

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 02/05/2024	Ref: 70557/FUL
Registration: 28/02/2024	LDFC: 26/03/2024	Expiry Date: 24/04/2024
Site Visit: 14/03/2024	Site Notice: 14/03/2024	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: COUS

Proposal: 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

Location: 2 Ferngrove House, Rochdale Old Road, Bury, BL9 7LS

Description

The proposal relates to an existing 6 no. bedroom house in multiple occupation (HMO), which is presently unoccupied. The two storey semi-detached building which it occupies is attached to a 7 no. bedroom HMO (which is subject to an undetermined planning application for a two storey extension to form a 13 no. bedroom HMO). The subject building partially overlaps the adjoining building at the rear and the principal elevation is aligned at an acute angle to Ferngrove.

At the east, the site is bounded by undeveloped land that contains a number of protected trees and a stream (that is partially culverted) at a lower level. The group Tree Preservation Order (TPO 204) includes some trees within the application site. There is an extant planning permission for the erection of 5 no. dwellings at this site to the east, which includes the sharing of the access serving the application site via the private drive from Ferngrove and the provision of parking spaces and a manoeuvring area. To the north is an area of landscaped amenity space associated with the adjacent residential area. The site is largely enclosed by timber panel fencing and the building and grounds have a rather tired and unkempt appearance.

The proposal is for the change of use of existing 6 bedroom House in Multiple Occupation (HMO) (Class C4) to a 10 bedroom (single occupancy) House in Multiple Occupation (HMO) (Sui Generis) together with external works and hard landscaping to create car parking spaces.

The additional accommodation would be facilitated by internal reconfiguration. External alterations would include the installation of a single ground floor window to the east elevation. Externally, the parking and manoeuvring area would be surfaced with permeable tarmac and 7no. parking spaces would be provided. A cycle shelter for the storage of 10 no. bicycles and a dedicated bin storage area area proposed at the rear of the site.

Internally, each bedroom would exceed 10 sq.m. in area and would have a private ensuite bathroom. A kitchen/diner and a separate lounge area would be provided at ground floor.

The proposal is supported by a Design and Access Statement that provides greater detail on the type of accommodation to be provided. It states that the aim for the property is to provide a Co-living standard of attractiveness (Co-living is where the accommodation is of a modern high quality shared living experience where the accommodation affords things such as personal ensuites, double sized room standards for single occupants, home working facilities built in, high spec kitchens and therefore longer expected tenancies).

Since the original submission, the internal configuration has been amended to provide a separate lounge area and the car parking layout has been amended to reflect the true position of protected trees on the site.

Relevant Planning History

Adjacent site

66285 - Erection of 5 no. dwellings. Refused 15/09/2021

68884 - Erection of 5 no. new dwellings. Approve with Conditions 26/04/2023

Publicity

16 neighbouring properties directly notified 04/03/2024

Site Notice posted 14/03/2024

No representations have been received.

Statutory/Non-Statutory Consultations

Traffic Section: No objection, subject to conditions concerning vehicle and cycle parking and bin storage.

Environmental Health - Private Rented Sector Enforcement Team: No objection.

The proposal would fall within the scope of the house in multiple occupation (HMO) licensing regime and a licence would be required (as it would be for 5 or more occupants).

A fire risk assessment would need to be undertaken (in relation to a HMO licence).

The room lets and kitchen/diner sizes are adequate.

Borough Engineer - Drainage Section: No comments provided.

Waste Management: No comments provided.

Greater Manchester Police - designforsecurity: No comments provided.

Pre-start Conditions - The agent has agreed to the pre-commencement condition.

Development Plan and Policies

H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H2/4	Conversions
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
JP-C2	Digital Connectivity
JP-S2	Carbon and Energy
JP-C6	Walking and Cycling
SPD13	Conversion of Buildings to Houses in Multiple Occupation
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 six occupants (C4). Whilst increasing the number of occupants to 10 requires planning permission, the proposed use remains residential and there would be a negligible, if at all perceptible material difference between the existing and proposed use of the site. The principle of development is therefore acceptable.

Layout and Design (including amenity for future occupants)

Externally, physical changes to the site would be limited to the insertion of a single window on the east facing elevation, the resurfacing of the parking area adjacent to the building (and the formal designation of spaces) and the provision of a cycle store at the rear corner

of the site, around 50m from the frontage to Ferngrove.

Given the position and very limited scale, extent and nature of the proposed external alterations, the proposal would not have any unacceptable impacts on visual amenity and overall, the proposal would substantially improve 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.

The objective of the proposal is to provide good quality accommodation to a Co-Living standard for single occupancy of each bedroom, as noted in the description of the development above. As such, the bedroom sizes would far exceed the minimum HMO standard of 6.5 sq.m. or the NDSS standard of 7.5 sq.m.

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

As a result of the internal re-arrangement of habitable rooms the proposal would not result in any additional overlooking of neighbouring properties.

In terms of residential amenity, the proposal 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, but takes place in the same general area as indicated on the proposed layout.

The proposal would provide parking for up to 7 vehicles in a reconfigured and slightly extended parking area. There would also be secure cycle storage provision for 10 bicycles.

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 and in the response from GM Police. 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 7 car parking spaces would be generous by comparison.

Furthermore, the proposal would include cycle storage provision at the rate of one space

per bedroom, so that occupants would have an alternative to driving, public transport and/or walking. Therefore, the proposal is unlikely to have additional impacts on 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.

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 (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.

Trees

As noted, two trees within the site are protected. These would be retained within the car parking area, the layout of which has been rearranged to ensure that the integrity of the trees would not be undermined. The agent has agreed to a pre-commencement condition requiring the submission of an Arboricultural Method Statement.

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 will have full fibre connectivity.

CONCLUSION

The above assessment demonstrates that the proposal is acceptable in principle 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
Site Location Plan and Proposed Site Plan (Dwg No. 2FH/200/PL P5)
Proposed Elevations (Dwg No. 2FH/204/PL)
Proposed Floor Layouts (Dwg No. 2FH/203/PL P2)
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 listed.
- 3 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.
- 4 The car and cycle parking and turning facilities indicated on approved plan reference 2FH/200/PL Revision P5 shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the development hereby approved being brought into use and thereafter maintained at all times.
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
- 5 The use of the building hereby approved shall not commence 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. As full details have not been submitted and 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.
- 6 All trees to be retained on site shall be protected in accordance with BS 5837:2012 "Trees in relation to design, demolition and construction". The development shall not commence unless and until the measures required by the British Standard are implemented and all measures required shall remain in situ until the development has been completed.
Before development of the car parking area commences a full Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority which shall include numbering and detailing trees, and where relevant, confirming root protection areas, routing of service trenches, overhead services and carriageway positions and any details of no dig techniques along with associated use of geotextiles and an indication of the methodology for necessary ground treatments to deal with compacted areas of soil. The works shall implemented in accordance with the approved details.
Reason. To avoid the loss of trees which are of amenity value to the area pursuant to Policy EN1/2 - Townscape and Built Design and EN8/2 – Woodland and Tree Planting of the Bury Unitary Development Plan.

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<u>Case Officer</u> DC	<u>Date</u> 02/05/2024	<u>Sign off Officer</u> DM 02/05/24	<u>Date</u>
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