

**Application Recommended for Approve with
Conditions**
Bank Hall

COU/2019/0316

Town and Country Planning Act 1990
Change of use from public house to house in multiple occupation with 14 no.
bedrooms
49 Todmorden Road Burnley Lancashire BB10 4AB

Background

The site is located within the defined development boundary as designated in Burnley's Local Plan.

This former PH is located on Todmorden Road adjacent to the Registry office. Attached is No. 45 Todmorden Road which would appear to be occupied. To the rear of the site is a back street with mature trees which back onto domestic garages which serve properties on Lower Tentre.

The property is made up of Numbers 47 and 49 Todmorden Road which have a clear frontage onto Todmorden Road with visible side elevation onto Richard Street.



Image taken from google street view



Image taken from google street view (side elevation on Richard Street)

Proposal

The application seeks consent for the change of use of the former PH into a 14 bed HMO with associated shared facilities: kitchen, lounge, bathrooms. The application follows on from a recent approval at the same property COU/2019/0332 which was approved on the 9/10/19. The application being considered seeks to remove a single storey rear extension to allow greater outdoor space and some minor internal alterations.

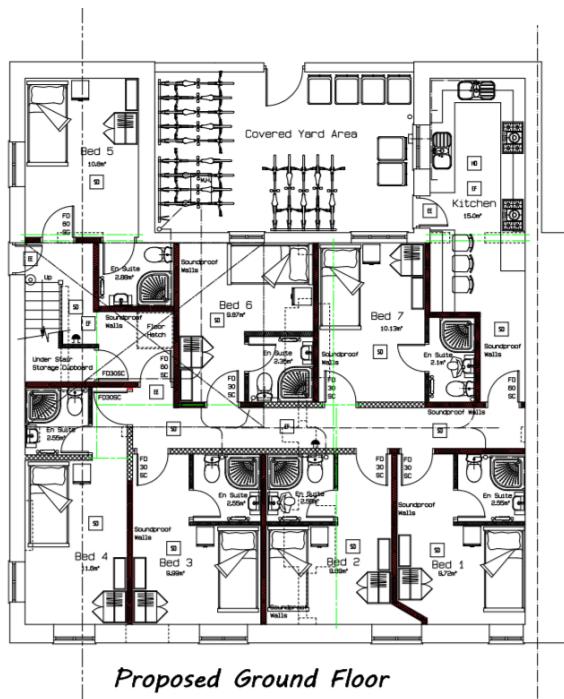
Accommodation will be set out as follows:

Ground floor – 7 bedrooms each with a shower and wc with a kitchen area to the rear of the property. The rear yard area will also provide a dedicated bin store area and internal bike storage area.

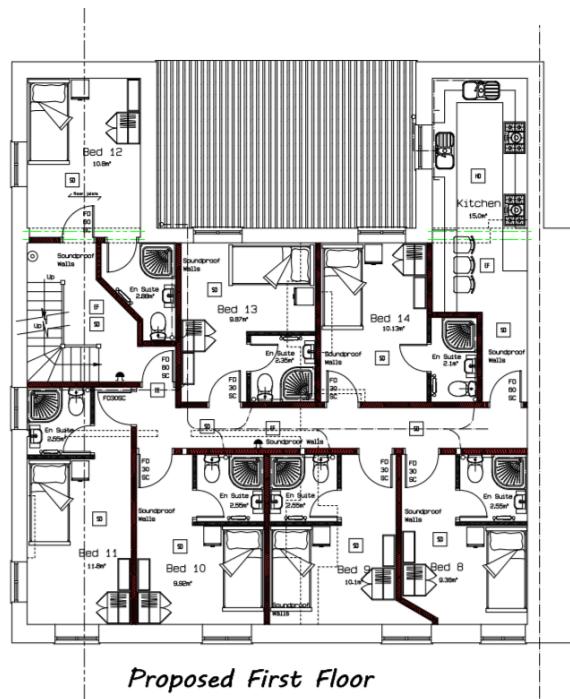
1st floor – 7 bedrooms with a shared kitchen

2nd floor – lounge/amenity space

There are no proposals to change the external appearance of the property.



Proposed Ground Floor



Proposed First Floor

Article 35 Statement

The Local Planning Authority has acted positively and proactively in determining this application, in accordance with paragraph 38 of the National Planning Policy Framework, by assessing the proposal against relevant planning policies and all material considerations, identifying matters of concern within the application as (originally submitted) and negotiating acceptable amendments to the proposal with the applicant in order to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development.

Relevant Policies:

Burnley's Local Plan 2018

SP1 – Achieving Sustainable Development
SP5 – Development Quality and Sustainability
HS4 – Housing Developments
IC3 – Car Parking Standards
NE5 – Environmental Protection
IC5 – Protection and Provision of Social and Community Infrastructure
CC4 – Development and Flood Risk

NPPF 2019

The NPPF features no specific guidance on the subject of houses in multiple occupation, although the general guidance at paragraph 59, on the need for authorities to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community, is relevant.

Burnley Council standards for houses in multiple occupation October 2018

From the 1st of October 2018, it is a legal requirement for all HMO's to be licenced if the property is occupied by five or more persons, from two or more separate households. The standards set out amongst other things the space standards which are required for HMO's, waste disposal, management and fire assessment. The standards will be used to assess all application for HMO's within the borough.

Site History:

COU/2019/0332 - Change of use from public house to house in multiple occupation with 14 no. bedrooms Approved 9/10/19

Consultation Responses:

Highways – *The application form makes reference to 2 car parking spaces, however no plan showing these spaces has been provided.*

Prior to any further comment a plan showing these spaces should be provided.

Housing Needs – no objection, submission satisfactory.

Environmental Health – no objection subject to conditions as commented on previous application.

Lancs Constab Crime Designing out Crime - The above scheme falls outside our Crime Impact Statement report threshold i.e. 14 bedrooms; therefore, please could you forward the attached Secured by Design 'Homes 2019' design guide to the Applicant, so that they are able to incorporate relevant physical security measures across the scheme to keep the new residents safe and feeling safe.

Publicity – one letter of objection received summarised as follows:

We already have a problem with parking and fly tipping and rubbish collection which blocks off access to the houses using a public access road. We already have a problem with crime, antisocial behaviour and noise pollution without the extra Noise from an extra 14 people that will be living here according to the proposed application. The drainage in this area is also a problem the grates we have struggle with the rain. I have emailed the planning department directly with my concerns.

Planning and Environmental Considerations:

The principle of development

The site is located within the development boundary of the adopted Local Plan, as such policy SP4 states that development will be focused on Burnley and Padiham with development of an appropriate scale.

The application site is classed as social and community infrastructure in line with policy IC5 of the adopted Local Plan by virtue of its previous use as a PH. Whilst there is a presumption to safeguard community infrastructure, the site has been vacant for over 2 years and there are other alternative venues within close proximity.

The application has been supported with a marketing statement which confirms that the property has been marketed since July 2017. The report also details the type of marketing which has taken place.

It is considered that the applicant has demonstrated sufficient information to show that the property has been actively marketed. The scale of the change of use is not detrimental to the wider area and will not conflict with the surrounding uses. The previous planning approval establishes that the principle of development is acceptable.

Main issues

- Impact on the character of the area including design and appearance
- Impact on housing provision
- Impact on amenity of neighbours

- Impact on highway network
- Other issues such as bin storage and cycle storage

Design: Impact on the character of the area

Policy SP5 of the adopted Local Plan amongst other considerations seeks new development to respect existing, or locally characteristics street layouts, scale, massing and use an appropriate palette of materials.

The change of use does not involve any major alterations to the external appearance of the property and as such there will be little impact on the existing street scene. The character of the area is a mix of commercial, civic and residential. The development is considered to be acceptable in accordance with Policies HS5 and SP5.

Impact on the amenity of residents

Policy SP5 of the adopted Local Plan seeks to ensure that there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users, including reasoning of overlooking.

The scheme does not alter any existing windows openings. The attached property is residential. The only room which could present increased noise would be the kitchen on the 1st floor level but as this is to be located in the existing 2 storey outrigger it is not considered there would be a detrimental impact on noise. This scheme would not be detrimental to the amenity of neighbouring residents in terms of overlooking, loss of privacy or overshadowing and as such complies with policies HS4 part 3, HS5 and SP5.

Impact on the Housing Provision

The NPPF recognises the role of the planning system in providing a supply of housing required to meet the needs of present and future generations and the need to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.

One of the government's strategic housing policy objectives is to create sustainable, inclusive, mixed communities in all areas. They are also clear that local policies should be informed by a robust, shared evidence base particularly with regard to housing need and demand. Furthermore, sustainable development has become a primary focus of national guidance which has significant implications for all aspects of new development but particularly accessibility, parking and the effective and efficient use of land. Guidance is clear that the conversion of existing housing can provide an important source of new housing.

The approach is also a focus in Burnley's adopted Local Plan, with the second of the 11 key objectives listed on 'population and housing'. Policy SP2 of the Local Plan sets out the housing requirement from 2012-2032 including the re-use of empty homes and buildings. Furthermore policy SP4 sets out the development strategy for the borough directing development to be focused within the development boundary.

Impact on the Highway Network

Paragraph 32 of the NPPF states that planning decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure; safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

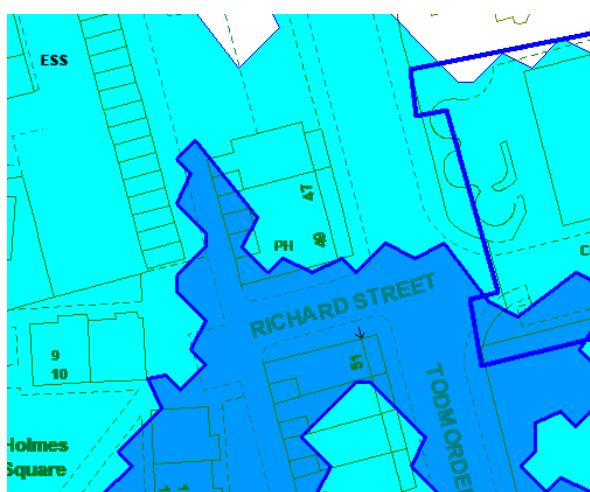
Burnley's adopted car parking standards state that a 1 bedroom HMO should provide 1 space per dwelling, so this would equate to 14 parking spaces to serve the development, if indeed all the occupiers had a car. There are no parking restrictions on surrounding streets so on-street parking is possible, although not possible directly in front of the property on Todmorden Rd. The site is considered to be within a sustainable location within a short distance to the town centre, local shops and services, and main road which has a number of bus services operating.

Highways have assessed the application and do not object to the principle of the change of use but have requested a plan showing parking spaces. There are no parking restrictions on the surrounding streets and therefore no allocated spaces are necessary to serve the development.

Impact on flood risk

Paragraph 155 of the NPPF states, '*Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.*'

The application site is located within flood zones 2 and on the boundary of flood zone 3. The change of use to residential would be classified as 'more vulnerable' development as set out in the EA flood risk classification and within zone 2, development is considered to be appropriate.



The darker blue denotes flood zone 3, the lighter blue flood zone 2

The development does not require to carry out a 'sequential test' as a change of use is one of the exceptions which the EA set out.

Other issues; including bin storage

Bin storage will be located within the yard area to the rear of the property. This will then be wheeled onto the side street for collection.

Recommendation: Approve subject to conditions

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

- 2 The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings; 03 Rev A, 02 Rev E, 08

- 3 Unless otherwise approved in writing by the Local Planning Authority, all works and ancillary operations in connection with the construction of the development, including the use of any equipment or deliveries to the site, shall be carried out only between 0800 hours and 1700 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays. Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to the Local Planning Authority.

Reason: To safeguard the amenities of nearby residents in accordance with policy NE5 of the adopted Local Plan.

- 4 No combustion of any materials likely to result in smoke or other nuisance by atmospheric pollution shall take place on the site.

Reason: In order to not significantly pollute the environment in accordance with policy NE5 of the adopted Local Plan.

- 5 No part of the approved scheme shall be first occupied until refuse and recycling storage provision has been provided as indicated on the approved plans 02 Rev E. The approved refuse and recycling storage provision shall thereafter be retained in perpetuity.

Reason: To ensure adequate provision for bin storage in the interests of the visual amenities of the area, in accordance with the Policies SP5 and HS4 of Burnley's Local Plan (July 2018).

6. No part of the approved scheme shall be first occupied until secure cycle storage provision is indicated on plan number has been provided on site. The approved secure cycle provision shall thereafter be retained in perpetuity.

Reason: In order to encourage alternative methods of travel and a wider choice of transport modes, in accordance with policy IC1 of the adopted Local Plan.