

- Concerns with regard for safeguarding and safety of children travelling to school if used as a probation/bail hostel.
- Concern regarding how the HMO will be operated – will there be a caretaker on site.
- Lack of privacy due to lack of security fencing therefore residents could access neighbouring gardens.
- Unsuitable site for the proposed use.
- Concern with regard to antisocial behaviour, vandalism and trespassing.
- Noise issues from 15-30 people in the garden.
- Concern that it may be a halfway house – how will tenants be controlled.
- HMO's attract a transient population.
- Generation of crime.
- Small size of bedrooms and lack of communal space will encourage people to spend time outside.
- What license constraints would be attached and who is responsible for managing noise issues.

Other Issues

- Incorrect boundary. Boundary shown is encroaching onto neighbouring properties.
- Any building work could damage work to driveway to side.
- No consideration given to properties on Syke Croft or Far Ridings.
- Passageway isn't maintained and isn't safe.
- Potential for litter and waste pollution as not enough space for communal bins.
- Environmental pollution from additional vehicles and too many people in a building.
- What would happen in event of a fire.
- Character of the area would be adversely affected due to intensity of occupation.
- Could S106 money be used to improve safety and security of passageway to side of No. 32 Sandy Lane as this is dimly lit.
- Environmental issues from tree removal.

CONSULTEE RESPONSES

Housing Standards

With regard to the above application I would like to make the following comments.

I do not have any objections to the proposed development in principle, I would remind the applicant of our current amenity standards for licensable HMOs as a guide to the various amenities (both shared and individual) and ask that along with working compliant to the requirements of the Building Regulations they also liaise with ourselves during the development to ensure that the relevant standards are met prior to the property being occupied.

I note that the applicant makes reference to having already considered the standards in their design to date and from the submitted plans the layout appears to meet the necessary range of criteria regarding space, amenities etc.

For information, a link to the relevant documents is below;

<https://www.stockport.gov.uk/information-for-landlords/houses-in-multiple-occupation>

Finally I would add that considering the larger scale of the proposed development when compared to the majority of licensable HMOs that across the Borough it is essential that ourselves and Greater Manchester Fire & Rescue Service are involved in the design specification and final agreement regarding the fire safety provisions throughout the building including the type of construction, fire separation, type of detection and means of escape so that the risk to all occupants is suitably and sufficiently protected.

Highway Engineer

In terms of traffic generation impact, the traffic generated by the proposed use will not significantly differ from that for the previous care home use. The impact on the highway network resulting from the development could not therefore be deemed as severe and no objection on traffic generation grounds would seem reasonable or sustainable.

The site is accessible with public transport, shops, employment, and other facilities available within reasonable walking distance and by cycle.

The proposal notes provision of 7 car parking spaces. Guidance requires 0.5 spaces per HMO bedroom, reflecting the generally low levels of vehicle ownership in this type of development. In this respect the proposal falls very slightly short. Guidance does, however, comment on the need to consider several factors when assessing the level of parking required for an HMO. Whilst the Transport Note has undertaken an assessment of the number of trips to the site resulting from development, this does not directly correlate with parking demand. A survey was therefore requested.

It is noted that local dwellings do generally have provision for parking off street and it is suggested that limited on street parking resulting from the development can be accommodated without any detrimental impact on highway operation or safety. A parking survey on Sandy Lane was undertaken on a workday evening and weekend afternoon and confirmed that there was adequate on street parking available to accommodate any overspill from the development site given the limited amount of on street parking currently taking place.

The assertion within the Transport Note that satisfactory visibility is afforded largely because of the presence of the hatched section of carriageway would be less valid if residents or visitors parked within that area. Parking should therefore be discouraged within this area. In order to alleviate concerns around providing satisfactory visibility for drivers using the site entrance it is recommended that the developer be required to fund a traffic regulation order and road markings preventing parking in this area.

Appropriate secure and covered storage for cycles is provided

RECOMMENDATION : No objection subject to conditions

CONDITIONS

Traffic Regulation Order

Applicant to fund drafting, advertising and making of a TRO restricting parking at each side of site entrance off Sandy Lane. Funding through s106 Agreement in sum of £5000.

Reason: In order to deter vehicles from parking on Sandy Lane in locations that would potentially adversely affect site access, site servicing or highway safety. In accordance with Policies CS9 'Transport and Development', T-1 'Transport and Development', and T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD.

Parking / turning facilities: constructed as approved plans

The approved development shall not be occupied until the car parking and turning facilities have been provided in accordance with the approved drawings. The car parking and turning facilities shall thereafter be kept clear and remain available for parking and turning of vehicles.

Reason: To ensure that adequate parking and turning 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, supported by Chapter 10, 'Parking', of the SMBC 'Sustainable Transport' SPD.

Cycle parking

The development shall not be occupied until the cycle parking facilities have been provided in accordance with the approved details. The cycle parking facilities shall then be retained and shall 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' and T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD and the cycle parking facilities are appropriately designed and located in accordance with Policies SIE-1 'Quality Places' and T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD, supported by paragraphs 10.9-10.12 'Bicycle Long and Short Stay Parking', of the SMBC Sustainable Transport SPD.

Electric vehicle charging bays

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.

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', SIE-3: Protecting, Safeguarding and enhancing the Environment, 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 Paragraphs 174, 186 and 112 of the National Planning Policy Framework.

ADVISORY

Advice on the discharge of highways related planning conditions

A condition/s of this planning consent requires the submission of detailed drawings / additional information relating to the access arrangements / parking / works within the highway. Advice on the discharge of highways related planning conditions is available within the 'Highways and Transport Advice' section of the planning pages of the Council's web-site (www.stockport.gov.uk). The applicant is advised to study this advice prior to preparing and submitting detailed drawings / the required additional information.

Traffic Regulation Order

A condition of this planning approval requires the submission and approval by the Council of a scheme to provide parking restrictions on Sandy Lane. The provision of such restrictions will require a Traffic Regulation Order. This will need to be implemented by the Highway Authority (Stockport Council) at the applicant's / developer's expense. The estimated cost of this (at the time that the planning application was considered) is £5000. To ensure that the Highway Authority has adequate time to implement the Order, the applicant / developer should ensure that they request and fund the Order prior to the commencement of development. The applicant should note that Orders can take up to 12 months to process. For further information on this and to arrange for the Traffic Regulation Order to be provided, the applicant / developer should contact the Highways Section of Planning Services (0161 474 4905/6).

Waste Management

Please ensure the attached document 'SMBC Recycling Planning' is read to ensure that the site plan/usage meets with our waste storage and access requirements.

If applicable: Please also ensure that sufficient storage room is allocated for the number of waste bin(s) (capacity) required.

If opting for steel bin containers, there needs to be sufficient access, width of entrance, turning circle enough for a heavy goods sized vehicle, in order that residents have the use of the Council's waste collection services.

If the occupant(s)/owner(s) has any questions regarding waste collections under 'business use' please direct them to contact Stockport Council on 0161 217 6111.

Nature Development Officer

Site Context

The site is located at 34 Sandy Lane, Romiley, SK6 4NH. The application is for change of use to 15 bed HMO (sui generis) with associated external alterations, bin storage, and car and cycle parking.

The site comprises a large brick built building with hard-standing (car parking) and a small area of landscaped gardens with mature trees. The planning statement states that the "proposed scheme does not require any external alterations to be undertaken to property" and there does not appear to be any internal or external works to the roof.

Externally the proposals include the following;

- Bin storage area to the south of the building.
- Secure, covered cycle store with space for 16 bikes (specifications submitted: Barratt Cycle Shelter).

- External amenity space for residents to the south of the building.
- Car parking to be rationalized within the existing hard-standing.

Nature Conservation Designations

The site has no nature conservation designations, legal or otherwise as listed in Stockport's current Local Plan (e.g. Site of Biological Importance, Local Nature Reserve, Green Chain).

It has however been identified as an opportunity area within the Local Nature Recovery Strategy (LNRS) pilot study for Greater Manchester for grassland planting opportunities. This is not necessarily a barrier to development and does not confer protection or prevention of land uses but shows that such areas have been prioritised for restoring and linking up habitats.

Legally Protected Species

There are no ecological surveys or assessments submitted with this application.

Paragraph 016 of the Natural Environment Planning Practice Guidance (<https://www.gov.uk/guidance/natural-environment#biodiversity-and-ecosystems>) states that the local authority should only request a survey if they consider there is a reasonable likelihood of a protected species being present and affected by development.

Bats

Many buildings have the potential to support roosting bats. All species of bats and their roosts are protected under UK (Wildlife and Countryside Act 1981 (as amended)) and European legislation (The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations, 2019).

The submitted proposals state that there will be no external works undertaken on the building / roof void or vegetation works affecting trees on-site.

Great-crested Newts (GCN)

GCN are protected under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. The latter implements the Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora. GCN are included in Schedule 2 of the Regulations as 'European Protected Species of animals' (EPS).

Under the Regulations it is an offence to:

- 1) Deliberately capture or kill a wild EPS
- 2) Deliberately disturb a wild EPS in such a way that significantly affects:
 - a) the ability of a significant group to survive, breed, rear or nurture young.
 - b) the local distribution of that species.
- 3) Damage or destroy a breeding place or resting site of such an animal.

There is an absence of ponds within 250m of the site, GCN records or suitable habitat or habitat connectivity within the surrounding area and therefore GCN are not considered further.

Badgers

Badgers are protected under the Protection of Badgers Act, 1992. This makes it an offence to kill or injure a badger or to damage, destroy or obstruct access to a sett. It is also an offence to disturb a badger while it is in a sett.

The proposed works are not considered a risk to badgers that may be present in the surrounding area.

Nesting Birds

The nests of all wild birds are protected by the Wildlife and Countryside Act, 1981 (as amended).

Trees and other vegetation on-site have the potential to support nesting birds, however no vegetation works are proposed.

Hedgehog

Hedgehog populations are declining rapidly in the UK and are identified as a UKBAP Species and Species of Principle Importance under the NERC Act 2006. Hedgehog are also protected from capture and killing under the Wildlife and Countryside Act 1981 Schedule 6.

Habitats on site have the potential to support hedgehog.

Reptiles

Reptiles (grass snake, adder, common lizard and slow worm) are protected from killing and injury under the Wildlife and Countryside Act 1981. All native species of reptiles in the UK are considered rare and most threatened under the NERC Act 2006 meaning they must be considered within the planning decision.

There are no reptile records or suitable habitat on-site.

Invasive Species

Certain invasive plant species are listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) which makes it an offence to plant or otherwise cause to grow this invasive species in the wild.

No vegetation works are proposed, see informative below.

Recommendations:

In this instance I would not consider it reasonable to request an ecology survey as part of the current application as the works are considered to be of very low risk to protected species. As a precautionary measure an informative should be attached to any planning consent granted so that the applicant is aware that protected species can sometimes be found in unexpected places. It should also state that the granting of planning permission does not negate the need to abide by the legislation in place to protect biodiversity. If at any time during works, evidence of any other protected species is discovered on site and are likely to be impacted, works must stop and a suitably experienced ecologist be contacted for advice.

Notwithstanding the above, the following comments are also relevant to the current application:

Biodiversity Enhancements

Biodiversity enhancements are expected as part of developments in line with local (paragraph 3.345 of the LDF) and national planning policy (NPPF). It is understood from the supplied information that there aren't any proposed vegetation works / landscaping alterations on the site. However, where possible, any additional landscape planting should comprise wildlife-friendly (preferably locally native species) and be selected to provide a nectar/berry resource across the seasons. Enhancement measures should be detailed on a Landscape and Biodiversity Enhancements Plan and submitted to the LPA for review, and would be expected to include:

- Native tree and/or fruit tree planting where possible,
- Provision of mixed species native hedgerows at site boundaries where possible
- A minimum of one bat and/or bird box to be provided on existing trees – details of the proposed number, location and type to be submitted to the LPA / detailed on the landscape plan. Boxes should be made from woodstone / woodcrete for greater longevity.
- Boundaries appear to comprise stone and brick walls and timber fencing. It's important to maintain habitat connectivity for wildlife such as hedgehogs and so where at all possible boundaries / fencing should incorporate gaps (130m x 130mm).

These measures would be particularly welcomed given the designation of the site as an opportunity area within the LNRS for Greater Manchester.

Bats

Works are considered to be of negligible risk to roosting bats. As a precautionary measure an informative should be attached to any planning consent granted so that the applicant is aware that bats can sometimes be found in unexpected places. It should also state that the granting of planning permission does not negate the need to abide by the legislation in place to protect biodiversity. If at any time during works, evidence of roosting bats, or any other protected species is discovered on site and are likely to be impacted, works must stop and a suitably experienced ecologist be contacted for advice.

Lighting

Informative: Any proposed lighting should be sensitively designed so as to minimise impacts on wildlife associated with light disturbance (following the principles outlined in Bat Conservation Trust guidance: <https://www.bats.org.uk/our-work/buildings-planning-and-development/lighting> (note update April 2023) and following the guidance in the bat report) It is of particular importance that no light spill occurs onto the connecting habitats / corridors.

Nesting Birds

Should any vegetation pruning works be required during the nesting bird season (which is typically March-August, inclusive) to install the bike shelter, amenity space or bin storage then the following informative should be used as part of any planning consent: Trees, scrub, hedges and structures are likely to contain nesting birds between 1st March and 31st August inclusive. Some of these features are present

on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and it is absolutely certain that nesting birds are not present.

Other protected species

I would consider the risk of impacting other protected species and/or habitats to be very limited given the small scale of the proposals. As a precautionary measure the following informative can be attached to any planning consent granted: Protected species can sometimes be found in seemingly unlikely places. The granting of planning permission does not negate the need to abide by the legalisation in place to protect biodiversity. If at any time during works, evidence of any protected species is discovered on site and likely to be impacted, all works must cease and a suitably experienced ecologist contacted for advice.

Habitats

All retained trees and hedgerows should be adequately protected from potential adverse impacts in accordance with British Standards and following advice from the Council's Arboriculture Officer.

Environment Team (Noise)

This service has NO OBJECTION to the above proposal, in relation to impact upon the environmental quality of life to:

- Existing sensitive receptors, in proximity to the proposed development.

As this is proposed HMO, the application has been forwarded for the attention of 'housing standards' as a HMO licence will be required.

Proposed Development – Impact Upon Existing Receptors

34 Sandy Lane is a detached property.

34 Sandy Lane, Romiley previously operated as 'Priory Hospital', a 10-bed unit for mental health rehabilitation and recovery services. This service has no complaint history for the premises. The building is central within the plot and the proposed change of Use to 15 bed HMO (sui generis) with associated external alterations, bin storage, car and cycle parking, is considered acceptable at this location and past use of the building.

Construction Hours - Informative

An informative relating to acceptable construction hours is recommended, for the protection of noise sensitive receptors in the vicinity of the site.

Noise Impact Upon Residential Receptors Introduced at this Location

NO EXTERNAL NOISE IMPACT UPON RESIDENTIAL DEVELOPMENT

Transportation Noise Impact

A desk based assessment of the site and the proposals, has determined that there is no cumulative impact, arising from transportation noise sources: road, rail or aviation.

<http://extrium.co.uk/noiseviewer.html>

Environmental Management | Manchester Airport

Commercial Noise Impact

There are no other significant noise sources in proximity to the site.

SUMMARY

No noise mitigation measures are considered necessary, for the proposed residential development, at this location

Environmental Quality Informatives

For the protection of residential/ area amenity; the following details are designed to assist developers in the prevention/ minimising impact, arising from the construction and the operational phases of development.

CONSTRUCTION & DEMOLITION SITES - HOURS OF OPERATION

Any works which can be heard outside the site boundary must only be carried out between:

Monday to Friday 7.30 am – 6.00 pm

Saturday 8.00 am – 12:30 pm

Sundays, Public and Bank Holidays - No noisy working audible from the site boundary

Please view the [guidance notes for contractors \(PDF 300kb\)](#) for more information.

Houses in multiple occupation (HMOs)

A house in multiple occupation (HMO) is a property occupied by 3 or more people of 2 or more households, a HMO licence is required.

[Information for landlords - Stockport Council](#)

<https://www.stockport.gov.uk/information-for-landlords/houses-in-multiple-occupation>

Arboricultural Officer

Site Context

The proposed development site is located within the grounds of the site predominantly on the existing soft landscaped area and formal garden area. The plot is comprised largely of informal gardens/grounds and existing soft landscaping.

Conservation Area Designations

There is no Conservation area protection within this site or affected by this development.

Legally Protected Trees

There are legally protected trees within this site or affected by this development (Birchvale Drive, Romiley No.2 2007).

Recommendations:

The proposed conversion and associated infrastructure of the site predominantly sits within the informal grounds and soft landscaped areas of the site and will not have an impact on trees on site or neighbouring the site.

The main concern for the development is the proposed level of disturbance/impact on the site and the ever increasing urban aspect of the site and surrounding areas through tree loss. There is no Tree survey or impact assessment and no indicative tree planting shown on any of the plans, so there is no acknowledgement of the protected trees, potential impact or opportunity for replacement if the scheme is to impact on trees or the submission of method statements showing the construction methods and restricted access to the protected trees.

These would have been required however the conversion method has removed most of the concerns for the site as it will not impact or disturb any of the protected trees on site and so only a protective fencing detail will be required and can be conditioned.

Some consideration needs to be given to the biodiversity of the site with several new trees being planted to soften the aspect of the site and improving the biodiversity of the site.

The proposed development will potentially not impact on the trees on site. Due to the ever increasing urban aspect of Romiley usually an arboriculture impact assessment and method statements for construction would have been required to show the lack of impact or level of impact on the protected trees on site however the detailed submitted for construction has removed these concerns, however compensatory planting scheme should be considered to lessen the impact on the biodiversity of the site and enhancing the local environment with increased level of tree cover for the site.

The tree planting will impact on biodiversity, aesthetics and general screening of the site. The development will need to supply protective fencing and advisory notices to prevent any damage, accidental spillage or compaction on the trees and their root systems.

In addition to the protective fencing some consideration should be given to tree planting as part of the scheme to be detailed within a landscaping plan and this should include a level of biodiversity, large specimen species to replace the lost large specimen trees and fruit interest as well as considering the use of variegated holly tree which offers evergreen screening in the species proposed and where possible location should consider screening of the proposed development in the ever increasing urban area.

In principle the proposed construction will not have an impact on the trees on site and within neighbouring properties, therefore it is acceptable in its current format with the submission of detailed landscaping schemes if agreed and root protection plans for fencing at the front, side and rear of the site.

The root protection plan will need to be conditioned and approved prior to works commencing on site.

Public Rights of Way Officer

This application does not mention the PRow (footpath 34a BR) to the south of the property, although the physical existence is shown on the site plan. This should not be encroached upon or otherwise affected without a proper legal process having been undertaken regards

LLFA

Having reviewed the documentation for this application, there appears to be no drainage related documents on the planning portal. With regards to surface water

drainage we need to see a drainage strategy that is in line with our developer guidance before we can make a comment.

Coal Authority

The application site **does not** fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.

In accordance with the agreed approach to assessing coal mining risks as part of the development management process, if this proposal is granted planning permission, it will be necessary to include The Coal Authority's Standing Advice within the Decision Notice as an informative note to the applicant in the interests of public health and safety.

Greater Manchester Police (Design for Security)

No comments received to the application

ANALYSIS

At the heart of the NPPF is a presumption in favour of sustainable development (P.10). Paragraph 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 years 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. Therefore, 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.

Policy Principle

Saved UDP policy CDH1.4 relates specifically to proposed Houses of Multiple Occupation and sets out that conversion of dwellings to multiple occupation will be permitted provided that the proposal :-

- (i) Does not result in more than 2 houses in multiple occupation adjoining;
- (ii) Does not result in a single dwelling having a house in multiple occupation on both sides;
- (iii) 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;
- (iv) Includes useable rear gardens within the curtilage of at least 50m²;
- (v) Includes suitably enclosed refuse storage areas at the rear of the property;

- (vi) Includes parking within the curtilage at the rate of 0.5 space per letting. 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; and
- (vii) Complies with Policy EP1.10 (aircraft noise).

It is noted that policy CDH1.4 relates specifically to the conversion of dwellings to multiple occupation. Whilst the proposal seeks permission for the change from a Care Home rather than from a dwelling, assessment of the proposal against the requirement of this policy is not necessarily required. Nonetheless, the following is noted:-

- (i) The proposal would not result in more than 2 houses in multiple occupation adjoining. Residential dwellings are sited adjacent to the application site on both sides.
- (ii) The proposal would not result in a single dwelling having a house in multiple occupation on both sides.
- (iii) There are no other HMO's within the vicinity.
- (iv) The proposal would include the provision of communal external amenity space by way of 107 square metres of garden space to the side of the property and 38 square metres of amenity space by way of the rear garden. Whilst it is acknowledged that the policy requires 50 square metres of amenity space to be provided to the rear, the area to the side would provide private amenity space and is therefore considered to be acceptable.
- (v) Refuse storage provision is assessed elsewhere within the report.
- (vi) Parking provision is assessed elsewhere within the report.
- (vii) The site does not fall within the aircraft noise zone.

Given that Stockport does not have a 5 year housing supply, subject to the development being acceptable with regard to its visual impact, its relationship to neighbouring residents, its impact upon the highway network and in all other regards, the principle of converting the building to provide a 15 bed HMO is acceptable. Therefore, in summary, the principle of the proposed use of the premises as a residential HMO, located within an accessible and sustainable location is considered to be acceptable, in accordance with saved UDP policies CDH1.4 and Core Strategy DPD policies CS2, CS4 and H-2. The proposal would provide additional residential accommodation, and contribute towards meeting the housing needs of the Borough.

Design, Siting and Impact on Visual Amenity

The proposed use would be accommodated within the existing building with no external alterations to the main existing building. Areas of enclosed private amenity space, of appropriate size would be sensitively sited to the side and rear of the property. Matters of detail to secure appropriate materials of external construction and means of enclosure/boundary treatment would be secured by the imposition of suitably worded planning conditions.

In view of the above, it is considered that the proposed use and associated external alterations could be accommodated on the site without causing harm to the visual

amenity of the area, in accordance with saved UDP policies CDH1.4 and Core Strategy DPD policies H-1 and SIE-1.

Impact on Residential Amenity

The neighbour objections received to the application on the ground of loss of residential amenity by reason of noise and disturbance and antisocial behaviour are noted and acknowledged. The detailed comments received to the application from the Council Environmental Health Officer are contained within the Consultee Responses section above. No objection to the proposed use has been raised by the Environmental Health Officer with regards to noise.

The application has been reviewed by Housing Standards. No objection is received and the layout appears to meet the necessary range of criteria regarding space, amenities etc. The submitted floor plans show that each habitable room would be provided with adequate light and ventilation. The Housing Standards comments highlight that the proposed use will require a licence from the Local Authority to operate. This license prescribes the standards of safety and amenity and decides the suitability for occupation.

No additional windows will be added to the property as a result of the proposed change of use. The overall layout in terms of bedroom use has not changed from the previous care home use and therefore it is considered that no additional privacy or overlooking would result.

It is noted that the proposed private amenity space to serve the proposed development would be sited to the North and South of the existing building close, to the boundaries with neighbouring residential properties and the neighbour objections raised are acknowledged. However, such a relationship of proposed gardens/private amenity space adjoining existing gardens/private amenity space of neighbouring properties are commonplace within residential areas. Furthermore, it is noted that no objections are raised to the proposal from the Council Environmental Health Officer. As such, it is considered that a refusal of the application on the grounds of loss of residential amenity from use of the proposed private amenity space would not be sustainable.

Concerns raised by neighbouring residents with regard to noise disturbance and antisocial behaviour are noted and acknowledged. Given that the occupants of the proposed HMO will be active, there will be a level of noise and disturbance created by the occupants as they go about their daily business, moving to and from the site and as they use the building. However, it is not considered that the use of the property as a 15 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 noise and disturbance. No objection to the proposed use has been raised by the Environmental Health Officer with regards to noise.

A number of the letters of objection have raised concern with regard to potential anti-social behaviour. According to the submitted supporting information to accompany the application, the target for the HMO will be single private residents seeking affordable housing within the local area, for example young professionals and key workers. A property manager would visit the premises each day and a cleaning company would be appointed to clean communal areas and deal with refuse and bins. There is no demonstrable evidence that any fears relating to an increase of crime or anti-social behaviour would arise. However, if issues did arise in the future,

the Local Authority and the Police, who have legal powers to tackle anti-social behaviour, would need to be contacted. Members should be aware that the building is currently vacant, and if this were to continue for a period of time also has the potential to lead to anti-social behaviour.

In summary, the neighbour objections raised on the grounds of loss of residential amenity by reason of noise and disturbance resulting from the proposed use are noted and acknowledged. However, on the basis of the submitted information, in the absence of objections from the Environmental Health Officer and subject to conditional control, it is considered that the proposed use could be accommodated on the site without causing an undue loss of residential amenity to surrounding properties, by reason of noise and disturbance, that would justify the refusal of the application. As such, the proposal is considered to comply with Coe Strategy DPD policies CDH1.4, SIE-1 and SIE-3.

Highways Considerations

The detailed comments received to the application from the Council Highway Engineer are contained within the Consultee Responses section above.

The Highway Engineer notes that the use of the property as a 15 bedroomed HMO will not significantly differ from that for the previous care home use in terms of traffic generation impact. As such, the impact on the highway network resulting from the development could not be considered as severe and therefore the highway engineer does not consider an objection on traffic generation grounds would be reasonable or sustainable.

The site is accessible with public transport, shops, employment and other facilities available within reasonable walking bills and by cycle.

Concerns raised within the objections received from neighbouring properties relating to concern regarding the number of parking spaces proposed resulting in on street parking are noted. Policy guidance requires 0.5 spaces for HMO bedroom which reflects the generally low levels of vehicle ownership with this type of development. 7 parking spaces are proposed by way of hardstanding to the front and rear of the site. Whilst the 7 spaces would fall slightly short of 0.5 spaces per room, a parking survey was undertaken which confirmed that there would be adequate on street parking available to accommodate any overspill given the limited amount of on street parking currently taking place.

In order to alleviate concerns relating to the provision of satisfactory visibility for drivers using the site entrance, the developer is required to fund a traffic regulation order and road marking preventing parking in this area. This will be secured by a S106 agreement.

The highway engineer considers that the cycle parking and EV charging facilities illustrated would be appropriate for the proposal. The cycle parking and EV charging would also be secured by condition.

In view of the above, in the absence of objections from the Highway Engineer and subject to conditional control and S106 agreement, the proposal is considered acceptable from a traffic generation, parking and highway safety perspective. As such, the proposal complies with saved UDP policy CDH1.4, Core Strategy DPD policies SIE-1, CS9, T-1, T-2 and T-3.

Impact on Protected Species and Ecology

The detailed comments received to the application from the Council Nature Development Officer are contained within the Consultee Responses section above. The Nature Development Officer notes that the site has no nature conservation designations, legal or otherwise but notes that the site has been identified as an opportunity area for grassland planting. This shows that such areas have been prioritised for restoring and linking up habitats.

No ecological surveys have been submitted with the proposal. However, the works are considered to be very low risk to protected species. Biodiversity enhancements are expected as part of developments and whilst the information submitted with the application states that there are no vegetation or landscaping works proposed, biodiversity enhancement measures would be secured by way of a condition requiring the submission of a landscaping and biodiversity enhancements plan.

In view of the above, in the absence of objections from the Nature Development Officer and subject to conditional control and mitigation measure, it is considered that the proposal would not result in harm to protected species, biodiversity or the ecological interest of the site. As such, the proposal complies with Core Strategy DPD policies CS8 and SIE-3.

Impact on Trees

Existing trees on the site are protected by way of Tree Preservation Order (Birchvale Drive, Romiley No. 2 2007). The detailed comments received to the application from the Council Arboricultural Officer are contained within the Consultee Responses section above.

Whilst it is acknowledged that no Tree Survey has been submitted with the application, the Arboricultural Officer considers that the proposed conversion would have an impact on existing trees within the site. In order to prevent potential adverse impacts to trees during development, conditions are recommended to ensure that no existing tree is worked to and to require the provision of protected fencing to existing trees during development. A further condition is recommended to require the provision of additional/enhanced planting within the site.

In view of the above, in the absence of objections from the Arboricultural Officer and subject to conditional control, the proposal is considered acceptable in terms of its impact on trees, in accordance with Core Strategy DPD policies SIE-1 and SIE-3.

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 to ensure the provision and maintenance of formal recreation facilities within the Borough to meet the needs of the residents of the development. On the basis of the population capacity of the proposed development 15 No. 1 bedroomed/1 person HMO rooms = 15), this requires a commuted sum payment of £13,515, which will be secured by way of a Section 106 Agreement.

Other Matters

No objections are raised to the proposal from the Council Housing Standards Team. The applicant will be advised of the requirement for a HMO License by way of informative.

A bin storage area to serve the proposed development would be provided to the Eastern side of the property, in accordance with the requirements of saved UDP policy MW1.5. The applicant will be advised of the comments received to the application from the Council Waste Management Team regarding access arrangements by way of informative.

Concern has been raised by objectors with regard to incorrect boundaries, encroachment onto neighbouring boundaries as shown on the submitted site plan. Members should be aware that matters relating to land ownership are not a material planning consideration.

A Crime Impact Statement has been submitted with the application. Whilst no comments have been received from Greater Manchester Police (Design for Security), the physical security measures to be incorporated within the proposed development, as recommended within the Crime Impact Statement, would be secured by a suitably worded planning condition.

SUMMARY

At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 8 of the NPPF establishes three dimensions to sustainable development – economic, social and environmental and indicates that these should be sought jointly and simultaneously through the planning system.

Overall, the proposal is considered to be in compliance with adopted planning policy and guidance. In this instance there are benefits that weigh in support of the proposal, in particular the provision of housing and the use and occupation of a vacant property.

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 HMO's 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 of the proposal against the requirements of the NPPF, the proposal is considered to represent sustainable development. On this basis, in accordance with the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application is recommended for approval, subject to conditions and a legal agreement.

RECOMMENDATION

Grant.