

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 23/10/2023	Ref: 69981/FUL
Registration: 07/09/2023	LDfC: 29/09/2023	Expiry Date: 02/11/2023
Site Visit: 10/10/2023	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: COUS

Proposal: Change of use from 6 bedroom HMO (Class C4) to 7 bedroom (single occupancy) HMO (Sui Generis)

Location: 15 Milner Avenue, Bury, BL9 6NG

Description

The application relates to a large 2/3 storey split level property in a residential street which is located on the end of a row of 6 other houses. The property operates as an HMO for 6 occupants. The property is located on a corner plot and fronts Milner Street although the main entrance is off Raymond Avenue. Opposite is Clarence Park and to the rear of the property is Back Milner Avenue, a cobbled side road used to access the rear of the houses on the street.

The property has an attractive turret feature which forms the main entrance with pike feature roof forms either side.

At the rear is a garage which is accessed from the back street and there is a decked yard and cycle store at the side. .

Internally, the property provides 2 no. bedrooms, kitchen and living area at ground floor, 2 bedrooms and a shared bathroom at 1st floor and 2 no. bedrooms at the 2nd floor. All bedrooms have en-suites.

The application seeks to increase the occupation of the HMO to 7 residents. The additional bedroom would be created in the bathroom on the 1st floor.

Relevant Planning History

02532/E - Conversion of existing garage and undercroft to form a 1 bedroom flat - Enquiry completed 21/01/2021

Publicity

Letters sent on 8/9/23 to 8 adjacent properties.

No response received.

Statutory/Non-Statutory Consultations

Traffic Section - No objection

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
H1/2	Further Housing Development
H1/2	Further Housing Development

H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H2/4	Conversions
EN1/2	Townscape and Built Design
EN7	Pollution Control
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
SPD11	Parking Standards in Bury
SPD13	Conversion of Buildings to Houses in Multiple Occupation

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations. The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP Policy will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

UDP Policy H2/4 - 'Conversions' specifically has regard to such issues when considering proposals to convert a building to multiple occupation, including effect on the amenity of neighbouring properties, the general character of the area, amenity of occupiers, effect on the street scene and parking and serving requirements.

The property already functions as an HMO for 6 no. occupiers. The main issue to consider is whether the increase in occupation by one person would significantly intensify the use as an HMO to a harmful degree to impact either existing and adjacent occupiers or put pressure on associated facilities.

Scale and intensification of use

The only change internally would be to convert the shared bathroom on the 1st floor to an additional bedroom with ensuite facilities.

The size of the proposed bedroom and the ensuite facilities would be compliant with space standards for HMO accommodation. The existing kitchen and dining area would be of an adequate size to continue to provide sufficient shared facilities to serve both the existing and the additional occupier and the yard area which provides cycle and bin storage would satisfy the needs of 7 occupiers.

External space is limited in terms of outdoor seating and amenity areas but Clarence Park is located directly opposite and provides good quality outdoor areas.

The HMO is a fairly sizeable property and all bedrooms are compliant with HMO space standards with all rooms providing en-suite facilities. There is adequate communal kitchen and dining accommodation which could facilitate an additional occupier without harming the amenity of those already living at the HMO.

It is therefore considered that the property would continue to provide a good standard of internal communal and bedroom space and would not significantly harm the existing living conditions experienced by current occupiers.

In terms of impacts on adjacent neighbours, one additional person living at the property would hardly be noticeable in terms of comings and goings and activity, especially as the main entrance is located on Raymond Avenue which is remote from the attached neighbour.

There would be no external changes or window openings which affect the privacy of any adjacent occupiers.

It is therefore considered there would not be a harmful impact on the neighbours in the surrounding area. As such, the proposed development would comply with the requirements of H2/4 and SPD13.

Highway issues

There is no dedicated parking provided for the property but there is on street parking outside the property and the nearby streets. It is also generally recognised that car ownership tends to be lower for those who occupy HMO's comparative to other households and as such it is considered that there would not be excessive pressure on parking in the area, particularly for one additional occupier.

The property is located in the urban area and within walking distance of a main road and a main bus route to the town centre.

The Highway Section have raised no objection. As such the proposed development would comply with H2/4.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

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.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 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 Town & Country Planning Act 1990.
- 2 This decision relates to drawings numbered Site - location plan and block plan GSS22072 001; Existing plans and elevations GSS22072 002; Proposed plans and elevations GSS22072 003 rev 1; Site - existing and proposed GSS22072 004 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	23/10/23		