

**Application Recommended for Approve with Conditions  
Daneshouse With Stoneyholme**

**COU/2022/0348**

Town and Country Planning Act 1990

Change of use from an existing commercial office premises (Class E) to a 5 bedroom HMO (House of Multiple Occupation)(Class C4).

55 Daneshouse Road Burnley Lancashire BB10 1AF

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

**Site and Surroundings:**

The application relates to an existing stone built property to the northern side of Daneshouse Road, Burnley. The site is located within the settlement boundary in which policy SP4 of Burnley's Local Plan applies.

The site is within a mixed use area comprising small/medium sized businesses and residential properties. Daneshouse Road is a main thoroughfare continuing from Brougham Street through the Stoneyholme area.

To the south of the site is a traditional stone terrace row, 'Danes House Terrace' which dates back to 1886. To the rear of the site is a car park area leading onto Daneshouse Park with access along the canal. The site is attached to a single storey (from the front elevation) building which is a community resource centre.



**Photo 1:** front elevation



**Photo 2:** rear elevation

**Proposal:**

This application seeks planning permission for the change of use of an existing office to a 5 bedroom HMO (House in Multiple Occupation). The existing office will be subdivide internally. There are no external alterations to the building aside from the insertion of a window in the side gable to serve room 3.

Ground Floor

Bedroom 1 – 13.62sqm

Communal Living room, kitchen and access to outside yard area

### 1<sup>st</sup> Floor

Bedroom 2 – 8.57sqm

Bedroom 3 – 7.94 sqm

Bedroom 4 – 10.31sqm

Bedroom 5 – 7.96sqm

Bathroom and shower

The property would accommodate a maximum of 5 occupants, all single occupancy. Refuse storage is proposed to the rear yard area. No provision is made for off-street parking but there is cycle storage within the enclosed rear yard.



**Plan extract** – showing the proposed floor plans and elevations

### **Relevant Policies:**

Burnley's Local Plan (July 2018)

SP4: Development Strategy

SP5: Development Quality and Sustainability

NE5: Environmental Protection

IC1: Sustainable Travel

The National Planning Policy Framework (2021): 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 House in Multiple Occupation and Small Flats SPD April 2022 - The focus of this SPD is proposals for Houses in Multiple Occupation and small flats (including studios and self-contained bedsits). Its particular focus is on conversions and changes of use rather than new build schemes. The principles and guidance would still be relevant to new build schemes, but a wider range of considerations would also be applicable.

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:

Based on the submitted plans, the bedrooms and kitchen/communal living space meets the minimum room sizes and meets the minimum required number of kitchen/bathroom facilities as outlined in the Councils HMO Standards for Houses in Multiple Occupation. We would therefore not have any objection to the application for the proposed conversion to a 5 bedroom HMO.

#### Highways Authority:

*With respect to this application, we would not wish to raise any objections to the proposals. It is noted however that the proposed cycle storage is insufficient for the number of bedrooms and that it is not covered. Whilst "Sheffield Hoops" covered or not may be sufficient for short term storage at a shop or similar retail out let, they are not suitable for long term residential storage. An alternative solution should be sort and provided at a ratio of 1 cycle per bedroom, to promote sustainable transport as a travel option, encourage healthy communities and reduce carbon emissions.*

Environmental Health: No comments

#### Lancashire Fire & Rescue

The following recommendations are made to make the applicant aware of conditions which will have to be satisfied on a subsequent Building Regulation application. The conditions may affect the elevation of the building and access to them. These recommendations must be included if this application passes to another party prior to Building Regulation submission.

Publicity – 1 letter of objection has been received from a ward councillor

*On the Burnley Local Plan this area is predominantly for community facilities, and has been for a number of years. Having a HMO would disturb the character and nature of the place. Previous applications to turn into domestic homes have been rejected. The property does not have facilities such as parking to accommodate 5 individual dwellings, this will create traffic chaos in front of the chicane's. This already causes road rage amongst motorists and the HMO will further escalate the problem. The property should be left as office space.*

**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 an office to residential to create a small 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 Daneshouse Road
- 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.

Danehouse Road is mixed use in nature with residential and commercial properties. The proposed change of use to create a 5 room single occupancy HMO will potentially create additional intensity of the site but this is not considered to be significantly different to the that of a 2/3 bedroom family dwelling which are located within the surrounding area.

**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.

The attached building is a community facility which is only single storey to the front elevation but does step down to the rear. Whilst the community building may be used beyond normal office opening hours, it is not considered that the adjacent use will have any detrimental impact on noise levels for the proposed use.

**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 7.94 – 13.6 sqm. This level of accommodation meets the adopted minimum room sizes in the HMO standards and is therefore considered sufficient.

### Noise between rooms

Given that the 1<sup>st</sup> floor is to be subdivided to create the 4 rooms, it is important to consider the noise between bedrooms. As HMO rooms will typically be used for a large proportion of time, it is important that there is sufficient noise insulation between rooms. As such a condition will be placed to ensure this issue is addressed.

### 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 space is small with limited use for outdoor domestic activities such as clothes drying, but there is some space provided and there is close access to the canal tow path and other pockets of open space within a few minutes walk of the property.

### **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 is shown within the curtilage of the site which is considered adequate.

### **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 5 parking spaces however, the site is unable to offer any off-street parking. 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. 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.

Furthermore, the site is located within an area of predominantly terraced dwellings and off street parking is not commonly found. It is not considered that in this location the impact of a small amount of on street parking associated with the HMO would be significant or harmful. The previous use of the premises as offices within use class E would allow for a variety of alternative uses that would potentially generate much higher vehicle movements than the proposed use.

The Highways Authority has assessed the application and do not object. Whilst comments have been made on the type of cycle storage being provided on site, provision has been made, the location of which is within a walled yard area.

### **Objection concerns**

The site has no previous history and is not a protected employment site, therefore the ability to change the use through the submission of a planning application is possible.

Highways have made comments to the application and do not have any objections in principle. It is recognised that the site is located on a busy section of road and on street parking would be very difficult. Alternative means of transport are available, and the site puts forward cycle storage for future occupiers.

### **Conclusion:**

The site is within a sustainable location and the principle of the change of use is considered acceptable.

### **Recommendation:**

That planning permission is granted subject to the following 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; 6587 – 01, 6587 – 02, 6587 - 03 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. Prior to the first occupation of any of the HMO rooms, internal sound proofing measures shall have been installed;  
b) between each of the HMO rooms created on the 1<sup>st</sup> and 2<sup>nd</sup> floors

c) to windows in all habitable HMO rooms

All in accordance with precise details that have first been submitted to and approved in writing by the Local Planning Authority. Thereafter these approved works shall be permanently retained.

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

5. The approved House in Multiple Occupation (HMO) shall have no more than 5 bedrooms and occupied as single rooms only.

Reason: To ensure the satisfactory implementation of the proposal, to ensure an adequate level of amenity for occupants in respect of space and facilities in accordance with Policy SP5 of Burnley's Local Plan (July 2018).

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Senior Planning Officer