

APPLICATION REPORT - PA/341496/18

Planning Committee, 18 July, 2018

Registration Date: 08/05/2018
Ward: Failsworth East

Application Reference: PA/341496/18
Type of Application: Full Planning Permission

Proposal: Change of use from C3 dwelling to 7 no. bedroom HMO with infill extension on the rear ground floor

Location: 16 Pole Lane, Failsworth, Manchester, M35 9PB

Case Officer: Tessa McKee

Applicant Agent : Mosaic Holdings Ltd
DnA Group

THE SITE

16 Pole Lane, Failsworth, is a mid-terrace two-storey residential property with additional accommodation within the roof space. It is located within the Failsworth Pole Conservation Area.

THE PROPOSAL

Planning consent is sought for a change of use from a dwelling (Class C3) to 7 no. bedroom House of Multiple Occupation (HMO).

The change of use would include a small infill single storey extension on the rear ground floor; and replacement rooflights.

The Design and Access statement states that the HMO is intended to provide fully furnished accommodation to working professionals.

RELEVANT HISTORY OF THE SITE:

None.

RELEVANT PLANNING POLICIES & GUIDANCE

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 11 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.

Joint Development Plan Document

Policy 1 - Climate change and sustainable development

Policy 3 - An address of choice

Policy 9 - Local Environment

Policy 11 - Housing

Policy 20 – Design

Policy 24 – Historic Environment

CONSULTATIONS

Highway Engineer

No objections. Recommend a cycle parking condition.

REPRESENTATIONS

The application has been advertised by means of neighbour notification letters and a site notice.

Councillor Briggs has requested that the above application is considered at Planning Committee.

Councillors Briggs, Brock and Jacques have raised concerns with the scheme. Letters of objection have also been received from 13 objectors. The concerns are summarised below:

- The use will result in obstruction to access and exacerbate existing parking and traffic issues;
- Loss of affordable family housing and change of nature of local family area;
- Concern regarding the location and number of refuse bins;
- Concern of type of tenants, that they may be transient, and at the level of noise and activity from 7 people;
- Concern of security, safety and privacy;
- Use will be detriment to the Conservation Area;
- No details who will manage the property, and whether they live in Oldham;
- Disruption during building works;
- Garden and outlook detrimentally affected by extension;
- Exacerbate vermin (rats) in the local area.

PLANNING CONSIDERATIONS

Principle of the proposed development;

Amenity;

Highway safety;

Local Character of Area.

Principle of the proposed development

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.

DPD Policy 11 requires all residential developments to deliver a mix of appropriate housing types, sizes and tenures to meet the borough's needs and demands, in locations where they

are appropriate to the area, and accessible to public transport and key services. Policy 11 requires proposed HMOs to demonstrate 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.

The proposal relates to a conversion of a 5 bedroom dwelling house to a 7 bedroom HMO which is intended to provide fully furnished accommodation to working professionals. In principle the proposed use will retain a form of housing supply within a sustainable location. However, the impact on amenity, highway safety and character of the area are to be carefully considered.

Amenity

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 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.

It is also important to consider the fall-back position under current permitted development legislation. This would allow the property could change use to a six-bedroomed HMO (Class C4) without the requirement of planning permission. In assessing the impact, the provision of the seven bedroomed HMO is not considered to have a significantly greater impact on amenity than six bedroom HMO. Given, the potential levels of activity which could result from the existing use and fall-back position, it is not considered reasonable to refuse the application on its impact on neighbouring amenity in this instance.

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 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.

The proposed single storey extension is set away from the shared boundary and limited in height. As such it is not considered to have a negative impact on neighbouring amenity.

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 Policy 9 and 11 in protecting the amenity of future occupants.

Highway Safety

It is appreciated that the proposal may increase the demand for on-street parking. However, the Highway Engineer does 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.

Local character of the area

The property is a mid-terrace dwelling within the Failsworth Pole Conservation Area. The original frontage and form is to be retained, external alterations are limited to a small single storey extension to the rear of the property and replacement roof lights. The traditional appearance would be retained and the alterations (subject to conditions) would not undermine the character of the Conservation Area.

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 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.

Conclusion

Given the above considerations, the proposed change of use from a dwelling house (C3) to a House in Multiple Occupation (sui generis) and associated physical alterations are considered to comply with the relevant policies of the Oldham DPD and advice contained within the National Planning Policy Framework

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 plan 'Dwg.No.P02 Rev B' received on the 4 July 2018.

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

3. All roof lights shown on drawing no.P02 Rev B shall be of a 'conservation style' to sit flush with the roof surface and shall not protrude from the roof plane.

Reason - To ensure a sympathetic relationship with the character and appearance of

the host building and the Failsworth Pole Conservation Area.

- Secure cycle parking facilities shall be provided within the site prior to the first occupation of the development hereby permitted. Such facilities shall thereafter remain available for users of the development.

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

- The development hereby permitted 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.

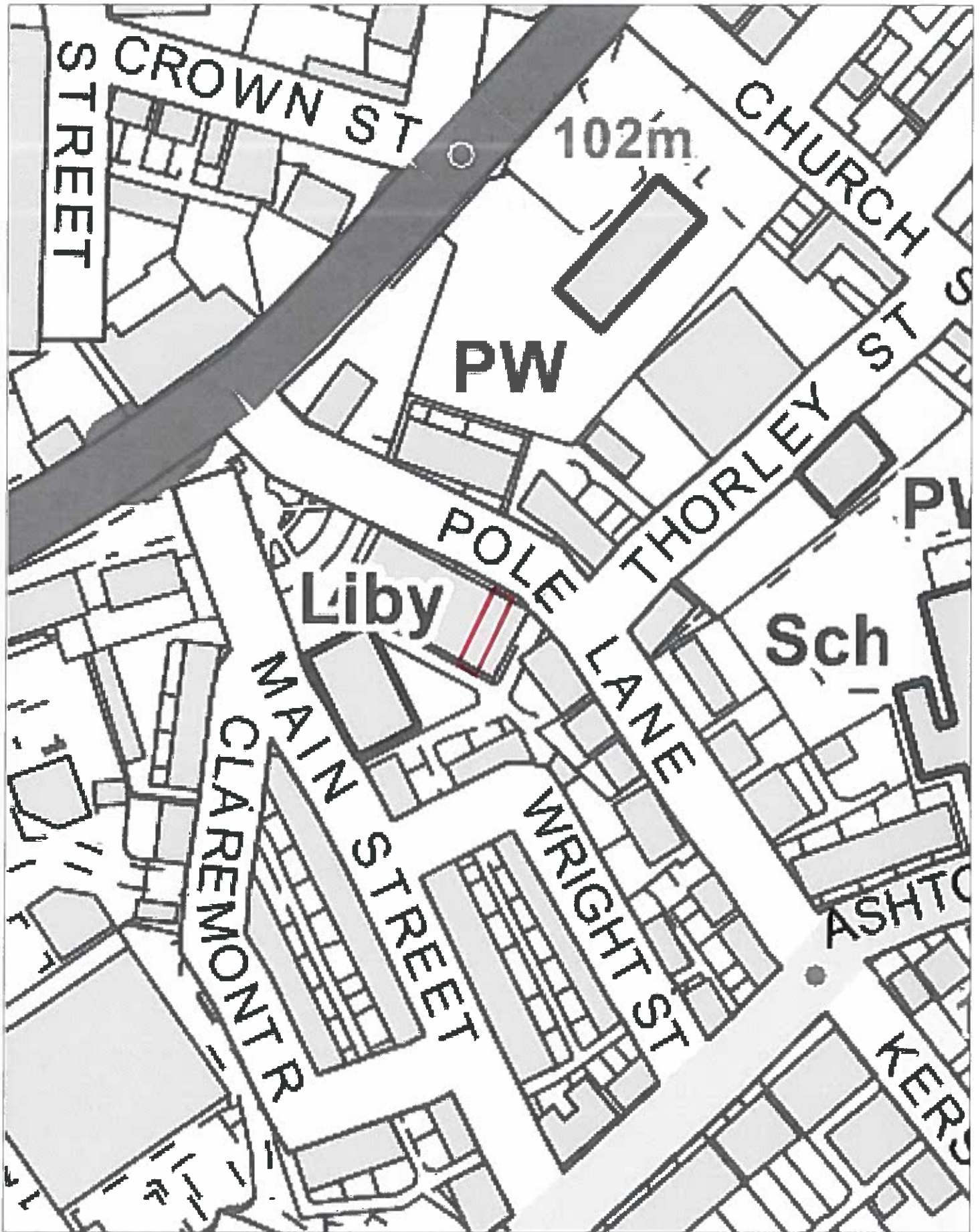
Reason - To ensure that the development is not used in a manner likely to cause nuisance to occupiers of premises in the surrounding area.

..... **Case Officer**

..... **Date**

..... **Planning Officer**

..... **Date**



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