APPLICATION NUMBER: 21/00331/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
21/00331/FUL	Ryan Killeen	18 May 2021

Address: 143 Bamford Road, Heywood, OL10 4AA

Proposal: Change of use from dwelling (Class C3) to 9-bed House in Multiple Occupation (sui generis) including alterations to front elevation, 1.8m high boundary fencing and cycle store

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?	Y

EIA	**Screening opinion completed and saved to Onbase?**	N/A

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

RECOMMENDATION	REFUSE

CHECKED AND SIGNED OFF BY: AT **DATE: 20.05.2021**

SITE

This application relates to no.143 Bamford Road, a two-storey semi-detached property sited on a corner plot between Clay Bank Street and Bamford Road 600m north of Heywood town centre. The property dates from the mid-late 19th century, historically comprising two separate dwellings which have more recently been amalgamated to form a single 4 bedroom dwelling.

The property fronts Clay Bank Street and adjoins to no.145 Bamford Road to the east, which wraps around the junction to front Bamford Road. A grassed area exists between the application property and no.6 Clay Bank Road, the adjacent dwelling to the west.

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 bricking up of one of the existing front doors, erection of a boundary treatment around the rear curtilage, formation of car parking and erection of timber cycle store.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF) – February 2019
National Planning Practice Guidance (NPPG)

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
P3	Improving design of new development
SO4	Promoting a Greener Environment
G6	Enhancing Green Infrastructure
G8	Managing water resources and flood risk
G9	Reducing the impact of pollution, contamination and land instability
SO5	Improving accessibility and delivering sustainable transport
T2	Improving accessibility
DM1	General development requirements
SD1	Delivering sustainable development

Unitary Development Plan (UDP):

G/D/1	Defined Urban Area
EM/7	Development and Flood Risk
EM/8	Protection of Surface and Ground Water

Supplementary Planning Documents (SPD):
Guidelines and Standards for Residential Development (June 2016)

RELEVANT SITE HISTORY

N/A

CONSULTATION RESPONSES

GMP-Rochdale South
No comments received to date

GM Fire Service
Summary: The application should accord with Fire Service requirements. Recommend the installation of domestic sprinkler system

Highways And Engineering
The applicant has proposed the conversion of a residential dwelling into a HMO.

The proposal will not generate any significant volume of traffic.

Whilst we accept that developments of this nature have a low parking provision we would not accept there to be no car ownership at all.

The proposed development will contribute to on street parking. Whilst we would prefer more parking is provided, we could not sustain an objection to this proposal on parking grounds.

No changes are proposed to the highway.

We have no servicing concerns with this proposal.

We have no sustainable objections to this application.

Whilst on street parking will be impacted by this proposal and road safety compromised in this instance we do not believe the impact to be severe.

Env Health - Noise/Odours
This section cannot support the proposal. The intensification of use (9 occupants) in a semi-detached property not designed for this purpose would most likely lead to complaints of noise nuisance and general disturbance.

Strategic Housing
No comments received to date

REPRESENTATIONS

Letters of notification were sent to all surrounding properties and a notice posted in the vicinity of the site. 140 letters of objection were received, their contents relates to:

Objection	Officer's Response
Design	
No details on bins and refuse collection	Assessed in the 'design' section of the report.

Amenity	
Potential noise, disturbance and anti-social behaviour	An assessment of noise and disturbance is undertaken in the 'Amenity' section of the report.
The property is not large enough for 6 unrelated individuals.	The Council's Strategic Housing Officer has been consulted on the application. Their response has been included in the assessment.
Impact of noise and overlooking to adjoining occupier	An assessment of noise and privacy is undertaken in the 'Amenity' section of the report.
Highways	
Insufficient parking to accommodate the scheme	An assessment of the impact on the highway network is contained in the 'Highways' section
Too many parked cars on Clay Bank Street.	
The junction of Clay Bank Road and Bamford Road is dangerous at present. The proposed fence could contribute to unacceptable	
Other	
Threat to safety and wellbeing to the public as a result of the assumed occupants	It would be unreasonable to make assumptions in relation to the potential behaviour of any future occupants.
The use of the site as a HMO is incompatible with the surroundings	Assessed in the 'Principle of Development' section
An environmental assessment should be submitted with the application.	The application meets National Information Requirements. An assessment of ecological impacts is contained in 'Other Matters.'
There are too many HMOs in Heywood	No evidence has been provided to support this claim, nor evidence of any consequences if there were to be. The Council's Strategic Housing Officer has been consulted on the application.
The proposal will contribute to crime.	Greater Manchester Police have been consulted on the application, but no response has been received. Further to this, it would be unreasonable to make assumptions in relation to the potential behaviour of any future occupants.
The proposal would reduce local house values.	This is not a material planning consideration to which the Local Planning Authority shall have no regard.
The proposal would impact local business through restricting access	Assessed in 'Highways' section.
The site includes a patch of Japanese Knotweed	An assessment of ecological impacts is contained in 'Other Matters.'
Insufficient publication of the application.	The application has been publicised in accordance with the requirements of the Development Management Procedure Order

ANALYSIS

Principle of Development

The proposal is for an HMO for up to sixteen unrelated individuals sharing basic amenities, which is a '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 site is located within the Defined Urban Area and sustainably located close to the town centre. The development may be considered acceptable in principle, subject to the scheme being acceptable by way of the following development management requirements.

Housing Standards and Council Housing Strategy

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 proposal appears to broadly accord with the Council's HMO floorspace standards. The proposal includes shared kitchen/living areas at ground floor and would ensure a minimum of $10.5m^2$ for a single person bedroom. Overall the proposal would meet the Housing Standard 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 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 a 1.8m high timber fence with concrete posts and gravel board and cycle store in addition to bricking up a door to the front elevation.

The majority of works are confined to the rear curtilage and as such, are screened by virtue of the siting of the existing building with limited impact to the character and appearance of the area. The bricking up of the westernmost front door is considered poor in design terms, although it is acknowledged that the legibility of the building would be retained through the remaining doorway to Clay Bank Street.

Overall, it is considered that the proposal would result in a satisfactory standard of visual amenity and would accord with the aims of Policies P3 and DM1 of the adopted Core Strategy, the SPD and the NPPF.

Amenity

Policy DM1 of the Core Strategy requires that proposals should not adversely affect the amenity of residents or users through visual intrusion, overbearing impact, overshadowing or loss of privacy. The National Planning Policy Framework requires development to achieve a high standard of amenity for existing and future users.

The "Guidelines and Standards for Residential Development" SPD contains a number of guidance parameters for the design and layout of new housing in order to preserve the amenity standards for surrounding residents and future occupiers.

Noise and Disturbance

With regards to the subdivision of dwellings, or conversion into a HMO, paragraph 4.12 of the SPD 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."*

The application property comprises a four-bedroom C3 use dwellinghouse, adjoining to no.145 Bamford Road, another C3 use dwellinghouse to the east. Due to the arrangement of the two properties, the application property wraps around the adjoining neighbour to the south and east of the property. Similarly, the private garden of no.145 adjoins the garden of the application property to two sides.

The proposed change of use would constitute an intensification of the site, not only by virtue of an increase of a number of occupants, but also as a consequence of the occupants' way of life likely contributing the situation; the site at present is considered to constitute a family dwelling, with familial existence constituting a consistent use profile whereby activity typically peaks during the morning and evenings, and dips throughout the day and eventually settles overnight. In a HMO with 9 occupants, it is expected that there would be a discernible, near permanent acoustic presence at the site, as individual occupants are less likely to draw parallels in their daily schedules; occupants are less likely to eat, clean, work and relax at the same time.

It is considered that the social aspect of a HMO is a key characteristic of the use, with each room comprising adult occupants, each with their own social connections, it would be expected that the frequency of visitors to the property would exceed what would be typical for a residential dwelling.

As such, it is expected that the proposal would result in the frequent comings and goings of people to the site, with movement through the common corridors, traversing the central stairwell, the opening and closing of doors, and other general noise associated with such use, all at various times which would have a greater chance at extending into late evening or the early hours. Such pattern of behaviour and activity is not considered to be compatible with the adjoining residential use, and whilst the level of noise may not amount to a statutory nuisance, it nevertheless has a demonstrable impact on the amenity of the adjoining residents at no.145 Bamford Road.

Such acoustic impacts would also extend to the private garden area of no.145 Bamford Road, where the garden of the property is encircled by the curtilage of the

application property. It would be expected that congregations in the garden area would be more frequent, and of such intensity that it would prevent the peaceful and private use of the garden of no.145.

Further to this, the Council's Public Protection Officer has been consulted on the application and has stated their objection to the scheme.

Privacy

No concerns are raised with regards to a loss of privacy as the proposal would not introduce any direct facing upper floor windows, and would not offer any unacceptable vantage points into surrounding garden areas.

Occupier Amenity

The proposal would provide adequate light and outlook for all habitable rooms and the proposal provides a suitable private outdoor space for the occupiers to sit out and enjoy.

To conclude, the proposal would unduly impact the living conditions of the occupiers of no.145 Bamford Road through unacceptable noise impacts, contrary to the aims of policies DM1 of the Adopted Core Strategy and Paragraph 127 of the NPPF.

Highways

The application site is sited at the junction of Bamford Road and Clay Bank Street, with double yellow lines restricting on-street parking to the front of the building due to its proximity to the junction of a classified road. Dwellings on Clay Bank Street are predominantly 18th Century terraced properties, without dedicated off-street provisions, and occupants therefore rely on on-street parking. It was observed upon a site visit by the Case Officer that on-street parking is near saturated.

The application seeks to include 4 no. off-street parking spaces to the north of the rear curtilage, to be accessed via the grassed area immediately west of the application property.

The access to the parking spaces is not under the applicant's ownership, nor is the land considered suitable for an access route, being a grassed area, which after continuous use, would likely regress into a muddy, dysfunctional track that would discourage use of the parking spaces. The spaces themselves are arranged in a 2 x 2 layout. Given the HMO would comprise 9 unrelated occupants, it is not considered that such layout is suitable and would further discourage use of the parking.

As such it the parking provisions at the site cannot be considered and are discounted for the purpose of this assessment.

It is acknowledged that car ownership would typically be lower for the site, and the site is sustainably located, approximately 10 minutes on foot from Heywood Town Centre, with a cycle store also enabling alternatives to private vehicle transport. However, it is considered that car ownership at the site would be in the range of 3-4 vehicles, which, given the absence of any opportunity for on-street parking at the site, would unacceptably restrict vehicle movements along Clay Bank Street, or force pedestrians into unsafe situations when crossing or travelling along the highway.

As the proposal fails to include satisfactory parking provisions, it is considered that the proposal would be detrimental highway safety and would fail to accord with Core Strategy Policy T2 and the NPPF.

Other Matters

Drainage

Paragraph 155 of the NPPF 2018 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Policy G8 of the Core Strategy sets out the Council's strategy for managing water resources and flood risk more effectively in the interests of public safety, protecting property and infrastructure and the conservation of the natural environment.

The site lies within the Heywood Critical Drainage Area. The application does not include the extension of the property and it is not considered that surface run-off would be increased as a result of any landscaping works.

Ecology

There are no ecological concerns with the proposal where the application relates predominantly to internal works to facilitate a change of use to a House of Multiple Occupation. Letters of objection raise concern that there is Japanese Knotweed present on the site, a comprehensive walk round the site has concluded no such evidence, however in the event that the application is recommended approval, informatives would be attached reminding the applicant of the their obligations with regards to invasive species of plants.

Several letters of objection have requested an 'Environmental Assessment,' it is not clear what is meant by this, although given the characteristics of the site, and the retention of all non-statutorily protected trees on site, it is not considered that the proposal would result in any adverse impacts to biodiversity or ecological features.

RECOMMENDATION

Refuse

1 The proposed House in Multiple Occupation use would result in the increased internal transmission of noise through the party wall shared with no.145 Bamford Road through an increase in comings and goings of occupants and visitors to the site, and general activities associated with day-to-day living which are likely to extend throughout the daytime and into the late evening. This harm would be compounded by external noise generated in the use of the rear garden, which would spoil the peace and privacy of the adjoining residential garden. The proposal is therefore contrary to the residential amenity aims of policies G9 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

2 The proposed development would result in an increase in on-street parking and would increase the risk to the safety of pedestrians on the footway and risk the potential to restrict access to emergency vehicles. The proposal is therefore detrimental to highway safety, contrary to policies DM1 and T2 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:

In the avoidance of doubt, this decision relates to the following plans:

Location Plan
143BR/200/PL – P1 – Proposed Site Plans, Boundary Treatments and Bike Store
143BR/201/PL – Existing Floor Plans
143BR/202/PL – Existing Elevations
143BR/203/PL – P1 – Proposed Floor Plans
143BR/200/PL – Proposed Elevations

Report Author Ryan Killeen