

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

23/00034/FUL

CASE OFFICER

Majid Mir

DETERMINATION DATE 23.08.2023 **EXT OF TIME** 10.05.2024

Address: Wells Bakery Workshop Oxford Place Rochdale OL16 5LU

Proposal: Change of use of first floor from Bakery (Use Class E) to HMO (Use Class C4) with a maximum of three bedrooms, installation of external staircase on side elevation and external door on first floor side elevation (part retrospective)

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?	Y
	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/A

RECOMMENDATION

REFUSE

CHECKED AND SIGNED OFF BY: RG

DATE: 10 May 2024

SITE

The application property is presently being used as a storage area for Wells Bakery. The building is a two storey end of terrace property. Oxford Place is not identified as a part of the adopted highway. Oxford Place has been split into two with large board sited approximately 13m along the width of the application property. To the west and on the opposite side of Oxford Place is a row of two storey terraced properties. The properties are located on Oldham Road and within the Oldham Road at Royds Street West Local Centre as defined under policy S/6 of the UDP. It is noted that there is a large flu on the front elevation of the application property and there are also numerous properties on Oldham Road, including takeaways, which have flues sited on the rear elevations facing Oxford Place. To the rear, the application property adjoins a Wellfield WM Club. The application property is located within a restricted area which has a fence and gate that runs along the boundary with Prince Street and adjoins the rear of 329 Oldham Road and side elevation of Wellfield WM Club. There is seating located on Oxford Place which appears to be used by patrons of Wellfield WM Club.

PROPOSAL

The application seeks to Change the use of the first floor of the application property from a Bakery (Use Class E) to HMO (Use Class C4) with a maximum of three bedrooms. Along with three bedrooms, the HMO will consist of a separate lounge, kitchen/dining area and communal bathroom. Bedroom 1 will also have access to its own ensuite. The application also proposes to install an external staircase on side elevation, external door on first floor side elevation and install a bin store. The external staircase and door have already been constructed.

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:

JP-S1	Sustainable Development
JP-H1	Scale, Distribution and Phasing of New Housing Development
JP-H2	Affordability of New Housing
JP-H3	Type, Size and Design of New Housing
JP-H4	Density of New Housing
JP-P1	Sustainable Places

Adopted Rochdale Core Strategy (CS):

SD1	Delivering sustainable development
DM1	General development requirements
SO2	Creating successful and healthy communities
C1	Delivering the right amount of housing in the right places
C3	Delivering the right type of housing
C6	Improving health and well being
SO3	Improving design, image and quality of place
P1	Improving image
P3	Improving design of new development
SO4	Promoting a greener environment
G9	Reducing the impact of pollution
SO5	Improving accessibility and delivering sustainable transport
T2	Improving accessibility

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

Not applicable.

CONSULTATION RESPONSES

Strategic Housing - HMO

We would not support the conversion due to the lack of communal space. In this case there must be a minimum floor space of 29.4m² and to include a kitchen/dining/living room, meaning the current proposal is around 30% undersized.

Following amendments

In line with the HMO Standards for communal provisions, I can confirm this would meet the minimum space requirements.

All bedrooms are above the minimum 6.5m² space standard, however it is unclear whether the 'en-suite' has been taken off the overall measurement for bedroom 1. We would also need to clarify the facility provided within the en-suite, would this be a full WC, Shower/Bath and wash hand basin?

If the en-suite to bedroom 1 has all 3 amenities, this would mean only bedrooms 2 and 3 would require use of the shared bathroom and therefore, the following minimum standards would apply;

Two Person HMO

- i. A shared bathroom comprising a WC; hand wash basin; and bath or shower is required. All amenities to have suitable hot and cold water supplies and properly drained.
- ii. A bedroom furthest from the shared bathroom requires a hand wash basin with hot and cold water supplies and properly drained.
- iii. The bedroom adjacent to (i.e. within 3.0m door to door) the shared bathroom does not require a wash-hand basin.
- iv. If the distance between the nearest single bedroom and shared bathroom exceeds the distance in iii) above or it is on another floor level, then a wash-hand basin is required in both bedrooms.

GM Fire Service - Operational Risk

No comments received to date

Env Health - Noise/Odours

The noise climate is one of road traffic and predominantly extraction systems, the exiting bakery and a nearby pub. Although the report shows how the required internal noise levels can potentially be achieved, this is absolutely dependant on windows that do not open in the bedrooms, if they are openable the noise levels will become unactable and we will likely remove complaints of noise nuisance, a further range of building insulation measures are required including a mechanical extract ventilation system to provide whole dwelling ventilation, itself a source of noise. I feel there are too many variables and room for error in this scheme that would leave the future occupants living in an unsuitable noise climate.

Following amendments

Comment remains the same as those originally provided.

Highways And Engineering

There are a number of highways issues arising from this application that would need consideration.

The size of the proposed HMO use would generate little parking demand although the property is within easy walking distance of the railway station and public transport links and also access to some local amenities.

Increases in the servicing requirements of the property would be minimal, however we would need to approve the location of the bin storage area to ensure that access along Oxford Place is maintained.

If the application was considered for approval it is unlikely that there would be any detrimental impact on road safety or highway capacity in the surrounding area.

In conclusion although the development may slightly increase on street parking it is within an area with a low accident record and access to sustainable transport, on this basis an objection on the lack of parking provision may not be sustainable.

REPRESENTATIONS

Letters of notification were sent to neighbouring properties and site notices were placed in the vicinity of the site. No responses have been received.

ANALYSIS

Principle of Development

The proposal has been amended to reduce the number of bedrooms from four to three. Each room will be a single occupancy room and therefore the proposed HMO will be for a maximum of three people. The proposed HMO would be located on the first floor with the ground floor retaining its existing use as Bakery (Use Class E) being retained on the ground floor.

HMOs are classified as being within Use Class C4 where the property will be occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom. Where a property exceeds this, it would be classified as 'sui generis' use. As this proposal will limit the number of HMOs to three, it falls under Use Class C4.

The site is located within the Defined Urban Area under Policy G/D/1 and adjoins the Oldham Road at Royds Street West Local Centre. Oldham Road is sited on the opposite side of the neighbouring properties and enjoys good public transport links. Furthermore, it is within walking distance to nearby retail park and the train station. As such it is considered that the proposed development is located with a sustainable location.

The proposed development is considered to be acceptable in principle, subject to the scheme being acceptable by way of the following development management requirements.

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 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.

To convert the property in to a HMO, the application seeks to install an external staircase and door on the first floor. These would be sited on the side elevation close to the boundary with the neighbouring Wellfield WM Club and the Prince Street. The proposed external stair case silver colour. It would be sited behind street furniture (pole and light pole) which are silver in colour. Furthermore, it is noted that the existing building and some of the neighbouring properties have been painted a grey colour and there is a metal fence between the application property and the highway.

The application also proposes a timber bin store sited by the metal fence. The proposed bin store is considered to be acceptable.

As such it is considered that the proposed external alterations would not be overly prominent and would unduly impact the visual amenity of the street scene. It is therefore considered the proposal is acceptable and would therefore accord with policies DM1 and P3 of the Core Strategy, PfE and the NPPF.

Residential Amenity

Housing Standards and Occupier Amenity

The Housing Act 2004 introduced a licensing requirement for larger HMOs.

The proposed kitchen space measures 17.7m² and the living/dining space measures 11.1m², with a total combined floor area of 28.8m². The Housing Standards Officer has stated the communal provision meets the minimum space requirements. Additionally, it is noted that all the bedrooms would meet the minimum floor space of at least 6.5m², with sufficient space for a bed and small seating area. Bedroom 1 has an ensuite that is capable of providing a shower, toilet and hand basin.

The Council's Housing Standards Officer has noted that where the ensuite can provide a toilet, shower/bath and hand basin, 2 and 3 bedrooms would require use of the shared bathroom and therefore provides guidance on housing standard requirements. This element would be dealt with through different procedure, however, it is considered prudent to include an advisory note with the necessary advice.

Neighbour and Occupier 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.'

The applicant has stated that the windows for the proposed bedrooms, kitchen/dining room and lounge room would have an area of 1.7m², which would equate to 15% of the floor area, and therefore allow good quality natural light to the rooms. However it should be noted that natural light does not relate solely to the size of windows and must be considered in their wider context and placement.

The Guidelines and Standards for Residential Development SPD (SPD) contains a number of guidance parameters for the design and layout of new housing in order to preserve the amenity standards for surrounding existing residents and achieve high quality standards of accommodation for new residents of proposed developments. Paragraph 4.1 of the SPD states that a distance of 14m should be retained between a principal window and any directly facing two storey elevation which does not contain a principal window to a habitable room. This distance increases to 21 metres where there are principal windows to habitable rooms on both properties.

The proposed plans show that there would be three bedroom windows on the first floor facing directly towards the two storey properties on Oldham Road. Additionally, windows to the kitchen/dining room and lounge room would also have windows on the first floor directly facing towards the rear of the properties on Oldham Road. These are all considered to be habitable rooms. The distance between the properties is approximately 4.6m. It is noted that some of the windows on the opposite side of Oxford Place are obscured and they are not windows to residential properties. Although these windows are for commercial properties, considering the distance of only 4.6m, the occupiers of the HMOs would be overlooked by any users of the commercial properties.

Furthermore the separation of just 4.6m between buildings would create an extremely poor relationship between these uses, failing to allow for a sufficient natural light or provide any form of reasonable outlook or privacy for residents. In

combination this would result in a wholly inadequate standard of living within all of the main habitable spaces for future residents. Such a low quality standard of accommodation is poorly considered and represents an inadequate assessment of the site's potential to provide high quality residential accommodation, demonstrating a poor functional design.

Policy G9 requires that sensitive new developments such as housing are not adversely affected by existing sources of pollution, including noise, from certain types of industry.

Paragraph 191 of the NPPF, states that 'planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to

impacts that could arise from the development'. Paragraph 193 of the NPPF adds that 'planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

The application was supported by a Residential Noise Assessment. The assessment identified noise from road traffic, extraction systems, the existing bakery and Wellfield WM Club. The majority of the noise identified comes from business that surround the application property.

In regards to the Bakery on the ground floor. The assessment noted that the operational times of the ground floor bakery are between 08:00 and 16:00 Wednesday to Friday. Wellfield WM Club adjoins the application property along the eastern rear elevation. A large proportion of the rear elevation adjoins with Wellfield WM Club. It is noted that the proposed floor plans show that the wall enclosing the hallway, small portion of bedroom 1 and its ensuite would adjoin with the partitioning wall with Wellfield WM Club. The assessment notes that the Wellfield WM Club operates between 11:00 and 23:30 hours and live music is played from 19:00 on Sundays.

In regards to the flues, it is noted that there is a flue on the application property as well as on neighbouring properties related to the food industry. The assessment noted that 'the proposed development is heavily influenced by noise emissions from a nearby extract system.' In regards to the road traffic, it is noted that Oldham is a busy road in to and out of Rochdale Town Centre.

In section 4.3 of the assessment it states the following:

"The AVO Guide advises that if windows are open regularly to provide higher rates of ventilation to mitigate overheating, this will lead to elevated internal noise levels which could lead to undesirable living conditions. If windows are opened rarely the occupants may be able to tolerate elevated noise levels due to the inherent benefits of natural ventilation.

However, as previously mentioned, due to the prominence of noise from existing commercial premises at the site it is advised that windows remain closed to protect the amenity of future occupants.

Therefore, as windows cannot be used for the primary means of ventilation, an alternate ventilation strategy is required that is capable of a higher rate of ventilation. A mechanical extract ventilation system should be installed to provide 'Whole Dwelling Ventilation' in accordance with Approved Document F..."

The Council's Environmental Health Officer has stated that although the report shows how the required internal noise levels can be potentially be achieved, this is dependant on windows that do not open in the bedrooms. As these are bedrooms and it is expected that occupiers of bedrooms are able to open windows. With windows that open, the noise levels will become unactable.

The Environmental Health Officer, added that to achieve the necessary standards, a further range of building insulation measures will be required, which will also include a mechanical extract ventilation system to provide whole dwelling ventilation, which itself is a source of noise. Subsequently, the Environmental Health Officer considered that given the many variables and room for error that the proposals have not demonstrated that they would not result in future occupants living in an unsuitable noise climate.

The application property adjoins Wellfield WM Club to the rear, there are commercial properties on the opposite side of Oxford Place and there are commercial properties to the north. The nearest residential properties are located to the north east (to the rear of no's 12 and 14 Oxford Place) and east of Wellfield WM Club. Furthermore, it is noted that the application property adjoins Oldham Road at Royds Street West Local Centre.

Whilst it is not considered the proposals would result in any undue impacts on its surrounding use in terms of noise egress, the adjacent noise generating uses will very likely conflict with the future residential use and could result in nuisance for future residents which may then place new pressure existing businesses despite the proposed development representing the agent of change in this instance.

In conclusion, due to insufficient space between the application property and those on the opposite side along Oldham Road, the proposed bedrooms would receive insufficient amount of light and outlook. The insufficient space would allow for overlooking and poor levels of privacy for the occupiers. Finally, due to the surrounding uses and ventilation and extraction systems found on surrounding properties, the proposed development would result in conflict between uses and a likely unsuitable noise climate for future residents. The proposed development will lead to poor level of amenity for the occupiers and therefore 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.

Highways

As noted above, the application site is located close to Oldham Road and numerous bus stops are located in walking distance. Furthermore, the train station and retail park are also within walking distance. Finally, the application property is adjacent to a local centre. As such the application property is located in sustainable location. Noting the size of the proposed HMO, it is anticipated that the proposed development would generate a slight increase in on street parking demands. However, the highways department have noted that along with the access to sustainable transport, it is within an area with a low accident record. The highways department concluded that there is unlikely to be any detrimental impact on road safety or highway capacity in the surrounding area by the proposed development.

As such it is considered that the proposed development would not result in undue harm to highway safety and therefore accords with policy T2 of the adopted Rochdale Core Strategy, PfE and the NPPF.

RECOMMENDATION

REFUSE for the following reason

The proposal would result in a poor standard of amenity for future occupiers owing to the inadequate separation distances from the adjacent buildings and inadequate light, outlook and privacy to the habitable rooms of the proposed HMO. Furthermore, the application fails to demonstrate how the first floor of the building can be converted to residential accommodation without being subject to undue noise and disturbance from neighbouring uses and extraction and ventilation systems within the vicinity of the site. Altogether the proposed development has failed to demonstrate that it will create a residential environment that promotes wellbeing and that offers a high standard of amenity for future users, and as such does not accord with policies DM1 and G9 of the adopted Core Strategy, 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, this Decision Notice relates to the following submitted plans:

Site location plan

Existing & proposed block plans. Drawing no: 22.2895.3A. Received by email on 16/10/2023

Existing details. Drawing no: 22.2895.1

Existing elevations. Drawing no: 22.2895.2

Proposed/as built elevations. Drawing no: 22.2895.SC1.2B

Proposed/as built floor plans. Drawing no: 22.2895.SC1.1C. Received by email on 16/10/2023