

<b>Application Number:</b>	2024/0138	<b>Application Type:</b>	Full
<b>Proposal:</b>	Amendments to a previously granted planning permission (2018/0078) to create a retail unit at ground floor and a 5 bed C4 HMO.	<b>Location:</b>	44 Manchester Road Haslingden Rossendale BB4 5ST
<b>Report of:</b>	Head of Planning and Building Control.	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	12.11.2024
<b>Applicant:</b>	Cameron Gillespie	<b>Determination Expiry Date:</b>	14.10.2024 EoT agreed to 15.11.2024
<b>Agent:</b>	Abode Architecture		

<b>Contact Officer:</b>	<b>Claire Bradley</b>	<b>Telephone:</b>	<b>01706 238636</b>
<b>Email:</b>	<b>planning@rossendalebc.gov.uk</b>		

<b>REASON FOR REPORTING</b>	
<b>Outside Officer Scheme of Delegation</b>	
<b>Member Call-In</b> Name of Member: Reason for Call-In:	
<b>3 or more objections received</b>	<b>Yes</b>
<b>Other (please state):</b>	

## HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:

### Article 8

The right to respect for private and family life, home and correspondence.

### Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

## 1. RECOMMENDATION

Approval subject to the conditions specified below.

### APPLICATION DETAILS

## 2. SITE

The application site is a three storey stone and slate built terraced commercial property (with additional room within the roof space), fronting Manchester Road with a narrow back street to the rear. The property is currently vacant, and it is understood that the ground floor area was last used as a bakery (use class A1).

Neighbouring properties in the terrace are a mix of commercial and residential, and are of varied designs and surface finishes (apart from the front elevations which are predominantly natural stone).

The site lies within the urban boundary and a Grade II Listed Building (31 Manchester Road) lies approximately 35m to the south of the site.

The site is also located within Haslingden Conservation Area.

## 3. RELEVANT PLANNING APPLICATION HISTORY

2018/0078: Conversion of upper floors of building into a seven-bedroom house in multiple occupation (HMO) and renovation of existing ground floor retail unit, with associated external alterations (including construction of a three-storey stepped rear extension, creation of a rear dormer, alterations to window and door layouts and creation of Juliet balconies). Approved

2021/0630: Existing Lawful Development Certificate: Confirmation that a lawful start has been made on application 2018/0078.

## 4. PROPOSAL

The applicant seeks planning permission for the conversion of the upper three floors of the building into a five bedroomed House in Multiple Occupation (HMO), and the scheme also includes the renovation of the ground floor retail unit.

External works include the creation of a rear dormer to provide additional room within the roof space, alterations to the fenestration of the building's rear elevation and the creation of Juliet balconies on the rear elevation serving the upper floors.

The HMO would be accessed through new doors on both the front and rear elevations of the building, and access to the retail unit would remain as existing. The shop front would be altered to accommodate the proposed new door serving the HMO.

The dormer would be clad in slate to match the existing roof.

This application has been amended from the previously approved scheme to remove the three-storey stepped rear extension, reducing the previously approved HMO from 7 bedrooms to 5 bedrooms.

## 5. POLICY CONTEXT

### National Planning Policy Framework

- Section 2 Achieving Sustainable Development
- Section 4 Decision Making
- Section 9 Promoting Sustainable Transport
- Section 11 Making Effective Use of Land
- Section 12 Achieving Well Designed Places
- Section 16 Conserving and Enhancing the Historic Environment

### Development Plan

#### Local Plan Policies

- Policy SS: Spatial Strategy
- Policy SD1: Presumption in Favour of Sustainable Development
- Policy SD2: Urban Boundary and Green Belt
- Policy ENV1: High Quality Development in the Borough
- Policy HS15: Specialist housing
- Policy TR4 Parking

### Other material considerations

National Planning Practice Guidance

## 6. CONSULTATION RESPONSES

Consultee	Response
LCC Highways	No objection subject to a condition.
RBC Environmental Health	No comments
Growth Lancashire	See Heritage section below
Lancashire Fire and Rescue	No objections

## 7. REPRESENTATIONS

To accord with the General Development Procedure Order a site notice was posted on 21.08.2024 and neighbour letters were posted out on 19.08.2024, and an advert was posed in the Rossendale Free Press on 07.09.2024.

There have been 3 representations made objecting to the development on the following grounds:

*No space for vehicles to park on surrounding streets which are already full of cars  
Additional cars and parking will be detrimental to the safety of the children in the area*

*Next door to the address in question is a type of HMO/refuge/people's home, opposite to the address in question is the Health Centre and within close proximity of the address in question are numerous shops, takeaways, businesses and flats above retail outlets, resulting in the two streets being very busy.*

*Bins and litter make the area look untidy*

*Will impact on privacy and safety of neighbours*

## **8. ASSESSMENT**

The main considerations in this case are as follows:

- 1) Principle;
- 2) Visual Amenity/Impact of Heritage;
- 3) Neighbour Amenity;
- 4) Access, Parking and Highway Safety

### **Principle**

The principles of sustainability are a central thread running through planning policy. The NPPF advises that the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF refers to the need for new developments to be sited in sustainable locations readily accessible by public transport, cycle and on foot. The NPPF states an environmental objective as an overarching objective and this includes moving to a low carbon economy. The NPPF has a presumption in favour of sustainable development at its heart:

*“So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development” (Para 11)*

The NPPF advises that in assessing applications for development it should be ensured that

- (a) *“appropriate opportunities to promote sustainable transport modes can be-or have been- taken up, given the type of development and its location*
- (b) *safe and suitable access to the site can be achieved for all users.”*

The NPPF places an emphasis on sustainable travel and advises that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.

The NPPF states that Planning policies and decisions should:

- (f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

In this case, the application site is sustainably located within the defined urban boundary, where Policy SD2 of the Local Plan seeks to locate the majority of new development.

The application site was previously granted planning permission for a 7 bed HMO, which is an extant permission. This is a material planning consideration in determining the current application.

Policy HS10 in respect of specialist forms of housing states that such proposals will be supported provided that the “development is well located so that shops, public transport, community facilities and other infrastructure and services are accessible for those without a car, as appropriate to the needs and level of mobility of potential residents and staff”

Policy ENV1 requires proposals to demonstrate how the new development will connect to the wider area via public transport, walking and cycling.

The site is in a sustainable location, with bus stops directly adjacent and close to the amenities in Haslingden Town Centre.

Overall, it is considered that the proposed scheme accords with the Framework and the Local Plan. Having regard to all of the above, the proposed development is acceptable in principle.

### **Visual Amenity/Heritage Impact**

Policy ENV1 of the Local Plan seeks to promote high quality design in the Borough, and includes a varied set of criteria with which development proposals need to comply.

The Framework states that planning decisions should ensure that developments:

*“a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*

*b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*

*c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*

*d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*

*e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*

*f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*

Given that no significant building works are proposed to the front elevation of the building, and given the separation distances involved, it is not considered that the proposed scheme would have any impact on the setting or significance of No. 31 Manchester Road (a Grade II Listed Building located around 35m to the south of the site).

The existing shop front would be renovated and a new access door added to its right hand side to provide access to the HMO above. Existing features such as display windows and stall-risers would be retained.

The proposed dormer is of considerable size, and it is not fully compliant with the guidance contained within the Council's Alterations and Extensions to Residential Properties SPD. However, it is exactly as was approved on the previous permission that is still extant.

### **Neighbour Amenity**

One of the key objectives of the NPPF 2023 is *“a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being”*

Paragraph 155 of the Rossendale Local Plan advises that *“The NPPF identifies as one of its core planning principles, that planning should “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”* Access to outdoor amenity space, particularly green space, is important for quality of life, health, biodiversity and provide play space for children and young people. It is therefore important that all residential development, including all new homes, residential care homes and other residential institutions provide outdoor amenity space for residents.

Policy HS8 of the Local Plan states:

*“All new residential development should provide adequate private outdoor amenity space. This should be in the form of gardens unless the applicant can demonstrate why this is not achievable and proposes a suitable alternative. “*

The proposed accommodation is unable to provide any outdoor amenity space.

Policy ENV1 (c) requires development to be *sympathetic to surrounding land uses, avoiding demonstrable harm to the amenities of a local area;* and (d) states that *the scheme will not have an unacceptable adverse impact on neighbouring development by virtue of it being over-bearing or oppressive, overlooking, or resulting in an unacceptable loss of light;-nor should it be adversely affected by neighbouring uses and vice versa;*

Objectors' comments are noted; however it is not considered that the proposed use of the upper floors of the building as a HMO will necessarily cause any significant impacts on neighbour amenity. The proposed Juliet balconies on the rear elevation of the building will allow some overlooking of neighbouring yards and windows, however

this would not be to a significantly greater degree than the existing windows allow on the rear elevation of the building. In addition, the impact of the previous extant planning approval must be considered.

It is not considered that the scheme will result in a reduction in outlook or daylight from any neighbouring properties significant enough to warrant refusal of the application.

Since submission of the application the amended plans show the retention of a bin storage area in the rear yard. It is considered that this adequately addresses concerns initially raised over a lack of bin storage.

Subject to the above, the scheme is considered acceptable in terms of neighbour amenity.

In addition, large HMOs such as that proposed in this development are subject to a licensing regime under separate legislation, and the occupancy and management of such a HMO would be controlled outside of the planning process.

### **Highway Safety**

Objectors' concerns over parking provision are noted. However, the Local Highway Authority has been consulted and has provided advice on the proposed scheme.

The Local Highway Authority have no objections to the proposed development and have requested a conditions that ensure refuse bins are retained within the site.

Subject to the condition above, the scheme is considered acceptable in terms of access, parking and highway safety.

## **9. CONCLUSION**

The proposed scheme would involve the construction of a rear dormer of significant size. However, the rear dormer would not be visible from any main public vantage points and would not have any impact on the street scene along Manchester Road.

The scheme would result in the creation of a five-bedroom HMO in a highly sustainable town centre location on a main bus route, which is where such uses are ideally located. The scheme would also result in the refurbishment and retention of the ground floor retail unit.

Having regard to the fact that this development reduces the number of bedrooms from the previously approved scheme, it is considered that the benefits of the development in terms of the creation of a five-bedroom HMO (an affordable type of accommodation for which there is a recognised need within the borough) and the refurbishment of the ground floor retail unit outweigh any negative impacts which would be caused owing to the design of the rear dormer.

## **10. RECOMMENDATION**

That planning permission be approved subject to the following conditions.

## 11. CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

*Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act 1990.*

2. The development hereby permitted shall be carried out in accordance with the following drawings and documents, unless otherwise required by the conditions below:

Drawing No: 546ROS-100 - Location Plan received 08.04.2024

Drawing No: 546ROS-101 - Existing and Proposed Roof Plan received 08.04.2024

Drawing No: 546ROS-102 - Existing Plans received 08.04.2024

Drawing No: FF\_006\_100 - Existing Elevations received 03.10.2024

Drawing No: FF\_006\_101 - Proposed Elevations received 03.10.2024

Drawing No: FF\_006\_102 – Proposed Plans received 24.10.2024

Design and Access Statement received 08.04.2024

Heritage Statement received 19.08.2024

*Reason: To define the permission and in the interests of the proper development of the site.*

3. The rear dormer forming part of the scheme hereby approved shall be constructed with a natural slate roof to match that of the existing building.

*Reason: In the interests of visual amenity.*

4. Prior to first use of the HMO hereby approved, the access from the back street into the rear yard of the property shall be provided with a ramp and shall not be stepped. The ramp shall be retained at all times thereafter.

*Reason: To facilitate the collection of waste bins from the rear of the property.*

## 12. INFORMATIVES

1. The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.
2. The developer should be aware that any works on, or immediately adjacent to the adopted highway network, would require the appropriate permits from LCC's Highway Regulation Team, who would need a minimum of 12 weeks' notice to arrange the necessary permits. They can be contacted on [Ihsstreetworks@lancashire.gov.uk](mailto:Ihsstreetworks@lancashire.gov.uk) or on 01772 533433.
3. Construction phase:  
Noise: Take all practicable steps to prevent the noise from the site activities giving rise to a nuisance.



Dust: Take all practicable steps to prevent any dust from the site activities giving rise to a nuisance.

Fumes: Take all practicable steps to prevent any fumes from site plant/vehicles/activities giving rise to a nuisance.

No burning of materials shall take place at the site, unless otherwise agreed in writing by the Local Planning Authority.

4. The applicant should note that should the residential element be privately let: The property must meet minimum standards under the Housing Act 2004 and be free from unacceptable hazards (Housing, Health and Safety Rating Scheme). In addition the applicant must note that should the property be let in multiple occupation, additional regulations apply. Also, Larger HMO's (5 or more people) may require a HMO licence. Rossendale Borough Councils standards for licensable HMOs can be found on the council's website. This information contains information on amenity standards, kitchen and bathrooms requirements per ratio of occupants, minimum bedroom sizes and fire safety requirements. Consultation with Lancashire Fire and Rescue Service is advised prior to any conversion.
5. LACORS Fire Safety Guidance has also been adopted as a minimum standard for fire safety. This guidance contains the requirements expected for Fire alarm systems and emergency escape windows.
6. Applications for HMO licences must be submitted and accepted prior to any occupation.
7. Ensure that all party walls are sound proofed in accordance with the approved document E of the Building regulations.



**PROJECT DESCRIPTION**  
CONVERSION TO 5 BED HMO

**SITE ADDRESS**  
44 MANCHESTER ROAD, HASLINGDEN, BB4 5ST

**CLIENT**  
MR C GILLESPIE

**STAGE**  
3, PLANNING

**DRAWING NUMBER**  
FF\_006\_100

**DRAWING TITLE**  
EXISTING ELEVATIONS

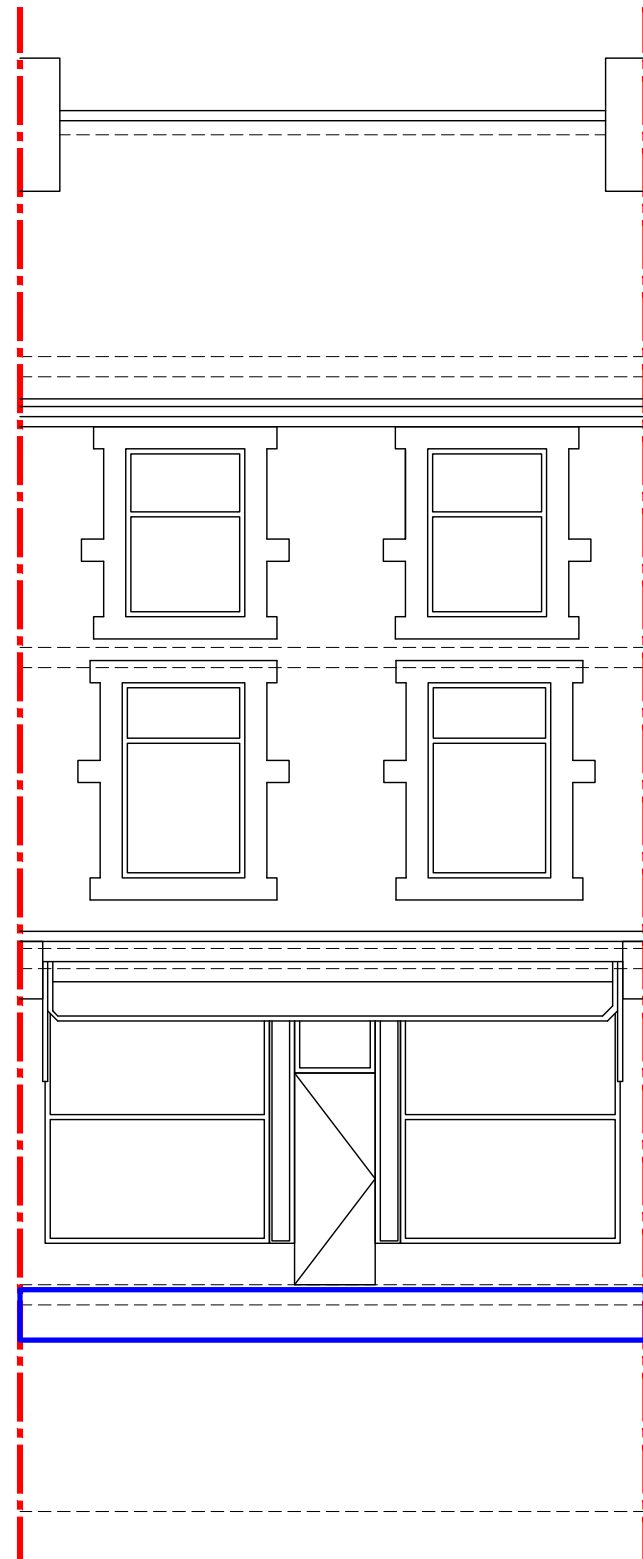
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FF\_006

**SCALE**      **DRAWING SIZE**  
1:75            A3

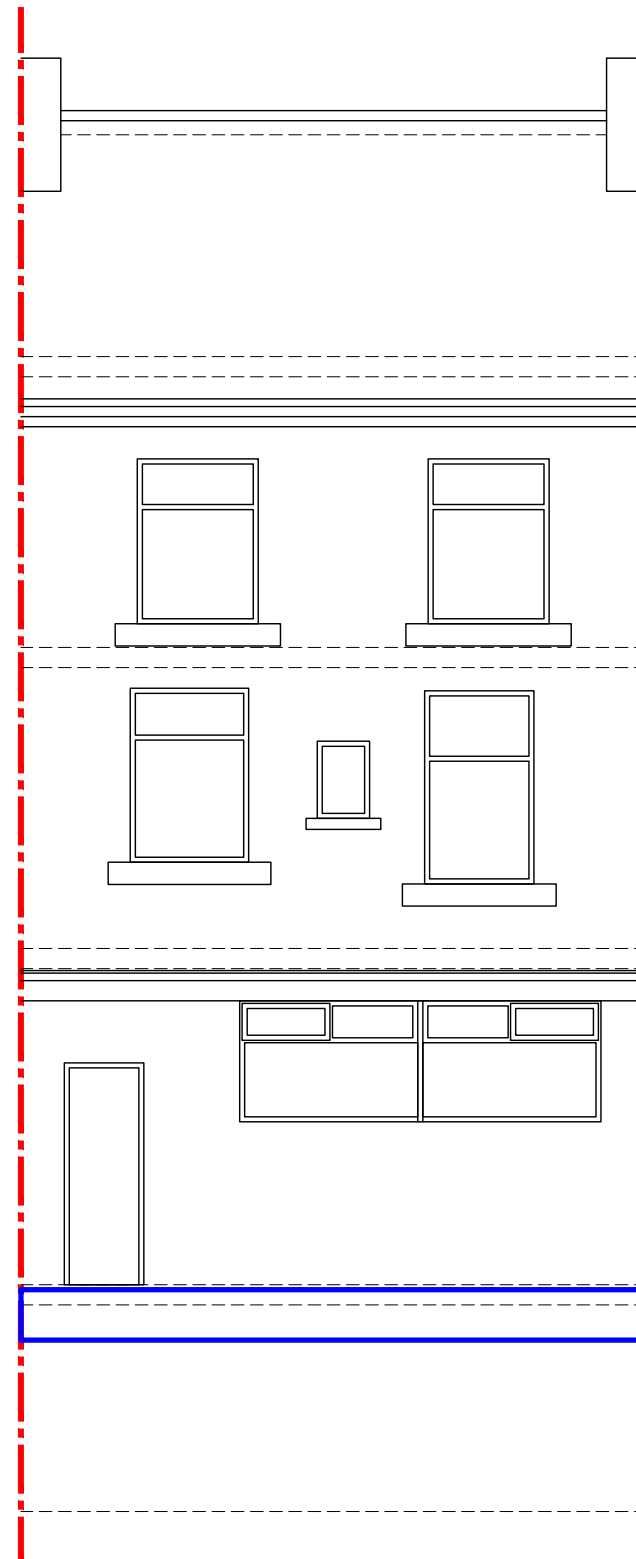
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SFW                XXX

**REVISION**  
XXX

**REV DESCRIPTION**  
-      -



EXISTING FRONT ELEVATION



EXISTING REAR ELEVATION

**NOTES**

**FOR CONTRACTORS & CONSULTANTS**

IF REQUIRED, PARTY WALL CONSTRUCTION TO BE DETERMINED PRIOR TO CONSTRUCTION STARTING.  
SMALL POWER TO BE CONFIRMED FOLLOWING COORDINATION.

FOUR FOUR ARCHITECTURE LTD  
18 MONMOUTH STREET, MANCHESTER, M24 2DZ

+44 (0) 7860 788 843  
contact@fourfourarchitecture.com  
www.fourfourarchitecture.com  
@fourfourarchitecture

All works to be undertaken in accordance with the Building Regulations, construction to be carried out using materials and components, which conform to the latest British Standards Code of Practice. Workmanship will comply with the latest British Standards Codes of Practice and BS 8000 (Workmanship on Building Sites). The works will be carried out in accordance with the drawings and specifications as prepared by the appointed Architect, Designer, Structural Engineer, and other appointed Consultants. Dimensions are given in millimetres unless stated otherwise. Dimensions, areas, and levels given should be checked prior to commencing construction / manufacture. Do not scale from drawing. Any variations to be disclosed with the relevant Consultant and / or Client. All proprietary items to be installed in accordance with the manufacturers written instructions.

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**PROJECT DESCRIPTION**  
CONVERSION TO 5 BED HMO

**SITE ADDRESS**  
44 MANCHESTER ROAD, HASLINGDEN, BB4 5ST

**CLIENT**  
MR C GILLESPIE

**STAGE**  
3, PLANNING

**DRAWING NUMBER**  
FF\_006\_101

**DRAWING TITLE**  
PROPOSED ELEVATIONS

**PROJECT REFERENCE**  
FF\_006

**SCALE**      **DRAWING SIZE**  
1:75            A3

**DRAWN BY**      **CHECKED BY**  
SFW                XXX

**REVISION**  
XXX

**REV DESCRIPTION**

**NOTES**

**FOR CONTRACTORS & CONSULTANTS**

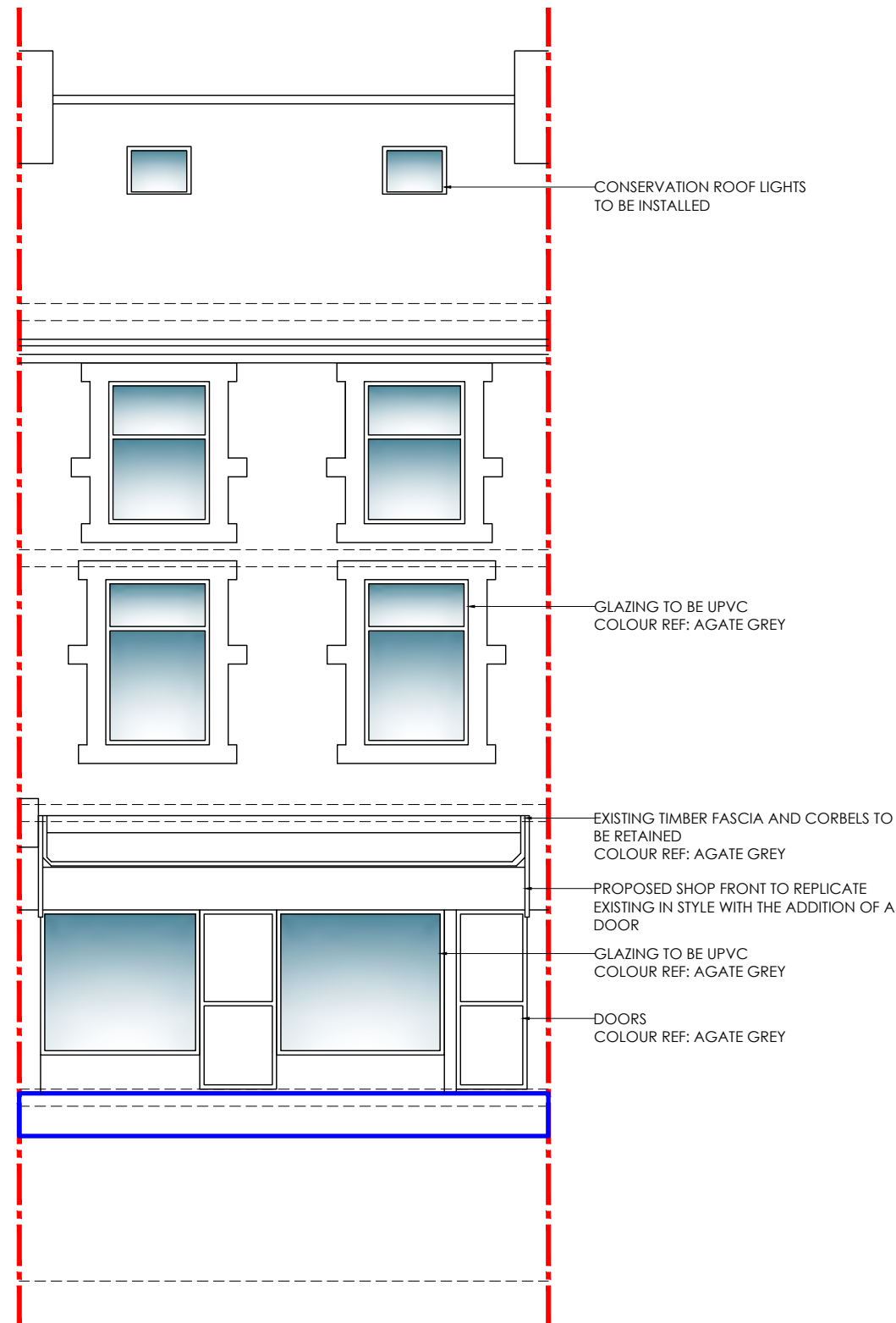
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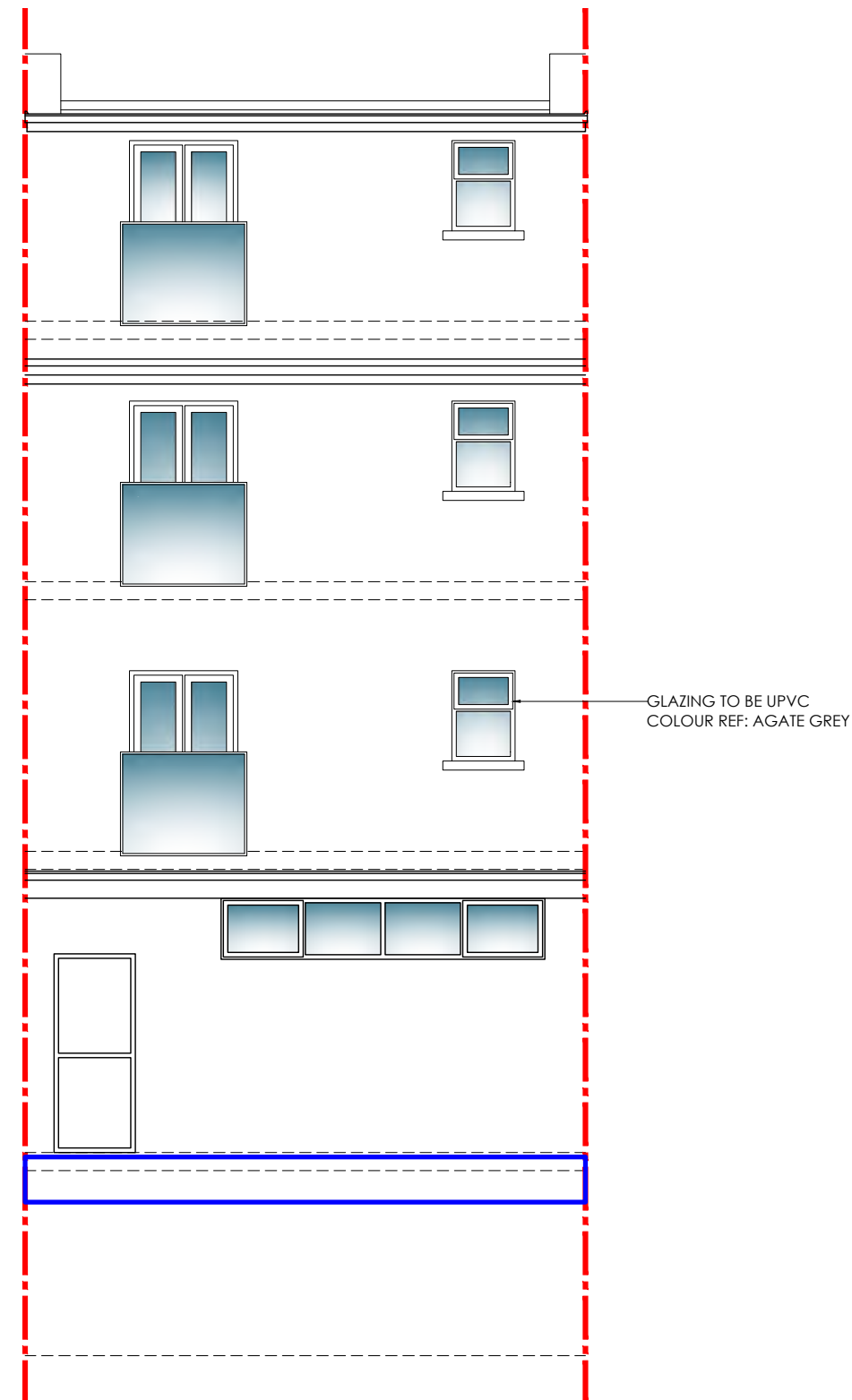
+44 (0) 7860 788 843  
contact@fourfourarchitecture.com  
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PROPOSED FRONT ELEVATION



PROPOSED REAR ELEVATION





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 STAGECOACH  
 COTTAGES



INVESTING IN HASLINGDEN TO BRING  
 A NEW MODERN WAY OF LIVING  
 Introducing the development of a collection of  
 new high specification HMO's and new ground  
 floor commercial space to rent

**ER**  
 COMMERCIAL & RESIDENTIAL PROPERTIES  
 17 THE LODGES  
 100-102 BRISTOL ROAD  
 HASLINGDEN, BOLTON, LANCASHIRE, BOLTON BL7 9JF

**ABODE**  
 ARCHITECTURE & INTERIORS  
 1001 THE LODGE  
 100-102 BRISTOL ROAD  
 HASLINGDEN, BOLTON, LANCASHIRE, BOLTON BL7 9JF

FOR M... PLEASE CALL  
 01204 250 066  
 01204 250 066  
 01204 250 066

**400** SqFt RETAIL  
 SPACE  
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 AND BASEMENT  
 OFFICE RETAIL  
 SPACE FOR  
 SHORT OR LONG  
 TERM RENTAL

**7** NEW  
 HMOs  
 BRAND NEW  
 HMO DOUBLE  
 BED ROOMS  
 WITH ENSUITE  
 AVAILABLE TO  
 RENT



