

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 23/10/2023	Ref: 70000/FUL
Registration: 05/09/2023	LDfC: 28/09/2023	Expiry Date: 31/10/2023
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 13	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: COUS

Proposal: Change of use from hotel to 18 bedroom (single occupancy) HMO (Sui Generis) and single storey rear extension

Location: Hawthorn Hotel, 137-143 Stand Lane, Radcliffe, Manchester, M26 1JR

Description

The application relates to a former hotel which fronts Stand Lane. There is a mix of commercial and residential properties to the north western end of Stand Lane with residential development predominantly characterising the upper part of Stand Lane to the south east. There are also residential properties to the rear of the premises and off Woodvale Road opposite the site to the west .

The property is a 2 storey building with a single storey rear extension and a car park and area to store bins at the rear.

The former hotel provided 17 bedrooms (5 at ground floor and 12 at 1st floor) all en suite apart from bedroom no.16. The remainder of the ground floor provided hotel facilities comprising a lounge and dining area and the hotel kitchen and staff room. The applicant has not stated when the hotel ceased its operations.

The application seeks the change of use to an 18 bed (single occupancy) HMO and a single storey rear extension.

The internal layout plans proposes -

Ground floor - 6 no. bedrooms in total including one bedroom which would be created in the proposed single storey rear extension. The extension would infill an area between the main rear wall and existing single storey outrigger and would be 5.7m wide and 3m deep. The window on the main rear elevation would be moved to the side elevation to serve as the opening to bedroom 16.

Four bedrooms would be en-suite. The plans do not show bathroom facilities would be provided for 2 no bedrooms.

The existing lounge, dining room and kitchen would serve as the communal facilities. The proposed plans also show the staff room would remain.

First floor - 12 no. bedrooms with en-suite facilities.

The existing car park at the rear would be utilised to provide 5 spaces and there is an area to store bins.

The application is retrospective as there are already people occupying the rooms and using the shared facilities.

Relevant Planning History

62383 - Demolition of existing single storey rear wing and erection of self-contained living accommodation at rear for hotel management; Alterations to car park and access to King Street - Approve with Conditions 02/03/2018
22/0400 - Change of use of hotel to HMO and single storey rear extension - 30/08/2023

Publicity

Letters sent to 23 properties on 6/9/23.

13 objections received which raise the following issues -

- I fear that it will lead to even more anti-social behaviour and parking issues on Stand Lane.
- Likely to reduce house values on private estate opposite (Woodvale Drive).
- Eyesore right at the entrance to the estate.
- HMO in this area in all likelihood will be cheap rentals to be utilised by the council or government for short term transient individuals. Unlikely to be active contributors to the local family friendly community. Contrary to the spirit of the imminent investment and regeneration for Radcliffe. We need good affordable housing for families in this area, not cheap converted hotels for single occupancy, designed to produce financial yield for private landlords.
- There are more than enough HMOs in Radcliffe already. I don't think our town has the infrastructure to support this plus all the new residents that will move in when the Green Street multi storey apartment block is completed. This will put a strain on GP surgeries and other local services. I am unsure why it is still being classed as hotel as I doubt that the police and ambulance services would turn up so frequently to a hotel.
- Radcliffe is at bursting point and no amenities or infrastructure for what we already have as it is, there are too many plans being approved by this council to build, your turning Radcliffe into the Bronx, so I object strongly to this planning application
- This building has already attracted numerous complaints and attention from the Police. Giving it an extension and reclassifying it as a HMO is only going to make the situation worse. The local residents are already not happy with the current situation. Although we already know you will do what is best for the council.
- The building is essentially already being used in this manner, the upshot being near constant attendance by the police and other emergency services due to the actions of the residents. The hotel as it stands is a nuisance to local residents, and this change is merely rubber-stamping what is already in place without the consent of anyone living nearby.
- The council needs to find out how many police and other emergency service visits have been made to the premises in each of the last 12 months and let that inform their decision as to whether it is appropriate for this to continue.
- Additionally there are not sufficient local facilities to support this, particularly in terms of parking.
- There is a problem with the policy of Bury Council in allowing such applications and I find it frustrating that planning rules override the concerns raised by local groups and neighbours.
- I have very low confidence that the Council would enforce any breaches of the proposed tenants agreements or with ongoing maintenance of the property. I accept that conversion of larger properties to flats or HMO's can provide much needed accommodation, however where high concentrations of such conversions can bring about amenity issues and create unbalanced communities.
- Exceptional circumstances will need to be demonstrated for this application to be permitted but right now I cannot see any justification for allowing it. These particular premises are currently being used for a purpose for which they are not licensed and recently there has been an increase in inappropriate and anti-social behavior which unfortunately has generated an increase in police attendance and anxieties for nearby residents. It's previous usage was that of a well established hotel, an application for a HMO is starkly different in character. Furthermore it's current usage has already impacted on the local residents, causing concern for their families safety and well-being.

Approval of this application would put the town in jeopardy of becoming a further un-balanced community and heavily saturated with sheltered, temporary and supported housing.

- Stand Lane has limited parking which is already causing major issues with traffic, speeding etc. Unfortunately HMO's are stigmatised due to public perception and have a negative effect on local amenities, furthermore there are already too many in the area. Such a high concentration of this type of property can lead to a breakdown in community cohesion and it is important for numbers to be capped in areas of high density. One thing that Bury Council fails to implement are the obligations on landlords to maintain and upkeep premises leading to a decline in living standards
- There is a primary school close by and I want to know if our children will be safe from the usual drugs crime that always follow HMO properties. They have a very poor record of maintaining standards of living and anti social behavior is rife.
- There is nowhere other than for them to loiter at the front of the property.
- This scheme does not fit with the SRF for Radcliffe.
- We have 16 registered HMOs in the Town already.
- Too much arguing fighting and police and ambulance on the front all the time no matter the time of day. Awful place to have in the middle of a nursery and a primary school. Owner just minds his own business and doesn't listen to our complaints. Drug addicts in there and taking drugs near my house.
- Owner has been stolen off a few times which goes to show what kind of people he can have in there and I don't feel comfortable endorsing turning this building into a HMO to have more of the same. My children have seen and heard all sorts of behaviour from people in that building. The owner is money driven and I don't think he cares who he lets through his doors as long as he gets paid and to hell with the rest of us who have got to live in this area and deal with having to comfort our children at 11pm who have been woken up from the shouting and the police turning up. Just an awful place that brings the area down and makes it unsafe for our children to play out. I hope it gets denied.

Statutory/Non-Statutory Consultations

Traffic Section - Object on conflicting and insufficient information.

Environmental Health - Contaminated Land - No objection

Environmental Health - Pollution Control - No comments to make

Housing - Public Protection - Sub-standard facilities

Adult Care Services - No response

Waste Management - No response received.

Greater Manchester Police - designforsecurity - Object due to number of reported incidents at the property and related criminal activities.

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EN1/2	Townscape and Built Design
EN1/5	Crime Prevention
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H2/4	Conversions
EN7/2	Noise Pollution
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
SPD13	Conversion of Buildings to Houses in Multiple Occupation

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury

Unitary Development Plan (UDP) together with other relevant material planning considerations. The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP Policy will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Principle

Policy H2/4 - Conversions specifically has regard to effects on amenity of neighbouring properties, general character of the area, amenity of occupants, effects from external changes on the street scene and car parking and servicing requirements.

It is acknowledged that the conversion of buildings to HMO's can often make an important contribution to local housing stock.

In this case, the assessment of the proposed development needs to consider what impact the use for 18 occupiers would have in planning terms in relation to the suitability of the site and location, impacts on amenity, nature of the local environment, surrounding land uses and highway issues.

Character of the proposed use and layout

In terms of the internal arrangements, it is proposed to convert the ground floor to form 6 no. bedrooms, one of which would be formed within the extension which is proposed to the rear of the building. At the first floor there would be 12 no. bedrooms.

Communal facilities on the ground floor would provide a kitchen and lounge/dining area to be shared by all occupiers. The proposed plans also show a staff area provided at the ground floor.

There are a number of issues with the proposed layout -

- At the ground floor, there are 2 no bedrooms with no en suite facilities or shared bathroom facilities. This would not be acceptable in terms of providing necessary facilities. If this is an omission on the plans, insufficient information has been provided.
- The existing window on bedroom 16 would be moved to the side elevation to facilitate the position of the extension. The window would be the only opening to this bedroom and being located on the side would directly face the boundary fence which would only be 2.1m away. This is not ideal in terms of providing satisfactory living conditions for an occupier.
- At first floor, 12 no. bedrooms would be provided. Bedroom no. 9 would not comply with the required space standards for an HMO and as such would provide unacceptable living conditions.
- There is no entry door to bedroom no. 10. Likely this is an omission of the plans and therefore insufficient information submitted.

Given the above, the layout and facilities would be sub-standard.

Whilst the property formally operated as a 17 bedroomed hotel, such establishments are generally orderly and patrons would tend not to have a considerable amount of interaction on a daily basis or use the shared facilities of living/dining room for intensive periods of time, compared to an HMO where residents, and all of them together could reside most of the day and night. Eighteen people living in one shared property as a 'single household' can create tensions, particularly when using the shared facilities. If most of the occupiers wanted to use the kitchen facilities for example, this can cause conflicts and hostilities and would be far from ideal living conditions.

In terms of the external layout, the main change would be to add a rear extension which would be located within a yard area and apart from the car park, is the only outside space which serves the property. Although it is already limited in size, this space could be used as an amenity area although it is not annotated on the proposed plans. In fact, no external amenity space is shown to be provided. For property accommodating 18 people it would be expected that areas for sitting out and/or areas to dry clothes be provided and it is therefore considered that insufficient information has been submitted to demonstrate acceptable levels of amenity space would serve the proposed development.

Two commercial bins are shown to be located in the car park. Those would not provide sufficient capacity for 18 people for both household and recycling waste.

National Design Guide requires new housing to have adequate space for refuse storage provision and outside amenity and in this case, the significant increase in occupation would exert unacceptable pressure on a property to provide for existing and future occupiers in these respects.

Seeking to 'cram' in as many people as possible into this particular property would be neither good planning nor considers the well being of future occupiers. An HMO should provide no lesser standards of accommodation or amenity than would be expected of similar types of development.

It is therefore considered that the significant intensification of the use of the property and occupation as an HMO would be unacceptable and contrary to Policies H1/2, H2/1, H2/2

and H2/4 and SPD13.

Impact on residential amenity

Whilst the site is located not too far from Radcliffe Town Centre and some commercial properties, this part of Stand Lane is characterised by residential development with houses either side and to the rear and opposite on the housing estate off Woodvale Road.

SPD13 states that the scale of a proposed HMO can be a concern as large buildings can often cause management problems and it is more difficult to maintain and regulate residents. The Council therefore seeks to ensure that where possible, HMO's are limited to up to 10 bed spaces which pose fewer management problems and may be more readily able to integrate into the local community. Smaller HMO's also tend to have less of an impact on neighbouring properties and the general character of an area than larger HMO's.

As a hotel, the activities and comings and goings by patrons, even at full capacity would generally be at different times of the day and evening and change over patterns would be staggered. An HMO on the other hand, which could accommodate 18 people, is a different character of development which would generate more activity in and around the property and as stated above, housing such a large group of people together can cause friction and animosity between occupiers and this has been highlighted in some of the representations received above.

Since the property ceased hotel use and started to be occupied as a premises accommodating a number of people living together, reports of criminal activities and general disturbances to the area have been reported to the police (see DfS section below).

It has also been suggested that the property is not being used as an HMO but as a hostel type establishment providing temporary and emergency accommodation for homeless people, some (or all) of which are from outside the Borough. There seems to be a discrepancy and lack of information as to how the building is actually being run.

It is therefore considered that the scale and intensified use of the proposed development would be unacceptable within this residential setting and detrimental to residential amenity of the nearby occupiers and as such would be contrary to policies H2/4 - Conversions and EN1/2 - Townscape and Built Design and SPD13.

Highway issues

There are no specific car parking standards for HMO's in SPD11 Parking Standards in Bury, but SPD 13 - The Conversion of Buildings to Houses in Multiple Occupation gives some general advice. It states that parking and road safety issues will be important considerations when assessing a planning application and any proposal that is considered to have a detrimental impact on highway safety or harm to amenity will not be permitted. Car parking provision should meet the requirements of the likely occupants and, where possible, should be provided off-street.

HMO's are best located in sustainable areas well served by public transport and close to amenities, services and facilities.

It is generally recognised that car ownership tends to be lower for those who occupy HMO compared to other households. However, the proposed plans show 5 parking spaces would be provided for the development which conflicts with the Planning Statement which states 6 spaces. The applicant states that there is parking on street in front of the building but this should not be relied on for the development. There is no provision for cycle storage facilities at the site.

Whilst there is access to public transport and the property located on a bus route to Radcliffe Town Centre which is also within a walkable distance, it is considered that insufficient and conflicting information has been submitted with regards to parking and cycle

provision.

As such the proposed development would be contrary to policies EN1/2, H2/4 and HT2/4.

Design for security (DfS) - As a team, DfS already have concerns around this property and the management running it.

The Hawthorn Hotel has effectively been acting as a HMO for a while, which has caused quite a few incidents and concern within the local community.

The incidents did start to decrease after intervention from Police and partners but in the opinion of the police, they would undoubtedly increase if it were made into an official HMO. With the regeneration planned for Radcliffe, a HMO would undue a lot of the good work being undertaken to improve the area and the sense of community.

In addition to these comments, the police tend to see large HMOs generate conflict between residents when such a large number of residents share communal areas. The amount of parking spaces (5) is likely to be insufficient for the number of residents and visitors and will likely increase the burden on street parking. Knowing the site, and having gone past it many times over the last few years, congregations have formed outside the front of the property to the detriment of local residents and those passing by and this is likely to continue if permission for a HMO is granted.

A significant number of incidents for this single premises have been reported and include violence, public order offences, anti social behaviour, criminal damage and stalking and harassment.

For these reasons DfS would not support this application.

In view of the concerns raised by the Design for Security Team it is considered the proposed conversion to an HMO for 18 residents would not be acceptable and contrary to EN1/2.

Environmental Health - HMO licensing dept - Concern with regards to the lack of kitchen amenities and confirmation would be required all the bedrooms are served with en-suite facilities as the plans do not currently show this.

Response to objectors

Issues have been covered above.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed development, by virtue of the increased occupation and intensified use of the building would result in sub-standard and unacceptable levels of bedroom

accommodation and facilities, shared facilities, external amenity space and refuse provision for the future occupiers of the property and as such would have a detrimental impact on residential amenity of the occupiers. The proposed development would therefore be contrary to Bury Unitary Development Plan Policies H1/2 - Further Housing Development, H2/1 - The Form of New residential development, H2/2 - The Layout of New Residential Development and H2/4 - Conversions.

- 2 The proposed use by virtue of the intensified use and occupation of the building and resulting noise, activity and disturbances and the potential to incite crime in the locality within a predominantly residential area would have a significantly harmful impact on the residential amenity of adjacent occupiers. The proposed development would therefore be contrary to Bury Unitary Development Plan Policies H2/1 - The Form of New Residential Development, H2/2 - The Layout of New Residential Development and H2/4 - Conversions, EN1/5 - Crime Prevention and SPD13.
- 3 The application and submitted plans contain insufficient and conflicting information to provide cycle and bin store facilities and ensure that the parking provision available within the curtilage of the site will be sufficient for the proposed HMO use. The proposed development would therefore be contrary to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design, H2/4 - Conversions and HT2/4 - Car Parking and New Development.
- 4 The application contains insufficient and conflicting information to determine the type and character of the use proposed in the application. The proposed development would therefore be contrary to Bury Unitary Development Plan Policies H2/1 - The Form of New Residential Development, H2/2 - The Layout of New Residential Development and H2/4 - Conversions, EN1/5 - Crime Prevention and SPD13.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	23/10/23		