

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 06/08/2024	Ref: 70368/FUL
Registration: 25/01/2024	LDfC: 20/02/2024	Expiry Date: 21/03/2024
Site Visit: 22/03/2024	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area:	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: MIOT

Proposal: Demolition of existing garage at side and erection of 3 storey extension at side with roof lights at front and rear to provide 6 no. additional single occupancy bedrooms (13 no. in total) to existing HMO with associated parking and refuse storage

Location: 1 Ferngrove House, Rochdale Old Road, Bury, BL9 7LS

Description

The proposal relates to an existing 7 bedroom (single occupancy) house in multiple occupation (HMO - Sui Generis), accommodated in a semi-detached former dwellinghouse, which is attached to a 6 bedroom HMO that has recently been granted planning permission to be developed into a 10 bed HMO (Sui Generis). To the north is an area of landscaped amenity space associated with the adjacent residential area, which rises from the site and contains an electricity substation. The site is largely enclosed by timber panel fencing and there is a hard surfaced car park area to the front of the property with access from Ferngrove.

The proposal is for the demolition of single storey attached garage at side and the erection of 3 storey extension at side (second floor accommodation in the roof space) to provide 6 no. additional single occupancy bedrooms (13 no. in total) with associated parking and refuse storage.

The front elevation would be flush with the existing principal elevation and the eaves and roof would align with the existing and have 5no. roof lights. The extension would be approximately 8.4m wide (at the widest point) and would be finished with rendered elevations with grey concrete roof tiles. Windows would be vertically proportioned to match the existing in

It would provide 6no. en suite bedrooms, 2no. communal lounge/kitchen areas and a utility/laundry room all accessed directly from a central hallway. An internal link would be provided between ground floor kitchens.

Externally, at the front 8no. car parking spaces would be provided (with 1no. electric vehicle charging point) with a single two wheeled space. At the rear, there would be a single parking space, enclosed refuse storage area and a secure cycle storage area.

Relevant Planning History

65482 - Change of use from house in multiple occupation (HMO) for five persons (Class C4) to HMO for seven persons (Sui Generis), loft conversion with rear dormer and alterations to external elevations - Approve with Conditions 25/06/2020

2 Ferngrove House

70557 - Change of use of existing 6 bedroom House in Multiple Occupation (HMO) (Class C4) to 10 bedroom (single occupancy) House in Multiple Occupation (HMO) (Sui Generis)

together with external works and hard landscaping to create car parking spaces. Approved 02/05/2024.

Publicity

Neighbour notification letters issued to 11 properties on 30/01/2024.
No representations received.

Statutory/Non-Statutory Consultations

Traffic Section: No objection, subject to conditions relating to a construction traffic management plan, provision of parking spaces and refuse storage.

Environmental Health - Contaminated Land: No objection, subject to a condition relating to the implementation of the remediation strategy and submission of a verification report.

Private Rented Sector Enforcement Team: No objection.

Concerned about the level of kitchen amenities in the existing part of the property if the second floor bedrooms are not self-contained flats with their own kitchen facilities.

Environmental Health - Commercial Section: No objection. Any external lighting should be designed to avoid nuisance to neighbours.

Greater Manchester Ecology Unit: No objection.

Borough Engineer - Drainage Section: No comments provided.

Waste Management: No comments provided.

Greater Manchester Police - designforsecurity: No comments provided.

Planning & Building Regs consultation Fire Protection Dept Bury Fire Station (Part B): No comments provided.

Pre-start Conditions - Not relevant

Development Plan and Policies

H2/4	Conversions
H1/2	Further Housing Development
HT2/4	Car Parking and New Development
EN1/2	Townscape and Built Design
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
SPD13	Conversion of Buildings to Houses in Multiple Occupation
NPPF	National Planning Policy Framework

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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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.

ASSESSMENT

Principle of development

The existing building has a lawful use as a house in multiple occupation for seven occupants (Sui Generis). Whilst increasing the number of occupants to 13 requires planning permission, the proposed use remains residential. As such, the principle of development is therefore acceptable.

Layout and Design (including amenity for future occupants)

The proposed side extension would replace the existing single storey garage, but would be over a larger footprint, extending to within around 1.3m of the boundary with Ferngrove and aligning with the principal elevation and roof profile. The rear wall would overlap partially. The gable elevation would be positioned parallel to the boundary to Ferngrove and would therefore be at an oblique angle to the principal elevation. The window proportions and position would replicate and match with the existing fenestration arrangement and the materials would match. Whilst the extension would extend over the separation between the existing building and the boundary to Ferngrove, this is backdropped by rising land and the dwellings to the northj.

The attached property is set forward of the principal elevation of the host property, is narrower and the roof form is different, such that there is no symmetry to the building block.

Given the above circumstances, the proposed extension would not have any unacceptable impacts on visual amenity or the appearance and character of the building in the street scene.

The kitchen/dining area and bedrooms would exceed HMO licensing standards (noting that compliance with such standards is not a material planning consideration) and each bedroom would include ensuite bathroom facilities. All bedrooms would also exceed the nationally described space standards (NDSS) (for single occupancy, as proposed). Overall, the internal layout of the development would provide satisfactory living accommodation for future occupiers of the site. Any matters noted by the Private Rented Sector Enforcement Team relate to the HMO licensing regime and are not material planning considerations.

Externally, the hardstanding and garden area would provide ample space for refuse storage, general amenity and bicycle storage.

Given the above, the proposal is considered to accord with the requirements of UDP Policies H2/4 and EN1/2.

Neighbouring residential amenity

The proposed extension would be positioned over 25m from nearest properties to the rear and would oppose the heavily vegetated motorway embankment at the west, around 15m distant. The rear elevation of the proposed extension would extend only around 0.5m further than the existing would and would be set significantly distant from the boundary to the attached residence.

Given the existing and proposed circumstances, the proposal would not have any harmful additional impacts on residential amenity and is therefore considered to be acceptable.

HMO licencing, which would be required, relates to matters of management. This is not a material planning consideration.

Access, highway safety and parking

HMO's are best located in sustainable areas well served by public transport and close to amenities, services and facilities, which can reduce the demand for vehicle ownership, and hence parking. In this regard, the application site is in a highly accessible area and within 100m of bus stops serving high frequency services on Rochdale Old Road and within 600m of a supermarket and other services. The site clearly in a highly accessible area.

Parking provision

Existing parking provision at the site is informal (i.e. not marked out), but takes place in the same general area as indicated on the proposed layout.

The proposal would provide parking for up to 9 vehicles in a reconfigured and slightly extended parking area. There would also be secure cycle storage provision for 6 bicycles (reflecting the additional 6no. rooms).

It is generally recognised that car ownership tends to be lower for those who occupy HMO compared to other households (and particularly given the highly sustainable location of the site), as acknowledged in SPD 13. Further, SPD 11 does not specify any parking standards in relation to HMOs.

HMO's are often accommodated in larger terraced properties (for 7 or 8 occupants) with little or no off-street parking spaces, so the provision of 9 car parking spaces to serve 13 rooms would be generous by comparison.

Furthermore, the proposal would include cycle storage provision at the rate of one space per bedroom in the extension, so that additional occupants would have an alternative to driving, public transport and/or walking. Therefore, the proposal is unlikely to have additional impacts on on-street parking demand in the area.

The Highway Authority considers there are no highway safety reasons to resist the proposal given the accessible location of the site.

Concerning the servicing of the site, whilst the Council's Waste Management Service have not commented on the proposal, the existing HMO is already serviced for waste collection.

Subject to the recommended planning conditions, the proposal would be acceptable and would accord with UDP policies H2/4, HT2/4 and SPD13 with regard to HMO development.

In specific regard to the recommendation to attach a condition requiring a construction traffic management plan, such is not considered reasonable given the minor scale of the proposal, the availability of off-street storage space and the lack of restrictions on the surrounding highways.

Drainage

The site is located within Flood Zone 1 and is not therefore at risk of fluvial flooding (from rivers or canals).

It was noted in the assessment of the approved development at the adjacent site to the east of no.2 Ferngrove (subject to extant planning permission 68884) and therefore stringent drainage conditions were attached.

However, the current application site is at a significantly higher level and does not include any significant extension or alteration of the existing built form.

PfE requirements

Carbon and Energy and Full Fibre connectivity. The submission indicates that the proposal would be required to comply with Part L of the Building Regulations and would have full fibre connectivity.

CONCLUSION

The above assessment demonstrates that the proposal is acceptable in principle and finds that no unacceptable impacts would pertain and that the proposal would deliver a good quality level of accommodation.

Given the above, the proposal would be compliant with the above stated UDP and PfE policies and the NPPF. Therefore, in accordance with the Section 38(6) of the Planning and Compulsory Purchase Act, the proposal merits approval.

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

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings and documents
Location Plan (Dwg No. L01)
Proposed Plans and Elevations (Dwg No. 102 A)
Energy and Carbon Statement
Digital Connectivity Statement
and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan and the Places for Everyone Joint Development Plan Document listed.
- 3 A Site Verification Report detailing the actions taken and conclusions at each stage of the agreed remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use. The report would be expected to include the following:
 - Confirmation that no unforeseen visual or olfactory contamination was encountered during the development. This should include a photographic record of the development and should focus particularly on the excavations for the foundation in order to illustrate the ground conditions encountered.
 - Details of any soil material excavated and removed from site including copies of waste management records.Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 4 The external finishing materials for the proposal hereby approved shall match those of the existing building.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
- 5 One car parking space shall be provided with an electric vehicle (EV) charging point (minimum 7kW*) prior to the occupation of the extension hereby approved.
*Mode 3, 7kW (32A) single phase, or 22kW (32A) three phase, and for 50kW Mode 4 rapid charging may be required. British Standard BS EN 61851-1:2019 to be used.
Reason. To encourage the uptake of ultra-low emission vehicles and ensure the development is sustainable. To safeguard residential amenity, public health and quality of life pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment and Policy JP-S2 of the Places for Everyone Joint Development Plan Document.
- 6 The cycle storage indicated in the approved plans shall be provided before the development hereby approved is occupied and shall thereafter remain available for users of the development.
Reason. To secure satisfactory cycle facilities on site and in accordance with Places for Everyone Joint Development Plan Document Policy JP-C6 and Unitary Development Policies HT6/1 - Pedestrians and Cycle Movement.
- 7 The car parking and turning facilities indicated on approved plan 102 A shall be

DELEGATED REPORT

surfaced, demarcated and made available for use prior to the extension hereby approved being brought into use.

Reason. To ensure adequate off-street car parking, to allow adequate space to maintain a vehicle clear of the highway and ensure the intervisibility of the users of the site and the adjacent highways, in the interests of road safety pursuant to policy HT2/4 of the Bury Unitary Development Plan.

- 8 The bin storage facilities/refuse area indicated on approved plan reference 016 102 Revision A shall comply with Waste Management's 'Guide to Refuse Collection Requirements & Storage Methods for New Developments' and be made available prior to the extension hereby approved being occupied and maintained thereafter.
Reason. To ensure adequate off-highway bin storage arrangements are provided within the curtilage of the site, in the interests of highway safety, pursuant to Bury Unitary Development Plan Policy EN1/2.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
DSC	06/08/2024		