

APPLICATION NUMBER: 23/00536/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/00536/FUL	Aimee Bovaird	11 September 2023

Address: 25-27 First Floor Market Place Heywood OL10 1LA

Proposal: Change of use from existing office and storage space, to a 3bed HMO at first floor and a single unit apartment at second floor.

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

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
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CONDITIONS	Pre-commencement conditions proposed?	N/A
	Pre-commencement conditions agreed (or notification period expired)?	N/A

RECOMMENDATION	REFUSE
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CHECKED AND SIGNED OFF BY: LA

DATE: 20.02.24

SITE

This site relates to 25-27 Market Place, Heywood. This is a three storey building and the application relates to the first and second floor. The current use is commercial on the ground floor offices and storage on the first and second floor. This makes up a terrace row of shops.

To the rear of the site is a carpark.

The site lies within the Defined Urban Area, Heywood Town Centre and Heywood Secondary Shopping Area.

PROPOSAL

The application proposes the change of use from existing office and storage space, to a 3bed HMO at first floor and a single unit apartment at second floor.

The first floor will contain 3 bedrooms with their own en suite and a communal kitchen/dining area.

The second floor will contain one bedroom, one bathroom and a kitchen/ dining area.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):

SO1	Delivering a more prosperous economy
E1	Establishing thriving town, district and local centres
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
P3	Improving design of new development
SO5	Improving accessibility and delivering sustainable transport
T2	Improving accessibility
DM1	General development requirements

Unitary Development Plan (UDP):

G/D/1	Defined Urban Area
G/S/1	Hierarchy and role of centres
S/4	Secondary and Central Shopping Areas

Supplementary Planning Documents (SPD):

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

RELEVANT SITE HISTORY

No relevant site history.

CONSULTATION RESPONSES

Env Health - Noise/Odours

The following comment were received,

'Given the close proximity of the units to the existing day/night time economy and the road traffic noise we would require a noise impact assessment to be undertaken to inform the design of the units in order to achieve the following internal noise levels:

- *35 dB(A) Leq (1 hour) in the bedrooms with windows shut and other means of ventilation provided between 7 am and 11pm;*
- *30dB(A) Leq 5mins in the bedrooms with windows shut and other means of ventilation provided between 11pm and 7am;*
- *35 dB(A) Leq (1 hour) in the living room/s with windows shut and other means of ventilation provided between 7 am and 11pm;*
- *40dB(A) Leq (1 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 undertaken to ensure the required sound levels are being achieved.'

Highways And Engineering

The following comments were received,

'There are a number of Highways issues arising from this application.

It would appear that the application does include any off street parking provision and taking into account the application sites location within Heywood Town Centre and low car ownership associated with HMO's we can accept the lack of such provision.

The submitted plans show a bin storage area which is remote from the building and not included within the site edged red we therefore have concerns regarding access to the bins for both residents and collectors. We would ask that the applicant produces a Service Management Plan for approval. We would not support an application that promotes bin storage or collection directly from Market Place around its very busy junction.

We would not expect that the application would have any impact on highway capacity on the wider highway network, and subject to the approval of the Servicing Management Plan there should be no impact on road safety.'

Strategic Housing - HMO

The following comments were received:

'I have had a further look into your plans and the proposal for 2 occupants per room. I would suggest that the owners advertise for couples i.e. co-habiting or married, a couple counts as one household.

It would not be permissible to have 2 singles per room sharing – that puts the number of persons and households at a higher level and would require further modification to the property.

As per our HMO Space Standards, all rooms and the self-contained unit are above the minimum requirements.'

REPRESENTATIONS

Letters of representation have been sent out to surrounding neighbours. No representations have been received.

ANALYSIS

Principle of Development

The proposed application site is located within the Defined Urban Area as designated under the Proposals Map of the Unitary Development Plan (UDP). New development, wherever possible and appropriate, should be concentrated within the urban area in order to support urban regeneration and to protect the countryside.

The site also lies within Heywood Town Centre. Although the site is within Heywood's Secondary Shopping Area, saved Policy S/4 'Secondary and Central Shopping Areas' (which is to be read in conjunction with Policy E1 of the Core Strategy) only restricts uses at the ground floor level, rather than upper floors. Given that the proposal relates to upper floors of the building, the change of use is acceptable in principle.

Character and Appearance

Policy P3 of the adopted Core Strategy requires all new developments, regardless of location in the borough, to adhere to high standards of design. Policy DM1 of the Core Strategy states that all development proposals will be expected to demonstrate that they are of high quality design and take the opportunity to enhance the quality of the area, in addition to requiring a number of other basic planning considerations.

The only alteration proposed is on the rear elevation of the roof, four roof lights are proposed. The roof lights are not considered to have a negative effect on the character and appearance of the building.

Overall the character and appearance complies with Policies DM1, P2 and P3 of the Core Strategy.

Impact on occupier and neighbour amenity

Paragraph 135 of the National Planning Policy Framework advises that planning decisions should always seek to secure a high standard of amenity for existing and future users. Further to the above are the considerations of the Council's Supplementary Planning Document (SPD) 'Guidelines and Standards for Residential Development' which states that new developments "*should be carefully designed to protect the amenity of the occupants of adjoining properties.*"

The application proposes a 3 bedroom HMO at the first floor and a 1 bedroom apartment on the second floor. In regards the HMO, the Council's Strategic Housing Team was consulted and suggested the applicants advertise for co-habiting tenants as it would not be permissible for two singles sharing a room however this is not a matter that can be controlled by planning condition. Nevertheless, Strategic Housing are satisfied that the HMO and self-contained flat above meet the HMO standards and overall Officers conclude that they will provide an acceptable standard of amenity for residents. Occupiers of the HMO should have enough available light in habitable rooms and have a satisfactory outlook to provide a high standard of amenity.

The proposed second floor flat complies with the Technical Housing Standards - Nationally described space standards. However, the flat is served by rooflights only, and as such will not have any outlook and will only have minimal light enter the flat through the windows in the roof. These are small and not sufficient. There is also no outdoor amenity space for occupiers of either the HMOs or apartment. It is acknowledged that the Council does not have an adopted policy requiring a specified amount of amenity space, however, in this case none is proposed, meaning up to 8 adults living in the building with no space for drying clothes, sitting out etc and as set out below, no area within the curtilage of the building for bin storage. Altogether this results in a poor residential environment, with a poor standard of amenity for the occupiers, contrary to the objectives of Policies C3 and DM1 of the Core Strategy and the NPPF.

In regards to noise disturbance, the Council's Environmental Health Officer has advised that a noise impact assessment will be required to determine whether it is possible for the development to achieve specified levels. It is considered that in the event that the application was to be approved, that this could be dealt with as a pre-commencement planning condition.

In light of the above assessment, it is considered that the proposal would not provide a high standard of residential amenity for future occupiers. The proposal would not comply with policy DM1 of the adopted Rochdale Core Strategy, and the NPPF.

Highways and refuse collection

Policy T2 of the adopted Core Strategy seeks to improve accessibility by locating development where good access to public transport is available or can be provided and in all circumstances, prioritises the safety, accessibility and amenity of those who live or have business in the area. Policy DM1 also states that all development proposals should provide satisfactory vehicular access with adequate parking, manoeuvring, and servicing arrangements taking into account of the proposed use and location.

Paragraph 112 (d) of the NPPF states that application for development should allow for the efficient delivery of goods, and access by service and emergency vehicles. The *Guidelines and Standards for Residential Development* SPD states that space for bin storage should be provided and should be out of public view, at the rear, or in a designated area that is well designed, sited and screened. Bin storage areas that require excessive movements from the storage area to the street should be avoided

and any bin storage areas and access arrangements, including access routes for collection vehicles, should be provided in accordance with all relevant legislation and guidance, such as any relevant local planning documents, Building Regulations and Highways requirements.

The application shows a proposed bin store outside the red edge but within a blue edge adjacent to the car park to the rear. The bin store is proposed on an area of hardstanding that is within a public area and officers are not satisfied that this will be out of public view, well sited or screened. The Council's Highways officer has been consulted and raised concerns over the bin store not being in the curtilage of the building / rear yard, instead it is remote from the building. This does not comply with the SPD as the occupants will have to carry waste from the second floor down to the ground floor, go out the front door onto Market Place and walk to the rear of the property and past a car park. This results in a longer path to the bin store and is considered an excessive movement, contrary to the SPD. It is also unclear how the development will be serviced.

In light of the above the proposal is not considered acceptable and therefore with Policy T2 or Policy DM1 of the adopted Rochdale Core Strategy, and the National Planning Policy Framework.

RECOMMENDATION

REFUSE for the following reasons:

1. The proposed development will provide a poor standard of amenity for occupiers. The self-contained second floor flat is served only by rooflights which fail to provide sufficient light and outlook for its occupants. No outdoor amenity space is proposed, either private or communal. Altogether the proposed development fails to deliver quality residential development, instead it will provide occupants with a poor living conditions, contrary to the aims and objectives of Policies DM1 and C3 of the adopted Rochdale Core Strategy, the Council's 'Guidelines and Standards for Residential Development' SPD and the National Planning Policy Framework.
2. The proposed development has a bin store remote from the host building on land that is adjacent to a car park and is not easily accessed by occupiers of the proposed residential accommodation. This will result in excessive movements to the bin store which is located in public view and overall contributes to poor design which is harmful to the character and appearance of the area. It may also cause an obstruction resulting in safety concerns. This is contradictory to Policies T2, C3 and DM1 of the Core Strategy, the Council's 'Guidelines and Standards for Residential Development' SPD and the National Planning Policy Framework.

Procedure Statement

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.

Notes for Applicant:

For the avoidance of doubt the decision notice relates to the listed documents:

Location plan

Roof and Block Plan 0003

Existing and Proposed Plans 001

Existing and Proposed Elevations 002

Report Author Aimee Bovaird