

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

23/01016/FUL

CASE OFFICER

Rosalind Gralton

DETERMINATION DATE 08.05.2024 EXT OF TIME 07.06.2024

Address: 190 Milkstone Road Rochdale OL11 1NA

Proposal: Change of use from C3 Dwellinghouse to Sui Generis (8-bedroom HMO) alteration to side and rear fenestration and existing basement garage conversion, Resubmission of 22/01401/FUL

PUBLICITY	Weekly list expired?	Y	Site notice expired?	Y
	Neighbour letters expired?	Y	Press Notice expired?	N/A

DELEGATION	Significant departure from local plan?	N	Contrary to national policy?	N
	Applicant a Council Member or officer?	N	Contrary to previous decision?	N
	Major with 10 or more objections and recommending approval?	N	Called in or Planning Panel objection?	N

COMMENTS	Planning Panel comments received?	N
	Neighbour comments received?	N

EIA	Screening opinion completed and saved to Onbase?	N/A
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CONDITIONS	Pre-commencement conditions proposed?	N
	Pre-commencement conditions agreed (or notification period expired)?	N

RECOMMENDATION	APPROVE WITH CONDITIONS
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CHECKED AND SIGNED OFF BY: LA DATE: 13.06.24

SITE

The site relates to one end terrace property located on Milkstone Road, Rochdale. The shape of the property is splayed from where the adjoining terrace was demolished, and appears splayed at the front elevation, with the rear elevation wider than the front. The site is located among a row of residential terraced properties.

To the rear garden of the property is an area of trees and woodland, which is not protected by a TPO. The property has a rear paved fenced garden area, and an area to the rear which is not currently paved.

The site is within the defined urban area, it is located 50m north west of the Rochdale Canal SSSI, and is located within the SSSI Impact Risk Zone. The site is not a listed building, is not within a conservation area, or adjacent to any heritage assets.

PROPOSAL

This application seeks permission for the conversion of the existing dwelling into a 8 bedroom House of Multiple Occupation (Use Class Sui Generis). Works necessary to facilitate conversion include the insertion of a window to the first floor and second floor on the northern side elevation, an alteration to the existing garage door into a window, and provision of parking areas at the rear.

Given the land level drops to the rear of the property, the basement of the property is accessible at the rear elevation. No works are proposed to remove or relocate the front door to the property. Based on the elevations, at ground floor, the front door of the property immediately provides access into a single bedspace bedroom.

Value Added

Following correspondence from the case officer, amended plans were sought for the bedroom sizes to be increased, in compliance with the Nationally Described Space Standards (of which is referred to explicitly within the Places for Everyone Joint Development Plan).

RELEVANT PLANNING POLICY

National Policy

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Sub-Regional

Places for Everyone Joint Development Plan (PfE) The Places for Everyone Joint Development Plan was adopted and became part of the statutory development plan for each of the 9 authorities covered by the plan on 21st March 2024.

The following policies are relevant:

Policy JP-P1: Sustainable Places

Policy JP-H3: Type, Size and Design of New Housing

Adopted Rochdale Core Strategy (CS):

SO1 – To deliver a more prosperous economy

E3 – Focusing on economic growth corridors and areas

SO2 – Creating successful and healthy communities

C1 – Delivering the right amount of housing in the right places

C2 – Focusing on regeneration areas and economic growth corridors/ areas

C3 – Delivering the right type of housing

SO3 – Improving design, image and quality of place

P1 – Improving image

P3 – Improving design of new development

SO4 – Promoting a Greener Environment

G6 – Enhancing Green Infrastructure

SO5 – Improving accessibility and delivering sustainable transport

T2 – Improving accessibility

DM1 – General development requirements

Unitary Development Plan (UDP):

G/D/1 – Defined Urban Area

Supplementary Planning Documents (SPD):

Supplementary Planning Guidance note 'Guidelines and Standards for Residential Development' (June 2016).

RELEVANT SITE HISTORY

22/01401/FUL – Change of use from C3 Dwellinghouse to Sui Generis (9-bedroom HMO) insertion of a window to first floor side elevation, alteration to existing garage door into a window including provision of parking areas at rear – Refused 14/09/2023 for the following reasons:

- 1. The proposal would result in a poor standard of residential amenity for occupiers by reason of size, outlook and provision of natural light. The proposal fails to deliver the right type of housing and high quality living conditions as required by Policies DM1 and C3 of the Rochdale Core Strategy, the National Planning Policy Framework and the Guidelines & Standards for Residential Development SPD.*
- 2. The development would result in a considerable intensification of a terraced dwellinghouse, for a minimum of 9 occupants. No evidence (such as a noise impact assessment) has been provided to demonstrate the proposed use will protect the amenity of neighbours and occupants in regards to noise and disturbance, and in doing so the development has not demonstrated compliance with Policies DM1 and C3 of the Rochdale Core Strategy, the National Planning Policy Framework Guidelines & Standards for Residential Development SPD.*
- 3. In the absence of a comprehensive Habitats Regulations Assessment, the application fails to demonstrate the application would be undertaken in accordance with the 'Conservation of Habitats and Species Regulations 2017 (as amended), and thereby fails to provide consideration of whether the plan*

or project is likely to have significant effects on that site, specifically the Rochdale Canal SSSI and Rochdale Canal SAC. As such the application fails to accord with the requirements of Policies G9 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

CONSULTATION RESPONSES

Highways And Engineering

We have no highways objections to this proposal.

The proposed use is likely to have a low car ownership and generate very little traffic..

No highways will be impacted by this proposal.

We have no new road safety concerns as a result of this proposal.

The proposals are expected to operate much the same as the existing usage does.

We have no highways objections to this proposal.

Env Health - Noise/Odours

This section has no objection in principle to the proposals, we would recommend the following conditions:

The homes are constructed in line with the requirements of the submitted noise impact assessment to ensure the following internal noise levels are achieved

- 35 dB(A) Leq (16 hour) in the bedrooms with windows shut and other means of ventilation provided between 7 am and 11pm;*
- 30dB(A) Leq 8 hour in the bedrooms with windows shut and other means of ventilation provided between 11pm and 7am;*
- 35 dB(A) Leq (16 hour) in the living room/s with windows shut and other means of ventilation provided between 7 am and 11pm;*
- 40dB(A) Leq (16 hour) in other habitable rooms with windows shut and other means of ventilation provided at all times.*

Upon completion and prior to occupation validation testing is carried out

Given the close proximity to existing residential properties we would also recommend restricting the site hours to 08:00-18:00 Monday - Friday 09:00-14:00 Saturdays and no work on Sundays or Bank holidays

Transport For Greater Manchester

No objections

Strategic Housing - HMO

'I can confirm that we have no concerns regarding the current proposals from a Housing Standards perspective for an 8 bed shared facility HMO.'

Lead Local Flood Authority/Drainage

No objections

Natural England (North West Planning)

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application would have an adverse effect on the integrity of:

- *Rochdale Canal Special Area of Conservation (SAC)*

Damage or destroy the interest features for which the following has been notified:

- *Rochdale Canal Site of Special Scientific Interest (SSSI)*

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required:

- *The production and implementation of a detailed Construction Environmental Management Plan (CEMP) including pollution prevention measures.*

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

A lack of objection does not mean that there are no significant environmental impacts.

Natural England advises that all environmental impacts and opportunities are fully considered and relevant local bodies are consulted.

Natural England's further advice on designated sites is set out below.

GM Fire Service

No objections

REPRESENTATIONS

The application was advertised by way of neighbour notification and site notice. No responses were received.

ANALYSIS

The key considerations for this application are whether the reasons for refusal of the previous application have been addressed.

Principle of Development

As with the previous application, the proposal is for the change of use from a single C3 dwellinghouse to an 8 bed HMO with each person sharing basic amenities, which is 'sui generis' use not falling within any use class defined in the Town and Country Planning (Use Classes) Order 1987 as amended. Only HMO's for up to six individuals encompassing shared facilities, fall within Use Class C4 (Houses in Multiple Occupations)) and the development proposal is a material change of use of the building.

Policy C3 of the Core Strategy supports the delivery of new houses to meet the needs of the Borough. The site is located within the Defined Urban Area, within a residential area and sustainably located close to the town centre. The Council's Strategic Housing Team support the provision of an HMO in this location. For these reasons the development is considered acceptable in principle.

Ecology

Paragraph 180 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity, providing net gains where possible, and contributing to the Government's commitment to halt decline. Policy G6 of the adopted Core Strategy expects development proposals affecting green infrastructure to avoid the loss of existing features such as trees unless suitable alternative provision is made or they have limited value. Specific to the Rochdale Canal Corridor, the focus is to be on promoting the use of the canal and protecting its nature conservation value. Core

Strategy policy G7 requires that no development should result in a net loss of biodiversity and geodiversity. In accordance with NPPF paragraph 180 and the requirements of the Environment Act (2021), new development is expected to contribute to biodiversity net gain.

As the site is situated less than 100m from Rochdale Canal, the proposal (and construction of) is considered to have the potential to have significant effects on the Rochdale Canal Site of Specific Scientific Interest, and Rochdale Canal Special Area of Conservation. Given the proximity of the site to the canal, a Habitat Regulation Assessment was submitted as part of the proposals and identified that without mitigation, the development may have an effect on the canal through pollution or surface water run-off from machinery and traffic during construction as the access to the site lies within 10m of the canal. The report identifies recommendations for the construction phase of the development in relation to pollution and run off.

Natural England were consulted and advised that a Construction Environmental Management Plan is required in order to make the development acceptable, and mitigate any adverse effect of the development. However, for the reason that mitigation is identified within the applicant's supporting report, and given that the vehicular access to the rear is existing, and construction work is limited to the conversion of the building, on balance, officers are satisfied that requiring the development to be carried out in accordance with the recommendations in the report is satisfactory in this case.

Subject to conditions, the proposed development is now compliant with DM1 and G9 of the Core Strategy and has addressed the previous reason for refusal.

Character and appearance

Policies DM1 and P3 of the Council's adopted Core Strategy requires development proposals to demonstrate high quality design. In addition, Paragraphs 131 and 135 of the National Planning Policy Framework (NPPF) state that good design is a key aspect of sustainable development and that planning policies and decisions should ensure that developments function well and add to the overall quality of the area and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

Whilst it is noted the works necessary for the conversion of the property into a HMO predominately relate to internal works, the proposal also seeks introduce new side elevation windows at first and second floor, and to remove the garage door at the basement level on the rear elevation, replacing this with a window and a door, which would be the main entrance into the property. The door at ground floor which currently is the main entrance to the property, would open up into a bedroom, and would not be removed as part of the proposals.

The submitted drawings provide no details of the proposed materials for the windows and doors, although UPVC is stated on the application form which would be acceptable within this location. Bin storage would be located in the rear yard of the building.

In conclusion the proposed alterations to the building would be in keeping with the existing building and would be in compliance with Policies DM1 and P3 of the adopted Rochdale Core Strategy, the SPD and the NPPF

Housing Standards and Occupier Amenity

The Housing Act 2004 introduced a licensing requirement for larger HMOs. The proposal falls within the Act's definition of an HMO by way of the intention of it to be occupied by more than one household and in which more than one household shares an amenity, and is: the household's only or main residence; a refuge by persons escaping domestic violence; during term-time by students; or some other purpose prescribed by regulations.

The proposed kitchen and living spaces measures 34.2m². The Council accepts that whilst the proposed combined space falls below the minimum HMO standards of 37.6m², the Housing Standards Officer was consulted on the proposed plans and raises no objection.

Policy JP-H3 of the Places for Everyone Joint Development Plan states that all new dwellings should accord with the Nationally Described Space Standards. The NDSS requirement is for a higher standard / greater room size than is required under the HMO standards.

The proposed bedrooms provide the following square meters of space:

Bedroom No	Space(m ²)
Bedroom 1	8.5
Bedroom 2	9.1
Bedroom 3	11.9
Bedroom 4	7.5
Bedroom 5	7.7
Bedroom 6	7.6
Bedroom 7	9.2
Bedroom 8	13.8

The Nationally Described Space Standards (NDSS) state in order to provide one bedspace, a single bedroom floor area must be at least 7.5m² and 2.15m wide.

Accompanying the drawing is the licensing requirements for bedrooms in HMO's, which states the minimum bedroom size for a person aged 10 or over is 6.51sqm, 10.22sqm for 2 people age 10 or over, and 4.64sqm for a child under 10 years old.

Licensing is a separate process from planning. Planning must consider the application against the requirements of adopted planning policy. In this case PFE forms part of the Local Development Plan, and carries weight in this balance. As such, the standards shown in the NDSS are required to be met.

The amended plans now show the NDSS are met and therefore will deliver an acceptable internal level of amenity for occupants, and as such would be in compliance with Policy JP-H3. On this basis, the proposal is considered to address the previous reason for refusal and would be acceptable.

Neighbour amenity

Privacy

Of the Council's Adopted SPD 'Guidelines and Standards for Residential Development' Section 4.1 states '*All new developments should avoid causing a significant loss of privacy and/or light for occupiers of new neighbouring dwellings and existing dwellings.*'

The proposal seeks to introduce two windows on the northern side elevation at first and second floor. It is established the proposal is situated within a predominately residential area. The proposed external works relating to the insertion of the side window, would directly overlook the boundary of No 188 Milkstone Road. However, it is noted the proposal would be unlikely to overlook the private garden area of this property, as a result of the depth of the existing two storey side and rear extension. It is noted the siting of the window would provide oblique views to the front driveway of the property, and the front of Milkstone Road, however it is not considered this would result in an unacceptable overlooking impact, as this is within public view as existing.

Noise and disturbance

Further to the general requirements of Core Strategy Policy DM1 and Paragraph 135 of the NPPF to ensure a generally high standard of amenity for residential occupiers, paragraph 191 of the NPPF seeks to ensure that new development is appropriate for its location taking account the likely effects of pollution on health, living conditions and the natural environment. In this context, planning decisions should avoid noise giving rise to significant adverse impacts on health and the quality of life. Policy G9 of the adopted Core Strategy also requires new development does not have impacts that lead to an unacceptable in noise (inter alia) pollution.

With regard to the subdivision of dwellings, Section 4.12 of the SPD states the following: *“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.”*

The application is accompanied by a noise assessment which identifies that sound attenuation of 28dB is required. The Council's Environmental Health Officer was consulted on the application and raised no objections to the scheme subject to a condition requiring implementation of the report's recommendations, and then validation testing of the details proposed within the submitted noise impact assessment, prior to occupation of the building. The Environmental Health Officer's consultation response did provide details of suggested hours of construction given the proximity to neighbouring properties, however, given the proposal is a conversion, and the works required to convert the building are relatively minor, and not particularly noise in nature, it is not considered necessary to attach this condition to the decision notice in this case, and does not meet the requirements of Paragraph 56 of the NPPF in this instance.

The proposed development is now acceptable in regards to living conditions and has addressed the previous reason for refusal.

Highways

Relating to sustainable transport, Paragraph 115 of the NPPF states 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

Policy DM1 sets out the general development requirements and establishes that proposals should demonstrate they 'mitigate against any impacts due to noise, air, dust, light and odour pollution, traffic generation or inadequate access, where such

mitigation is identified as being necessary' and 'provide satisfactory vehicular access with adequate parking, manoeuvring, and servicing arrangements taking into account of the proposed use and location'. Parking standards are contained within the Core Strategy.

The Council's Highways Engineers were consulted on the application. While no specific parking standards are provided for HMO's in the Rochdale Core Strategy, for single bedroomed houses, 1.25 spaces per dwelling is the maximum car parking standard. In this case, 10 spaces would be required.

It is noted the site offers two parking spaces. There is presumed the case for the former and existing uses also. It is also acknowledged the site is within a relatively sustainable area and is within easy walking distance to public transport (train station, Metrolink stop and is directly on a bus route) with good access to local amenities. The Council's Highways Officer have stated no objections to the proposal given the likelihood of low car ownership and very little traffic generated. As such, Highways do not consider it necessary to require the maximum parking standard to be met in this case. Given the accessible location, it is not considered the proposal would result in an unacceptable impact upon highways capacity and have a detrimental impact on road safety. The servicing arrangements would be considered acceptable. An external bin store is located within the rear yard and would occupy the required bins for the property.

On balance, the development would not have any impact on road safety or highway capacity, and as such, the proposal, subject to conditions, would meet the requirements of Policies DM1 (d) and T2 of the adopted Core Strategy and the National Planning Policy Framework.

RECOMMENDATION: Approve subject to conditions

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 of the Town and Country Planning Act 1990 (as amended).

2. This permission relates to the following plans and documents:-

Site Location Plan

Existing and Proposed Block Plans - 22.2938.SC2.3A

Scheme 2 – Proposed Details – Proposed Elevations - 22.2938.SC2.2C

Existing Floor Plans - 22.2938.1B

Scheme 2 – Proposed Details – Amended Proposed Floor Plans - 22.2938.SC2.1E

Habitat Regulations Assessment by Indigo Surveys Ltd

Noise Survey and Impact Assessment for proposed development of 190 Milkstone Road – dated 08/03/2024 – Report No 2324-371 prepared by RedFanSolutions

and the development shall be carried out in complete accordance with these drawings hereby approved unless otherwise required by the conditions below.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the adopted Rochdale Core Strategy, the saved Rochdale Unitary Development Plan and the National Planning Policy Framework.

3. The construction of the development shall be carried out in accordance with the recommendations and mitigations contained within the applicant's Habitat Regulations Assessment at page 6.

Reason: To minimise the detrimental effects to the natural environment through risks of pollution during the construction phase in accordance with Policies DM1, G7 and G9 of the Core Strategy and the National Planning Policy Framework.

4. Prior to the first occupation of the building hereby approved, a verification report shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the noise levels detailed within this condition are achieved and the acoustic measures set out in the Acoustic Survey and Assessment have been implemented:

- o 35 dB(A) Leq (16 hour) in the bedrooms with windows shut and other means of ventilation provided between 7 am and 11pm;
- o 30dB(A) Leq 8 hour in the bedrooms with windows shut and other means of ventilation provided between 11pm and 7am;
- o 35 dB(A) Leq (16 hour) in the living room/s with windows shut and other means of ventilation provided between 7 am and 11pm;
- o 40dB(A) Leq (16 hour) in other habitable rooms with windows shut and other means of ventilation provided at all times.

Reason: To safeguard the amenities of residents in order to comply with the requirements of Policies G9 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework. The homes are constructed in line with the requirements of the submitted noise impact assessment to ensure the following internal noise levels are achieved

5. Any works involving repair / replacement of brickwork shall be undertaken using brick to match the existing brickwork on the building.

Reason: In the interests of visual amenity and in accordance with policies P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Procedure Statement

The Local Planning Authority worked 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.

Notes for Applicant:

None

Report Author Rosalind Gralton