

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 16/08/2024	Ref: 70842/FUL
Registration: 25/06/2024	LDfC: 18/07/2024	Expiry Date: 20/08/2024
Site Visit: 02/07/2024	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 dwelling (Class C3) to 8 bedroom (single occupancy) house in multiple occupation (HMO) (Sui Generis), loft conversion with rear dormer, roof light at front and associated works

Location: 29 Parliament Street, Bury, BL9 0TE

Description

The application relates to a mid terraced property, currently a 3 bed residential dwelling which is located on Parliament Street. Similar to the existing properties, the site has a small front garden and low boundary wall and at the rear is a 2 storey outrigger and a rear yard area with an access to the back street.

The application seeks the change of use to an 8 bed (single occupancy) House in Multiple Occupation (HMO).

Internally, it is proposed to provide 2 bedrooms and a communal kitchen/dining room at ground floor, with 4 bedrooms at first floor and two bedrooms in the roofspace within a rear dormer which is also proposed in this application.

The rear yard area would provide a cycle store for 8 bikes, bin store and seated area.

Relevant Planning History

N/a

Publicity

Letters sent to 19 properties on 27/6/24.

No responses received.

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to conditions

Environmental Health - Pollution Control - No comments to make

Greater Manchester Police - designforsecurity - No response received.

Waste Management - No response received

Housing - Public Protection - No objection subject to compliance with HMO regulations.

Planning & Building Regs consultation Fire Protection Dept Bury Fire Station (Part B)
- No response received

Pre-start Conditions - Not relevant

Development Plan and Policies

NPPF National Planning Policy Framework

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
EN1/5	Crime Prevention
EN7/2	Noise Pollution
HT6/2	Pedestrian/Vehicular Conflict
SPD11	Parking Standards in Bury
SPD13	Conversion of Buildings to Houses in Multiple Occupation
JP-C2	Digital Connectivity
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-H3	Type, Size and Design of New Housing
JP-S2	Carbon and Energy
JP-S1	Sustainable Development

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), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within 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 and PfE Policies 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.

Principle

The National Planning Policy Framework (NPPF), should be treated as a material planning consideration and it emphasises the need for local planning authorities to boost the supply of housing to meet local housing targets in both the short and long term.

The conversion of houses to HMO's can often make an important contribution to local housing stock to meet local housing needs and can utilise vacant or underused space more efficiently.

The proposed development would continue to provide residential accommodation and as such the use would not conflict with the character of the surrounding area in principle. As a material consideration, the property could also operate under permitted development as an HMO for up to 6 persons under Class C4 and could accommodate a large family of more than 6 occupiers.

The site is located in an urban and sustainable area within a residential setting and is well served by public transport and close to local amenities, facilities and services.

As such the principle of the development is considered acceptable subject to consideration of UDP Policy H2/4 - Conversions which has specific regard to effects on amenity of neighbouring properties, general character of the area, amenity of occupants, effects from external changes on the street scene and car parking and servicing requirements.

Character of the area

Policy H2/4 takes into consideration the concentration of building conversions for multiple occupation and the impact this can have to the character of an area.

According to the current Bury Council Register of licensed Houses in Multiple Occupation, there are 10 licensed HMO's within a 250m radius of the site. (A property requires an HMO license if there are 5 or more occupiers which share amenities. Planning approval is required for more than 6 occupiers). There are two other HMO's on Parliament Street, the remaining are scattered around the area.

It is therefore considered that due to the dispersed locations, the proposed development would not result in an over-concentration of multiple occupied development in the area or affect the character of the area in terms of providing a good mix of housing. The proposed development would therefore accord with policy H2/4.

Layout

There would be 8 bedrooms provided over the 3 floors with a communal kitchen/dining area. All of the bedrooms would have work stations en-suite facilities and would comply with nationally prescribed space standards. Bedroom 3 would be the largest unit and would have its own separate living room.

There would only be one communal kitchen/dining area but this could facilitate all the residents at one time should residents congregate to cook or use the communal facilities at the same time. The work station facilities in each bedroom also provides an area where residents could work.

The rear yard would provide a cycle store, bins and seated area.

The HMO Licensing Section have no issues in principle subject to provision of an escape window to the rear bedroom on the first floor and fire detection to cover all bedrooms and the boiler room at the rear of the kitchen area.

An HMO License would be required for the number of occupiers.

These comments would be included as an informative to the applicant.

It is therefore considered that the proposed development would comply with the requirements of Policy H2/4 and EN1/2.

Design and appearance

It is proposed to add a flat roof dormer to the rear of the property.

The dormer would be set in from the sides and rear wall and would be lower than the main ridge and in terms of size and position would be permitted development if it related to a residential dwelling.

There are also other examples of similar type dormers on the rear of properties on this row.

Located on the rear the dormer would not be highly visible to the street scene or public views.

The proposed roof light to the front roof plane would have minimal impact and as such acceptable.

The proposed development is therefore considered to be acceptable and would comply with H2/1 and SPD6.

Impact on residential amenity

The area is predominantly residential, characterised by similar sized terraced houses which could accommodate a fairly large family especially if the property were extended as proposed in this application. There is also the fallback position that premises could be occupied as a 6 bed HMO without the need for planning permission.

In terms of impacts on neighbouring properties, it would be likely that future occupiers would have different daily patterns and timetables to their day and comings and goings would be staggered and therefore it is considered activity due to the occupation of 8 residents would not cause significant noise or disruptions to neighbours.

The external works to provide dormers would not cause issues of overlooking or affect outlook to neighbouring properties.

The Environmental Health Pollution Control section have been consulted and have no comments to make on the application.

It is therefore considered the proposed development would therefore not have an adverse impact on the amenity of nearby residents and would be in accordance with Policy H2/4.

Highways

There is no specific car parking standard for HMO's in SPD11 Parking Standards in Bury. SPD 13 The Conversion of Buildings to Houses in Multiple Occupation gives some general advice. It states that parking and road safety issues will be important considerations when assessing a planning application and any proposal that is considered to have a detrimental impact on highway safety or harm to amenity will not be permitted.

The property and most of the row do not have in-curtilage or dedicated parking and none is proposed in the application.

It is generally recognised that car ownership tends to be lower for those who occupy an HMO compared to other residential households. There is parking on street and there are alternative modes of transport given the sustainable location close to a main bus route and

not far (circa 650m) from the town centre and the bus interchange and metrolink.

The development also proposes to provide a cycle store where each resident could securely store a bike.

The property could lawfully be occupied by 6 residents without the need to provide any parking and it is considered an additional 2 occupiers for a site in this sustainable location. on balance would not significantly add to parking pressures in the area or impact on highway safety.

It is therefore considered that given the benefits of contributing towards providing additional housing to residents in the Borough, access to good transport links and local services, it is considered the proposed development would be acceptable and comply with Policies H2/4, HT2/4 and SPD13.

Policy JP-S2 - Carbon and Energy

The applicant has submitted a statement that the development would prioritise the minimisation of energy demand and maximisation of energy efficiency through measures including high insulation standards, renewable energy sources, smart thermostats, energy performance certificate rating and regular maintenance.

These measures would align with the 2022 part L Building Regulations and underscore the dedication to creating a sustainable and energy efficient development.

Policy JP-C2 - Digital Connectivity

The development would support high quality digital infrastructure through the following measures - full fibre connections, mesh wi-fi system, cat 6 network points

By implementing these measures, the development would ensure compliance with Policy JP-C2, delivering superior digital connectivity that meets the demands of modern living and enhances the overall functionality of the property

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 - Site location plan 29PS/199/BR; Proposed plan layouts 29PS/203/BR; Proposed elevations and section 29PS/204/BR; Proposed site plan 29PS/200/BR C1; Statement of Compliance with PfE Policies (received 27/6/24) 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.
- 3 The secure cycle storage facilities indicated on the approved plans shall be made available for use prior to the use hereby approved commencing and thereafter

maintained at all times.

Reason. To ensure adequate off-street cycle storage facilities, in the interests of highway safety pursuant to Policies EN1/2, H2/4 and H2/2.

- 4 The bin storage facilities indicated on the approved plans shall be made available prior to the use hereby approved commencing and maintained thereafter.
Reason. To ensure adequate provision for the storage and disposal of refuse within the curtilage of the site, clear of the adopted highway pursuant to policies EN1/2, H2/2 and H2/4.
- 5 The external finishing materials for the dormer extension hereby approved shall be carried out in accordance with the materials detailed on the proposed elevations and sections plan 29PS/204/BR.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	16/8/24	DM	16/08/2024