



VERITAS PLANNING

**344 - 346 Bury Road,
Rochdale, OL11 4EB**

**Change of Use to a 7-bed
HMO (Sui Generis)**

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1. Introduction

- 1.1 This Planning Statement has been produced by Veritas Planning Ltd on behalf of the applicant in support of a planning application for the change of use of 344 – 346 Bury Road, Rochdale, OL11 4EB from C3 residential use to a 7-bed House of Multiple Occupation (HMO) (Sui Generis).
- 1.2 This statement provides a description of the application site and its surrounding, the relevant planning history of the site, an overview of the development plan framework and addresses the relevant planning issues.
- 1.3 It is concluded that the development proposal accords with both the emerging and adopted development plan, and the NPPF, and as such the proposal can be supported.

2 Site and Proposal

- 2.1 The application site consists of a two-storey residential building, with a white render finish to the front, with a mix of red brick and cement render to the side and rear elevation. The property can be accessed from the front of the property, via Bury Road, or through the back of the property via Chadwick Street, where a small rear garden is located.
- 2.2 Whilst the property contains some commercial advertising materials on its front elevation, the lawful use of the property remains as a residential property within Use Class C3. It is understood that the property was previously used as a residential property, with an element of a 'home-office' use for which the advertising relates to. The property continues to be taxed for Council Tax purposes as a residential unit, rather than a mixed use or commercial property. It is not considered that this resulted in a change of use of the property from residential uses. Even if a change of use took place, a review of StreetView imagery indicates that the change of use would not have occurred more than 10-years ago (the period for immunity from enforcement action), and as such the lawful use of the property would remain residential.
- 2.3 The site is located in a predominantly residential area, with some commercial uses also located nearby. The site is located to the west of Rochdale Town Centre, with a number of services and facilities located within walking distance. A bus stop is located just metres away from the site, which offers a regular service into Rochdale Town Centre and beyond. Supermarkets and national retailers are also located within walking distance of the site, as well as a number of employment opportunities.
- 2.4 The site is not located within a Conservation Area, nor does the proposal relate to a Listed Building. The site is located in Flood Zone 1, which is the lowest risk of flooding.
- 2.5 The building is currently empty, having previously been used as a residential dwelling. The application proposes the conversion of the building into a 7-bedroom HMO. The ground floor will consist of two bedrooms and a kitchen/dining room and a lounge area. At first floor level, a further five bedrooms are proposed. Each of the

bedrooms will have a floorspace comfortably in excess of the 6.5m² minimum required by HMO licensing, with most bedrooms significantly exceeding this requirement. Additional space provided in the form of en-suite bathrooms, and each bedroom is provided with natural light in the form of adequately sized windows. Bin storage and 7 x cycle spaces will be provided to the rear of the building.

3 Planning Policy

- 3.1 Section 38(6) of the Town and Country Planning Act requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 3.2 The National Planning Policy Framework (NPPF) sets out the above requirement relating to the determination of planning applications and also confirms that the NPPF must be taken into account as a material planning consideration in planning decisions.
- 3.3 The 'development plan' relating to the site consists of the following documents:
- The Places for Everyone Plan;
 - Rochdale Adopted Core Strategy;
 - Greater Manchester Joint Waste Development Plan;
 - Greater Manchester Joint Minerals Development Plan;
 - Saved Policies of the Unitary Development Plan.

Places for Everyone Plan

- 3.4 The following policies of the Places for Everyone Plan are considered relevant to this proposal.

Policy JP-S1: Sustainable Development

- 3.5 As part of this policy, the Places for Everyone Plan states that development should aim to maximise its economic, social and environmental benefits simultaneously, minimise its adverse impacts and utilise sustainable construction techniques.

Policy JP-J2: Employment Sites and Premises

- 3.6 Policy JP-J2 seeks to protect existing employment areas that are "important to maintaining a strong and diverse supply of sites" in the area.

Policy JP-H1: Scale, Distribution and Phasing of New Development

- 3.7 This policy sets an average housing requirement of 616 new dwellings per annum across the plan period.

- 3.8 The scale of the housing crisis facing Greater Manchester, and its wider impacts, are reflected in paragraph 7.2 of the Places for Everyone Plan. It states:

“...we are facing a housing crisis. It is adversely affected by the broken housing market that afflicts the country as a whole. The increase in rough sleeping over recent years has been the most visible manifestation of this but lying behind it is a much more extensive problem of many people being unable to access suitable housing at an affordable price and with certainty of tenure. Over 70,000 people are on our local authority housing waiting lists with almost 27,000 "reasonable preference". A lack of appropriate housing options prevents some people from forming their own households, particularly younger adults, whilst those who can, may have to cope with substandard or expensive accommodation. These problems are not universal, with the majority of people having access to good housing, but they are far too widespread in a modern city such as Greater Manchester and must be addressed. This Plan is one of the tools that we have to address these issues.”

Core Strategy

Policy SP1 – Rochdale borough’s role in the city region

- 3.9 Policy SP1 states that Rochdale will aim to contribute to the success of the Manchester City region and the North West by playing its part in the delivery of sustainable development and investment that meets national and sub regional objectives for housing and employment growth. This would be achieved by a range of measures, including providing improved housing quality and choice by working with private and public sector partners.

Policy C1 – Delivering the right amount of housing in the right place

- 3.10 Policy C1 of the Core Strategy seeks to maximise the potential of Previously Developed Land, including empty homes and buildings, within the urban area to achieve a target of 80% of new housing on Previously Developed Land.

Policy C3 – Delivering the right type of housing

- 3.11 This policy sets out that the Council’s focus will be on widening housing choice and delivering housing that better suits the needs of existing and future residents.

Policy P3 – Improving design of new development

- 3.12 Policy P3 of the Core Strategy requires new development to adhere to high standards of design.

Policy G1 – Tackling and adapting to climate change

- 3.13 This policy states that the Council will address climate change by ensuring that growth does not lead to an increase in CO2 emissions. This will be achieved by locating growth in areas which are likely to minimise the need to travel and which are well served by public transport, services and infrastructure.

Policy G9 – Reducing the impact of pollution, contamination and land stability

- 3.14 Policy G9 of the Core Strategy states that the Council will reduce all forms of pollution, contamination and land stability. This includes requiring that development where development does not lead to an unacceptable increase in air, water, noise, light or other pollution, and ensuring that sensitive development, is not adversely affected by existing sources of pollution.

Policy T2 – Improving accessibility

- 3.15 Through this policy, the Council will locate development to minimise the need to travel by car and the number and lengths of car trips made to access local amenities.

Policy DM1 – General Development Requirements

- 3.16 This policy sets a number of detailed requirements for development in the borough. It is noted that Appendix 3 of the Core Strategy identifies that Policy H/12 of the Unitary Development Plan, which specifically addressed Houses in Multiple Occupation (HMOs), was replaced by Policy DM1 of the Core Strategy. As such, this policy is considered to be key to the determination of this application.
- 3.17 This policy requires development to be of a high quality, be compatible with surrounding land uses, not adversely affect the amenity of residents, mitigate against any impacts, provide satisfactory access and parking, demonstrate the availability of services and facilities, minimise opportunities for crime, take account of ground conditions, incorporate (where appropriate) high quality landscape schemes, have considered the availability of water infrastructure and does not lead to impacts detrimental to European Protected Sites.

Guidelines and Standards for Residential Development SPD

- 3.18 Whilst not part of the development plan, Supplementary Planning Documents are a material consideration in the determination of planning applications.
- 3.19 Paragraph 4.1 of the SPD sets guidelines for the separation between dwellings. They are as follows:
- 21m between directly facing principal windows of habitable rooms;
 - 14m between a principal window and any directly facing two storey elevation which does not contain a principal window to a habitable room;
 - 10m between a principal window and any direct any direct facing single storey elevation which does not contain a principal window to a habitable room
- 3.20 The SPD recognises that the subdivision of properties can make an important contribution to the housing market by providing low cost accommodation. In relation to HMOs, paragraph 4.12 of the guidance states:
- “...the subdivision of a property to create additional dwellings or Houses in Multiple Occupation (HMO) can intensify the level of occupation and may give rise to additional noise and disturbance. Neighbouring residents may be affected adversely, either directly, through party walls, or indirectly, as a result of increased traffic movements and parking problems. Large detached dwellings are generally more suitable for sub-division into smaller units; terraced properties, unless large, are less suited to this form of development because of noise transmission through party walls and the likelihood that any on-street parking problems which may exist will be compounded.”*

4 Planning Assessment

- 4.1 The starting point for determining any planning application is set out in Section 38(6) of the Planning and Compulsory Purchase Act (2004), which states that “where in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the development plan unless material considerations indicate otherwise”. The NPPF at paragraphs 2 and 47 reinforces this requirement and at paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as a starting point for decision making, and that where a planning application conflicts with an up-to-date development plan, permission should not normally be granted.
- 4.2 The existing lawful use of the property is a C3 residential property. Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015 permits the change of use of a property falling within Class C3 (dwellinghouse), to a use falling within Class C4 (houses in multiple occupation). This Permitted Development Right allows the change of use of residential properties such as No. 344 – 346 Bury Road, Rochdale to a HMO occupied by between three and six unrelated individuals. This change can occur without the need for planning permission, prior approval or a Lawful Development Certificate.
- 4.3 A review of the Council's planning register has not indicated any reasons why General Permitted Development Rights have been removed from the property, and there is no Article 4 in place blocking this permitted development right. As such, the applicant could convert the property to a 6 bed/6 person HMO without the need of planning permission. This clearly offers a realistic ‘fallback position’ for the applicant. As such, the starting point of assessing this proposal should be the potential benefits and impacts of the extra (seventh) person at the property.
- 4.4 The planning application submission raises some planning issues, and this statement now appraises the proposal in respect of the following issues:
- Principle of development;
 - Residential amenity;
 - Highways safety and parking.

Principle of development

- 4.5 The site is located in a sustainable location, just a short distance away from Rochdale Town Centre, Rochdale Train Station and a bus stop (c. 100m away from the site). Due to the sustainable nature of the site, it is considered that the proposal complies with Policy T2 of the Adopted Core Strategy which seeks to minimise the need to travel by car.
- 4.6 As previously stated, the applicant could convert the property to a 6-person HMO (Use Class C4) without the need for planning permission. As such, the principle of using the property as a HMO is already established through Permitted Development Rights. The Council does not have a policy which restricts the number of HMOs within a certain location, nor does it have one which seeks to resist the loss of family sized houses. As such it is considered that there is no policy or planning reason for there to be an objection to the principle of an additional person/single occupancy bedroom at the property.
- 4.7 Having regard to the above, it is considered that the principle of the proposed development complies with Policies SP1, SP3 and C3 of the Core Strategy.

Residential amenity

- 4.8 Policy DM1 of the Rochdale Core Strategy states that development proposals should ensure that they do not adversely affect the amenity of residents or users through visual intrusion, overbearing impact, overshadowing or loss of privacy. This largely reflects the provisions of paragraph 135 of the NPPF which states the developments should ensure a high standard of amenity for existing and future users.
- 4.9 The intention is to provide a high quality and aspirational accommodation to meet locally generated needs for independent living. The images below provide an indication of the specification and quality of finish that has been achieved on similar facilities. The intention is to match or exceed these levels in the proposal once complete.



Typical Kitchen Finish



A typical bedroom finish



A typical En-suite Bathroom arrangement and specification

4.10 The Council's development plan does not provide space standards for HMOs. Minimum standards are however provided through the Rochdale Borough Council's Strategic Housing Services HMO Standards for Houses in Multiple Occupation (August 2023) in relation to the licensing of HMO properties. This requires single bedrooms to have a minimum floor area of 6.5m². As identified on the proposed floorplans, the proposal would provide 7 ensuite bedrooms, all of which exceed this minimum requirement. The space provided are as follows:

- Bedroom 1 – single occupancy: 8.0m²
- Bedroom 2 - single occupancy: 8.4m²
- Bedroom 3 - single occupancy: 10.0m²
- Bedroom 4 – single occupancy: 8.6m²
- Bedroom 5 - single occupancy: 9.9m²
- Bedroom 6 - single occupancy: 8.2m²
- Bedroom 7 - single occupancy: 8.5m²

4.11 For clarity, the ensuite bathrooms provided in each of the 7 bedrooms are excluded from the above floorspace calculations. Each of the en-suite bathrooms has

sufficient space for a toilet, shower and basin, and varies in size between 1.7m² and 2.4m².

- 4.12 The floorspace and layout of each bedroom provides sufficient space for a bed, a desk for work, a wardrobe and an ensuite bathroom. Collectively this will provide future residents with a good standard of living.
- 4.13 The proposal would provide a kitchen/dining room at ground floor level, which would have a floorspace of 17.2m². This is in excess of the requirements set out in the HMO standards document which requires a kitchen/dining room of 16.7m² for a HMO of this size. The kitchen/dining room will include all of the facilities occupants will need for the cooking and storing of food and washing their clothing. Two sinks are to be provided, alongside two ovens and hobs. A dining table is to be provided with ample space for 6 occupants.
- 4.14 A separate living room is provided which measures 16.7m², which complies with the size requirements for living rooms set out in the HMO standards document. Collectively this provides 33.9m² of internal communal/amenity space. Two three-seater sofas are to be provided in the living room, with ample space for residents to manoeuvre around the furniture to enter/exit the room, as well as enjoying using the space for amenity purposes.
- 4.15 As the sizes of the bedrooms and living accommodation meet and exceed the licensing requirements set out in the HMO standards document, it is considered that the proposal would provide a sufficient standard of living for future occupants.
- 4.16 Due to the existing residential use of the property, minimal changes to the exterior of the building are required to provide sufficient natural light. On the ground floor, one new window is to be placed on the western elevation of the property to serve Bedroom 2. At first floor level, a new window will be located on the southern (front) elevation of the property, which will provide sufficient levels of daylight to Bedroom 4. These changes will ensure that the communal areas and each individual bedroom is provided with sufficient natural light through appropriately sized and placed windows.

- 4.17 To the rear of the property, an existing door will be replaced with a window, and an existing window will be replaced with a door. This change will improve the flow of the property at ground floor level. Due to the setting of the building and neighbouring properties, the introduction of new windows at the property will not give rise to any amenity or privacy concerns to neighbouring properties. In particular it is noted that where new windows are proposed to be inserted, existing windows are already located on that elevation, either from the application site or adjoining residential properties. Therefore, the proposal would not give rise to any unacceptable increase in amenity concerns.
- 4.18 The application site has a small rear yard, which can be used by residents alongside storing bins and bicycles. The size of the rear yard of the property is in line, and in some cases exceeds, the sizes of neighbouring rear gardens. Given the existing residential use of the property, and the potential for the applicant to convert the property to a 6-person HMO without the need for planning permission, it is considered that sufficient external amenity space is provided for residents.
- 4.19 In this regard, it is noted that the Council came to the same conclusion for a similar scheme at Hardfield House, Bowling Green Street, Heywood, Rochdale, OL10 1DJ (ref: 24/00297/FUL), where the published Officers Report states:
- “There is very limited outdoor amenity space provided – save for a narrow strip of land to the rear of the building. The SPD requires an amount of garden space to be provided to meet the reasonable needs of occupiers. The surrounding dwellings have sufficient garden space in relations to the dwelling, this site only has small strip of land at the rear of the property. This strip of land has been maintained throughout the development and is considered small in relation to the dwelling and the surrounding dwellings. There is little room for drying clothes or sitting out, however it is noted the dwelling could lawfully consist of six people and on balance the intensification of a maximum of two people will reside at the dwelling and therefore the garden space is considered acceptable.”*
- 4.20 However, unlike the Hardfield House proposal, the rear garden of No. 344 – 346 Bury Road is of a similar, if not bigger size, than neighbouring properties. Sufficient opportunities are also provided for residents within walking distance of the site for

additional outdoor amenity space. As such, in this instance it is considered that the size of the rear garden is appropriate for this proposal.

- 4.21 It is not considered than one additional resident (above the 'fallback position' provided by permitted development rights) would give rise to any noticeable increases in noise and disturbance. If the property were to be used as a 6-person HMO it is likely that the internal layout of the property would remain largely the same as the submitted plans for this application, with the kitchen/diner, living room and bathrooms largely located in the same location. As such it is considered that the difference between the existing use and the proposed use is negligible. Again, a similar conclusion was reached by the Council in determining the planning application at Hardfield House for an 8-bedroom HMO.
- 4.22 Having regard to the above, it is considered that the proposal complies with Policy DM1 of the Adopted Core Strategy in relation to residential amenity.

Highways and parking

- 4.23 Policy T2 of the Core Strategy seeks to improve accessibility by locating development where good access to public transport is available. Policy DM1 of the Core Strategy also states that satisfactory vehicular access and parking should be provided, taking into account the proposed use and location. Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residential cumulative impacts on the road network would be severe.
- 4.24 As identified by the relevant site plans, on-street parking is available to residents on Leopold Street and Chadwick Street. It is considered that these roads would provide sufficient parking spaces for future residents if required. The number of windows facing onto these streets from the host property, and other nearby properties, provides good levels of natural surveillance to these roads.
- 4.25 The proposal would provide 7 cycle spaces, which would encourage the uptake of cycling, thereby reducing car parking and travel demands. A bus stop is located just a short distance away from the site which provides a regular service into the centre of Rochdale, where connections can be made to neighbouring areas. As such, future residents of the property could live there without the need of a private car.

- 4.26 Through the determination of similar planning applications, the Council has accepted that occupants of Houses in Multiple Occupation typically have lower levels of car ownership when compared to family housing. Furthermore, as the host property could be used by 6-people without the need for planning permission, it is not considered that the use of the property for an additional person would give rise to a detrimental impact on highway safety or capacity.
- 4.27 As such, having regard to the specific characteristics of the proposed development, and the legal position of using the property for 6 unrelated people, it is considered that the proposal provides satisfactory vehicular access and parking, and as such complies with Policies DM1 and T2 of the Adopted Core Strategy.

5 Conclusion

- 5.1 This Planning Statement has set out how the proposal at 344 – 346 Bury Road, Rochdale complies with the relevant policies of the Development Plan. As previously stated, the lawful use of the property is as a residential C3 dwelling. No planning conditions or an Article 4 Direction restrict the use of Class L Permitted

Development Rights at the property, which could see the property used as a 6 person HMO. This creates a clear 'fallback' position for the applicant.

- 5.2 In accordance with the case law established by *Mansell v Tonbridge and Malling Borough Council* ([2016] EWHC 2832 (Admin)) the 'fall back' position is a material consideration for the determination of planning applications. This establishes the principle of using the property as a 6-person HMO. In this instance, it is not considered that the use of the property for one extra person (a 7-person HMO) would give rise to any noticeable impacts with regards to noise, amenity, highways or parking concerns.
- 5.3 The proposal also provides a number of benefits which are material considerations to the determination of this application. The property would provide low-cost living accommodation to residents in an area which is well served by public transport and services and facilities. The sustainable nature of the location will bring about environmental benefits by reducing the demand for travelling by private motor car.
- 5.4 The scheme provides an appropriate standard of living for residents with bedrooms of sufficient size and layout, each of which have private en-suite bathrooms and sufficient natural daylight via sufficiently sized windows. A generously sized kitchen / dining room is located on the ground floor, with further space provided in the form of a living room. The kitchen / dining room will provide residents with all of the facilities they require on a day to day basis to cook and store food and wash their clothing.
- 5.5 As such it is respectfully requested that planning permission is granted for this proposal.