

DELEGATED REPORT

Report by Helen Pressley	Date of report: 05/12/2023	Ref: 69794/FUL
Registration: 01/11/2023	LDFC: 01/12/1941	Expiry Date: 27/12/2023
Site Visit: 10/11/2023	Site Notice: 10/11/2023	Press Date: N/A
Objections: 46	Con Area: N/A	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: COUS

Proposal: Change of use from residential dwelling (Class C3) to 10 bedroom (single occupancy) house in multiple occupation (HMO) (Sui Generis)

Location: 5 Keats Crescent, Radcliffe, Manchester, M26 3GT

Description

The application relates to a dwelling house located on Keats Crescent. The site is on a corner plot of Coleridge Avenue and Keats Crescent. The dwelling has been previously extended at two storey to the side and single storey to the rear. The floor plans submitted also indicate that the loft has been converted.

Planning permission is sought for the conversion of the dwelling into a 10 bedroom, 10 person HMO. 4 no. parking spaces, a bin store and bike store are proposed to the front of the dwelling.

Relevant Planning History

45479 - Two storey side and single storey rear extensions - Approve with Conditions 09/12/2005

47701 - Single storey extension at front- Approve with Conditions 02/05/2007

Publicity

Neighbour letters

Site notice 10/11/2023

46 objections received in relation to:

- Elderly neighbours.
- Family area.
- Residential area with sheltered housing at the end of the street.
- Family originated area with family amenities that should be reserved for families.
- Parking restricted and bin lorry struggles to get access.
- Application form says no trees would be affected but there are very overgrown trees on the property where the bin and bike storage are proposed.
- Impact on character of the neighbourhood
- Increased traffic noise and congestion
- Reduced security
- Over development
- Unsuitable area for house of multi occupancy.
- Antisocial behaviour
- Risk of crime
- It has been repeatedly documented that the increase of HMO numbers leads to risk of increased crime, antisocial behaviour, noise impact and littering, as there is no regulation or management of sites.

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- Lack of car parking for 10 people and visitors
- Impact on property values
- Safety of children.
- Disturbance from visitors.
- Objection on use as HMO potentially being student accommodation, bail hostel or similar or used to house vulnerable people with mental health or substance dependencies without support workers available on site, posing risk of violence, criminal behaviour or anti social behaviour toward neighbours.
- Whilst I appreciate those with issues need homes and an opportunity to rebuild their lives, this should be done in a more appropriate setting with the correct support, not dropped in the middle of a residential estate without adequate support and.
- Number of HMOs and unsupported and supported living accommodation in town in an area with reduced capacity for community support.
- The layout of the premises itself appears to be sub-standard in that ten people living in 'shared' accommodation with basic facilities would be far from ideal living conditions which could in itself lead to tensions, disputes and disturbances.
- Loss of family home
- There is an undersupply and evidenced demand for family housing of the size and nature of the application premises.
- Noise
- High water consumption from increase in occupants
- Loss of privacy
- Pressure on infrastructure
- Concern on number of occupants
- Property neglect resulting from subletting
- HMO accommodation is often temporary due to its nature and therefore encourages a high turnover of residents. This contributes to decline in the area, as there is no community unity or cohesion.
- The property next door is vacant and up for sale so I can see your proposal for 10 turn into 15.
- Some residents have been refused permission to buy land to park on so how can this application for parking be allowed?
- Bury Times and Bolton News, there are 126 results for "HMO Proposals" I would expect that the greater majority of them have been refused or rejected.
- Local zoning laws may prohibit the use of a family estate for a large HMO
- Feel the local council struggle to maintain this area as things are without adding more strain to the problems
- Too many bins
- Too many HMOs in Radcliffe and local area

Statutory/Non-Statutory Consultations

Adult Care Services - No response

Traffic Section - recommendation for refusal due to inadequate parking provision and substandard access and parking arrangements.

Environmental Health - Pollution Control - no objections

Greater Manchester Police - designforsecurity - No response

Waste Management - No response

Private Rented Sector Enforcement Team - seems to be a lack of consideration to a safe escape route in the event of fire. Only 3 of the bedrooms have safe escape routes and are not classed as inner rooms. The layout needs to be reconsidered so that the escape route from the bedrooms is not via the kitchen. The fire compartmentation also needs to be considered.

There is no mention of ceiling height as regards the rooms on the second floor. Any part of the room which has a head height of below 1.5 metres cannot be classed as usable space.

GM Fire - No response

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H2/4	Conversions
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
SPD13	Conversion of Buildings to Houses in Multiple Occupation
NPPF	National Planning Policy Framework

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, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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.

Principle

The applicant could utilise the existing property as a 6 bed HMO without the need for planning permission.

The conversion of houses to HMO's can often make an important contribution to local housing stock. However, it is recognised that such conversions can put pressures on buildings, sites and areas depending upon the amount of accommodation to be provided, demands created from parking and thus have an adverse effect on residential amenity and the character of an area.

Paragraph 62 of the NPPF confirms that "the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes)" however no direct reference is made to HMO's.

UDP Policy H2/4 - Conversions specifically has 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. This is supported by SPD 13 - The Conversion of Buildings to Houses in Multiple Occupation that seeks to ensure that properties are of a sufficient size to accommodate the proposals and are large enough to offer satisfactory levels of accommodation for future residents. This document also seeks to ensure that HMOs are located in suitable locations.

UDP Policy H1/2 that states that the Council will have regard to various factors when assessing a proposal for residential development, including whether the proposal is within the urban area, the availability of infrastructure and the suitability of the site, with regard to amenity, the nature of the local environment and the surrounding land uses. UDP Policies H2/1 - The Form of New Residential Development and H2/2 - The Layout of New Residential Development, provide the assessment criteria for detailed matters relating to height, appearance, density and character, aspects and finish materials.

The main issue in relation to this proposal is the consideration of what impact the additional accommodation above that which could be implemented without planning permission would have in planning terms and in relation to the suitability of the site and location, impacts on amenity, nature of the local environment, surrounding land uses and highway issues.

These issues are discussed in more detail below and in light of policies H1/2, H2/1, H2/2 and H2/4.

Layout and Design

In addition to the policies set out above UDP Policies EN1/1 and EN1/2 seek to ensure that development proposals would not have a detrimental effect on the visual amenity and character of a particular area.

The general characteristic of this part of the estate is one of minimal interventions in the front garden areas with a few properties having front boundary treatments but of a low profile. There are no buildings or structures in any prominent positions.

The proposal does not seek to extend the existing property. Amendments are proposed to the front area of the property to create 4no. parking spaces, a bin store, and cycle store. No elevations have been provided in relation to this enclosure however details of the height, footprint and materials of the stores have been provided. If the property were to retain a dwelling use, planning permission would be required as the outbuildings are proposed on land forward of a wall forming the principal elevation. In this instance these outbuildings are required to facilitate the proposed change of use.

Structures to the fronts of properties have the potential to detrimentally impact on the street scene by adding clutter and additions that are out of keeping with the character of the locality. Given that these stores would be located immediately adjacent to the front boundary of the property it is considered that without elevations insufficient information has been provided in relation to these additions but this does not diminish the significant concern of the size and proposed position being an intrusive and unwelcome feature within the street scene.

Whilst the application form states there are no trees or hedges on site, it was noted on the Case Officer's site visit that the site is well screened by evergreen trees, which would potentially minimise the impact of the proposed additions. However, the trees have no statutory protection, are not worthy of a TPO and as such there is no certainty that they would be retained. The current screening therefore is not a determining factor when considering the permanent impact that the proposed alterations to the front of the property would have on the character and appearance of the area.

The application and submitted plans therefore contain insufficient information to enable them to be properly assess in terms of visual and residential amenity and therefore conflicts with policies EN1/1, EN1/2 , H2/1, H2/2 and H2/4.

Notwithstanding the above in terms of external space it is considered that the proposed garden/amenity space would be sufficient for 10 no. occupiers to sit out in and relax, or dry washing etc.

Whilst the application form states that there is no existing access, and no parking there is a dropped kerb to the front of the dwelling. Indeed there was what appears to be a covered car within the curtilage of the dwelling when the Case Officer attended the site. With the exception of the site, frontages within the street scene are generally open, with limited areas of hardstanding to provide off street parking. There are also areas of soft landscaping provided adjacent to these hard standings that contribute to the character of the area. The proposal seeks to add a hardstanding to the front of the property that would be approximately 9.6m wide.

Not only can the development of hardstanding at the front of properties harm the street scene, it can increase the risk of flooding. Whilst the materials used for the hardstanding could be conditioned it is considered the proposed extent of the hardstanding would be strident and thus visually harmful and would not be sympathetic with the character of the locality. As such this element of the scheme is considered to be detrimental to the visual amenity of the area conflicting with UDP Policies EN1/1, EN1/2, H2/1, H2/2 and H2/4.

In terms of the internal arrangements, it is proposed to create 4no. bedrooms at ground floor, 4 no. bedrooms at first floor, and 2 no. bedrooms within the loft space. A central kitchen/dining room would be created at ground floor, with a second kitchen/dining area created centrally at first floor.

The proposed floorspace to be provided for amenities (kitchen and bathrooms) would be

suitable for the proposed occupation levels. There are however concerns in relation to the internal layout and the potential impact on the amenity of future occupiers.

5no. of the proposed bedrooms would be accessed directly from the shared communal space. It is considered that the residential amenity of the future occupants of these rooms would be impacted by this relationship through noise and use of this communal area. The HMO officer has also raised concerns in relation to the layout in terms of the lack of consideration to a safe escape route in the event of fire. Only 3 of the bedrooms have safe escape routes and are not classed as inner rooms. The layout needs to be reconsidered so that the escape route from the bedrooms is not via the kitchen. The fire compartmentation also needs to be considered. Given these concerns, whilst accepting that the internal subdivision specifications would be subject to other provisions and legislation, the need for reconfiguration is likely to have a direct impact upon the scale of the development and layout. As such without appropriate consideration of the best use of space and how occupants could interact with general amenity space and be impacted by it, the arrangements indicated are considered to be unacceptable for future occupiers.

There is also no mention of ceiling height as regards the rooms on the second floor. Any part of the room which has a head height of below 1.5 metres cannot be classed as habitable space. This could be addressed through the submission of a section plan however given the issues already highlighted above this has not been requested.

The house itself is a traditional, extended semi-detached property that currently provides 5no. bedrooms however it is unclear if the loft rooms can be classed as habitable space and there appears to be no building regulations submitted in relation to this space. Without the loft conversion, as extended, the property would be a 3no. bedroom dwelling. It is considered that the proposal to create 10no. bedrooms within this space would exert a considerable and unacceptable pressure on a property, that forces the creation of internal amenity areas, and in doing so would also be harmful to the amenity of future occupiers.

The proposed development, by virtue of the proposed density and layout as shown would lead to a poor arrangement of shared accommodation available for the future occupiers of the property and as such would have a detrimental impact on residential amenity of the occupiers contrary to Policies H1/2, H2/1, H2/2 and H2/4.

Residential Amenity

SPD 13 considers that whilst not always the case, HMO tend to attract residents that are in their teens or twenties, who are single and have no dependant's. On some occasions this can cause disturbance to nearby householders and the impact of such activity is much more evident in quiet residential areas.

Therefore, HMO are often best located in vibrant areas that are:

- On or near a relatively busy highway;
- In areas well served by public transport;
- In areas well served by cycle routes; and
- In areas well served by a range of services, including shopping and leisure.

SPD 13 states that generally, planning applications will not be approved in areas of predominantly single family dwellings. However, decisions on such applications will depend upon the particular characteristics of each scheme, and its impact on the amenity and character of the neighbourhood. The LPA however can not condition who the tenants of the property would be and the management of the property would be undertaken by the landlord who would be required to obtain an HMO licence. The licensing of HMOs is required for landlords to ensure these properties are kept to the required standards and are adequately managed

In terms of the nature of the surrounding area, this is predominantly residential and characterised by similar semi-detached properties. It would therefore be more unusual for

a semi-detached property of this size to accommodate 10 people. As set out above, the applicant could convert the property to a 6no. person HMO without planning permission however it is considered that 10no. persons would exert unacceptable pressure on the dwelling.

The comings and goings of 6no. persons and associated visitors to the property would not be beyond the remit of an extended family home of this size and could be considered to be comparable in terms of the impact of the amenity of neighbouring properties. The use of the property by an additional 4no persons and their visitors would however intensify the use of the site and would inherently change the character of the property, potentially impacting on the amenity of neighbouring dwellings through additional movements and the noise and disturbance associated with this.

It is therefore considered that the scale of the development would be seriously detrimental to the residential amenities of nearby occupiers, by reason of the noise, disturbance and general activity associated with the proposed use. The proposed development therefore conflicts with UDP Policies H1/2,H2/1,H2/2,H2/4 and SPD 13

Highway and Parking

UDP Policy EN1/2 - Townscape and Built Design requires the consideration of the design and appearance of access, parking and service provision. This is further supported by UDP Policy H2/2 - The Layout of New Residential Development that requires proposals to demonstrate adequate car parking provision, access for both vehicles and pedestrians, and provision for public transport and the existence of any public rights of way, and UDP Policy HT6/2 - Pedestrian/Vehicular Conflict that requires developments to reduce pedestrian/vehicular conflict.

There are no specific car parking standards for HMO's in SPD11 Parking Standards in Bury, but 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. Car parking provision should meet the requirements of the likely occupants and, where possible, should be provided off-street.

4no parking spaces and a cycle store for 10no. bikes are shown on the proposed site plan.

The application site is considered to be relatively well located and is within walking distance of shops, services and bus routes. Given the sites accessibility to the town centre, and proximity to local services it is considered that the proposed HMO is located within a sustainable location.

The proposed cycle storage would be adequate in scale. It is generally recognised that car ownership tends to be lower for those who occupy HMO compared to other households. Whilst some residents of the HMO may not require access to a car, there is however no means to secure this and any cars associated with the use outside of the 4no. spaces provided would have to park on street. The proposal would be located within an established residential area with unrestricted on street parking available for residents and visitors. In this instance it is considered given the nature of the existing parking provision in the area, and the proposed use the parking level proposed is considered to be acceptable.

The parking spaces proposed however are 4.8 metres in length. Whilst this is an acceptable size for a car parking space, driveways should be 5 metres in length to ensure that a car can be accommodated within the curtilage of the site. The proposal would therefore create 4 potential car parking spaces that encroach onto the adjacent footway to the front of the property.

No turning facilities are provided for the proposed car parking spaces which would therefore

require cars to either enter, or exit the parking in reverse. Given the high hedge currently on site, and the maneuvering required to enter and exit these spaces and the proposed line of parking spaces as shown this would have a detrimental impact on highways safety. The extent of the dropped kerb proposed would also reduce the available on street parking on Keats Crescent. The proposed parking layout is therefore considered to be contrary to UDP Policies EN1/2, H2/2 and HT6/2.

Conclusion

It is considered that the contribution to local housing stock would not be of any notable significance or added benefit which would outweigh the harm caused to the visual amenity of the area, the amenity of future occupiers, the amenity of neighbouring properties and highway safety.

As permitted development for 6 no occupiers, the LPA does not have any control over the use of the property as an HMO. As the LPA now has an application in front of them to determine for a 10 person HMO, it is reasonable for the LPA to make an informed and considered judgement on the development and proposal which have now been brought to the forefront by this application.

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

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Refuse

Conditions and Reasons:

- 1 The application and submitted plans fail to provide elevational details in relation to the proposed bin and bike stores to the front of the property and fail to acknowledge the existing boundary hedgrow/trees. The application and submitted plans therefore contain insufficient information to enable them to be properly assess in terms of visual and residential amenity and therefore conflicts with the following policies of the Bury Unitary Development Plan:
EN1/1 - Visual Amenity
EN1/2 - Townscape and Built Design
H2/1 - The Form of New Residential Development
H2/2 - The Layout of New Residential Development
H2/4 - Conversions
- 2 The extent of the proposed hardstanding is neither appropriate to, nor sympathetic with the existing streetscene, and would be detrimental to the visual amenity of the area. The proposed development therefore conflicts with the following policy of the Bury Unitary Development Plan:
EN1/1 - Visual Amenity
EN1/2 - Townscape and Built Design
H2/1 - The Form of New Residential Development
H2/2 - The Layout of New Residential Development
H2/4 - Conversions
- 3 The proposed development, by virtue of the proposed layout would lead to a poor arrangement of shared accomodation available for the future occupiers of the

property and as such would have a detrimental impact on residential amenity of the occupiers. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan:

H1/2 - Further Housing Development

H2/1 - The Form of New residential development

H2/2 - The Layout of New Residential Development

H2/4 - Conversions.

- 4 The development would by virtue of the scale and density of the development proposed be seriously detrimental to the residential amenities of nearby occupiers, by reason of the noise, disturbance and general activity associated with the proposed use. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan:

H1/2 - Further Housing Development

H2/1 - The Form of New residential development

H2/2 - The Layout of New Residential Development

H2/4 - Conversions

Supplementary Planning Document 13 - Conversion of Buildings to Houses in Multiple Occupation

- 5 The proposed car parking provision is inadequate and is likely to lead to vehicles parking and carrying out manoeuvres on the highway to the detriment of the free flow of traffic and road safety. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan:

EN1/2 - Townscape and Built Design

H2/2 - The Layout of New Residential Development

HT6/2 - Pedestrian/Vehicular Conflict

HT2/4 - Car Parking and New Development

H2/4 - Conversions

- 6 The proposed access and parking arrangements are sub-standard, which would have a detrimental impact on the adjacent adopted highway, availability of visitor parking on Keats Crescent and is likely to lead to vehicular encroachment of the adjacent footway to the detriment of the free flow of traffic and road and pedestrian safety. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan:

EN1/2 - Townscape and Built Design

H2/2 - The Layout of New Residential Development

HT6/2 - Pedestrian/Vehicular Conflict

HT2/4 - Car Parking and New Development

H2/4 - Conversions

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP	5/12/2023	DM	11/12/2023