

APPLICATION NUMBER: 22/01401/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
22/01401/FUL	Rosalind Gralton	25 July 2023

Address: 190 Milkstone Road Rochdale OL11 1NA

Proposal: 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

PUBLICITY	Weekly list expired?	Y	Site notice expired?	Y
	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?	Y

EIA	Screening opinion completed and saved to Onbase?	N
-----	--	---

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

RECOMMENDATION	REFUSE
----------------	--------

CHECKED AND SIGNED OFF BY: LA DATE: 14.09.23

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.

The site is located 50m north west of the Rochdale Canal SSSI, and is located within the SSSI Impact Risk Zone.

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 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 9 bedroom House of Multiple Occupation (Use Class Sui Generis). Works necessary to facilitate conversion include the insertion of a window to first floor side elevation, alteration to existing garage door into a window, and provision of parking areas at the rear.

Given the land level, 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.

While it is not indicated on proposed elevations, the floor plans show two rooflights per roofslope, providing light into bedrooms at second floor level. The works to installing rooflights are not considered through this application.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

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

None

CONSULTATION RESPONSES

Environmental Health

The Council’s Environmental Health Officer has provided the following response:

“...We would object to the proposal in its current form, in that it doesn’t have a noise impact assessment to quantify the road traffic noise and inform the design 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;*

Additionally we would also want to ensure that sound insulation between properties stopped noise transfer to the neighbouring property.”

GM Fire Service

‘The above proposal should meet the requirements for Fire Service access’

Highways And Engineering

The Council’s Highways Engineer was consulted regarding the proposals and their comments are provided as below:

‘The main issues for Highways associated with this development are parking provision and servicing.

The proposed HMO use usually generates a small amount of parking demand and although it may generate slightly more parking demand than the existing use, the application proposes two parking spaces to the rear of the property. In addition the property is within easy walking distance of the railway station, public transport links and access to some local amenities.

Increases in the servicing requirements of the property would be minimal and are likely not to affect the existing highway network.

There should be no detrimental impact on road safety in the area around the proposed development.

In conclusion although the development may slightly increase on street parking it is within an area where there is good access to sustainable transport, on this basis an objection on the lack of parking provision may not be sustainable.'

Natural England (North West Planning)

Natural England were consulted with the application and their comments are as below:

'SUMMARY OF NATURAL ENGLAND'S ADVICE

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

As submitted, the application could have potential significant effects on

- *Rochdale Canal Special Area of Conservation (SAC).*
- *Rochdale Canal Site of Special Scientific Interest (SSSI).*

Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

A Habitats Regulations Assessment (HRA), which includes:

- *Consideration of the potential impacts on the designated sites during the construction and operational phases of the development.*

Without this information, Natural England may need to object to the proposal.

Please re-consult Natural England once this information has been obtained.

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

Strategic Housing - HMO

The Council's Strategic Housing Officers were consulted regarding the HMO. Their comments are as follows:

'At present this would not meet the minimum HMO space standards or facilities. The bedrooms do not look to be en-suite therefore it seems there is only one bathroom for 9 occupants (unable to identify the facilities within this bathroom). The requirement for an 8 to 10 person HMO is :

Eight to Ten Person HMO

Shared amenities – Two separate rooms containing a WC and wash hand basin and two separate rooms containing a bath or shower is required. All four rooms containing a bath or shower is required. All four rooms to be accessed from a common hallway/landing.

All bedrooms to be provided with wash hand basins.

The amenities to be no more than one floor distant from the users.

In addition to this, it seems there is no dining area stipulated on the plans. In this instance, if they were to do a combined kitchen/dining this would need to be a minimum of 16.7m², if they were to do a combined living/dining this would need to be a minimum of 27.4m²

As you can see this would mean the communal space is undersized for the number of occupants.

However, I can confirm all bedrooms would meet the minimum single bedroom standard of 6.5m² or above.

As per my above comments, we would not support this conversion in its current format but would welcome further plans to ensure this meets all the minimum requirements for a HMO.'

Env Health - Noise/Odours

No comments received to date

United Utilities

No comments received to date

REPRESENTATIONS

The application was advertised by way of neighbour notification and site notice. One representation was received. Concerns were raised regarding any damage to neighbouring properties during the works, and queries as to who would be liable.

Officer Response: Any damage caused during construction would be a civil matter between the parties involved and is not a material planning consideration.

ANALYSIS

The key considerations for this application are principle, ecology, character and appearance, occupier amenity, neighbour amenity, and highways.

Principle of Development

The proposal is for a 9 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.

The proposal also seeks permission for alterations to the building and its outdoor areas, including the insertion of a window to first floor side elevation, alteration to existing garage door into a window. Provision of parking areas at rear is also proposed.

The site is located within the Defined Urban Area and sustainably located close to the town centre. For these reasons the development is considered acceptable in principle.

Ecology

Paragraph 174 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 174 and the

forthcoming 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 is considered to have significant effects on the Rochdale Canal Site of Specific Scientific Interest, and Rochdale Canal Special Area of Conservation. Natural England were consulted on the proposals, and stated a Habitat Regulation Assessment (HRA) was required in order to determine the significance of the impacts and scope for mitigation in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended). This information has not been submitted, and as such insufficient information has been provided in order to determine the application. The LPA approached the planning agent for submission of a HRA, which they declined to submit. The proposal therefore is not in compliance with the Rochdale CS nor policies contained within the NPPF.

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 124 and 127 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.

The works necessary for the conversion of the property into a HMO predominantly relate to internal works, although the application does include the erection of 1 window to the side elevation at first floor, the conversion of a garage door to a window at ground floor on the rear elevation. Hard landscaping works are proposed to the rear of the property to provide parking provision. While not shown on elevation drawings nor included within the application description, two rooflights per roofslope are indicated on the floorplan drawings at second floor. In the event the application was approved, an amended elevation would have been requested from the applicant, or a condition would be imposed ensuring installation of these roof lights as shown in the floor plans.

Given the land level, 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. In the event this application would be approved, an amended plan would be sought to rearrange the internal layout, to avoid the need for the front door on the property serving a bedroom, from an occupier amenity perspective, and to avoid the potential works of the principal entrance to the property being bricked up, which would be unsympathetic to the terrace row.

In relation to the proposed external works, the proposed replacement of the garage door to a window would be considered acceptable, and the principle of the window insertion in the side elevation of the property would also be acceptable, resulting in a limited impact to the character and appearance of the area.

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.

Paragraph 130 of the NPPF states *'Planning policies and decisions should ensure that developments: f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users'*

The Council have consulted within the internal Housing Standards Landlord Licensing team on the application, who have stated they would not be able to support the application in its current state, as a result of the non-compliance with some requirements, such as undersized communal space and lack of bathrooms as required in a 9 bed house. While the application states it is a 9 bedroom HMO, 13 bedspaces are indicated as on plans (including the bedroom No 9, which does not show a bed however suggests a single bedspace. This raises the potential for up to 13 people to be living in the house.

Concerns are raised regarding the lack of outlook provided at first and second floor level, in respect of the bedrooms at No 6, 9 and 8. For No 9 and 8, no sections have been provided indicating headroom, or the sill height of the proposed rooflights which would serve the bedrooms, and therefore floorspace cannot be accurately counted at this time. Additionally, elevational drawings do not show the proposed rooflights. Insufficient information has therefore been submitted, in order to address the suitability of these rooms for habitable conversion.

Regarding bedroom No 6, the proposed window would be set back 3.7m from the front elevation, and would be directly facing the blank gable end of the existing two storey side and rear extension at No 188 Milkstone Road. Oblique views would be provided of the land used as a private driveway, to the front of No 188. Given the scale and projection of the existing extension, it is likely this window would not benefit from an adequate amount of daylight into bedroom No 6. As such, as this window would be the only window this bedroom is served by, the future occupier of this bedroom would not result in a high quality of residential amenity.

The Council's Strategic Housing team object to the proposed development. The application fails to comply with the NPPF in regards to amenity and policies DM1 and C3 of the Core Strategy.

Neighbour Amenity

Of the Council's Adopted SPD 'Guidelines and Standards for Residential Development' Section 4.12 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.'*

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.

The Council's Environmental Health Officer for Noise was consulted, and has objected to the proposed development on the grounds of noise – in the absence of a noise impact assessment, it has not been demonstrated to the Council's satisfaction that the dwelling could be used as an HMO without causing undue harm to the adjoining neighbour, whilst also ensuring a high standard of amenity for the occupants themselves. It is recognised the occupation of the dwelling would be for up to 13 individuals would result in an intensification of the dwelling, over and above that of a normal family dwelling.

Therefore Officers are not satisfied that the proposal would deliver a good standard of amenity for occupiers and neighbours, and therefore cannot conclude that it would accord with the aims of Policies P3 and DM1 of the adopted Core Strategy, the SPD and the NPPF.

Highways

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.

The proposal seeks to provide two off street parking spaces. The site is located a 20 minute walk from Rochdale Town Centre. The Council's Highway's engineers were consulted on the application, and stated while increases in servicing requirements are expected, the impact of these would be minimal and would have no detrimental impact upon road safety in the area and around the proposed development.

As such the proposal would meet the requirements of Policies DM1 and T2 of the adopted Core Strategy and the National Planning Policy Framework.

RECOMMENDATION: Refusal

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.

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, this proposal relates to the following documents and plans:

- Location Plan
- Existing Floor Plans – 22.2938.1B
- Proposed Elevations - Scheme 2 – Proposed details – 22.2938.SC2.2B
- Existing & Proposed Block Plans – 22.2938.SC2.3A
- Proposed Floor Plans – Scheme 2 – Proposed details – 22.2938.SC2.1A

Report Author Rosalind Gralton