

# APPLICATION REPORT - PA/342633/18

Planning Committee, 5 June, 2019

**Registration Date:** 12/12/2018  
**Ward:** Shaw  
**Application Reference:** PA/342633/18  
**Type of Application:** Full Planning Permission

**Proposal:** Change of use of office (Class B1a) to a 9 bedroomed House in Multiple Occupation (Sui generis).  
**Location:** Shaw Street Metal Company Ltd, 4-6 Hill Street, Shaw, OL2 8PQ  
**Case Officer:** Richard Byrne  
**Applicant Agent :** Mr Wrigley  
Aequo Properties Ltd.

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## THE SITE

The application relates to a three storey brick property located on a cul-de-sac in a commercial area of Shaw immediately to the north of the Asda supermarket, towards which the front elevation faces. To the east is a two storey brick building used as a day nursery across a small parking area, and to the west, it is attached to a two storey commercial building. A further, single storey commercial building is located to the rear.

## THE PROPOSAL

Planning permission is sought for the change of use from offices (Class B1a) to a 9 bedroom House in Multiple Occupation (sui generis use). The amended configuration of the building would be as follows:

- Ground floor - Entrance, hallway, staircase to first floor, bathroom, toilet and 4no. bedrooms.
- First Floor - Landing, staircase to ground and second floor, Kitchen/living room, 3no. bedrooms and bathroom.
- Second Floor – staircase to first floor, 2no. bedrooms, bathroom and an office.

## RELEVANT HISTORY OF THE SITE:

PRCU/339666/17 - Prior approval for change of use of building from offices (use Class B1(a)) to 5, one-bed flats (use class C3) under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 – Prior Approval Required and Granted 28/03/17

## CONSULTATIONS

|                      |                                     |
|----------------------|-------------------------------------|
| Environmental Health | No objection to the amended scheme. |
| Highway Engineer     | No objection                        |

## REPRESENTATIONS

The application has been advertised by means of neighbour notification letter and site notice. However, no representations have been received as a result of this publicity, including from Shaw & Crompton Parish Council.

## **PLANNING CONSIDERATIONS**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, to the extent that development plan policies are material, planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise. This requirement is reiterated in Paragraph 2 of the National Planning Policy Framework (NPPF).

In this case the 'Development Plan' is the Joint Development Plan Document (DPD) which forms part of the Local Development Framework for Oldham. The application site is unallocated by the Proposals Map associated with this document.

The following policies are relevant to the determination of this application.

Policy 1 - Climate Change and Sustainable Development  
Policy 3 - An address of choice  
Policy 5 - Promoting Accessibility and Sustainable Transport Choices  
Policy 9 - Local environment  
Policy 11 – Housing  
Policy 20 - Design

### **Land Use and Principle of Development**

In terms of the principle of development, DPD Policy 1, in the context of this application, seeks to ensure the effective and efficient use of land and buildings, meet Oldham's housing needs and demands in sustainable locations, and to promote high quality and sustainable design. Policies 3, 5 and 11 reflect this approach and encourage residential development on previously developed land.

Policy 3 requires that minor residential developments be located within a ten minute walk of at least two 'key services', whilst Policy 5 requires that all minor residential development should achieve 'Low Accessibility' as a minimum which is defined as being within approximately 400 metres of a bus route.

In this respect, the site is located within easy walking distance of Shaw district centre and the Asda supermarket, along with Saint Pauls Methodist Church and other facilities. These are regarded as 'key services' for the purposes of Policy 3. Insofar as public transport options are concerned, the site is located within close proximity of bus routes on Market Street providing links to Oldham town centre and Rochdale, and to the Shaw Metrolink stop.

It therefore occupies a highly sustainable location.

More specifically, DPD Policy 11 states that Houses in Multiple Occupancy shall not be permitted unless it can be demonstrated that the proposal does not adversely affect:

- (a) the local character of the area;
- (b) the level of residential and workplace amenity of future and neighbouring occupants;
- and
- (c) traffic levels and the safety of road users.

### **Effect on local character of the area**

DPD Policy 1 states that the Council will ensure that development proposals respect Oldham's built environment. This is also reflected in Policy 20 as it requires proposals to respond positively to the environment, contribute to a distinctive sense of place, and make a positive contribution to the street scene.

Given the proposed change of use does not require any external alterations, the proposal will not have an adverse effect upon the character and appearance of the street scene as a whole. The area has a mixed use character, and in this context the level of type of activity

associated with the proposed use would be appropriate to its setting.

It is therefore considered that the development complies with DPD Policies 1 and 20.

### **Effect on amenity**

Policy 9 states that the Council will seek to protect existing levels of amenity. As such, development proposals should not cause significant harm to neighbouring land uses through impacts including loss of privacy, safety and security, noise, pollution, access to daylight or other nuisances.

Although this application is for a HMO, the use will have a similar character to that allowed under the previous prior approval for change of use to five, one-bed flats. That permission remains capable of implementation.

The standard of accommodation has been assessed by the Environmental Health team, and following amendment to the layout and replacement of one of the bedrooms in the roofspace with an office for the building supervision, all the rooms within the amended HMO layout comply with both the national 'Technical Housing Standards - nationally described space standard' and Oldham Council's Standards for Houses in Multiple Occupation document, and is therefore considered to be of a suitable size and configuration for the future occupiers having regard to the requirements of Policy 9.

There are existing commercial uses adjacent to the site which have the potential to cause noise and disturbance affecting the future occupiers of the proposed HMO. Consequently, it is considered appropriate to require a scheme of sound insulation to be incorporated to protect residents from any potential noise nuisance from adjacent businesses.

### **Parking and highway safety**

Having regard to the highly sustainable nature of the location, and the availability of on-street parking in the locality, it is not considered that there are any justifiable highway grounds to refuse the application.

### **Conclusion.**

It is considered that the conversion of the building to a HMO will provide a suitable standard of accommodation in this sustainable location, and therefore accords with relevant local and national planning policies.

### **RECOMMENDATION**

It is recommended that Committee resolves to grant permission subject to the following conditions:

1. The development must be begun not later than the expiry of THREE years beginning with the date of this permission.

Reason - To comply with the provisions of the Town & Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be fully implemented in accordance with the amended plan and specification received on 25/04/2019, which is referenced as 'Drawing for Planning', Revision B.

Reason - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.

3. No development shall take place unless and until a scheme for protecting the bedrooms from noise from adjacent commercial activity has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the

approved scheme shall be completed before the bedrooms are first occupied.

Reason - To ensure the protection of the occupiers of the accommodation.

4. Prior to the first occupation of the accommodation hereby approved, facilities within the site for the storage of refuse, and for the safe storage of cycles, shall be provided in accordance with a scheme which has previously been submitted to and approved in writing by the Local Planning Authority. The duly approved facilities shall be retained thereafter.

Reason - To ensure a satisfactory standard of amenity and to promote sustainable transport choices.

