

APPLICATION REPORT - PA/342907/19

Planning Committee, 5 June, 2019

Registration Date: 12/02/2019
Ward: Failsworth East

Application Reference: PA/342907/19
Type of Application: Full Planning Permission

Proposal: Change of use from a six bedroom House in Multiple Occupation (Use Class C4) to a seven bedroom House in Multiple Occupation (Sui Generis).

Location: 18 Pole Lane, Failsworth, Manchester, M35 9PB
Case Officer: Richard Byrne

Applicant Agent : Aquae Sulis
DnA Group

THE SITE

This application relates to 18 Pole Lane, Failsworth. The application site is occupied by a two storey end terrace property with additional accommodation within the roof space. It is located within the Failsworth Pole Conservation Area.

THE PROPOSAL

A Certificate of Lawfulness has recently been granted for the use of the building to operate as a six bedroom house in multiple occupation.

This application seeks planning permission to change the use of the building from its lawful use to form a seven bedroom House in Multiple Occupation.

The proposed House of Multiple Occupation (referred to as a HMO) would be configured over three floors and comprise two bedrooms and a kitchen on the ground floor, three bedrooms on the first floor and two further bedrooms in the converted attic space.

All the bedrooms would benefit from an en-suite sanitary facilities. A shared kitchen/dining area will be available on the ground floor.

The scheme provides outdoor space to the rear of the property where it is indicatively shown as an area for bins and a cycle storage area within an existing single storey outrigger.

RELEVANT HISTORY OF THE SITE:

CL/342158/18 - Certificate of Lawfulness for change of use of property from dwelling to 6 bedroom HMO. Granted 23 October 2018.

HH/342157/18 - Replacement windows and enlargement of 3 roof lights with roof repairs as necessary. Granted 16 January 2019.

Other relevant application

PA/341496/18 - Change of use of 16 Pole Lane from C3 to sui generis 7 bedroom HMO with infill extension on the rear ground floor. Refused 19 July 2018. An appeal against the refusal was allowed. 4 February 2019

CONSULTATIONS

Highways Officer	Does not object to planning permission being granted for highway safety reasons and recommends a planning condition for secure cycle facilities within the site.
Environmental Health	No comment

REPRESENTATIONS

Failsworth East Councillors Norman Briggs and Elizabeth Jacques have requested that the application is determined by Planning Committee.

The application has been advertised by notification letters and a site notice. As a result of the publicity 16 representations have been received and are summarised below.

- The loss of a family size house would detrimentally affect the character of the predominantly family housing area and fail to preserve or enhance the character of the Failsworth Pole Conservation Area;
- There is a need for more family homes not single occupancy rooms; and there are apartments in the locality
- The proposal would not improve the economic, social and environmental conditions of the areas and therefore does not comprise sustainable development;
- External area is inadequate to provide space for bins which already block the footway on collection day;
- HMOs are proven to be socially problematic;
- Safety concerns over future occupiers and proximity of the children's nursery, and its viability would be harmed;
- Insufficient parking in the area;
- Precedent for large HMOs being set;
- Detrimentally effect the value of the neighbouring properties;
- Reiterates the objections raised in regard for the application at 16 Pole Lane;
- Work has been continued without consent;
- Inadequate notification period given to local residents; and,
- Local services and schools are stretched and proposal would place additional strain.

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 within the Failsworth Pole Conservation Area.

The following DPD Policies are considered to be relevant:

- Policy 1 - Climate change and sustainable development
- Policy 3 - An address of choice
- Policy 9 - Local Environment
- Policy 11 - Housing
- Policy 24 – Historic Environment

The main issues for consideration are:

- Principle of the proposed development
- The effect on the local character of the area
- Impact on amenity of the surrounding land buildings;

- Parking and Highway safety;

Land Use

DPD Policy 3 states that Oldham Council will ensure the housing market is balanced and sustainable to meet the needs and demands of our urban and rural communities, by providing quality, choice and diversity through new residential development, promoting the effective and efficient use of land and managing the release of housing land. With respect to the proposed residential use, DPD Policy 11 states that a house in multiple occupancy will not be permitted unless it can be determined that the proposal does not adversely affect the local character of the area; the level of residential and workplace amenity of future and neighbouring occupants; and, traffic levels and the safety of road users.

In assessing the impact of the proposal, Members' attention is drawn to the appeal decision referred to earlier in this report in relation to the adjoining property at 16 Pole Lane. Planning Committee had resolved to refuse the application on the grounds that it would result in the loss of a scarce large family house in Failsworth East where there was a shortage of such properties, and that this would detrimentally affect the character of this predominantly family housing area.

In allowing the appeal, the Inspector considered these issues. In terms of the loss of the family house the Inspector considered that given the lack of off-street car parking and limited external amenity area, the property would have limited appeal as family accommodation. The Inspector also concluded that the proposed HMO would provide accommodation for a different housing sector in a sustainable location.

With regard to the impact on the Conservation Area's character, the Inspector similarly found no evidence to support this assertion.

This is an important material consideration in determination of the present application as the level, standard, and type of accommodation proposed in this instance is identical to that approved next door. It could be argued that granting permission for a further HMO in this location would further erode the family housing nature of the street and local area. However, in order to justify such a conclusion, it would be necessary to clearly demonstrate that the resultant level of accommodation would significantly alter the area's character or adversely impact on other material planning considerations.

A second important factor is that the use of the property as a House in Multiple Occupation for up to 6 residents does not require planning permission by virtue of Class L of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. Therefore, the comparison of impact in assessing this application is in fact not between a family house and a HMO use, but between a 6 bedroom or 7 bedroom HMO only.

The effect on the local character of the area

The property is an end-terrace dwelling within the Failsworth Pole Conservation Area. The original frontage and form is to be retained, and there are no external alterations.

Having regard to the prevailing character of the area, the proposal is a form of residential use, although occupancy could be on a more short-term basis dependent on tenants. With the residential use in mind, and particularly the increase in one bedroom only from the authorised use, it would be difficult to view the proposed HMO as being at odds in this location given the existing surrounding land uses and the local character of the area.

Impact on amenity of the surrounding land buildings;

In respect to the neighbouring residential properties and objections received, it is appreciated that the proposed use could result in some disturbance from comings and goings and noise. However, the existing dwelling is five-bedroomed property with authorisation for conversion to a 6 bedroom HMO, and currently could accommodate a

significant number of people. Whilst concerns regarding potential disturbance and anti-social behaviour are appreciated, this is not an inevitable consequence of such uses, and in the absence of clear evidence to support this assumption, a refusal of the application could not be justified.

In accordance with DPD policy 11, assessment is required in regard to whether the proposed HMO provides an acceptable form of residential accommodation in respect of the level of amenity for future occupiers.

The internal configuration of the HMO is effectively a mirror image of that which has been approved on appeal at 16 Pole Lane, and has been considered against:

- Oldham's adopted guidance - Standards for Houses in Multiple Occupation, October 2010,
- Draft guidance Ministry of Housing Communities & Local Government (HCLG) - 'HMO minimum room sizes to come into force 1 October 2018'; and
- Adopted Department Communities and Local Government - Technical housing standards – nationally described space standard document.

These documents provide evidence based guidance in regard to the amenity of potential occupiers and it is therefore considered appropriate to have regard to this guidance.

Shown within the proposed floor plans, the residential units provide a sufficient amount of internal amenity space for the individual rooms as compared with the relevant current (Oldham) and draft (Government) HMO licensing guidance and the DCLG Technical Housing Standards guidance. In consideration of the relevant legislation, the proposal in terms of amenity standards for the future occupiers is considered acceptable.

A condition is recommended to require details of refuse and waste facilities to be submitted and approved. However, sufficient space within the curtilage of the property would be available.

Given the above considerations, on balance, the proposal would adhere to Policies 9 and 11 in protecting the amenity of future occupants.

Parking and Highway safety

It is appreciated that the proposal may increase the demand for on-street parking. However, the Highway Engineer does not consider the impact would be detrimental to highway safety. Furthermore, the site is in a sustainable location with excellent links to public transport. Overall, the impact is not considered significantly detrimental to merit refusal.

A condition is recommended to require secure cycle provision.

RECOMMENDATION

Approve, 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 approved plans and specifications, received on 12 February 2019 which are referenced as 2019/0201/002 and 2019/0201/004.

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 detailed scheme for the provision of adequate secure cycle storage facilities has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development hereby approved shall not be brought into use unless and until the secure cycle storage facilities have been provided in accordance with the approved scheme to the satisfaction of the Local Planning Authority and shall always remain available to users of the development.

Reason - To ensure adequate cycle storage facilities are available to users of the development.

4. No development shall take place unless and until details of facilities for the storage and removal of refuse and waste materials have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the use hereby approved is commenced and shall be retained thereafter.

Reason - To ensure that the use is not harmful to the amenity of occupiers of nearby residential properties.

