

APPLICATION REPORT - FUL/348446/22
Planning Committee 8th June 2022

Registration Date: 8th February 2022
Ward: Failsworth East

Application Reference: FUL/348446/22
Type of Application: Full Application

Proposal: Change of use from C3 to Sui Generis (7 no. bedroom/9 person Houses of Multiple Occupation) including external alterations
Location: 6 Pole Lane, Failsworth, Oldham, M35 9PB

Case Officer: Matthew Taylor
Applicant: Mr M Blum
Agent: Mrs Deborah Day

INTRODUCTION

The application has been referred to the Planning Committee at the request of Councillor Norman Briggs. Councillor Briggs has given the following reasons for making such a request:

- The proliferation of HMOs in Failsworth over the last few years (especially in the area around Failsworth Pole) has resulted in a serious deterioration in the number of Family Homes in the area; and,
- The concentration of HMOs around Failsworth Pole adds to car parking issues in the area, as very few of the previous applications that have been granted have any off-road parking.

RECOMMENDATION

It is recommended that the application be approved subject to the conditions set out in this report and that the Head of Planning shall be authorised to issue the decision.

THE SITE

The application site comprises a five-bedroom mid-terraced property which benefits from both front and rear gardens. It is located within the Failsworth Pole Conservation Area identified on the Proposals Map associated with the Local Plan.

The property is located close to Failsworth Centre, in a sustainable location, with local shops, supermarkets, public houses and town hall in a short walk from the property. Moreover, regular bus services between Oldham and Manchester operate along Oldham Road which is a short walk from the property.

THE PROPOSAL

The proposal is for the change of use of the property to form a seven bedroomed House in Multiple Occupancy (HMO), a single storey rear extension to extend the existing kitchen, and the creation of a bike store.

The proposed plans show the building configuration as:

- The ground floor having 2 no. bedrooms (1 no. single bedroom with en-suite and 1no. double bedroom with en-suite), a shared kitchen/dining area and a bike store;
- The first floor having 3 no. bedrooms (2 no. single bedrooms with en-suite and 1no. double bedroom with en-suite); and,
- The third floor having 2 no. single bedrooms with en-suite.

RELEVANT PLANNING HISTORY:

None

RELEVANT PLANNING POLICIES

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

Joint Development Plan Document

Policy 01 - Climate Change and Sustainable Development;
Policy 03 - An address of choice;
Policy 05 - Promoting Accessibility and Sustainable Transport Choices;
Policy 09 - Local Environment;
Policy 20 – Design;
Policy 24 - Historic Environment; and,
Saved UDP Policy D1.5 - Protection of Trees on Development Sites.

National Planning Policy Framework

Statutory and Internal Consultees:

Conservation & Design Advice	Raised concerns over the removal of shrubs in the front garden, as Trees within a conservation area that have a stem diameter of at least 7.5cm and a height of 1.5m are protected.
Highways Engineer	No objection, subject to a cycle storage condition.
Environmental Health	No objection, subject to a working hours condition to ensure that site working only takes place during normal, working hours in order to restrict the times during which any, disturbance and nuisance may arise.

REPRESENTATIONS

0 **support** comments have been received.

0 **neutral** comments have been received

0 **objection** comments have been received

SUMMARY OF OBJECTIONS:

N/A

PLANNING CONSIDERATIONS

The main issues to consider are:

- Principle of the proposed development;
- Design/impact on the conservation area;
- Residential amenity;
- Highway safety;
- Trees; and
- Other matters.

Principle of the proposed development

Policy 1 promotes development which supports the vitality and viability of designated Centres such as Oldham and residential uses in these areas can help support the shops and services they host. Furthermore, Policies 3 and 5 aim to ensure residential uses are located in highly sustainable locations in respect of access to key services and public transport options. In this regard, the site is within a 10-minute walk to Failsworth Centre and a walk to the nearest bus stop on Oldham Road. Therefore, for the purposes of Policy 5, the site is 'very highly accessible'.

Policy 11 states that houses in multiple occupancy will not be permitted unless it can be demonstrated that the proposal does not adversely affect the local character of the area, the residential and workplace amenity of current, future and neighbouring occupants, and traffic levels and the safety of road users. Consideration of these matters is provided below. However, in summary, and having regard to the requirements of policies 1, 3 and 5, the principle of the proposed development is acceptable.

Design and impact on the Failsworth Pole Conservation Area

Policy 20 requires proposals to respond positively to the environment, contribute to a distinctive sense of place, and make a positive contribution to the street scene. Policy 24 states that development within conservation areas must serve to preserve or enhance the character or appearance of the area, as an appropriate response to context.

Given the only proposed external alteration is the single storey rear extension, which is only 0.8m wider than the original store and will have a matching ridge height to the existing mono pitched single storey outrigger, it is considered that the proposal will not have an adverse effect upon the character and appearance of the street scene or conservation area as a whole.

In this context it is considered that the development accords with the Policy 20 and 24 of the Local Plan.

In terms of the concern raised regarding the loss of the shrubs in the front garden, for them to be considered as trees they would have to measure 7.5cm in trunk girth at a height of 1.5m. However, if there are trees, and a works to trees application in a Conservation Area was submitted for their removal, the local planning authority could only refuse consent if the trees are first placed under a Tree Preservation Order. Given the size and type, they do not warrant this level of protection and removal is therefore acceptable, as a hedge is to be planned as replacement.

Residential Amenity

Policy 9 states that consideration must be given to the impact of a proposal on the local environment. It seeks to ensure that development, amongst other matters, is not located where it would be adversely affected by neighbouring land uses, does not cause significant harm to the amenity of the occupants of the development or to existing and future neighbouring occupants or users through impacts including safety, security and noise.

It is considered that any outlook and potential for overlooking already exists between the adjoining property and that the proposed HMO would not materially alter the level of residential amenity for the occupiers of surrounding properties. However, a condition is attached to require the side elevation en-suite window in the existing two storey outrigger to be provided in obscure glazing.

It is important to consider the amenity of future occupiers of the proposed development. In this regard, it is considered that all the rooms within the HMO comply with both the National Space Standards Document (DCLG, 2015) and the Standards for Houses in Multiple Occupation document (Oldham Council, 2010). Therefore, the proposed accommodation is considered to be a suitable size to meet the needs of future occupiers having regard to the requirements of Policy 9.

In regards working noise issues associated with the proposal, noted by the Council's Environmental Health team, a condition has been attached to the recommendation to ensure that site working only takes place during normal working hours to restrict the times during which any, disturbance and nuisance may arise.

Highway safety

The Council's Highway Engineer has been consulted regarding the proposals and has raised no objections on highway safety grounds as the change of use is in a sustainable location with excellent links to public transport and access to a wide range of amenities.

However, whilst it is noted that the scheme makes provision for cycle storage, the security of this has not been confirmed. As such, a condition is attached to the recommendation requiring details of the cycle storage facilities, and that they are provided and made available for occupiers and retained thereafter to promote sustainable travel.

CONCLUSION

It is considered that the conversion of the building to a HMO, together with a single storey rear extension, will not harm the character of the surrounding area and is acceptable in principle.

RECOMMENDED 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 Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be fully implemented in accordance with the Approved Details Schedule list on this decision notice. REASON - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.
3. The use of the building hereby approved shall not commence until a scheme for the provision of secure cycle parking has been implemented in accordance with details which shall have previously been submitted to and approved in writing by the local planning authority. The approved facility shall remain available for users of the development thereafter. Reason – In order to promote sustainable means of travel having regard to Policies 5 and 9 of the Oldham Local Plan.
4. No vehicle shall enter or leave the site, and no working shall take place on the site, on Sundays or Bank and Public Holidays at all or on, Monday to Friday inclusive except between the hours of 08:00 to 18:00, or on Saturdays except between the hours of 09:00 to 13:00. Reason - to ensure that site working only takes place during normal working hours in order to restrict the times during which any, disturbance and nuisance may arise, having regard to Policy 9 of the Local Plan.
5. The first floor en-suite window shown on the northwest facing (side) elevation of the existing two storey outrigger shall be obscurely glazed to a minimum of level 3 on the Pilkington Scale (where 1 is the lowest and 5 the greatest level of obscurity) before the development hereby approved is first occupied, and shall be retained as such thereafter. Reason - To protect the amenities of occupiers of nearby properties having regard to Policy 9 of the Local Plan.

SITE LOCATION PLAN (NOT TO SCALE):

