

**DELEGATED REPORT**

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|----------------------------------|-----------------------------------|--------------------------------|
| <b>Report by</b> Jennie Townsend | <b>Date of report:</b> 27/01/2023 | <b>Ref:</b> 69076/FUL          |
| <b>Registration:</b> 05/12/2022  | <b>LDfC:</b> 09/01/2023           | <b>Expiry Date:</b> 30/01/2023 |
| <b>Site Visit:</b> 21/12/2022    | <b>Site Notice:</b> N/A           | <b>Press Date:</b> N/A         |
| <b>Objections:</b> 5             | <b>Con Area:</b>                  | <b>Adv Type:</b> NONE          |
| <b>Reason for Delay:</b><br>N/A  |                                   | <b>EIA:</b> NA                 |
|                                  |                                   | <b>Dec Level:</b> DEL          |
|                                  |                                   | <b>Stat Class:</b> COUS        |

**Proposal:** Change of use from mixed use; public house and 8 self-contained flats to 13 bed (maximum 20 person) HMO (sui generis); demolition of existing conservatory; formation of parking space / cycle store, entrance / exit at rear and alterations to ground floor window at rear

**Location:** 6 Sandford Street, Radcliffe, Manchester, M26 2PT

**Description**

The application relates to a building in mixed use, as a public house at ground floor and 8 self-contained flats above (7 at 1st floor and 1 in the roofspace). There is a single storey outrigger and external staircase at the rear and a rear yard.

The surrounding area is characterised by a mix of residential and commercial uses. There is a children's nursery directly to the north and a block of apartments to the south. Across Sandford Street to the east are houses and to the rear is Potter Street which is a cobbled back alley beyond which is an industrial building.

The application seeks the change of use of the building (public house at ground floor and 8 flats above) to 13 bed (maximum 20 person) HMO.

The scheme would involve the demolition of a conservatory, formation of a parking space and cycle store in the rear yard, entrance at rear and alterations to the elevations to include a ground floor window at the rear.

The proposed internal layout plans proposes

Ground floor - 4 bedrooms (max 6 persons), kitchen/dining room, lounge

First floor - 7 bedrooms (max 11 persons)

Second floor - 2 bedrooms (max 3 persons), kitchen/dining room

Rear yard - 1 parking space accessed via Potter Street, 4 x 660 litre bins, 10 space bike shelter.

**Background**

An LDC was applied for and granted in 2021 for the change of use from a public house with ancillary accommodation above to a mixed use public house and 8 self-contained flats.

The LDC was granted as evidence of payments of Council tax for the individual flats and correspondence relating to housing benefit in excess of 4 years before the date of the application were provided to the LPA and it was therefore determined that on the balance of probability, the flats were therefore lawful.

**Relevant Planning History**

02276/E - Conversion of public house into 8 no. 1 bedroom apartments - Enquiry completed 02/05/2019

57444 - Erection of 2.4 metre high fence (revised scheme) and gates to alley at rear of 9-17

## **DELEGATED REPORT**

Sandford Street - Approve with Conditions 20/05/2014

57673 - Conservation works to Radcliffe Tower and landscaping of surrounding land including timber raised planters, boundary treatments and planting - Approve with Conditions 07/08/2014

60549 - Increasing eaves height and pitch of roof. Construction of rear dormers to create living accommodation - Approve with Conditions 04/11/2016

66671 - Application for a Certificate of Lawfulness for the change of use from a public house with ancillary accommodation above to a mixed use public house and 8 self-contained flats - Lawful Development 26/07/2021

09/0614 - Breach of conditions application 47038 - 23/04/2010

### **Publicity**

Letters sent on 9/12/22 to 40 properties.

5 objections and 1 comment received.

- First issue with parking not just when the development complete but during development with contractors vehicles. Already have issues with parking on the narrow road.
- Second issue we have not been given any information as to what sort of tenants the HMO is being aimed at?
- Will it have an affect on the price of my property
- Other concerns are we don't know what category of tenants are going to be put in them and are they going to be a nuisance.
- You can't say there's going to be a shortage off housing around - literally building 211 houses a 30 second walk away around the corner.
- Parking is the main issue in this area. if the site can not accommodate 13 cars for the 13 flats then this should be declined. We have plenty of housing in the area with lots of new builds planned.
- The block of flats adjacent to 6 Sandford Street has 8 flats and TEN parking spaces , how can a property with up to 20 occupants only have ONE parking space.
- The property is close to an MOT garage and next to a Children's nursery(closed at the moment but could re-open) both these businesses attract vehicle visitors.
- Sandford St. is the only means of accessing my property on Tower Street - with Sandford St already down to one lane (from existing parked vehicles) and more prospective traffic would be even more of a nightmare .

### **Comment**

- Concern is the limited parking and where would all these people park. We run an Engineering business and have lorries delivering materials such as steel on daily basis and are worried if the parking becomes a problem, it could have an impact on deliveries being able to access our premises. This would then have a detrimental effect on running our business.

### **Statutory/Non-Statutory Consultations**

**Traffic Section** - Recommend refusal due to sub-standard parking arrangements

**Environmental Health - Pollution Control** - No response received

**Environmental Health - Commercial Section** - No response received

**Waste Management** - No response received

**Greater Manchester Police - designforsecurity** - No response received.

**Pre-start Conditions** - Not relevant

### **Unitary Development Plan and Policies**

NPPF      National Planning Policy Framework

H2/1      The Form of New Residential Development

H2/2      The Layout of New Residential Development

|       |                                                          |
|-------|----------------------------------------------------------|
| H2/4  | Conversions                                              |
| EN1/2 | Townscape and Built Design                               |
| 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** - The property is currently in a mixed use of public house at ground floor and 8 self contained flats at first and second floors.

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.

The conversion of buildings to HMO's can often make an important contribution to local housing stock. That said, depending on the extent of accommodation, such developments can put pressure on the provision of associated facilities such as bin storage, amenity space and demands for parking.

In this case, the assessment of the proposed development needs to consider what impact the additional accommodation and occupancy would be in planning terms and in relation to the suitability of the site and location, impacts on amenity, nature of the local environment, surrounding land uses and highway issues.

These issues are discussed in more detail below and in light of policies H1/2, H2/1, H2/2 and H2/4.

**Layout** - The current arrangement comprises 7 flats at 1st floor and 3 bed flat at second floor.

In terms of the internal arrangements, it is proposed to convert the ground floor to 4 no bedrooms (6 total occupants) the first floor into 7 bedrooms (11 total occupants) and convert the 2nd floor to 2 bedrooms (3 total occupants). Occupancy at maximum capacity would therefore be 20 people.

Some bedrooms are small but would just achieve minimum space standards for an HMO and in terms of shared living spaces it is proposed to provide a kitchen, dining room and lounge at ground floor, no facilities at 1st floor and a kitchen/diner at the 2nd floor.

The increase in occupancy would be a significant increase above what is currently provided and internal arrangements, whilst compliant with the Council's HMO Licensing Standards, would be poor in that shared facilities would have to support 20 people and therefore it is considered that the proposed intensification of occupation would provide inadequate standards of living for future occupiers.

Externally, there is a small yard where bins would be stored. It is proposed to provide 4 x 660L bins. On advice from the Waste Management Team, at minimum, this development should provide 4 x 1100L bins. As such, the development would significantly under provide refuse facilities.

There is currently limited outdoor space for residents the only provision being in the rear yard which would be wholly utilised for bins (inadequately provided in any event), a parking space and cycle store. Essentially, the scheme would provide no amenity space where it would be expected that suitable levels for sitting outside and/or areas to dry clothes is provided.

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.

The use of the upper floors for 8 flats was unlawfully implemented and only regularised by the grant of an LDC once it had been established that, 'on the balance of probabilities' the flats had been occupied as separate units for a period of more than 4 years. Had this not been the case, an application would not have been supported by the LPA as for one reason alone, flat sizes would be woefully below the nationally described space standards.

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 increase in occupation and therefore intensification of use of the property would be unacceptable and contrary to Policies H1/2, H2/1, H2/2 and H2/4.

**Impact on residential amenity** - In terms of the nature of the surrounding area, there is a mix of residential - houses opposite and apartments directly adjacent and in the wider area - together with elements of a commercial nature including a car repair/MOT garage and nursery. The building already accommodates 8 flats and comparative to a public house which could generate activity, noise and disturbance from patrons to the pub it is considered the proposed development for residential would not be significantly more harmful in terms of noise and activity on existing residents nearby.

Impacts on residential amenity would more likely arise from the parking pressures and capacity to support additional parking and traffic to the immediate area, which is discussed below.

**External alterations** - It is proposed to remove a rear conservatory and erect a cycle store on part of its footprint in the rear yard and an external staircase at the rear would be reconfigured and an entrance formed in the rear elevation. Given the scale and position of development and boundary treatment to the rear yard, these works are considered minimal and would not cause significant visual or residential impacts.

Proposed plans show there are roof lights in the front and rear roof planes. There are currently no rooflights on the building but it is considered this element of the development would not be an issue in terms of visual impacts to the streetscene.

It is therefore considered the proposed alterations would be acceptable and comply with EN1/2.

**Highways and parking** - 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.

One parking space is proposed in the rear yard of the pub accessed via the back street. The applicant states that this space would be used by future residents for moving days for residents who need to move belongings by car and for the management / cleaning staff.

The one space would be negligible in contributing to parking for the development and in any event, the space would appear to be inaccessible to manoeuvre into as this street is narrow and the position of the existing single storey outrigger would obstruct visibility on exiting the space.

A site visit also evidenced that cars park along this back street so accessing the space may not be possible in any event.

It is also proposed to provide a cycle store for up to 10 bikes which would be welcomed.

There are parking restrictions in front of the property along the western side of Sandford

Street and there is on street parking opposite and on side streets which local residents rely on for parking as most of the houses in the area do not have driveways. Some of the businesses also rely on nearby streets to park.

The original public house did not have a car park and therefore customers would either walk, use public transport or be aware of the limited parking in the area and therefore likely use alternative means of visiting the pub than by private car.

It is generally recognised that car ownership tends to be lower for those who occupy HMO compared to other households. Whilst some residents of the HMO may not require access to a car, there is no means to secure this and any cars associated with the use would have to park on street. Should a number or all of the residents have a car, and taking into consideration visitors to the property who may also drive, there is limited on street parking nearby and as a result the potential for inappropriate parking and manoeuvring of vehicles in the rear alley and side streets.

The grant of the LDC regularised the use of the upper floors of the pub but this was a maximum of 8 separate flats, 7 of which are single occupancy. This application seeks occupancy to 20 maximum persons, which would be a significant increase above what is currently provided and which would put added pressure on the already limited parking capacity in the area.

It is therefore considered that there would be insufficient parking to support the scale of proposed development. The one space which is proposed would be negligible, even if it were accessible.

It is therefore considered that there would be insufficient parking to support the proposed development and would result in manoeuvres on the highway which would be detrimental to highway safety and would be contrary to policies H2/1, H2/2, H2/4, HT2/4 and HT6/2.

**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 car parking arrangements are sub-standard and are likely to lead to increased parking on street conflicts at the junction of the site access with Potter Street, to the detriment of the free flow of traffic and road safety. The proposed development would therefore be contrary to Bury Unitary Development Plan Policies H2/4 - Conversions and HT6/2 - Pedestrian/Vehicular Access.
- 2 The proposed development, by virtue of the increased occupation would result in sub-standard and unacceptable levels of shared facilities, external amenity space and refuse provision for the existing and 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

## **DELEGATED REPORT**

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.

- 3 The proposed development, by virtue of the increased occupation and the lack of dedicated off-road parking provision and is likely to lead to vehicles parking and carrying out manoeuvres on the highway to the serious detriment of the free flow of traffic and road safety. The proposal is therefore unacceptable and would be contrary to the NPPF and UDP Policies HT2/4 Car Parking and New Development and H2/4 Conversions and supplementary guidance document SPD13 Conversion of Buildings to Houses in Multiple Occupation.

|                     |             |                         |             |
|---------------------|-------------|-------------------------|-------------|
| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
| JT 27/1/23          |             |                         |             |