

Report to Planning and Licensing Committee



Date of Meeting	7 October 2021
Portfolio	Councillor John Blundell Cabinet Member for Economy and Communications
Report Author	Mubeen Patel
Public/Private Document	Public

Application: 21/00861/FUL	Township: Rochdale	Ward: Castleton
Applicant: Mr Alexander Lyons		Agent: Paul Butler Associates
Site Address: 826 Manchester Road Rochdale OL11 3AW		
Proposal: Change of use of vacant PH (Sui Generis) to a 10 Unit HMO (Sui Generis) and insertion of two roof lights, addition of 3no windows on rear elevation, and removal of external spiral staircase and signage.		

SITE LOCATION



DELEGATION

- 1.1 The application is referred to the Planning and Licensing Committee in accordance with the scheme of delegation, as the application has been called up by Cllr Billy Sheerin on the basis that the change of use of this business premises along the main shopping street will be detrimental to the planned regeneration of the village.

PROPOSAL SUMMARY

- 2.1 Change of use from Public House (Use Class Sui Generis) to House of Multiple Occupation (HMO) (Use Class Sui Generis).

RECOMMENDATION

- 3.1 That planning permission be **GRANTED** subject to the recommended conditions.

REASON FOR RECOMMENDATION

- 4.1 The proposed HMO would be acceptable in principle in this location and no unacceptable harm has been identified in respect of the regeneration of the area, the residential amenity of surrounding occupiers or the living conditions of the future occupiers. The design, highways and parking proposals are also considered acceptable.

SITE

This application relates to No.826 Manchester Road, a former public house known as the 'The Midland Beer Company'. The site is currently vacant and has been since circa 2020. The information submitted states a 'For Sale' board was displayed in June 2019.

The site is located on the south west side of Manchester Road and forms part of a terrace of traditional properties. The building is two storeys to the front and four stories high to the rear due to land level changes, its associated beer garden area is to the rear with vehicular access provided from Blomley Street. The property has previously been extended to the rear by way of a part two, part three storey extension.

The property falls within the designated Local centre of Castleton and is also located within the Castleton (South) Conservation Area. It is an attractive, 19th Century building noted as being of grade 1 local interest in the Council's Conservation Area Appraisal and is a non-designated heritage asset.

PROPOSAL

Full planning permission is sought for the change of use of the Public House (Use Class Sui Generis) to a House of Multiple Occupation (HMO) containing 10no. bedrooms (Use Class Sui Generis).

To accommodate the change of use to a HMO, the existing internal layout of the building would be revised to include 1 bedroom in the basement, 2 bedrooms and a communal dining/living and kitchen area to the ground floor, 4 bedrooms on the first floor, and 3 further rooms on the second floor. Each individual bedroom would be provided with bathroom facilities.

Externally two roof lights would be inserted and 3no windows inserted on the rear elevation. The existing external spiral staircase to the rear would be removed. Cycle and bin storage areas would be provided in the yard area including the provision of two car parking spaces.

AMENDMENTS

The application initially included the blocking up of a window at first floor level along the front elevation, and the erection of a small dormer. Concerns were raised by the Council relating to the negative impact these elements would have on the appearance of the building and character of the Castleton (South) Conservation Area. As such amended plans have been received which now

show the front window to be retained and the dormer omitted. The number of rooms due to these external changes has reduced from 11 to 10 rooms.

DEVELOPMENT PLAN

Adopted Rochdale Core Strategy (RCS):

SD1	Delivering sustainable development
DM1	General development requirements
SO1	Delivering a more prosperous economy
E1	Establishing thriving town, district and local centres
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
P2	Protecting and enhancing character, landscape and heritage
P3	Improving design of new development
SO4	Promoting a Greener Environment
G9	Reducing the impact of pollution, contamination and land instability
SO5	Improving accessibility and delivering sustainable transport
T2	Improving accessibility

Unitary Development Plan (UDP):

G/D/1	Defined Urban Area
S/6	District Centre, Local Centres and Linear Commercial Areas
BE/18	Changes of Use to Buildings in Conservation Areas

Supplementary Planning Documents (SPD):

Guidelines and Standards for Residential Development (June 2016)

NATIONAL PLANNING POLICY AND GUIDANCE

National Planning Policy Framework (NPPF) – July 2021
National Planning Practice Guidance (NPPG)

RELEVANT HISTORY

- 04/D44462 Two Storey Rear Extension And External Fire Escape To Rear Of Public House – Approved
- 02/D40328 Erection Of Balcony And Staircase To Rear Of Public House – Refuse
- 91/D27260 Two Storey Extension To Rear Of Existing Cafe Bar And Formation Of Fire Escape – Approved
- 89/D23342 Change Of Use Of Premises From Office To Licensed Cafe' Bar With Residential Use To First And Second Floors – Approved
- 86/D19237 Change Of Use Of Part Of Ground Floor From Bank To Retail - Approved

CONSULTATION RESPONSES

Conservation and Design - The proposal would not result in any harm to the significance of the designated or non-designated heritage assets. There would be no conflict with the aims of NPPF chapter 16, CS policy P2 or saved UDP policy BE/18. The proposal would preserve the character and appearance of the Conservation Area and would not conflict with the requirements of the 1990 Act.

Env Health - Noise/Odours - No objections.

Highways and Engineering - No highways objection to this application subject to the request for a planning condition requiring the car parking spaces to be available for the lifetime of the development.

Strategic Housing – The standards, facilities and room sizes stated on the plans would be more than acceptable for use as a HMO.

TOWNSHIP PLANNING PANEL

None.

MEMBER REPRESENTATIONS

The application has been called up by Cllr Billy Sheerin on the basis that the change of use of this business premises along the main shopping street will be detrimental to the planned regeneration of the village.

PUBLIC REPRESENTATIONS

Objection Reps	181	Support Reps	5	Neutral Reps	0
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Letters of notification were sent to surrounding properties and a notice was posted in the vicinity of the site. 181 letters of objection and 5 letters of support were received.

The contents of the letters raised concerns over:

- Anti-social behaviour, noise, and crime associated with premises owned and managed by the same company at Waggon & Horses
- Castleton already has too many HMO's
- We need more business that promote the village
- This would change the identity of Castleton, and devalue the area
- This needs to be kept as Public House, we have already lost too many
- A HMO will not attract businesses in the area
- The shopping and socialising areas in Castleton need to be retained
- Parking is already a problem in the area
- This should not be a property from the homeless from outside the area
- HMO's would not complement the existing regeneration of the area
- We no longer feel safe
- Children exposed to these types of properties going to and from school
- Community feel is being lost to short term tenants
- Poor to see a listed building being used for that purpose
- Local Council should be concentrating on attracting young families and professionals
- Concerns about the type of people that live in this type of accommodation
- Schools and doctors surgeries are already stretched.

The letters of support received state;

- In favour of bringing new people into Castleton
- Run down pubs are put back into use
- HMOs are popular and a stepping stone to get affordable accommodation

The concerns relating to providing living accommodation in this location, regeneration of the area, use of a heritage asset and highway safety are addressed in the 'Analysis' section of the report.

ANALYSIS

Principle of the residential use

1. Policy E1 of the Rochdale Core Strategy (CS) states that the Council will focus retail, leisure, cultural, office, residential and other development to promote the viability and vitality of all the Borough's town centres to maintain them as thriving and sustainable centres and the preferred shopping and leisure destinations. Specifically, the policy notes that centres have the potential to play an important role in providing new quality housing in sustainable locations.
2. The site is located in the Manchester Road Local Centre and as such saved UDP Policy S/6 is relevant to any development on the site. The policy supports the provision of residential uses where it assists with regeneration and, if replacing existing commercial units, where there are high vacancy rates.
3. The application relates to a commercial building which has previously been used as a Public House (PH) with living accommodation at upper floor levels. Although the proposal would result in the loss of existing commercial floor space, the NPPF and adopted Core Strategy are both clear that residential development within existing centres is to be encouraged, where it does not explicitly damage the viability and vitality of the centre or detract from the provision of other employment space. Whilst acknowledging that the building is vacant and that residential uses can be supported in principle, it is important to consider the loss of this type of facility.
4. It should be noted that the property is currently vacant and the proposal would bring the property back into a viable use within this location.

Loss of a community facility

5. The development would result in the change from a community use to a non-community use. The community value of the pub is a material consideration in the determination of this application, as the Local Planning Authority has a duty to consider the social well-being of its communities when carrying out its statutory processes, as outlined within the above policy.
6. The Council's Core Strategy, particularly at Policy C8, places an importance on improving community, sport, leisure and cultural facilities. This policy mentions that these facilities are vital to local communities and provide the services needed for a good quality of life, for example, helping to promote community cohesion.

7. Paragraph 93 of the National Planning Policy Framework states that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.
8. For a PH to provide a service to a local urban area it should be within a reasonable walking distance for the range of customers who are likely to use it. On this basis there is another PH to the south east of the site along Manchester Road at a distance of approximately 80m which is within a reasonable walking distance (Blue Pitts Inn). As such, due to another PH located in walking distance of the site, the loss of this PH would therefore not reduce the ability of the local community to meet its day to day needs but it would result in the loss of a facility of value to it.
9. In terms of viability, details of the marketing and viability of the property has been submitted as part of this application by 'Christie & Co'. This states that the PH has been marketed extensively since February 2019 with reduced guide prices for its sale over a period of approximately 2 years where they received 4 offers, these offers were not for the continued License use, but for either conversion to retail with private accommodation above or conversion to residential as a whole.
10. The supporting information submitted also demonstrates by evidence that operating this PH is no longer considered viable and where the asking price set for its sale has been realistic to any purchasers who would wish to continue to operate the PH. There has been buyer interest but only to convert the PH to mainly residential accommodation.
11. The Local Planning Authority can, via the Localism Act 2011, give some weight to the above matters in the consideration of an application of this type, if a premises is listed as an Asset of Community Value (ACV). However, the premises is not listed as an Asset of Community Value on the Council's list of such premises.
12. Therefore, although the proposal would result in a non-community use, another PH is located in walking distance of the site where the loss of this PH would not reduce the ability of the local community to meet its day to day need. The supporting information submitted also demonstrates that operating this PH is no longer considered viable and extensive marketing over a period of approximately 2 years has taken place with no offers for the continued License use. Buyer interest has only been to convert the PH to mainly residential accommodation.

Proposed use

13. Concerns raised by local residents relate to the increase in the number of HMO premises being approved by the Council in the area of Castleton. As such, details have been collated which show planning permission or certificates of lawful proposed use for three HMO's in Castleton since 01 April 2016, these include;

- i. 18/00736/FUL - 847-849 Manchester Road, 11 Units – Oct 2018
- ii. 21/00273/FUL - 889 Manchester Road, 6 Units – June 2021
- iii. 21/00817/CPL - 852 Manchester Road, 3 Units – Aug 2021

It should be noted that the Licensing Team have not received applications for the above addresses.

14. It is acknowledged that under Permitted Development small HMO conversions of up to 6 residents do not require planning permission. Therefore details have also been collated from the Council's Strategic Housing Team which identifies the number of HMO Licenses granted recently and these include:

- i. 55 St Martins Street; and
- ii. The Castleton Hotel (licensing application in progress).

15. Given the above details, in terms of the number of HMOs approved from both the Council's Planning and Licensing departments, this is considered to be a low number overall for the area the size of Castleton, and which provide an alternative type of accommodation for individuals residing in the Borough. In addition, the PH is currently vacant and this proposal would enable the building to be brought back into a viable use and add value in terms of the regeneration of the area. In addition, it would be unreasonable to make assumptions in relation to the potential behaviour of any future occupants.

16. Therefore, given the location of the site in a well-established local centre, on Manchester Road that is accessible by public transport, it is considered that the change of use to residential accommodation would benefit from sustainable access to services and employment opportunities.

17. The development would comply with the policies contained within the Core Strategy, the saved Unitary Development Plan and the NPPF and

would make a valuable contribution to the supply of inexpensive housing in the Borough.

Accommodation Standards, Impact on Residential Amenity and Noise

18. Core Strategy policy DM1 requires all development proposals to demonstrate that they will not have a negative impact upon the amenity of future residents and occupiers. 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 130 of the National Planning Policy Framework advises that planning decisions should result in places with a high standard of amenity for existing and future users.

Accommodation Standards

19. With regard to the living conditions of future occupiers of the property, it is noted that all bedrooms would be provided with natural light and ventilation, with an outlook onto Manchester Road to the front or the yard area to the rear. Internally a large communal area would be provided on the ground floor of the property, allowing for adequate provision of shared amenity space, whilst a kitchen and dining space would also be provided. Each individual bedroom would have a toilet and washing facilities and a yard area is proposed to the rear of the building for bin and cycle storage away from public vantage points.

20. The Council's Strategic Housing Team have been consulted as part of this proposal and have stated that the layout, room sizes and specifications are acceptable for housing of this type. Therefore, the use of the premises for 10 occupants would provide acceptable amenity standards for future occupiers in this location and would accord with Policies DM1 and G9 of the CS, and the National Planning Policy Framework.

Impact on Surrounding Residential Occupiers

21. It is noted that the site lies within an existing identified local centre. As a result, the majority of the surrounding premises are largely commercial in nature with mainly retail shops and offices at ground and first floor levels with some residential accommodation at first and second floors.

22. The Council's Environmental Health Officer has been consulted and has no objections in relation to noise nuisance as a result of this development. In light of the context of the surroundings of the site and the

associated levels of general activity and noise, and bearing in mind the existing use of the site as a PH, it is not considered that the change of use to a HMO, would result in significant further increase in activity levels.

23. As such, the noise and disturbance associated with residential activities and comings and goings etc. from the proposed development would not increase to the extent that would unduly impact on the amenity of residents in the limited number of surrounding properties.
24. The outlook from the windows along the front elevation would be onto Manchester Road and down Railway Approach, whilst a distance of more than 21m would be retained to the properties to the rear along Hanover Street. As such the development would not result in detrimental overlooking.
25. Therefore, it is considered that the development would not have an undue adverse impact on the living conditions of the nearby residents. The proposal is therefore considered to be in accordance with the requirements of Policies DM1 and G9 of the Rochdale Core Strategy, the relevant requirements of the Residential Development SPD and the National Planning Policy Framework.

Heritage and Design

26. The application site lies within the Castleton (South) Conservation Area. The Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering any planning application that affects a conservation area, a local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Conservation Areas are identified as designated heritage assets within the NPPF.
27. The application site is also a non-designated heritage asset for the purposes of NPPF paragraph 203. This states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. A balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
28. The application site was originally constructed as a bank, before being converted into a public house. It has been vacant since the public house closed in 2020. The Conservation Area Appraisal highlights it as an important building in Castleton, which may have been designed by the architect, Edgar Wood.

29. The building is noted as being of local interest, and makes an important contribution to the northern extent of the Conservation Area. Externally, the building retains many of its original features, particularly along the front elevation. The rear elevation of the building has undergone more alterations. It makes a positive contribution to the character and appearance of this part of Manchester Road and the significance of this designated heritage asset.
30. Given that the building was originally constructed with a commercial function, it would have been preferable if an element of commercial use could be retained on the ground floor. That being said, there is no objection in heritage terms to the proposed use, which would secure the future use of this important building with the Conservation Area.
31. The amended plans no longer include a dormer window. The omission of this feature would preserve the character of the roofscape. Instead, two new rooflights are proposed; one on each side elevation. These rooflights would be relatively small features and whilst visible from public viewpoints would not be overly prominent. Subject to a condition requiring the new rooflights to be set flush with the roofslope and fabricated in timber, they would have a minor adverse impact on the application building. The impact on the wider Conservation Area would be negligible.
32. The existing architecturally important windows to the front elevation are to be retained and repaired wherever possible. Any replacements are shown to be like for like and fabricated in timber. Comprehensive details of any replacement windows are to be required by condition.
33. The proposal also includes the removal of the spiral staircase to the rear and the re-opening of pre-existing openings, which have been bricked up. The plans show the windows along the rear elevation to be UPVC. The existing windows do not appear to be original and appear to be UPVC. As the rear elevation is more heavily altered than the front, it is of less architectural and historic significance and less prominent, the proposed alterations to the rear, would not harm the significance of the non-designated heritage asset or result in harm to the character and appearance of the wider Conservation Area.
34. Overall, whilst the proposed rooflights would result in some limited harm, this would be outweighed by the overall scheme of repairs to the building and the removal of modern unsympathetic elements, such as the metal staircase to the rear.

35. Therefore, subject to conditions, it is considered that the proposal would have a neutral impact on the significance of the designated (Conservation Area) and non-designated (Building) heritage assets. The proposal would therefore preserve the character and appearance of the Conservation Area and would not be in conflict with the aims of policies DM1, P3 and P2 of the adopted Core Strategy, saved UDP policy BE/18 and the National Planning Policy Framework.

Accessibility and Highways

36. The site is situated in the centre of Castleton and is within a highly accessible area with frequent bus services provided along Manchester Road and a short walking distance to Castleton Railway Station. Local amenities such as shops and schools are also available in the vicinity.

37. The proposed development would provide two parking spaces to the rear of the property accessed off Blomley Street which has an established vehicular route used for parking and servicing. The Council's maximum car parking standards require 1 space per 4 residents. Although acknowledged that the two spaces proposed do not meet this requirement, taking into account the sustainable location of the site and the fact the Council's standards are maximum requirements, the proposed parking provision is considered to be acceptable. A planning condition would be attached to any approval for the car parking spaces to be made available before the first use of the site and for them to be retained as such thereafter. In addition, the proposal would provide secure cycle storage that would allow future occupants to use modes of transport other than a car.

38. In terms of traffic, a Transport Statement has been submitted as part of this proposal which provides existing and potential traffic generation for both existing and proposed uses. The Council's highways officer accepts that the proposed development would have a neutral impact on traffic in the area.

39. As such, the proposal would not unduly impact on the highway safety and would therefore accord with policies DM1 and T2 of the adopted Rochdale Core Strategy, the relevant requirements of the Residential Development SPD and the NPPF.

Conclusion

40. The proposed HMO would be acceptable in principle in this location and no unacceptable harm has been identified in respect of the regeneration of the area, the residential amenity of surrounding occupiers or the living conditions of the future occupiers. The proposal would have a neutral impact on the significance of the designated (Conservation Area) and non-designated (Building) heritage assets. The highways and parking proposals are also considered acceptable and the recommendation is therefore to grant planning permission.

RECOMMENDATION

It is recommended that the Planning and Licensing Committee resolves to **GRANT planning permission** subject to the following conditions:-

1. The development must be begun not later than three years beginning with the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. This permission related to the following plans:-

- Location Plan
- Proposed Site Plan - (90)A002
- Existing Section - (-9)A002
- Existing Elevations 1.2 - (-9)A003 Revision B
- Existing Elevations 2.2 - (-9)A004 Revision A
- Existing Floor Plans (-9)A001
- Proposed Floor Plans (20)A001 Revision E
- Proposed Section (20)A002 Revision B
- Proposed Elevations 1.2 (20)A003 Revision D
- Proposed Elevations 2.2 (20)A004 Revision C

and the development shall be carried out in accordance with these drawings hereby approved.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the adopted Rochdale Core Strategy, the saved Rochdale Unitary Development Plan and the National Planning Policy Framework.

3. No works to the external face of the building shall take place until full details of the windows and rooflights including sections at a scale of not

less than 1:20 to demonstrate: the longitudinal and cross-sectional detailing, and means of opening together with any finished treatment, including samples if so required, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and thereafter so maintained. For the avoidance of doubt the rooflights shall be of conservation style fabricated in timber set flush with the roofslope, and all windows along the front elevation shall be fabricated in timber.

Reason: To protect the architectural and historic interest of the building, in accordance with Policies P2, P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

4. No part of the development shall be occupied until such time as full details of the construction and design of the bicycle store and bin store, as shown on approved plan ref. '(90) A002', has been submitted to and approved in writing by the Local Planning Authority. No part of the building shall be occupied until such time as the duly approved facilities have been constructed and made available for use; the bin and bicycle stores shall be retained as constructed for their intended use thereafter.

Reason: To ensure that adequate and satisfactory provision is made for bin storage and bicycle parking and in order to encourage alternative modes of travel to the site apart from the motor car or other motorised vehicles, in accordance with policies DM1, G9 and T2 of the adopted Rochdale Core Strategy and the requirements of the National Planning Policy Framework.

Reason for pre-commencement: To ensure that appropriate bin storage and cycle storage provision is available upon first occupation.

5. The maximum number of bedrooms within the House of Multiple Occupation hereby approved shall not exceed 10.

Reason: In the interest of highway safety and in the interests of the amenity of occupiers, in accordance with policies DM1 and T2 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

6. Notwithstanding the details shown on the approved plans and the requirements of condition 2 of this permission, no works shall take place until the submission of a schedule of external repairs, including details of making good of brickwork and the removal of signage and any other features, such as CCTV and lighting which may no longer be required

has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: In order to preserve the historic fabric and architectural quality of the listed buildings in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework.