

Application No: 09/0037P

Location: TUDOR LODGE, 88, ROBIN LANE, SUTTON, MACCLESFIELD, CHESHIRE, SK11 0LF

Proposal: CHANGE OF USE OF 88 ROBIN LANE FROM A PRIVATE RESIDENCE AND BED AND BREAKFAST ACCOMODATION TO A PRIVATE RESIDENCE AND HOUSE IN MULTIPLE OCCUPATION WITH 5 BEDROOMS.

For HOUSEMATES (MACCLESFIELD) LTD

Registered 04-Mar-2009

Policy Item No

Grid Reference 391962 370916

Date Report Prepared: 17 April 2009

SUMMARY RECOMMENDATION:	APPROVE, SUBJECT TO CONDITIONS
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MAIN ISSUES

- Impact on the character and appearance of the area
- Impact on residential amenity
- Highways safety
- Housing provision
- Impact on Protected Trees

REASON FOR REPORT

The application was 'called in' to committee in accordance with MBC's Constitution by the former ward Councillor, Cllr Puddicombe.

DESCRIPTION OF SITE AND CONTEXT

The property to which the application relates is a detached property that has been extended to include a two-storey extension often referred to as the 'west section' of the building.

There is a large parking/tuning area on the western side of the property and gardens to the east and rear.

The property is located on the edge of a group of dwellings, within a Predominantly Residential Area of Lyme Green. The area is washed over with Green Belt. The land to the east and south of the application site is predominantly open countryside and the site lies within an Area of Special County Value.

The property is located in a sustainable location with access to all relevant amenities and services and public transport routes (buses).

DETAILS OF PROPOSAL

The proposal seeks full planning permission to change the use of the property from being a private residence and bed & breakfast accommodation to a private residence and house in multiple occupation. The house in multiple occupation has 5 No. bedrooms, with 2 No. bathrooms a lounge and a kitchen for communal use.

RELEVANT HISTORY

- 06/1515P Full planning. CHANGE OF USE OF PART OF TWO-STOREY BUILDING TO RESIDENTIAL USE. Approved with conditions, 20060810
- 04/1502P Full planning. CHANGE OF USE FROM DWELLING WITH B & B TO 2 NO. DWELLINGS. Refused, 20040703.
APPEALED: APP/CO630/A/04/1160765 – Dismissed, 20051007
- 03/2895P Full Planning. CHANGE OF USE FROM PRIVATE RESIDENCE AND B&B ACCOMMODATION TO PRIVATE RESIDENCE AND HOUSE IN MULTIPLE OCCUPATION. ADDITION OF 12 NO. CAR PARKING SPACES. Withdrawn 20031216
- 00/2415P Full Planning. CHANGE OF USE FROM REST HOME TO PRIVATE RESIDENCE WITH B&B ACCOMMODATION, PORCH EXTENSION & DETACHED TRIPLE GARAGE AND ALTERATIONS TO GROUND LEVELS. Approved with conditions 20001213
- 39288P Full Planning. CHANGE OF USE TO RESIDENTIAL HOME FOR 9 ELDERLEY PERSONS. Approved 19841119

POLICIES

Regional Spatial Strategy

- DP1 – Spatial Principles
- DP2 – Promote Sustainable Communities
- DP4 – Make the Best Use of Existing Resources and Infrastructure
- DP5 – Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility
- L4 – Regional Housing Provision
- RDF4 – Green Belts

Local Plan Policy

- NE1 – Landscape Protection & Environment (Area of Special County Value)
- BE1 – Design Guidance
- H1 – Phasing Policy (Housing)
- H2 – Environmental Quality in Housing Developments
- H5 – Windfall Housing Sites
- H13 – Protecting Residential Areas
- DC3 – Amenity
- DC9 – Tree Protection
- DC37 – Landscaping
- DC38 – Space, Light and Privacy
- DC42 – Subdivision of property for Residential Purposes

Other Material Considerations

- Planning policy Statement 1 –
- Planning Policy Statement 3 – Housing
- PPS3 Housing Self Assessment Checklist
- Planning Policy Guidance Note 2 – Green Belts
- Planning Policy Guidance Note 13 – Transport

CONSIDERATIONS (External to Planning)

Highways:

No objections, subject to conditions

(Internal to Planning)

Housing Strategy:

No objection

Environmental Health:

No objection

ESU Landscape:

No objection

VIEWS OF THE PARISH / TOWN COUNCIL

Sutton Parish Council:

Object, and recommend refusal, for the following planning reasons (which are similar to the concerns as expressed in respect of a previous application - 03/2895P):

- Overintensified use of the dwelling - 5 bedrooms served by only 2 bathrooms
- Increased use of vehicular traffic on to a busy 30 m.p.h. highway
- Unsuitable use of the property in relation to the semi-rural location
- Considered unneighbourly

The following concern expressed is a non-planning issue:

- Not stated what type of residents would be accommodated in the units, which might cause concern to the neighbouring properties

OTHER REPRESENTATIONS

1 No. representation has been received from the occupant of a neighbouring property objecting to the application and 7 No. representations have been received from occupants of neighbouring properties expressing support for the application.

Points raised in objection:

The author refers to some of the planning history of the site - application 03/2895P, which was to change the use from a private residence and B & B accommodation to a house in multiple occupation, and application 04/1502P, which sought to change the use to 2 No. dwellings. Application 03/2895 was withdrawn. Application 04/1502 was refused by the Council and later dismissed at appeal. The reason for refusal and dismissal was that the change to 2 No. dwellings was contrary to the restrictive housing policy that was in place at the time. The author notes that the Inspector had indicated that no evidence had been submitted with this application to demonstrate a need for 'special needs' housing in the area (an exception to the restrictive housing policy). The author contends that there is no shortage of such accommodation present day.

Other planning concerns expressed relate to the impact of the proposed on traffic levels/highways safety and the increased noise from additional traffic.

A non planning issue is raised in respect of impact on property values.

Points raised in support:

The comments offered in support of the application are summarised as follows:

- The property is ideal to develop and offers much needed accommodation of the type proposed (shared accommodation for young professionals)
- The owner has extended and maintained the site in a way that has prevented it in previous years from becoming derelict
- The access provides appropriate visibility and adequate parking is provided
- Provides a good use of the existing property

- Would not result in any interference to the neighbourhood
- The property has been let in the past and no disturbance was encountered and no increase in traffic was noticeable

APPLICANT'S SUPPORTING INFORMATION

The application is accompanied with a Planning Statement and a completed PPS3 Housing Self-Assessment Checklist. The points raised/claims made within the documents are summarised as follows:

PPS3 Housing Self-Assessment Checklist

- Proposed would provide accommodation of a type that would meet a housing need in the area, i.e. shared accommodation at an affordable rent to those not able to get on the property ladder
- Site is located 3km from Macclesfield Town Centre, 3.5km from the Train Station, there is a bus service serving Lyme Green and the Town Centre is within cycling distance
- The proposed makes efficient use of the site
- The provision for car parking is appropriate
- Adequate open/amenity space is provided via a subdivision of the existing garden

Planning Statement

- There is an extant planning permission for the building to be used as a private residence and B & B accommodation (para. 2.02)
- It is considered that the lawful use of the building is a private residence with B & B accommodation (para. 3.08)
- The planning history states that planning permission was granted in 1984 to use the property as a care home for the elderly (with 9 bedrooms) and this use ceased in April 2001
- Planning permission was granted in 2000 for use of the property as a private residence and B & B accommodation (the B & B accommodation was to be in the 'west section'), though the B & B use has not been implemented (para 3.02)
- The application to use the 'west section' for a house in multiple occupation (8 bedrooms) (03/2895P) was withdrawn
- The refusal to convert the building to 2 No. dwellings (04/1502P) was refused and dismissed for one reason only – the restrictive housing policy that was in operation at the time
- The present access was approved in 2007 under application 07/0107P
- The application that gave approval to use the 'west section' for ancillary residential use (06/1515P) has not been implemented
- The proposed seeks to use the property as a private residence and a house in multiple occupation with 5 No. bedrooms
- There would be 280sqm of garden space for the HMO

- Vehicular access would be shared between the private residence and the HMO and there would be 11 No. parking spaces
- The HMO would be run by a company specialising in such rented accommodation for young professionals ('Housemates')
- The proposed meets all Local, Regional and National Planning Policy objectives
- The proposed would not affect the openness of the Green Belt
- Use of the property in the proposed manner would make efficient use of the land
- The proposed would be in line with the housing objectives of the Borough
- The development would be sustainable
- The planning history shows that the site has consents for more intensive uses of the site (care home for the elderly – with up to 15 bedrooms; B & B accommodation)
- The site can accommodate a more intensive development than that of a single residence, without detriment to the character and appearance of the area, residential amenity or highways safety

OFFICER APPRAISAL

Principle of Development

The principle of changing the use as proposed is potentially acceptable, subject to: a) being in accordance with all relevant policy; b) contributing to the housing needs of the Borough; c) not having a detrimental impact on the character of the area or residential amenity; d) not generating any highways safety issues and e) not affecting the Protected Trees on site.

Policy

Policy DC42 of the MBLP allows for the subdivision of property for residential purposes, providing a) a satisfactory level of amenities is provided for occupiers, b) the amenities of neighbouring properties are not materially affected, c) the character of the area is not materially affected and d) appropriate car parking is provided.

Housing provision

The Officer for Private Sector Liaison (Housing Strategy) has confirmed that there is a great shortage in the area for accommodation for single people, particularly under 25 year olds, to whom the proposed accommodation is targeted. Accommodation of the type proposed is affordable and meets the housing needs of young single people who cannot afford to buy or rent larger properties.

Highways

A revised site layout has been received which now shows 9 No. parking spaces in total, rather than the 11 originally shown. 2 No. will be retained for use by the private residence and 7 No. will be used for the HMO. For

communal parking such as this the maximum standards are 1.5 spaces per unit. Current government policy indicates that Local Authorities should not request from developers more spaces than they wish to provide, unless material considerations dictate otherwise. Given that the location of the site is served by public transport and a condition for cycle storage will also be recommended, the level of parking proposed is considered to be acceptable, as it is considered that there are no material considerations in this location which would justify a higher parking level.

To ensure the level of highways safety required is achieved and maintained appropriate conditions could be attached to any approval.

Character and appearance of the area

It is considered that the proposed will not have a detrimental impact on the character and appearance of the area. Some of the key factors that have been borne in mind in arriving at this view are: 1) the building already exists in the present location; 2) the previous use as a care home for the elderly (with up to 15 bedrooms) and the approved use as B & B accommodation were considered by the Inspector (appeal of application 04/1502P) not to be incompatible with the Lyme Green residential area; 3) such uses also intensified, or had the potential to intensify, the use of the site; 4) the Inspector also noted that the application to change the use to 2 No. dwellings would not generate a material increase in traffic nor would any more traffic be generated than that associated with the care home or B & B uses; 5) the proposed uses are residential uses and the area is a residential area; 6) the access already exists and the area of land to be used for the parking and turning of vehicles already exists; 7) outdoor amenity space is to be provided and 8) the type of resident that may use such accommodation and the issue of property values are not planning issues.

Residential Amenity

The nearest properties to the application site are 22-23m away. Given the relationship between the property to which the application relates and others within the vicinity of the site it is considered that the proposed would not have a detrimental impact on the amenity of neighbouring properties in respect of eg. noise, light and privacy.

Landscaping/Tree Protection

The Arboricultural Officer noted that the original site plan was not accurate. A revised site plan has been received and the Arboricultural Officer is satisfied that the Protected Trees within the site, particularly the Ash located at the front of the property (adjacent to Robin Lane) will not be threatened by the layout for the parking/turning of vehicles.

The revised site plan also shows the proposed outdoor amenity space to be less than indicated on the original site plan.

Details of any landscaping and boundary treatment could be requested as a condition.

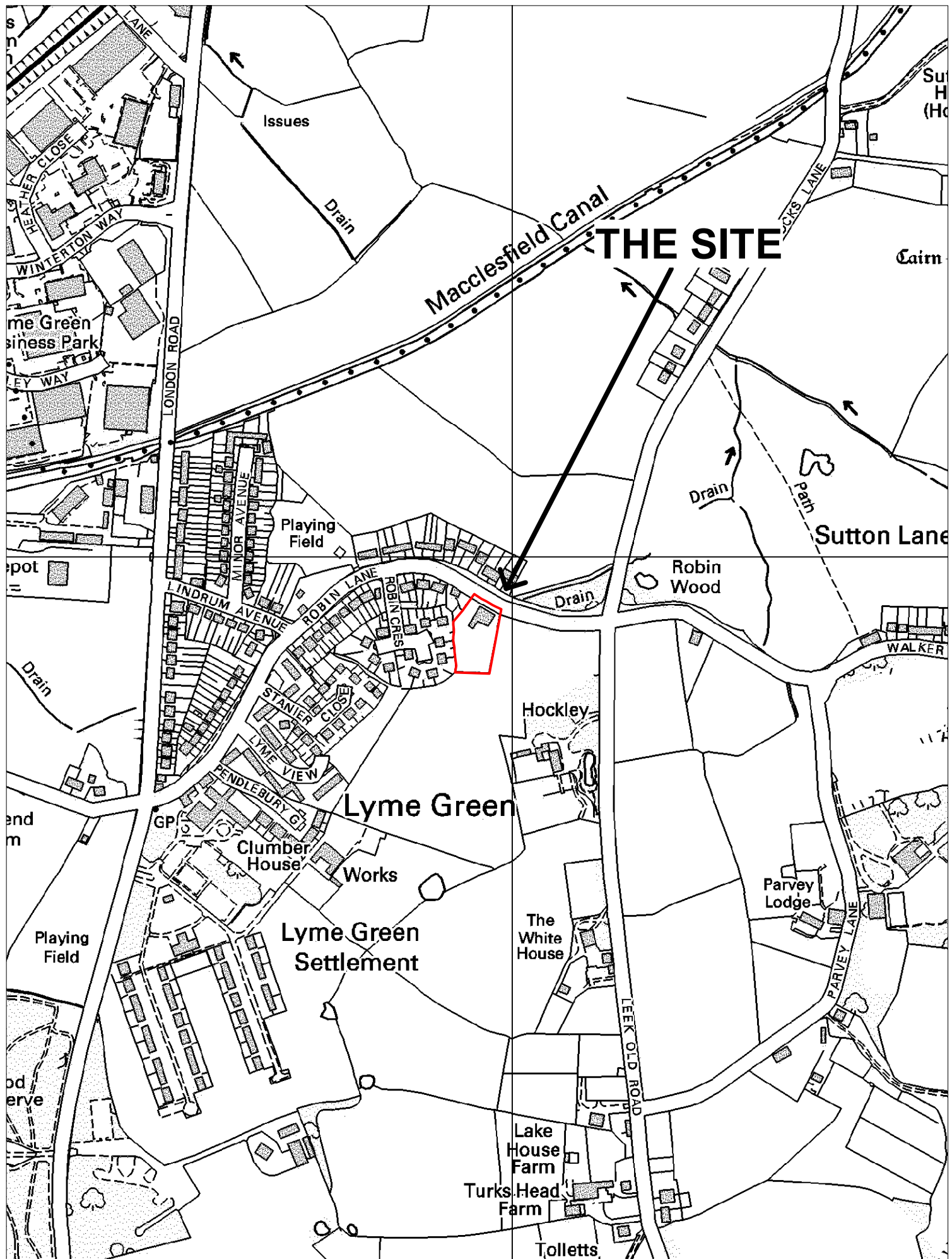
CONCLUSIONS AND REASON(S) FOR THE DECISION

It is noted that, although the additional information submitted with the application states that the B & B accommodation use has never been implemented, it appears that the private residence use associated with the approval has been implemented. The main issue regarding the B & B and previous care home uses relates to the intensified use of the site and how such uses compare with the proposed house in multiple occupation with 5 No. bedrooms. It is considered that a HMO with 5 No. bedrooms differs very little than the previous care home and approved B & B uses in respect of the intensification of use.

It is considered that the proposed does not have a detrimental impact on either a) the character or appearance of the area or b) residential amenity. It is also considered that the proposed does not create any highways safety issues, that the Protected Trees within the site are not threatened by the proposal and that the proposed makes a positive contribution to the housing needs of the area.

Finally, it is considered that the proposed accords with all relevant Local, Regional and National Planning Policies.

For the above reasons it is recommended that the application be approved, subject to conditions.



09/0037P - TUDOR LODGE, 88, ROBIN LANE, SUTTON, MACCLESFIELD

N.G.R. - 391,960 - 370,910

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Application for **Full Planning**

RECOMMENDATION : Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A02HA - Construction of access
4. A03HA - Vehicular visibility at access (dimensions)
5. A07HA - No gates - new access
6. A01HP - Provision of car parking
7. A04HP - Provision of cycle parking
8. A26HA - Prevention of surface water flowing onto highways
9. A07HP - Drainage and surfacing of hardstanding areas
- 10.A10HP - Driveway surfacing - single access drive
- 11.A12LS - Landscaping to include details of boundary treatment
- 12.A11EX - Details to be approved
- 13.Provision/retension of turning facility
- 14.Restriction on bedroom numbers