

APPLICATION NUMBER: 23/00964/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/00964/FUL	Rosalind Gralton	13 December 2023

Address: 22 Milkstone Place Rochdale OL11 3TA

Proposal: Change of use from offices to 6 bedroom House in Multiple Occupation (HMO) (Use Class C4) including new windows and doors on front and rear elevations

PUBLICITY	Weekly list expired?	Y	Site notice expired?	N/A
	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
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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: 09.05.24

SITE

The site relates to a two storey property on the western side of Milkstone Place, just north of the Rochdale train line. The site is located adjacent to a used car dealer site located on Mere Lane. Residential terraced properties are located opposite the site on Milkstone Place. The end property, 1 Mere Lane, is also adjacent to the site.

PROPOSAL

The proposals relate to a change of use from offices to a 6 bedroomed House in Multiple Occupation (HMO) (Use Class C4) including new windows and doors on front and rear elevations.

Internal alterations proposed include the creation of an open plan kitchen/living room space, is proposed. With the exception of the creation of the open plan diner/kitchen/living space, all the former offices are converted to bedrooms.

The proposal also seeks to reinstate the existing front elevation windows (facing onto Milkstone Place), and the installation of windows to the rear. A bathroom is provided on both ground and first floor. A rear door and window would be erected to the rear elevation.

New replacement windows are proposed to all elevations, using existing window openings.

A fire escape stairwell at first floor provides access out of the building from the shared hallway

A bin store is located to the rear of the property within the rear courtyard. The garden area is dominated by hardstanding, and is currently is untidy and unkept in appearance.

RELEVANT PLANNING POLICY

National Guidance

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

Adopted Rochdale Core Strategy (CS):

SO2 – Creating successful and healthy communities

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

C3 – Delivering the right type of housing

SO3 – Improving design, image and quality of place

P1 – Improving image
P3 – Improving design of new development

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

21/01804/FUL - Proposed change of use from office and dwelling (Sui Generis) to a Day Nursery (Class E (F)) and erection of a two storey extension to the side and alterations to fenestration following demolition of the existing two storey side extension – Withdrawn

CONSULTATION RESPONSES

Highways And Engineering

In highway terms we must consider the impact of the proposed use against the existing use of the building.

The main highway concern regarding this application is parking provision for the proposed development. The application does not include any off street parking and would rely on on-street parking which presumably the existing use did. We have however consider that the site is in 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. We would therefore advise that an objection on parking grounds is not likely to be sustainable.

The servicing arrangements for both potential uses would seem to be acceptable.

We would not expect that the development would have a detrimental impact on road safety or highway capacity on the wider highway network.

Highways raise no objection to this application and request no specific planning conditions.

Env Health - Noise/Odours

We would have no objection in principle to the proposals. we would recommend a condition requiring the measures outlined in the submitted acoustic report are carried out units to ensure the following internal noise levels:

- *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

Network Rail

No comments received to date

Strategic Housing - HMO

Following the amended plan submitted 15th January to the Council, no objections were received from Strategic Housing.

REPRESENTATIONS

The application was publicised by way of neighbour notification. No responses were received.

ANALYSIS

Principle

The proposal relates to a HMO for six unrelated individuals in six rooms, encompassing shared facilities, which falls within Use Class C4 in the Town and Country Planning (Use Classes) Order 1987 amended. The existing use of the building is offices (Class E). Planning permission is required for change of use from Class E to Use Class C4 and is therefore a material change of use.

The site is located within the Defined Urban Area under Policy G/D/1 and is sustainability located close to Rochdale Town Centre and Milkstone Local Centre. The development is acceptable in principle.

Impact on 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 to reinstate the existing front elevation windows (facing onto Milkstone Place), and the installation of rear windows. Internally the layout would be reconfigured to open up a shared living/kitchen area, and to provide a hallway bathrooms on both ground and first floor. A rear door and window would inserted, replacement windows to all elevations using existing window openings. 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 however full details will be secured by condition.

A fire escape stairwell at first floor provides access out of the building from the shared hallway. Bin storage would be located in the spacious rear yard of the building. This yard is dominated by hardstanding and is currently in an unkempt condition; and therefore a landscaping plan is recommended to be secured by condition.

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 24m². The Council accepts that whilst the proposed combined space falls below the minimum HMO standards of 37.6m², it is noted that all bedrooms significantly exceed the minimum floor space of at least 6.5m², with some comprising sufficient space for a double bedroom and small seating area. The Housing Standards Officer was consulted on the proposed plans and raises no objection following an amended plan to show additional countertop space in the kitchen. On this basis, the proposal is considered to comprise a satisfactory level of residential amenity for its occupants and would be acceptable.

Residential Amenity

Protection of residential amenity is considered under Paragraph 135 of the NPPF which states developments should ensure a high standard of amenity for existing and future users. Policy DM1 of the adopted Rochdale Core Strategy also states development proposals should ensure they "do not adversely affect the amenity of residents or users through visual intrusion, overbearing impact, overshadowing or loss of privacy."

With regard to the proposal, the following minimum space standards from Section 4.1 of the SPD is relevant: (ii) 14m between a principal window and any directly facing two storey elevation which does not contain a principal window to a habitable room."

To the south west, the site looks onto what appears to be land used for the storage of vehicles. Further south is the train line, and the nearest residential property beyond this is on Vine Place, 43m away. As such, the proposal would have no unacceptable impact into facing windows to the rear.

The property, formerly a dwellinghouse, has an 11m facing distance from windows on front of Milkstone place. While this contravenes the guidance contained within the SPD at part 4.1 (ii), at Section 4.3 the guidance states the following:

'Exceptions to these minimum space standards may be acceptable in some circumstances and applications will be considered on their individual merits. For example, where the character and density of the surrounding area would be best preserved by reduced distances and this would not detract from the general levels of privacy and amenity typical in the area, then exceptions may be made.'

As such, it is appropriate to acknowledge the former use of the property as a dwelling, and additionally the high density housing in this location. The general levels of privacy and amenity to the occupants of properties on the northern side of Milkstone Place would not be adversely impacted by the use of the front principal

windows as habitable rooms, and as such, it is on this basis it is not considered the proposal would result in an unacceptable impact on privacy.

The proposed internal layout indicates four bedrooms occupying all four previous offices at first floor, and two bedrooms occupying two of the front offices at ground floor. Each bedroom would have a single principal window directly facing onto either the rear yard of the house or the front of Milkstone Place.

The proposed plans do not indicate any details of the rear amenity space however the plans do demonstrate that a rear yard is available, which provides space for bins, sitting out etc, which is considered to be acceptable in this case.

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 existing background noise levels are such that they will have an adverse impact on the occupiers of the property. The assessment recommends that double glazed units with trickle window vents are 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.

Highways and car parking

Relating to sustainable transport, Paragraph 111 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, 7.5 spaces would be required. It is noted the site does not offer any off-street parking. It is noted there is existing on-street parking available on the site; which 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. As such, while the proposal falls far below the maximum parking standard, 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

1. The works must be begun not later than the expiration of three years beginning with the date of this consent.

Reason: To comply with the requirements of section 18 of the Planning (Listed Building and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004

2. This permission relates to the following plans and reports:

'Amended Proposed Elevations' Dwg No A 1828/4 received by the Council
16/04/2024

'Amended Proposed Plans' Dwg No A 1828/3 received by the Council
30/01/2024

Acoustic Survey and Assessment September 2023

and the development shall not be carried out other than in complete accordance with these drawings and details hereby approved.

Reason: For the avoidance of any doubt and to ensure a satisfactory standard of development in accordance with policies of the adopted Core Strategy and the National Planning Policy Framework.

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

- 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.

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.

4. Notwithstanding any description in the application, prior to their installation, details of the proposed window and door designs shall be submitted to and approved in writing by the Local Planning Authority. The windows designs shall be double glazed and with trickle vents as required by the Acoustic Survey and Assessment. The windows and doors shall be installed in accordance with the approved details thereafter.

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 Galton