

APPLICATION REPORT – FUL/350480/23
Planning Committee 19th July 2023

Registration Date: 8 February 2023
Ward: Waterhead

Application Reference: FUL/350480/23
Type of Application: Full

Proposal: Change of use from C3 (dwellinghouse) to 18 bedroom House in Multiple Occupation (Sui Generis) and associated works.

Location: 38 Ronald Street, Oldham, OL4 1NE.

Case Officer: Matthew Taylor
Applicant: Mr Sameer Zulqurnain
Agent: Mr. Mohammed Jamiul Choudhury

1. INTRODUCTION

- 1.1 The application is a minor development proposing a change of use of a dwelling to a House in Multiple Occupation (HMO). The application has been referred to Planning Committee for determination by Councillor Ahmad on the basis that there is high level of community interest in the application, and concerns about additional traffic and demand for on-street parking.

2. RECOMMENDATION

- 2.1 It is recommended that the application be approved subject to the conditions set out in this report.

3. SITE DESCRIPTION

- 3.1 The proposal relates to a large 18 bedroom dwelling that has been extended. Accommodation is spread over 4 floors (including the basement). It is positioned in a predominantly residential area characterised by traditional red brick terraced properties. There is a mosque on the opposing side of Ronald Street.

4. THE PROPOSAL

- 4.1 The proposal, as amended, is for the change of use of the property to form an eighteen bedroom house of multiple occupancy (HMO). The proposed plans show the proposed building configuration to be as follows:
- The basement to have a bike store, cinema/games room, study/work area, stores, utility room and bathroom;
 - The ground floor to have 7 no. bedrooms (with six having ensuite facilities), a shared kitchen/dining area, and 3no. shared bathrooms;
 - Level 1 to have 7 no. bedrooms (with three having ensuite facilities), 2no. shared

- bathrooms and a shared kitchen/dining/lounge;
- Level 2 to have 4 no. bedrooms (with two having ensuite facilities).

5. PLANNING HISTORY

- 5.1 PA/343898/19 - Change of use from residential to an educational institute (Use class D1), with a two-storey rear extension – Approved, with conditions, 05/02/2020.
- 5.2 HH/330517/11 - Single storey rear extension – Approved, with conditions, 01/07/2011.
- 5.3 HH/053793/07 - Two storey side extension forming garage, bedrooms and bathroom - 24/12/2007 – Approved, with conditions, 24/12/2007.

6. RELEVANT PLANNING POLICIES

- 6.1 The ‘Development Plan’ is the Joint Development Plan Document (Local Plan) which forms part of the Local Development Framework for Oldham. The site is unallocated by the Proposals Map associated with this document.
- 6.2 As such, 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; and,
 Policy 20 – Design.

7. CONSULTATIONS

CONSULTEE	FORMAL RESPONSE
Environmental Health	No objection, subject to the imposition of a bin storage condition.
Highways	No objection, subject to the imposition of a cycle storage condition.

8. PUBLICITY, THIRD-PARTY REPRESENTATIONS, AND COUNCILLOR COMMENTS

- 8.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council’s adopted Statement of Community Involvement, the application has been advertised by neighbour notification letters. In response, 7no. support representations and 44no. objection representations have been received raising the following (summarised) points:

Objections:

- A proposal (HMO) on such a scale will lead to an increase in traffic;
- This will lead to parking problems for the local residents and local community who already struggle with parking issues;

- The local area is already a very deprived area facing many problems;
- Residents are worried about who the proposed accommodation will be occupied by and believe it could lead to an increase in anti-social behaviour locally;
- Increase in littering and fly tipping and rubbish in the local area;
- There will also undoubtedly be a huge increase in noise created in the local area with the amount of vehicles travelling to and from the HMO;
- Concerns over comings and goings at all hours of the night which will affect the peace and lifestyle of the local residents and community;
- Out of keeping with character of area.

Support:

- There is a serious shortage of affordable housing in this area more generally and, specifically, for people with young families;
- There is no credible evidence to support the unsubstantiated concern that the proposal would create problems for local residents;
- A significant point is that there is a mosque directly across the road from 38 Ronald Street, some attendees at this mosque park illegally, partly or fully on the pavement and also in the alley between 38 Ronald Street and the property next to it such that there is no available on street parking directly outside or around 38 Ronald Street. The proposal would have no effect on parking in this area. For the above reason, neither would the proposal have any additional adverse impact on local traffic, parking, or creating any negative issues for the community;
- Tenants are likely to be individuals with moderate to urgent housing needs, it is deeply offensive and highly inappropriate to make unsubstantiated allegations that such tenants would be linked to criminal lifestyles;
- There is no evidence to suggest there is any causal link between the size of the property the subject of the proposal and fly tipping or any evidence to suggest there would be any form of noise disturbance simply as a result of a large property previously inhabited by a large number of people now, again, being similarly populated;
- There is also an existing fly tipping issue in the area, and that is something that needs to be rectified by the local council; and,
- There is no evidence to show that as yet unknown tenants would cause any tension to the locality, it being more likely than not that they would assist in bringing the community together and strengthen community cohesion.

Councillor Birch has also made the following comments on the development:

- Firstly, the parking in the area around this building is already overparked and there would be further danger to pedestrians with this development.
- Secondly, the development would lead to increase in crime and significantly increase community tensions as the development is located opposite a Mosque and Madrassa. There are also a large number of HMOs in the area that create issues of anti-social behaviour and criminality; this proposed development would add to an already volatile situation.
- Thirdly, there is already a deficit in local amenities in the area with little open space and lack of health facilities and there is inadequate space for refuse bin storage or bicycle parking on the site.
- As Ward Councillors, we have received large number of representations from local residents and would argue that the proposed plan for 23 bedrooms would substantially over-develop the site.

ASSESSMENT OF THE PROPOSAL

9. PRINCIPLE OF DEVELOPMENT

- 9.1 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 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 major bus routes and local shopping parades on Lees Road. Therefore, for the purposes of Policy 5, the site is 'very highly accessible'.
- 9.2 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, having regard to the requirements of policies 1, 3 and 5, the principle of the proposed development is considered acceptable.

10. RESIDENTIAL AMENITY

- 10.1 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.
- 10.2 It is considered that any outlook and potential for overlooking already exists and the proposed HMO would not materially alter the level of residential amenity for the occupiers of surrounding properties.
- 10.3 It is also important to consider the amenity of future occupiers of the proposed development. In this regard, all the rooms within the proposed 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 of a suitable size and layout for the future occupiers having regard to the requirements of Policy 9.

11. DESIGN AND INTEGRATION WITH LOCAL CHARACTER

- 11.1 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.
- 11.2 It is clear from the submitted plans that there are very minimal external alterations proposed and, in this context, it is considered that the development accords with the Policy 20 of the Local Plan.

12. HIGHWAY SAFETY

- 12.1 Policy 5 of the Local Plan requires that developments do not compromise pedestrian or highway safety and Policy 9 of the Local Plan states that the development will be permitted where it minimises traffic levels and does not harm the safety of road users. Crucially, NPPF paragraph 111 requires that, in considering planning applications, *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”* This therefore provides the key test for considering this (and other) proposal in relation to highway safety.
- 12.2 The change of use is located in an established residential area with some links to public transport, opportunities for walking and cycling and access to amenities. The Council's Highway Engineer has been consulted regarding the proposals and has raised no objections on highway safety grounds.
- 12.3 The concerns raised with the number of bedrooms without dedicated off-road car parking spaces are noted. However, it is generally found that that car ownership for residents of this type of accommodation is low, but the fact cannot be dismissed that a percentage of the residents will likely own a vehicle. The demand for on-street parking on Ronald Street is already high and the proposals will inevitably add a small level of additional demand. However, this this additional demand is not considered to result in an unacceptable impact on highway safety or result in a severe impact on the highway network. There are also no national or local car parking standards to make the assessment of this proposal against. To this end the development does not warrant a recommendation of refusal on highway safety grounds.

13. CONCLUSION

- 13.1 The proposal is considered compliant with Development Management Policies 1, 3, 5, 9, 11 and 20 of the Oldham Local Plan, and the guidance within the revised National Planning Policy Framework. It is therefore recommended that the application be approved, subject to the imposition of the conditions provided below.

14. 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 development hereby approved shall not be brought into use unless and 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. The development hereby approved shall not be brought into use 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 and the agreed scheme has been fully implemented. Thereafter approved facilities shall at all times remain available for use. REASON - To ensure that the site is not used in a manner likely to cause nuisance to occupiers of premises in the surrounding area, having regard to Policies 9 and 20 of the Oldham Local Plan.

SITE LOCATION PLAN (NOT TO SCALE):



Location Map scale 1:1250