

# APPLICATION REPORT - PA/340929/17

Planning Committee, 17 October, 2018

**Registration Date:** 13/10/2017  
**Ward:** Royton South

**Application Reference:** PA/340929/17  
**Type of Application:** Full Planning Permission

**Proposal:** Change of use from office to 9 bed HMO (sui generis)  
**Location:** 318 Oldham Road, Royton, OL2 5AS  
**Case Officer:** Richard Byrne

**Applicant:** Hunter Capital  
**Agent :** Grant Erskine Architects

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## Update report - 17 October 2018

Members may recall this application was deferred at the Planning Committee held on the 19 September 2018.

Following the decision to defer the application the Applicant has subsequently lodged an appeal with the Planning Inspectorate on the grounds of non-determination under reference APP/W4223/W/18/3212543. As such, Members are made aware that the determination of the planning application now rests with the Planning Inspectorate.

The purpose of this update record is to ask that Members consider the application and now provide a view on how a decision would have been reached.

The decision of Members will then be sent with the background papers to the Planning Inspectorate who will then decide on the application.

## Update report – 19 September 2018

Members may recall this application was deferred at the Planning Committee held on the 21 March 2018. The following questions regarding the proposal were asked by Members to provide more information to assist with the determination of the application.

1. What are the proposals for the storage and collection of refuse for the proposed development?
2. Do the bedrooms meet the national standards in providing a good level of accommodation?
3. How to prevent any overlooking from the proposed bedrooms onto existing properties across Arlington Close.
4. Details of the future management of the proposed HMO.
5. How would the fumes from any cooking process in the kitchen be dealt with?
6. Clarification on the resident parking permit scheme.

### 1. Refuse storage and collection

An amended plan has been received which shows the basement floor layout.

It is proposed that an internal door would connect the kitchen to the existing integral garage. The existing garage would be used as an internal bin and bike store with inward opening doors that would lead out onto Arlington Close.

The plan shows eight 360 litre bins (four general waste, two for paper and cardboard, two for glass, plastic and cans) and one 140 litre bin (food waste) in the garage space. A keypad entry panel is shown on the outside wall adjacent to the door opening.

Environmental Health and the Waste Management Section of the Council in principle consider the level of bin provision would adequately serve the future occupiers of the building.

It is therefore considered the scheme provides a sufficient secured area within the building to cater for the level of future occupiers of the property in respect of the storage of waste.

The amended scheme demonstrates that collections can be made from the building. The door opening and external keypad would allow independent access into the garage when occupiers are not present, and the existing lowered kerb ensures bins can be brought out safely. To ensure collections are made on a regular basis by the Council or by a private contractor to serve the building, it is considered expedient to secure the submission of details of how refuse will be collected by a planning condition prior to the first occupation of the building.

On the basis of the amended plan and the attachment of a planning condition it is considered that the storage and management of refuse can be accommodated to serve the future occupiers of the building.

## **2. Bedroom sizes**

The proposed floor plans have been accompanied by a supporting document to show the bedrooms all comply with the National Housing Technical Standards and HMO Standards as single occupancy rooms.

Environmental Health who are responsible for the regulation of HMOs have confirmed the bedroom sizes comply with the HMO Standards. Given the rooms comply with the housing technical standards it is considered there is a sufficient amount of space within the building for future occupiers.

## **3. Overlooking from the proposed bedrooms**

It is proposed to retain the position and size of the upper floor rear windows which lead to bedrooms 4 and 9 i.e. the rear outrigger at ground floor and first floor level. However, it is proposed to apply a film to the inside of the window to reduce the amount of clear overlooking that may occur. The film would comprise thicker obscure banding at the bottom of the window which gradually thins at the top. The bands would have an obscured glazed appearance similar to conventional bathroom windows.

It is considered the method of obscurity would result in an acceptable balance between maintaining the bedroom's outlook and the privacy of 2-4 Arlington Close. To ensure the details are fully implemented, it is considered expedient to attach a planning condition to this recommendation.

## **4. Details of the future management**

The applicant has submitted a plan for the management of the proposed house in multiple occupation. The plan sets out the following:

- Management company will conduct the application process for new tenants;
- Fortnightly inspections of the building will be carried out by the management company;
- Gas certificates will be obtained annually, electrical testing will be carried out prior to any occupation;
- Fire Risk assessment has been carried out and means of escape and meeting point will be made available on a noticeboard within the building;
- There will be a non-smoking policy on the site;
- A safety signage scheme will be implemented within the building;

- Contact details of the management company to be provided to address any future issues quickly.

The Environmental Health team have assessed the management plan and consider it acceptable. As they are responsible for the regulation of HMOs they will inspect the property to make sure it is safe and suitable for occupation and they will grant a licence for the property. Upon granting a licence for the property there would be conditions attached to it and will set a maximum occupancy limit for the HMO based on the amenities provided in the accommodation. The conditions are attached to regulate the way in which HMOs are managed and maintained under the provisions of the Housing Act 2004.

## **5. Cooking fumes**

The revised floor plan shows two domestic cookers in the kitchen which would be extracted by a mechanical system at 30litres per second. The fumes would be taken through the outside wall at ceiling height to a recessed area on basement level. The recessed area faces Arlington Close.

It is considered the proposed system would serve the future occupiers of the building and no objection has been raised by Environmental Health.

## **6. Parking permits**

Arlington Close and the car park at the rear of Oldham Road (adjacent to the rear of the Esso petrol filling station) are included in the Carlton Way Residents Parking Scheme. Streets in the original scheme, which were allowed two passes per property are Carlton Way, Cumberland Drive, Dorchester Drive, Berkley Drive, Norfolk Way and Regent Crescent.

Streets in the extended scheme (Monday to Saturday 0800 Hours – 2000 Hours) were also allowed two passes per property and these are Carlton Way, Strand Way, Mayfair Drive, Westbury Way, Grosvenor Way, Palace Gardens, Hillbre Ave, Downham Close and Arlington Close.

Any holder of a permit included within the residents' parking scheme is permitted to park in the areas included in the scheme. So, for example a permit holder living on Carlton Way could park on Arlington Close if required.

Eight permits were issued to the building when it was used as offices and these will be cancelled when that use ceases and they are no longer required. If a resident of the building requires a permit, they will apply in the normal way and will more than likely be issued with a permit, because the building will still be included within the overall residents' parking scheme.

On the basis of the additional information provided, it is considered that the applicant has adequately addressed the previous concerns of Planning Committee in relation to the living standards of future residents and the amenity impact on the surrounding area. In conclusion, the application is recommended for approval subject to the amended conditions attached to this report.

## **Original Report - March 2018**

### **THE SITE**

This application relates to an end of terrace property currently occupied by an accountancy firm. The building has been extended to the rear with a pitched roof extension and a further two storey flat roof addition beyond. There is a lower ground floor integral garage to the rear of the building which leads directly onto Arlington Close.

### **THE PROPOSAL**

Planning permission is sought for the change of use from an office to a 9 bed House of Multiple Occupation (HMO).

The proposed 9 bedrooms would occupy the ground and first floor of the building and would each have a shower room / en suite. Access is attained from the front of the building with an ancillary access gained from the lower ground and rear of the building. A shared living room and kitchen would be in the lower ground floor with two new windows in the side elevation facing 314-316 Oldham Road / Arlington Close.

There is an integral lower ground floor garage towards the rear of the building which faces 314/316 Oldham Road and is accessed from Arlington Close. The garage has an internal access from the kitchen area and is proposed to be used for bin and cycle storage.

## **RELEVANT HISTORY OF THE SITE**

None.

## **RELEVANT PLANNING POLICIES AND 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 DPD 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 public transport choices; and,  
Policy 9 - Local environment;  
Policy 11 - Housing;  
Policy 19 – Water and Flooding;  
Policy 20 - Design;  
Policy 23 - Open spaces and sports; and,  
Policy 25 - Developer Contributions

## **CONSULTATIONS**

Environmental Health	To be reported
Highway Engineer	No objection, subject to a condition to secure adequate cycle storage for future occupiers.

## **REPRESENTATIONS**

The proposed development has been advertised by means of individual consultation letters sent to the occupiers of the neighbouring properties and a site notice erected adjacent to the site. 10 representations along with a petition containing 11 signatures have been received on the following grounds:

### *Character of the area*

- The type of use is not appropriate for this area;
- Adversely affect character of the area

### *Affecting existing level of amenity*

- Unnecessary disruption and noise will occur;
- The office does not create disruption during the evening and the noise created by 9 occupants would affect the community;
- Potential increase in anti-social behaviour;
- Overlooking from the proposed development;
- Nowhere for storage and collection of refuse;

#### *Impact on Future occupiers*

- Unsuitable kitchen area for the number of potential residents;
- Lack of means of fire escape;
- Only one entry point, no windows in the kitchen;
- No ventilation for some of the shower rooms;

#### *Parking and highway safety*

- Lack of parking on the street to accommodate the proposed use;
- Parking permit scheme is at capacity;

#### *Other matters*

- Adversely affect value of properties;
- Type of housing has been well documented in the press of associated problems;
- Questions the background of future tenants.

## **PLANNING CONSIDERATIONS**

The main issues for consideration comprise the following:

- Suitability of the proposed use;
- Loss of office space; and,
- Effect on the appearance of the area.

### **Suitability of the proposed use**

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.

#### *Local character of the area*

The application site is located on a main thoroughfare connecting Oldham and Royton. Although there is the Royal Oldham Hospital, Oldham Athletic Football Club and St Anne's Primary School in the vicinity, the area is predominantly residential interspersed with a number of small scale commercial uses.

In the area immediately surrounding the application site there is a public house (currently closed) and a building used by the NHS (314/316 Oldham road), a row of terraced houses (the application property is the end of this terrace) with a small residential cul-de-sac containing 10 dwellings (Arlington Close) to the rear. The presence of all the different buildings and uses all contribute towards the character of the area.

Having regard to the prevailing character of the area, the proposed use is akin to a residential use, although occupancy could be on a 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 or having a harmful effect on

the local character of the area.

*The level of residential and workplace amenity of future and neighbouring occupants*

It is not considered the proposed HMO would have an adverse effect on the adjacent NHS building, 314/316 Oldham Road.

In respect of 320 Oldham Road, it is noted that there would be the potential of internal noise from the HMO to the attached residential property. To reduce the level of potential internal noise, an appropriately worded condition to secure a soundproofing scheme would ensure the level of disturbance would be kept to within an acceptable tolerance. Although there would be the potential of an increase in the comings and goings of tenants it is still a residential use. Access to the front is no different than any other front of property relationship that exists in the immediate area and as such it would be unreasonable to refuse the application on having an adverse effect to the amenity of 320 Oldham Road in respect of noise and disturbance.

The rear of the application building faces the front of 2 and 4 Arlington Close. There are presently two windows in situ on the rear elevation of the building which are at a first and second floor level. There is an intervening distance of appropriately 13 metres between the existing windows and the front of 4 Arlington Close and 15 metres to the front of 2 Arlington Close. It is noted the size of the openings would remain unchanged but the use of the rooms would be changed to bedrooms.

This separation is below the normal privacy standards which would apply to new development; however, it is acknowledged the use of the room would change however, given the relationship between the openings is well established it would be difficult to sustain a refusal on the grounds this would result in a new overlooking position and a loss of privacy to the residential properties in comparison with the established office use.

Objections have drawn attention to the limited waste refuse provision associated with the proposed use. Amended plans have been received which shows an internal door linking the lower ground integral garage with the kitchen. This would provide adequate secure storage space for the bins and space for bicycles within the building.

Environmental Health have been notified of the amended plans and their response will be reported as a late item, but in principle the amendments would alleviate concerns providing adequate bin storage for the proposed HMO.

The internal configuration of the HMO has been considered against the DCLG Technical Housing Standards – Nationally Described Space Standard document which is a material consideration in the determination of this application. Using the guidance document it is considered the residential units provide a sufficient amount of internal amenity space for the individual and shared rooms.

The appropriateness of means of fire escape and mechanical ventilation of bathrooms (room without windows) would be matters assessed through Building Regulation approval and is not a material consideration in the determination of this application.

There are two windows proposed in the lower ground of the side elevation facing Arlington Close to provide natural light into the lounge section of the building. Although there are no windows in the kitchen, in this instance it is not considered this would result in a significant loss of amenity for future occupiers where the prominent use of this space is for food preparation and consumption only. An appropriately designed mechanical internal ventilation system would mitigate smells and odors from cooking of foods.

In relation to concerns raised that the proposal could result in increased anti-social behaviour, potential of criminal activity and possible safety risks; should any of these issues arise they would need to be dealt with by the appropriate authorities. In this instance, whilst the concerns of residents are noted, there is no substantive evidence that the use would definitely and directly result in anti-social behaviour and as such it is not considered that this

could be used as a ground for refusal.

Residents have raised concern that the proposal would have a detrimental impact on property values in the area. Members will be aware that this is not a planning consideration that can be taken into account in considering the merits of a proposal.

Therefore, subject to the outstanding comments from Environmental Health, it is considered that the effect on existing surrounding properties would be acceptable and the proposal would adhere to DAD Policies 9 and 11.

#### *Traffic levels and the safety of road users*

The Council's Highway Engineer considers that the amount of traffic generated by the proposed change of use is expected to be significantly less than that generated by the current use. The site is in a highly sustainable location with excellent links to public transport and there are excellent pedestrian links to a range of facilities in the area.

The development would therefore be in general accord with DAD Policies 5 and 11 in respect of sustainability. Furthermore, the ground floor garage would have the capacity to provide adequate cycle parking which will be secured by planning condition.

A Residents Parking Scheme is in operation on Arlington Close. When this was implemented, the number of buildings to be included in the scheme would have been considered and the residents and users of those buildings would have been informed that they could apply for a parking permit. The application site (as an office) was included in this and the same eligibility criteria for new parking permits would apply for future residents.

There is a limited amount of space on Arlington Close and the number of permits issued to any future residents would be carefully considered. It is noted however the properties on Arlington Close do have driveways and this mitigates a heavy reliance on-street parking. The residents' parking scheme will continue to operate and permit holders will continue to park on Arlington Close.

It is not considered there would be a significant increase in the demand for on-street parking as the expected amount of car ownership by occupiers of HMOs being low. If future occupiers do own a car, and are issued with a permit, they will have the same rights as all other permit holders to park legally on the highway.

Given the above it is considered there will be no significant adverse impact on the local highway network and therefore no objection is raised on highway safety grounds.

#### **Loss of office space**

The building has an established use as an office and is afforded some protection as an employment generating use under DPD Policy 14. Whilst the proposal would result in a non-employment use occupying the building, the surrounding area is predominantly residential. Historically, the application site has been converted from a dwellinghouse into the current office. Taking into account the character of the area and the small scale of the accommodation, it is not considered the loss of the employment generating use in this instance would result in a significant loss to the amount of employment generating sites across the borough and in the locality of the application site.

#### **Effect on the appearance of the area**

The proposed alterations to the building are minor in nature, namely the introduction of two north facing lower ground floor windows and the alteration from a door to a window (also on the north facing side elevation). It is considered the proposed works would not harm the general appearance of the building and the wider streetscene.

#### **Conclusion**



It is considered that the loss of the office space is acceptable given the context of the surrounding area and that it would not prejudice the amount of employment space opportunities across the borough. The siting of the proposed residential development would not place an undue burden on surrounding land uses and provides an acceptable level of internal amenity for future occupiers. Taking into account the sustainable location, and that there are no concerns in respect of highway safety, the proposal is considered to be broadly consistent with relevant local and national planning policies.

## 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 permitted shall be fully implemented in accordance with the following approved plans and specifications:

Drg No. (90)A001 - Location Plan, received 13 October 2017;

Drg No. (90)A002 - Site Plan, received 13 October 2017;

Drg No. (2-)A001 Rev E - Proposed Basement Plan, received 6 September 2018;

Drg No. (2-)A002 Rev A - Proposed Ground Floor Plan, received 10 September 2018;

Drg No. (2-)A003 Rev B - Proposed First Floor Plan, received 25 June 2018;

Drg No. (2-)A004 Rev B - Proposed Elevations, received 6 September 2018.

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

3. Prior to the first occupation of the HMO, details of secure cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The duly approved cycle facilities shall be installed and made available for use before the building is first occupied and shall remain available for users of the HMO in perpetuity.

Reason - To ensure adequate cycle storage facilities are available to users of the HMO to encourage travel by more sustainable modes of transport.

4. Prior to the first occupation of the building, details for the arrangement of waste collection for the amount of waste storage shown on Drawing Number (2-)A001 Rev E shall be submitted to and approved in writing by the Local Planning Authority. The waste storage and refuse scheme shall then be fully implemented before the first occupation of the building and retained in perpetuity.

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

5. No development shall take place unless and until a scheme to soundproof the party wall with 320 Oldham Road, and the wall and ceilings between the bedrooms of the HMO has been submitted to and approved in writing by the Local Planning Authority. All such works that form the approved scheme shall be completed before the HMO is brought into use and shall be retained at all times thereafter.

Reason - To protect the future occupiers of 320 Oldham Road and the future HMO occupiers from internal noise.

6. The materials to be used in the construction of the external surfaces of the

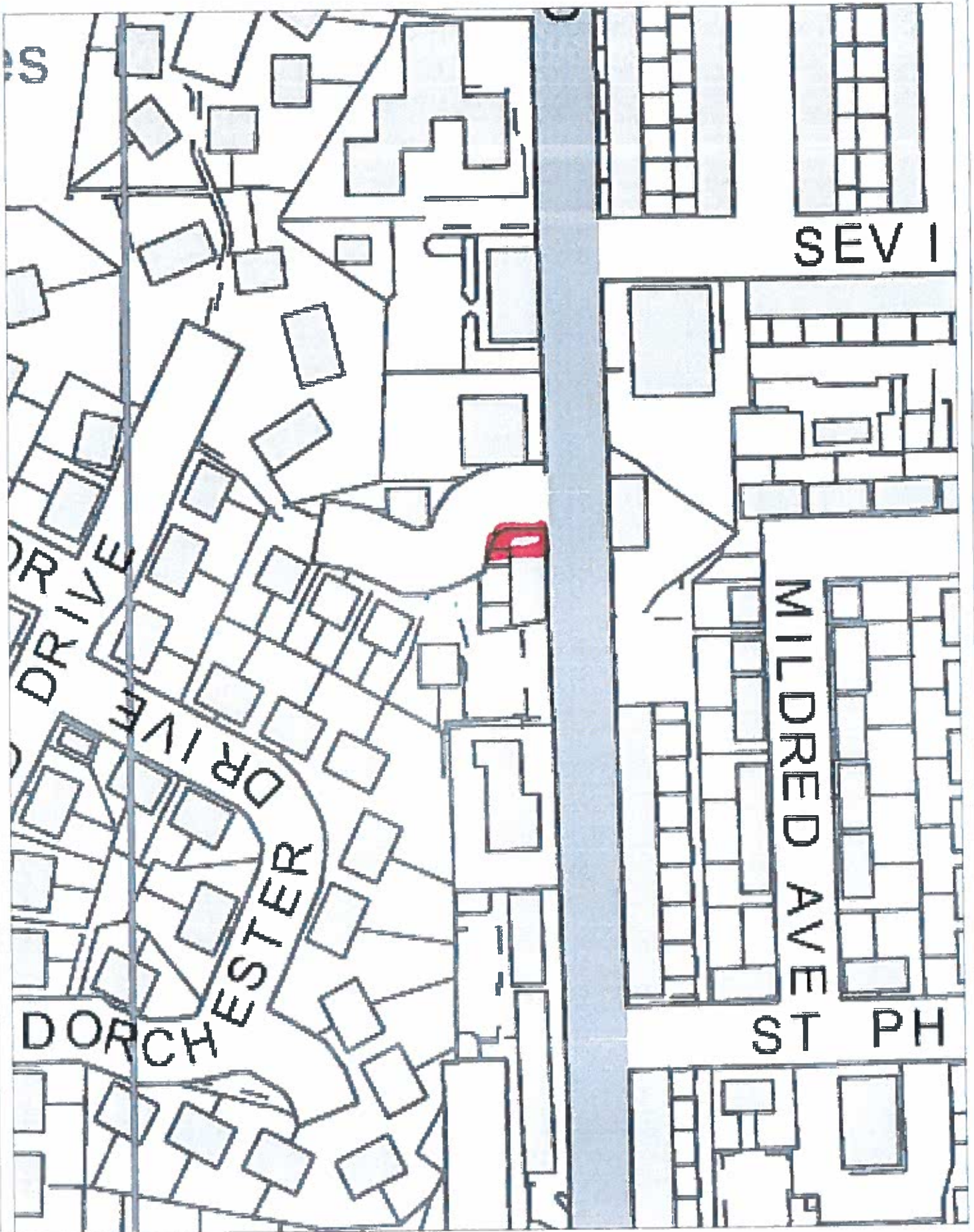


development hereby permitted shall match those used in the existing building.

Reason - In order to ensure a satisfactory appearance in the interests of visual amenity.

7. Prior to first occupation of bedrooms 4 and 9 as shown on the approved plan, the bedroom windows in the rear elevation of the building shall be provided with and permanently obscurely glazed in accordance with a scheme which has been previously submitted to and approved in writing by the Local Planning Authority. The obscured glazing scheme shall remain in perpetuity.

Reason - To respect the amenity of 2 and 4 Arlington Close.



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**OS** Ordnance Survey

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