

**Application Recommended for Approve with Conditions
Gawthorpe**

FUL/2021/0474

Town and Country Planning Act 1990
Conversion of dwellinghouse to 7 bed HMO
36 Station Road Padiham Lancashire BB12 8EF

Applicant: Sandra & Olivia Woods

Agent: Mr Haseeb Aslam

The application has been brought to the Committee following receipt of objections.

Site and Surroundings:

The application site is a stone mid terraced property located to the western side of Station Road, Padiham close to the junction with Park Road. The site is located within the development boundary of Burnley as defined in Burnley's Local Plan in which policy SP4 applies.

The property is a generous 3 bedroom family dwelling consisting of a basement, ground floor, 1st floor and second floor. There is a small back yard area with access onto the back street. Adjoining the property to the north is No. 34 Station road and to the south No. 38.

The wider area predominantly consists of terraced housing, with a BT exchange building to the east and Lincoln court flats. It is a short walk into the centre of Padiham with access to a wide range of shops and services.



Photo 1: front elevation

Proposal:

This application seeks planning permission for the change of use of a residential dwelling to 7 bedroom Large HMO (House in Multiple Occupation). There are no external alterations to the building.

Accommodation would be split over 3 floors as follows:

Basement – shown as utility room

Ground Floor

Bedroom 1 – 10.2sqm

Bathroom, Living room, kitchen and access to outside yard area

1st Floor

Bedroom 2 – 8.9sqm

Bedroom 3 – 10.4sqm

Bedroom 4 – 11.0sqm

Bathroom and shower

2nd Floor

Bedroom 5 – 15.3sqm

Bedroom 6 – 6.71sqm

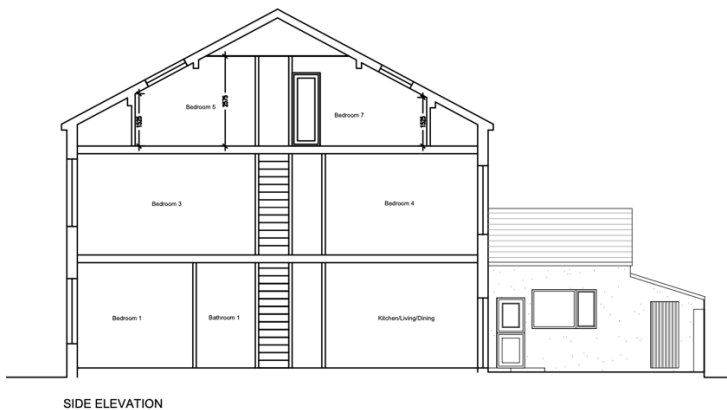
Bedroom 7 – 7.6sqm

(note there is no bathroom on the 2nd floor)

The property would accommodate a maximum of 7 occupants, all single occupancy. Refuse storage is proposed to the rear yard area. No provision is made for off-street parking or cycle storage.

Extract Plans – not to scale





Plan extract – showing the cross section for head height in the roof space

Relevant Policies:

Burnley's Local Plan (July 2018)

SP4: Development Strategy
 SP5: Development Quality and Sustainability
 HE2: Designated Heritage Assets
 IC1: Sustainable Travel
 IC3: Car Parking Standards

The National Planning Policy Framework (2019): The NPPF features no specific guidance on the subject of HMOs although the general guidance at paragraph 60, 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):

HMOs are also guided by separate legislation under the Housing Act 2004. 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 Council's adopted standards are used to assess all application for HMO's within the borough and include floorspace, waste disposal, management and fire safety in order to control the quality and safety of accommodation.

Consultation Responses:

Housing Needs: Initial concerns about the usable head height on the 2nd floor rooms. An additional plan was submitted (21053- 04) which satisfies housing colleagues although there is concern over bedroom 6 in particular. Should planning permission be granted then on site measurements will be made by the housing team as part of obtaining a HMO license.

Highways Authority: no objection

Environmental Health: No objection in principle subject to suggested conditions on noise

Publicity – 1 letter of objection has been received

- Negative impact of the proposed change of use on the surrounding area
- Possibility of having 14 people
- Issues with increase pressure on parking

Principle of Development:

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 significantly boost the supply of housing. This proposal is for the change of use of the dwelling from residential to a large HMO accommodation. HMOs make an important contribution to the private rented sector by catering for the housing needs of specific groups/households and by making a contribution to the overall provision of affordable or private rented stock.

The application site is considered to be in a sustainable location being well located in relation to an adequate range of existing services and facilities; and accessible by public transport, walking and cycling. It is not considered that the proposal would compromise the ability to achieve the Local Plan's strategic objective of sustainable development as set out in Policy SP1. Neither are there any direct conflicts with the development strategy for the Borough as set out in Policy SP4 resultant from the proposal by virtue of its sustainable location within the defined development boundary. As such the principle of development is considered to be acceptable subject to consideration of the following main matters:

- Impact on the character of Station Road by virtue of the proposed change of use
- Impact on neighbouring amenity
- Amenity of future occupiers
- Waste (refuse and recycling) storage
- Highway safety and parking including cycle storage

Impact on the character

NPPF 130 emphasises that developments should function well and add to the overall quality of an area, providing a high standard of amenity for existing and future occupants. This is reflected in the strategic policies of the Local Plan SP4 and SP5 which require developments to take account of the different roles and character of different areas as well as ensuring developments function well and relate appropriately to their context.

Station Road is characterised by residential properties some of which appear to be family dwellings and there are some flat/apartment developments within close proximity.

The proposed change of use from a 3-bedroom family dwelling to a 7-bedroom HMO would result in a material change in the density of occupation of the dwelling, notwithstanding there may be similar levels of overall occupancy in terms of the general number of inhabitants. In this regard 7 unrelated adults would live at the property, each acting as a separate household, which would lead to an increase in comings and goings, at various times of day. As a result of this extra activity, there would be a change to the character of the immediate area and the associated potential for increased noise and disturbance to neighbours.

Furthermore, due to the limited communal living space it is reasonable to assume that the bedrooms would be used in a more intensive manner than a family home. This would inevitably lead to increased noise transmission through the shared party walls. In particular, bedrooms 2,3,4,

6 and 7 which would adjoin the party wall with No 34 and 38, which has the potential to harm the living conditions of that property. For this reason, a condition on a noise assessment has been suggested by EH.

Fall back

To note to committee members, planning permission would not be required if this was for a small HMO with only 6 residents. The balance in this case is whether 1 additional occupier is enough to tip the balance of the development being unacceptable.

Impact on neighbouring amenity:

Paragraph 127 of the NPPF requires planning decisions to ensure a high standard of amenity for existing and future users. Similarly, Policy SP5 seeks to ensure there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users.

Noise and disturbance

For the reasons set out above, the occupation of a Large HMO manifests itself differently from that of a typical family house. The additional comings and goings of 7 unrelated adults (and their visitors) would differ from a family dwelling and the existing conditions currently enjoyed by the residents.

The Council's Environmental Health team have been consulted on the application and have requested a noise assessment condition to mitigate against any noise levels between properties. This is considered appropriate and necessary given the increased use of the site and the potential of noise to carry between the adjoining neighbouring properties.

Living conditions for future occupiers:

Paragraph 130 of the NPPF requires planning decisions to ensure a high standard of amenity for existing and future users. Similarly, Policy SP5 seeks to ensure that developments provide a good level of amenity for future occupiers. This includes providing living accommodation that is of an appropriate size, offers appropriate outlook and adequate natural daylight, protects privacy and ensures an appropriate juxtaposition of rooms to prevent general noise and disturbance issues. This also includes providing good quality outdoor amenity space and adequate waste storage.

Room sizes and facilities

The Council has adopted space standards for licensed HMOs which provides an objective guide to acceptable standards in terms of room sizes and facilities. The internal layout shows communal areas comprising of kitchen and living room on the ground floor. The bedrooms have been annotated as single occupancy rooms ranging from 6.7 to 15.3sqm. This level of accommodation meets the adopted minimum room sizes in the HMO standards and is therefore considered sufficient.

Private outdoor amenity space

In terms of amenity space the only provision is a narrow strip of the rear yard and this area provides direct access from the back street and the bin store. The presence of the French patio doors from the kitchen/living room will open the space up further, however the space is small with limited use for outdoor domestic activities such as clothes drying.

Waste (Refuse and Recycling) Storage:

Policy SP5 requires the provision of adequate and carefully designed waste storage. Inadequate waste storage could represent a health hazard with the potential to attract vermin. Such a hazard would have an unacceptable risk to the health and wellbeing of neighbouring residents, as well as the future occupants of the property.

An area for waste storage has been shown on the proposed plans and is acceptable.

Highway safety and parking including cycle storage:

The NPPF states that 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. Local Plan Policy IC3 requires the adequate provision of car parking for developments in accordance with specific parking standards set out in Appendix 9. In applying the parking standards the Local Plan allows for local circumstances to be taken into account including the accessibility of the site by public transport, walking and cycling and the availability of existing on-street or public parking.

In accordance with the parking standards, the proposal would generate a requirement for 7 parking spaces. The site is unable to offer any off-street parking and does not make provision for secure cycle storage, which is required to maximise opportunities for the use of sustainable modes of travel in accordance with Policy IC1. As a large three bedroom family house, it is reasonable to expect that the property placed a demand of at least 2 on-street parking spaces on Station Road. It is realistic to assume that this reflects the demands of neighbouring properties. This leaves an additional demand of 5 spaces arising from the proposed HMO.

A HMO is not typically car-dependent, with occupants instead utilising public transport, walking or cycling however there is no control or predication that all occupiers will not have access to a car. However, the site is in a highly sustainable location with good access to public transport and within easy walking and cycling distances of local services including outdoor amenity space, places of education and community facilities, and future occupiers may therefore choose not to own a car.

The Highways Authority has assessed the application and do not object. Whilst no cycle parking has provided, there would appear to be space in the basement 'utility room'.

Conclusion:

The site is within a sustainable location and in a predominantly residential area. Whilst this is a large terraced property, and the proposed HMO does not require any additional external alterations or additions, the proposed 7 bed HMO will increase the activity of the terraced property.

Having consulted with colleagues in highways, housing and environmental health and they have no objections to the proposal in principle, on balance I consider that subject to the following conditions that planning permission in granted.

Recommendation:

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.

3. Unless otherwise approved in writing by the Local Planning Authority, all works and ancillary operations in connection with 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 part of the approved scheme shall be first occupied until refuse and recycling storage provision has been provided as indicated on the approved plans. 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).

5. The use hereby approved shall not be brought into use until a noise assessment has been submitted for written approval to the Local Planning Authority which details the levels of internal noise likely to be generated from the proposed use of the site. This assessment shall be used to identify and determine appropriate noise mitigation measures (such as sound-proofing) required to protect the amenity of adjacent noise sensitive properties. The approved noise mitigation measures shall be implemented prior to the start of the proposed use and retained thereafter.

Reason: In order to ensure that no undue disturbance is caused to individual occupants by the transmission of airborne and impact sound between rooms and between the adjoining terraced properties in accordance with Policies SP5 and NE5 of Burnley's Local Plan (July 2018).

PF

Senior Planning Officer