

## **DELEGATED REPORT**

|                                 |                                   |                                |
|---------------------------------|-----------------------------------|--------------------------------|
| <b>Report by</b> Helen Pressley | <b>Date of report:</b> 11/06/2024 | <b>Ref:</b> 70563/FUL          |
| <b>Registration:</b> 18/04/2024 | <b>LDfC:</b> 15/05/2024           | <b>Expiry Date:</b> 13/06/2024 |
| <b>Site Visit:</b> 24/05/2024   | <b>Site Notice:</b> N/A           | <b>Press Date:</b> N/A         |
| <b>Objections:</b> 15           | <b>Con Area:</b> N/A              | <b>Adv Type:</b> N/A           |
| <b>Reason for Delay:</b><br>N/A |                                   | <b>EIA:</b> NA                 |
|                                 |                                   | <b>Dec Level:</b> DEL          |
|                                 |                                   | <b>Stat Class:</b> COUS        |

**Proposal:** Change of use from former showroom/workshop to 28 no. bedroom (single occupancy) building of multiple residential occupation (Sui Generis)

**Location:** 78-80 Church Street West, Radcliffe, Manchester, M26 2SY

### **Description**

The application relates to a two/three storey, end terraced commercial property located on Church Street West. The site is currently vacant but was formerly used as a showroom and workshop. The site fronts Church Street West. The main building is "L" shaped with a single storey porch extension to the front, and a single storey rear extension accessed from the basement level to the rear. An existing single storey commercial unit is attached to the rear of the building.

Residential properties are located to the south east of the site and there is a mixture of terraced residential and commercial properties to the north and south west. Two storey industrial units are located to the north east of the site, as well as pedestrian access to the metro link station.

Planning permission is sought for a change of use to a 28 no. bedroom building of multiple residential occupation. The proposal would include the demolition of the existing single storey rear extension to create an area of amenity space and bin store and amendments to the existing fenestration of the building.

The application is a revision a previously refused scheme for a 35no. bed double occupancy building of multiple occupation that seeks to address the reasons for refusal in relation to visual amenity, bin storage, amenity of future occupiers, amenity of neighbouring occupiers, parking and highway safety.

### **Relevant Planning History**

70102 - Change of use from former showroom/workshop to 35 no. bedroom (double occupancy) building of multiple residential occupation (Sui Generis) - Refused 19/01/2024

11/0094 - Untidy property and land - 19/12/2011

### **Publicity**

Letters sent to 48 properties on the 22/04/2024

15 objections received in relation to:

- Excessive waste.
- Increase in noise.
- Vandalism.
- Anti-social behaviour.
- Increase in crime.
- Parking issues.

- Against the Radcliffe Strategic Regeneration Framework.
- HMOs have a detrimental effect on towns creating imbalanced and unsustainable communities.
- Living in an HMO can have a negative impact on mental health.
- Building could be used to provide jobs.
- Already a high level of congestion/pollution.
- Too many HMOs and 1 bed properties in vicinity of the site.
- No need for flats for young, single probably male people.
- Lack of local support services and infrastructure.
- Should be located in Bury.
- Should be used for affordable homes for low earning families.
- Close to residential area where families live.
- Not enough facilities, particularly kitchens for all the people.
- Council do not have the ability or capacity to properly regulate this sector of accommodation.
- HMOs lead to a high turnover in residents that contributes to a decline in community cohesion.
- Scale and intensity is unprecedented in the area.
- Too many people in one building.
- 12 parking spaces is insufficient.
- Lack of recycling facilities.
- Insufficient recreation space for the scale, size and number of occupants.
- Impact on major thoroughfare from Metrolink to Town Centre.
- External Councils will use the accommodation to house homeless, Domestic Violence victims etc and attempt to discharge their 'Duty of care' as they do now to local services

#### **Statutory/Non-Statutory Consultations**

**Traffic Section** - recommendation for refusal due to lack of parking, servicing and bin storage arrangements.

**Waste Management** - No response.

**Environmental Health** - Contaminated Land - no objections subject to conditions in relation to the submission of a contaminated land preliminary risk assessment, site investigation, detailed risk assessment, remediation strategy and verification report.

**Adult Care Services** - No response.

**Greater Manchester Ecology Unit** - site is low risk for bats but informative should be added. Nesting birds and biodiversity can be dealt with by means of a condition.

**Greater Manchester Police - designforsecurity** - No response.

**Housing - Public Protection** - No response.

**Environmental Health - Pollution Control** - No response.

**United Utilities (Water and waste)** - No response.

**Pre-start Conditions** - Not relevant

#### **Development Plan and Policies**

|       |                                      |
|-------|--------------------------------------|
| NPPF  | National Planning Policy Framework   |
| JP-H3 | Type, Size and Design of New Housing |
| JP-H4 | Density of New Housing               |
| JP-P1 | Sustainable Places                   |

|       |                                                             |
|-------|-------------------------------------------------------------|
| JP-C2 | Digital Connectivity                                        |
| JP-C5 | Streets For All                                             |
| JP-C6 | Walking and Cycling                                         |
| JP-G8 | A Net Enhancement of Biodiversity and Geodiversity          |
| JP-S2 | Carbon and Energy                                           |
| JP-S5 | Clean Air                                                   |
| EN1/2 | Townscape and Built Design                                  |
| EN6/3 | Features of Ecological Value                                |
| EN7/2 | Noise Pollution                                             |
| EN8/2 | Woodland and Tree Planting                                  |
| H1/2  | Further Housing Development                                 |
| H2/1  | The Form of New Residential Development                     |
| H2/2  | The Layout of New Residential Development                   |
| H2/4  | Conversions                                                 |
| HT2/4 | Car Parking and New Development                             |
| SPD6  | Supplementary Planning Document 6: Alterations & Extensions |
| SPD11 | Parking Standards in Bury                                   |
| SPD13 | Conversion of Buildings to Houses in Multiple Occupation    |

## Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within the adopted Bury Unitary Development Plan (UDP), together with other relevant material planning considerations.

The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP and PfE Policies will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

**Equality Act 2010:** All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

**Human Rights:** All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in

accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

**The Crime and Disorder Act 1998** imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

### **Principle (Sui Generis Use)**

It is considered that the proposal would not constitute an HMO as the level of occupancy proposed, and the size of the building would go beyond that could be reasonably considered to be a house or individual residential unit. As such the proposal has been described as a building of multiple residential occupation. For clarification, a house in multiple occupation is a form of housing tenure, where occupants live together forming more than one household (i.e. where facilities such as kitchen, bathroom or bathrooms can be shared with other tenants).

The conversion of properties to multiple occupation can often make an important contribution to local housing stock. However, it is recognised that such conversions can put pressures on buildings, sites and areas depending upon the amount of accommodation to be provided, demands created from parking and thus have an adverse effect on residential amenity and the character of an area.

Paragraph 63 of the NPPF confirms that "size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) those who require affordable housing; families with children; older people (including those who require retirement housing, housing-with-care and care homes); students; people with disabilities; service families; travellers; people who rent their homes and people wishing to commission or build their own homes" however no direct reference is made to HMOs or buildings of multiple occupation.

UDP Policy H2/4 - Conversions specifically has regard to effects on amenity of neighbouring properties, general character of the area, amenity of occupants, effects from external changes on the street scene and car parking and servicing requirements. This is supported by SPD 13 - The Conversion of Buildings to Houses in Multiple Occupation that seeks to ensure that properties are of a sufficient size to accommodate the proposals and are large enough to offer satisfactory levels of accommodation for future residents. This document also seeks to ensure that HMOs are located in suitable locations.

SPD 13 is rather dated in absolute terms (adopted in May 2007) and in some of the assumptions expressed (e.g. HMO's tend to attract residents in their teens and twenties who by their nature can be a little more energetic than older people, leading to a more active social life in the evenings). However, the general factors against which proposals should be assessed at UDP Policy H2/4 remain relevant.

UDP Policy H1/2 that states that the Council will have regard to various factors when assessing a proposal for residential development, including whether the proposal is within the urban area, the availability of infrastructure and the suitability of the site, with regard to amenity, the nature of the local environment and the surrounding land uses. UDP Policies H2/1 - The Form of New Residential Development and H2/2 - The Layout of New Residential Development, provide the assessment criteria for detailed matters relating to height, appearance, density and character, aspects and finish materials.

Policy JP-H3 - Seeks to provide an appropriate mix of dwelling types and sizes reflecting local plan policies and having regard to relevant local evidence. Development across the plan area should seek to incorporate a range of dwelling types and sizes, including for self-build. Policy JP-H4 requires new housing development to be delivered at a density appropriate to the location, reflecting the relative accessibility of the site by walking, cycling and public transport and the need to achieve efficient use of land and high quality design. Policy JP-H4 sets out minimum densities that should be considered.

The UDP also identifies the site under policy RD6 - Spring Lane/Church Street West/Radcliffe Metrolink Station. This policy states that the Council will encourage the consolidation of existing employment generating uses within the Spring Lane/Church Street West/Radcliffe Station area of the town centre, and will, where appropriate, support the introduction of further employment generating uses, such as business (B1) and offices, industrial (B2 and B8), and complementary town centre retailing uses. Housing development will also be welcomed, where appropriate, together with measures to improve the area's environmental and physical appearance. The application building appears to currently be vacant. No details have been submitted within the application to suggest how long the building has been vacant for, or if the premises has been marketed for its current or alternative employment. Residential development may be suitable at this site provided it can be demonstrated that it would improve the area's environmental and physical appearance.

The Radcliffe Strategic Regeneration Framework (RSRF) also needs to be taken into consideration. The Strategic Regeneration Framework is the guide that is shaping the direction of Radcliffe's growth over the next 15 years. In terms of housing this framework acknowledges that there is a variety of different housing stock within the town, however some properties are in a poor state of repair. The strategy considers that "there is an opportunity to create a wider functional housing market in the town particularly for young people." The site is located at the edge of the Festival Gardens and The Tram Stop area identified within the Approach to Place Making section of this document. This identifies the site as adjacent to a Key Gateway Space and acknowledges areas of blank facades and poorly maintained marginal spaces that fail to lead people to the town centre.

The main issues in relation to this proposal is the consideration of the impact of the proposed accommodation in relation to the suitability of the site and location, impacts on amenity, nature of the local environment, surrounding land uses and highway issues. These issues are discussed in more detail below and in light of the policies set out above.

### **Layout and Design**

In addition to the policies set out above Policy EN1/2 seeks to ensure that development proposals would not have a detrimental effect on the visual amenity and character of a particular area. Policy JP-P1 Sustainable Places aims to promote a series of beautiful, healthy and varied places. UDP Policies H2/1 - The Form of New Residential Development and H2/2 - The Layout of New Residential Development, provide the assessment criteria for detailed matters relating to height, appearance, density and character, aspects and finish materials.

The proposal seeks permission to convert the building into a single residential unit for 28no. persons. Whilst not housing in a traditional sense, a well designed building of multiple occupation can provide an important contribution to the housing stock of a locality. The conversion of a non-residential property to an HMO is considered to be 1.no dwelling under the housing delivery test. As set out above Policy JP-H4 requires a density lead approach to residential development and at this site a density of 120 dwellings per hectare should be sought. To provide 120+ dwellings per hectare Policy JP-H4 suggests that this should be provided through primarily apartments, incorporating houses and/or ground-floor duplexes where practicable. With a site area of 0.14 hectares the proposal would provide a density of 7.1 dwellings per hectare which is far below that advocated by Policy JP-H4.

The applicant was requested following validation of the application to provide a statement confirming the density of the proposal is appropriate to the location in reference to the policy above. It is considered that the applicant has failed to consider the full context of the existing building, the wider character of the area and the density requirements of the policy set out above. The applicant has therefore failed to demonstrate that the proposal would have regard to the need to achieve efficient use of land contrary to Policy JP-H4.

#### External

The immediate locality is characterised by a mixture of uses. The site is currently in commercial use and a factory/industrial unit is proposed to be retained to the rear of the main building. Residential properties are located to the south east of the site and there is a mixture of terraced residential and commercial properties to the north and south west. Two storey industrial units are located to the north east of the site, as well as pedestrian access to the metro link station.

The site currently appears to be vacant and in a poor state of repair, with vegetation taking root within some of the external brickwork. There is evidence of the site's former use as a conservative club within stone work to the front of the building and there are elements of brick detailing and arched windows that give the building character. Whilst the insertion of UPVC windows, and the general state of repair detract from the building it is considered that bringing the building back into use through conversion could address some of these issues. The conversion of the building however needs to be sympathetic to the existing structure, and reflect the importance of a site that is located adjacent to a key gateway space as set out within RSRF.

A number of alterations are proposed to the fenestration of the building to allow the conversion to be undertaken. The proposal seeks to replace and introduce new window openings within the existing front and rear elevations with some windows being divided centrally to provide internal ensembles. To the front it is proposed to add railings to the existing lightwells for basement windows that would be associated bedroom 3, bedroom 5 and the basement kitchen/dining area. An existing front entrance which is currently boarded up would be reinstated. Some windows within the L/H side elevation are proposed to be removed and infilled with matching brick work. An existing single storey extension to the rear of the site is also proposed to be removed along with the existing external fire escape stairs.

No objections are raised to the external alterations in principle, however the division of window openings to create internal rooms is not supported and would have a detrimental impact on the existing historical openings of the original building and suggests overdevelopment of the internal space. This was one of the reasons for refusal on application 70102. In addressing this reason for refusal the applicant has stated "All windows replaced but will match the existing fenestration and material type – White UPVC DG." It would therefore appear that the applicant has failed to understand the fundamental issues with the design of these windows and has not utilised the previous officer report to fully understand the reasons for refusal. As such, this reason for refusal would be retained, with the bedrooms referenced amended.

The design of the proposed window openings associated with bedrooms 8, 9, 10, 20, 21, 22, the ground floor communal lounge area and the first floor communal lounge area is neither appropriate to, nor sympathetic with the existing structure, and would be detrimental to the visual amenity of the area. The proposed development therefore conflicts with policies JP-P1, EN1/2, H2/1 and H2/4.

To the rear of the building, the removal of the existing single storey rear extension would allow for the introduction of an external residential amenity space mezzanine area which would be beneficial to users of the site.

A 6.5 square metre bin area is also shown to the rear of the parking at the site. Limited

information has been provided about the capacity of this area with 12 wheelie style bins being shown indicatively within the area on the proposed basement plan. It is unclear how many bins would be required for the future occupiers if the site was occupied at full capacity, or if commercial bins may be more appropriate to provide sufficient capacity for both household and recycling waste. A bin access route and bin wagon access route have been indicated on the submitted site plan however no details have been provided to suggest that this area would be sufficiently separated from the proposed parking or whether the bin wagon access route is wide enough for access and where the bins will be stored on bin collection day.

National Design Guide requires new housing to have adequate space for refuse storage provision and in this case, the significant number of proposed occupants would exert unacceptable pressure on a property to provide for existing and future occupiers in this respect. This was a similar issue on the previously refused scheme and whilst the applicant has indicated access routes as set out above this is not supported by any tracking etc to illustrate that these routes can be adequately implement.

The application and submitted plans contain insufficient information to ensure that access to and provision of adequate off-highway bin storage arrangements can be provided for the use proposed within the curtilage of the site in order to ensure that the adjacent adopted highways are not used for refuse collection purposes or the storage of communal bins. The proposed development would therefore be contrary to Bury Unitary Development Plan Policies EN1/2, H2/2 and H2/4 - Conversions.

#### Internal

In terms of internal arrangements it is proposed to create 28no. single occupancy bedrooms, 1 no. kitchen/dining and living room at basement level, 1no. communal living room at basement level, 1no. communal lounge area, dining room and kitchen at ground floor level, 1no. communal lounge area, dining room and kitchen at first floor level and 1 no. study area at first floor level. This is a reduction of 7no. bedrooms from the previously refused scheme and a reduction in potential capacity as the proposal would only see single occupancy bedrooms.

This is an improvement on the previously refused scheme however whilst there is an increase in communal living and dining space it still appears that the proposed layouts show limited kitchen space. It is acknowledged that this internal layout of this communal space could be amended and the bedrooms indicate tea making facilities however it is considered that this would not replicate access to a suitable kitchen area.

Whilst the number of proposed residents has been reduced from the previously refused 35bedroom, double occupancy, it still needs to be acknowledged that people living in one shared property as a 'single household' can create tensions, particularly when using the shared facilities, and that there is potential for conflicts and hostilities within the building. It is considered that the proposed number of occupants (28no.) is too intensive for a single building.

In terms of the individual living accommodation there are bedrooms proposed within the basement of the property. The only natural light and ventilation for bedrooms 3 and would be through a light well. Whilst additional information could be provided in relation to light and ventilation to these bedrooms, these windows would have no outlook and would be significantly under aspect standards for a single storey habitable room relationship (6.5 metres) as set out within the LPA's adopted Supplementary Planning Document 6.

The only windows and doors for the basement communal living space would either be located underneath the ground floor mezzanine floor that is proposed to provide outdoor amenity space or have no outlook. The rear windows/doors for this shared communal space would also open up onto an area of undercroft parking and no information has been provided in relation to an assessment of engine noise and exhaust fumes pollution that

could be created through the location of this parking. Bedroom 1 and 2 would also be directly adjacent to parking and bin store.

Policy JP-S5 confirms that comprehensive range of measures will be taken to support improvements in air quality, focusing particularly on locations where people live. Policy JP-P1 further reinforces this by stating that developments should offer comfortable and inviting indoor and outdoor environments "offering a high level of amenity that minimises exposure to pollution. This is further reinforced by Policy EN7/2 - Noise Pollution which does not permit development which would lead to an unacceptable noise and environmental nuisance to nearby occupiers and/or amenity users. Considering that all the windows/doors for the basement either have no outlook, would be underneath a mezzanine floor or situated adjacent to parking and bins it is considered that the proposed basement layout would lead to a poor arrangement of individual and shared accommodation.

Bedrooms 8, 13 and 15 would be directly adjacent to the communal residential outdoor space. It is considered that the close proximity of the only communal outdoor space has the potential to cause nuisance in relation to noise and smells to these habitable room windows contrary to the policies set out above.

The submitted noise assessment is only in draft form, has floor plans relating to the previously refused scheme rather than the current scheme and does not appear to have assessed the implications of the proposed parking or amenity areas on the future occupiers of the building. As such the contents and conclusions of this document are considered to be insufficient.

The proposed development, by virtue of the proposed density and layout as shown would lead to a poor arrangement of individual and shared accommodation available for the future occupiers of the property and as such would have a detrimental impact on residential amenity of the occupiers contrary to Policies H1/2, H2/1, H2/2, H2/4, JP-P1, JP-S5 and EN7/2.

### **Amenity**

Policy H2/4 requires applications for conversion to have regard to the effect on the amenity of the neighbouring properties through noise, visual intrusion, the position of entrances, impact of parking areas, extensions and fire escapes.

SPD 13 states that generally, planning applications will not be approved in areas of predominantly single family dwellings. However, decisions on such applications will depend upon the particular characteristics of each scheme, and its impact on the amenity and character of the neighbourhood. The LPA however can not condition who the tenants of the property would be and the management of the property would be undertaken by the landlord who would be required to obtain an HMO licence. The licensing of HMOs is required for landlords to ensure these properties are kept to the required standards and are adequately managed.

The proposal site is located within the core of the town as identified in the Radcliffe Strategic Regeneration Framework (SRF). It is located adjacent to a relatively busy highway, and would be well served by public transport and services as well as being in walking distance to the metrolink. There are however a number of residential uses that bound the site.

In terms of the nature of the surrounding area, whilst there are a mixture of uses the residential properties are generally limited in size to 1, 2 and 3 bedroom units. The commercial properties are generally located at ground floor with flats above, or are two storey industrial units. Any flat developments are generally limited in size and would not accommodate the amount of people proposed within the development. It is considered that 28no. single occupancy bedrooms would lead to over intensification of the building.

The comings and goings of 28 persons and associated visitors to the property would go beyond the existing commercial use which would likely be limited to employees within the working day and week. The use of the property by the future tenants, and their visitors would therefore intensify the use of the site and would inherently change the character of the property, potentially impacting on the amenity of neighbouring dwellings through additional movements and the noise and disturbance associated with this.

This made up part of the reasons for refusal of the previous scheme. The applicant has stated within their planning statement that "communal Areas to the rear of the property away from the Highway. Walking access for the occupants is to both the front and rear, the main Car Park is to the rear along with bin storage. Noise to the front will be to a minimum due to the Nature of the layout of the said Communal Areas and Off Road Parking." As above, it appears that the applicant has failed to read the previous officer report and failed to fully understand the previous reason for refusal in relation this issue.

It is noted that above a density led approach has been advocated in relation to Policy JP-H4 that would possibly lead to the subdivision of the host property into individual units rather than a single unit for 28no. persons. Whilst a higher density may lead to more planning units, it is unlikely that the subdivision of the property into 1 and 2 bed properties would lead to a total of 28no. persons residing in the premises due to the need to provide living accommodation for each individual unit.

It is therefore considered that the scale of the development would be seriously detrimental to the residential amenities of nearby occupiers, by reason of the noise, disturbance and general activity associated with the proposed use. The proposed development therefore conflicts with UDP Policies H1/2, H2/1, H2/4 and SPD 13.

### **Highways and Parking**

Policy EN1/2 requires the consideration of the design and appearance of access, parking and service provision. This is further supported by Policy H2/2 that requires proposals to demonstrate adequate car parking provision, access for both vehicles and pedestrians, and provision for public transport and the existence of any public rights of way and Policy H2/4 that requires consideration of the impact of parking areas on the amenity of neighbouring properties, and the consideration of car parking and servicing requirements. Policies JP-C5 and JP-C6 require streets to be well designed and managed to make a significant positive contribution to the quality of place and support high levels of walking, cycling and public transport.

In terms of parking standards Policy HT2/4 requires all applications for development to make adequate provision for their car parking and servicing requirements. Supplementary Planning Document 11 provides parking standards for developments.

There are no specific car parking standards for HMO's or buildings of multiple occupation in SPD11 Parking Standards in Bury, but SPD 13 The Conversion of Buildings to Houses in Multiple Occupation gives some general advice. It states that parking and road safety issues will be important considerations when assessing a planning application and any proposal that is considered to have a detrimental impact on highway safety or harm to amenity will not be permitted. Car parking provision should meet the requirements of the likely occupants and, where possible, should be provided off-street.

The previously refused scheme had no parking. The current scheme proposed 12 no. parking spaces for 28 no. users. As with the previous scheme internal bike storage for 3no. cycles is also shown.

It is noted that the site is in a highly sustainable location and is located within close proximity of the metrolink which would reduce the need for car ownership however the proposal would result in the significant intensification of the use of a building. On street parking within the vicinity of the site is very limited and appeared to be at capacity when the

case officer attended site and as such this should not be relied upon. 3no. cycle storage spaces given the proposed occupancy is considered to be insufficient.

The proposal has also not shown any parking layouts, or servicing details for the existing retained industrial use at the site that utilises the same access. Whilst it may be possible for some parking and servicing to be provided to the southern boundary of the site for this existing use, the site plan does not reference this and there is no information within the submitted documentation that addresses the parking and servicing needs of this use.

The local Highways Authority have been consulted upon the proposal and consider that the the proposal provides inadequate off-street parking facilities within the curtilage of the site for the proposed and existing uses which is highly likely to lead to vehicles parking and carrying out manoeuvres on the surrounding residential streets and classified roads where on-street parking facilities are at a premium at all times of day, which would have a significant detrimental impact on existing parking facilities for existing residents of Glenvale Close and be detrimental to the free flow of traffic and road safety.

The proposal would also result in the loss of existing off-highway servicing and parking facilities and bin storage arrangements within the curtilage of the site for the existing industrial use, which would be detrimental to the free flow of traffic and road safety and have a significant detrimental impact on the adjacent residents of Glenvale Close.

### **Ecology**

Policy JP-G8 states that through local planning and associated activities a net enhancement of biodiversity resources will be sought. This is supported by Policy EN6/3 that seeks to retain, protect and enhance the natural environment and seeks to retain features of ecological or wildlife value. Paragraph 180 of the NPPF states that the planning policies and decisions should contribute to and enhance the natural and local environment. Policy EN8/2 supports and encourages new woodland and tree planting within the borough

The bat survey submitted found the building to be converted to have very low bat roosting potential. However as bats are highly mobile creatures an informative should be attached in relation to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. This survey also found that there was "potential for both roosting and nesting birds around the site perimeter". A condition restricting works to outside of bird breeding season could be attached to any permission to ensure that potential nesting birds are not disturbed by demolition.

GMEU stated that they would expect any such scheme to include measures to enhance biodiversity at the site and to provide a net gain for biodiversity, in line with the requirements of the National Planning Policy Framework. This detail could also be dealt with by means of a condition for the submission of a biodiversity enhancement measures scheme.

### **Carbon and Energy**

Policy JP-S2 sets out the steps required to achieve net zero carbon emissions.

The applicant was asked to provide a carbon and energy statement in relation to this proposal when their application was validated. It was requested that this information be supplied within 2 weeks of the application being validated. This information was not submitted.

### **Digital Connectivity**

Policy JP-C2 requires all new development to have full fibre to premises connections unless technically infeasible and / or unviable.

The applicant was asked to provide a digital connectivity statement in relation to this proposal when their application was validated. It was requested that this information be

supplied within 2 weeks of the application being validated. This information was not submitted.

### **Other Considerations**

Whilst the LPA can not insist on the applicant engaging pre-application advice given that the previous application at the site had 5 reasons for refusal, and the submission follows the adoption of a new Joint Development Plan (Places for Everyone) in this instance it is considered that this would have been beneficial at this site. As set out within paragraph 41 of the NPPF "the more issues that can be resolved at pre-application stage, including the need to deliver improvements in infrastructure and affordable housing, the greater the benefits."

As with the previous scheme the design and access statement provided with the application does not appear to be a bespoke document that relates to the site or to have been created in response to the previously refused scheme. The planning statement, that addresses the previous reasons for refusal does not appear to have been compiled in relation or with regard to the previous officer report that gave information to support the reasons for refusal. This, and other inaccuracies suggest a failure to fully understand the site and its potential capacity for development.

### **Response to representations**

The material planning considerations have been considered within the main body of the report.

### **Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015**

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

### **Recommendation:** Refuse

### **Conditions and Reasons:**

- 1 The design of the proposed window openings associated with bedrooms 8, 9, 10, 20, 21, 22, the ground floor communal lounge area and the first floor communal lounge area is neither appropriate to, nor sympathetic with the existing structure, and would be detrimental to the visual amenity of the area. The proposed development therefore conflicts with Development Plan Policies JP-P1- Sustainable Places, EN1/2 - Townscape and Built Design ,H2/1 - The Form of New Residential Development, H2/4 - Conversions.
- 2 The application and submitted plans contain insufficient information to ensure that access to and provision of adequate off-highway bin storage arrangements can be provided for the use proposed within the curtilage of the site in order to ensure that the adjacent adopted highways are not used for refuse collection purposes or the storage of communal bins. The proposed development would therefore be contrary to Development Plan Policies EN1/2 - Townscape and Built Design ,H2/2 - The Layout of New Residential Development, H2/4 - Conversions and JP-P1 - Sustainable Places.
- 3 The proposed development, by virtue of the proposed internal density and layout as

shown would lead to a poor arrangement of individual and shared accommodation available for the future occupiers of the property and as such would have a detrimental impact on residential amenity of the occupiers contrary to Development Plan Policies H1/2 - Further Housing Development, H2/1 - The Form of New Residential Development, H2/2 - The Layout of New Residential Development, H2/4 - Conversions , JP-P1 - Sustainable Places, JP-S5 - Clean Air and EN7/2 - Noise Pollution.

- 4 The scale of the development would be seriously detrimental to the residential amenities of nearby occupiers, by reason of the noise, disturbance and general activity associated with the proposed use. The proposed development therefore conflicts with Development Plan Policies H1/2 - Further Housing Development, H2/1 - The Form of New Residential Development and H2/4 - Conversions.
- 5 The applicant has failed to consider the full context of the existing building, the wider character of the area and density. The applicant has therefore failed to demonstrate that the proposal would have regard to the need to achieve efficient use of land contrary to Development Plan Policy JP-H4 - Density of New Housing.
- 6 The proposal would result in the significant intensification of the use of a site with inadequate off-street parking facilities within the curtilage of the site for the proposed use and existing industrial uses, which is highly likely to lead to vehicles parking and carrying out manoeuvres on the surrounding residential streets and classified roads where on-street parking facilities are at a premium at all times of day. This would have a significant detrimental impact on existing parking facilities for existing residents of Glenvale Close to the detriment of the free flow of traffic and road safety. The proposed development therefore conflicts with the following policies of the Development Plan EN1/2 - Townscape and Built Design, H2/2 - The Layout of New Residential Development, H2/4 - Conversions, HT2/4 - Car Parking and New Development, JP-C5 Streets for All, JP-C6- Walking and Cycling, JP-P1 - Sustainable Places.
- 7 The proposal would result in the loss of existing off-highway servicing and parking facilities and bin storage arrangements within the curtilage of the site for the existing industrial use, which would be detrimental to the free flow of traffic and road safety and have a significant detrimental impact on the adjacent residents of Glenvale Close. The proposed development therefore conflicts with the following policies of the Development Plan EN1/2 - Townscape and Built Design, H2/2 - The Layout of New Residential Development, H2/4 - Conversions, HT2/4 - Car Parking and New Development, JP-C5 Streets for All, JP-C6- Walking and Cycling, JP-P1 - Sustainable Places.
- 8 The application and submitted plans and supporting statements contain insufficient information to enable the local planning authority to assess whether the proposal would maximise reductions in carbon emissions, as required by Policy JP-S2 of the Places for Everyone Joint Development Plan.
- 9 The application and submitted plans and supporting statements contain insufficient information to demonstrate that the proposal would comprise high quality digital infrastructure, as required by Policy JP-C2 of the Places for Everyone Joint Development Plan.

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|---------------------|-------------|-------------------------|-------------|
| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
| HP                  | 11/06/2024  | DM                      | 11/06/'24   |