

Application No: 24/1906C

Location: OFFICE FIRST FLOOR, THE HUUB BUILDING, MANCHESTER ROAD, CONGLETON

Proposal: Change of use to the first floor only from office and restaurant to residential HMO

Applicant: Mr Jon Yu, The YU Group

Expiry Date: 19-Jul-2024

SUMMARY

The proposed development seeks approval for the change of use to the first floor only from an office and restaurant to a residential HMO. The proposed change of use is considered to be acceptable in principle.

The development is deemed to be acceptable with regards to the impact on the character of the area as there are no external changes proposed to the building. There are also not considered to be any highway implications associated with the proposal.

However, insufficient information has been submitted in relation to the impact on the proposed development with regards to noise disturbance.

The application is therefore recommended for refusal.

RECOMMENDATION

REFUSE

REASON FOR REFERRAL

This application is referred to Southern Planning Committee at the request of Cllr Seddon for the following reasons:

'I would like to 'call in' this proposal for the restaurant and bar on the first floor of the Huub Building, over a convenience store as a change of use to a HMO. The plan shows 8 bedrooms, all quite small with only 2 communal bathrooms and 1 shared kitchen. This isn't a student area and an HMO of this design is far too cramped. The occupants would suffer poor mental health as a result of this arrangement. A much better arrangement would be for 4 rooms all with their own ensuite, or even better, small flats with their own ensuites and cooking facilities. We expect high standards of accommodation in Cheshire East, and plans should better the minimum requirements. The building has a history of flaunting planning applications too, and this seems in line.'

DESCRIPTION OF SITE AND CONTEXT

This application site relates to an existing building and associated land (including the car park), positioned on a traffic island. The building is 2.5 storeys, rendered white, and includes a number of uses including a café, shop and restaurant.

The surrounding area is mainly residential with two storey semi-detached and detached dwellings fronting Macclesfield Road and Manchester Road. The application site is located wholly within the Congleton settlement boundary.

DETAILS OF PROPOSAL

The application seeks permission for the change of use to the first floor only from office and restaurant to residential House of Multiple Occupation (HMO).

There are no changes proposed to the ground floor layout, elevations, roof space apartment or site layout.

The proposal seeks permission for an 8-bed HMO, with a kitchen/dining area, 2 bathrooms with showers and an additional toilet.

RELEVANT HISTORY

20/1211C - Retrospective application for the installation of a modular self-service launderette facility within the demise of the Huub Building - Approved with conditions - 12-Jan-2022

17/0518C - Installation of air conditioning condenser - Approved with conditions - 05-Jul-2017

17/0514C - 2 x Londis Totem Signs; 1 x illuminated Londis fascia sign; 6 x poster frame signs; 12 x false windows signs; 1 x welcome sign; 1 x car park sign; and 3 x Huub corporate signage - Part approved/part refused - 20-Jun-2017

16/5788C - Proposed conversion of public house and extensions & additions to form retail premises, cafe, pharmacy and managers flat - Refused 09-Feb-2017 – Appeal Allowed 25- May- 2017

15/3850C - Conversion of existing public house and extensions and additions to form new retail premises and first floor offices - Approved with conditions 15-Oct-2015

12/2147C - The Replacement of the Vacant Public House with a Convenience Outlet Store - Approved with conditions 23-Mar-2015

12/0384C - Replacement of Vacant Public House with Convenience Retail Outlet store - Refused 20-Mar-2012 – Appeal Dismissed 14-November- 2012

12/0381C - Prior Notification of Proposed Demolition of Two Storey Brick Built Public House - Determination - Approval not required 22-Feb-2012

DEVELOPMENT PLAN

Cheshire East Local Plan Strategy (CELPS)

MP 1 - Presumption in Favour of Sustainable Development
PG2 – Settlement Hierarchy
SD 1 – Sustainable development in Cheshire East
SD 2 - Sustainable Development Principles
SC4 – Residential Mix
SE1 - Design
SE2 – Efficient Use of Land
SE12 – Pollution, Land Contamination and Land Instability
C01 – Sustainable Travel and Transport
Appendix C Parking Standards

Site Allocations and Development Policies Document (SADPD)

PG9 – Settlement Boundaries
GEN1 – Design Principles
GEN5 – Aerodrome Safeguarding
ENV1 – Ecological Network
HOU1 – Housing Mix
HOU4 – Houses in Multiple Occupation
HOU8 – Space, Accessibility and Wheelchair Housing Standards
HOU12 – Amenity
HOU13 – Residential Standards
HOU14 – Housing Density
INF3 – Highway Safety and Access

Other Material Considerations

National Planning Policy Framework (NPPF)
National Planning Practice Guidance

CONSULTATIONS (External to Planning)

Congleton Town Council – Object. inappropriate change of use of building and mix of activities. Poor location. no amenity space, bin space, space for domestic facilities or health and wellbeing.

Environmental Protection (CEC) – Object due to insufficient information.

Housing Standards and Adaptations (CEC) – No objection.

Highways (CEC) – No objection.

Waste Strategy (CEC) – No comment received at time of writing.

REPRESENTATIONS

One letter of objection has been received from a local household which raises the following points:

- Already densely populated area with multiple house building consents
- HMO not wanted nor needed, several HMO's in the town
- No hospitals, education facilities or other buildings nearby
- No security facilities for the protection of staff or customers
- No fire escape
- Disturbance of noise and pollution

The above comments will be taken into consideration during the determination of the application.

OFFICER APPRAISAL

Principle of development

The application relates to an existing building within the settlement boundary of Congleton. Policy PG2 of the CELPS defines Congleton as a Key Service Centre. Within Key Service Centres, development of a scale, location and nature that recognises and reinforces the distinctiveness of each individual town will be supported to maintain their vitality. This is supported by Policy PG9 of the SADPD which states that within settlement boundaries development proposals (including change of use) will be supported where they are in keeping with the scale, role and function of that settlement and do not conflict with any other relevant policy in the local plan. In light of the above, it is considered an 8- bed HMO would be acceptable in this location.

Policy HOU4 of the SADPD states that the change of use to an HMO or proposals to extend existing HMO's to accommodate additional residents will be permitted provided that:

- i. The number of existing HMOs within 50m of the application site does not exceed 10% of the total number of dwellings;
- ii. The extended or proposed HMO would not 'sandwich' an existing dwelling (C3) between two HMOs;
- iii. The proposal would not have an adverse impact on:
 - a. The character and appearance of the property or the local area;
 - b. On-street car parking levels;
 - c. The capacity of local services/facilities; or
 - d. The amenity or environment of surrounding occupiers;
- iv. The property is of a size, whereby the proposed layout, room sizes, daylight provision, range of facilities and external amenity space of the HMO would ensure an adequate standard of residential amenity for future occupiers;
- v. Adequate provision is made in the curtilage of the dwelling for covered cycle parking; and
- vi. Adequate provision is made in the site for waste and recycling storage

Subject to the proposed development being compliant with Planning and Building Control legislation, as well as the Council's adopted standards for Houses in Multiple Occupation, the Housing Standards Officer has no objection to the proposed change of use.

The proposed building is situated on a traffic island between Manchester Road and Macclesfield Road. Thus, the proposal would not 'sandwich' an existing dwelling. In this location the number of existing HMOs does not exceed 10% of the number of dwellings.

There are no external elevational changes to the building and thus the proposal would not impact the character and appearance of the property. The Highways Team have raised no objection to the proposal. However, the environmental health team have objected to the application as insufficient information has been submitted to assess the impact of the proposal in relation to the loss of amenity caused by traffic use of the adjacent main roads and noise from daily activity at the ground floor shop. As such, it is unclear as to whether the proposal would have an adverse impact on the amenity of occupiers and whether the proposal would have an adequate standard of amenity for future occupiers.

The proposal is therefore contrary to Policy HOU4 of the SADPD and thus is unacceptable in principle.

Design, visual appearance, and impact on the character of the area

CELPs Policy SE1 states that “development proposals should ensure a retained sense of place and management of design quality”. CELPS Policy SD2 further details the design matters that should be considered, including height, scale, form and grouping of development, choice of materials, external design features, massing of development and impact upon the street scene.

HOU4 of the SADPD advises that the proposals should not have an adverse impact on the property or local area.

The proposed development would not result in any external changes to the building, thus comprising of an internal conversion. The development would therefore not detract from the character or appearance of the building from the surrounding area.

The proposed development would not result in a detrimental impact upon the character of the surrounding area in accordance with policies SE1 and SD2 of the Cheshire East Local Plan, Policy GEN1 and HOU4 of the SADPD and the NPPF.

Residential Amenity

CELPs Policy SE1 states that development should ensure an appropriate level of privacy for new and existing residential properties. Policy HOU12 of the SADPD states development proposals must not cause unacceptable harm to the amenities of adjoining or nearby occupiers of residential properties, sensitive users or future occupiers of the proposed development due to:

1. loss of privacy;
2. loss of sunlight and daylight;
3. the overbearing and dominating effect of new buildings;
4. environmental disturbance or pollution; or
5. traffic generation, access and parking.

Policy HOU13 of the SADPD provides minimum separation distances. Policy SE1 of the CELPS states that development should ensure an appropriate level of privacy for new and existing residential properties.

The scale of the building would not be changed as part of the proposal, and no additional openings are proposed. As such, the development would not heighten any existing impacts on light exposure or privacy beyond the existing building.

All bedrooms would measure at least 2.5m wide and measure over 6.5sqm to accommodate at least one person, as outlined within the HMO SPD (for example the smallest bedroom measures 13sqm – bedroom 8). Each bedroom has a window for light and outlook. Internal waste storage is visible within the proposed kitchen/dining area.

No outdoor amenity space would be provided for the occupants of the proposed HMO. However, the Lower Heath playground would be situated to the immediate west of the site, Bandstand Park and Garden is situated a 15-minute walk to the south as well as Congleton Park. As such, the HMO residents would have access to open amenity space and the proposal is thus not refusable in this regard.

Insufficient information has been submitted with the application, in order to adequately assess the impact of the proposed development having regard to noise. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with material planning considerations. The proposal therefore fails to comply with Policy SE12 of the Local Plan and HOU12 of the SADPD.

Highways

Policy CO1 of the CELPS considers matters of highway safety. Appendix C of the Cheshire East Local Plan identifies minimum Parking Standards for residential development in Principal Towns and Key Service Centres and for the remainder of the borough. The LPA will vary from the prescribed standards where there is clear and compelling justification to do so.

Policy INF3 of the SADPD refers to highway safety and access, stating development should provide safe access to and from the site for all highway users.

The site is located on the first floor of The Huub Building on Manchester Road in Congleton. The proposal involves the change of use to the first floor only from office and restaurant to residential HMO, with eight bedrooms, communal kitchen and dining facilities and two communal bathrooms. Pedestrian, vehicular access and car parking provision associated with the site will remain unchanged.

There are no material highway implications associated with this proposal, as any traffic generation or car parking demand associated with it would be expected to be low and likely be offset by the existing lawful use of the first floor of the building. The proposal would, therefore, not be expected to have a material impact on the safe operation of the adjacent or wider highway network or the availability of on-site parking spaces, of which there are 29 spaces, or nearby on-street car parking provision.

The Head of Strategic Transport has no objection to the planning application.

The proposal would therefore be in accordance with the parking standards as set down in Appendix C of the Cheshire East Local Plan and would not be detrimental to road safety or result in an undue loss of amenity to other road users.

Waste Storage

The site includes a large external area, and there is an existing bin store to accommodate the existing uses on the site. There is no reason that adequate waste and recycling storage could be provided on the site and this could be controlled via the imposition of a planning condition in the event of an approval.

CONCLUSIONS

The proposed development seeks approval for the change of use to the first floor only from an office and restaurant to a residential HMO. The proposed change of use is considered to be acceptable in principle.

The development is deemed to be acceptable with regards to the impact on the character of the area as there are no external changes proposed to the building. There are also not considered to be any highway implications associated with the proposal.

However, insufficient information has been submitted in relation to the impact on the proposed development with regards to noise disturbance.

The application is therefore recommended for refusal.

Refuse for the following reason:

- 1. Insufficient information has been submitted with the application, in order to adequately assess the impact of the proposed development having regard to noise from traffic from the adjacent road network and from daily activity at the ground floor shop. In the absence of this information, it has not been possible to demonstrate that the proposal would provide an acceptable standard of amenity for the future occupants. The proposal therefore fails to comply with Policy SE12 (Pollution, Land Contamination and Land Instability) of the Cheshire East Local Plan Strategy, Policy HOU4 (Houses in Multiple Occupation) and HOU12 (Amenity) of the Site Allocations and Development Policies Document and the National Planning Policy Framework.**

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning has delegated authority to do so in consultation with the Chair of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision



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