

DELEGATED REPORT

Report by Helen Pressley	Date of report: 15/05/2026	Ref: 72985/FUL
Registration: 31/03/2026	LDfC: 27/04/2026	Expiry Date: 26/05/2026
Site Visit: 14/05/2026	Site Notice: N/A	Press Date: N/A
Objections: 3	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: COUS

Proposal: Change of use from a 6 bed/6 person HMO (Use Class C4) to a 7 bed/7 person HMO (Sui Generis)

Location: 33 Knowsley Street, Bury, BL9 0ST

Description

The application relates to a mid terraced property located on Knowsley Street. The premises has a small yard area to the front, and an open yard area to the rear fronting onto Ashlor Street.

Planning permission is sought for the change of change of use from a 6 bed/6 person HMO (Use Class C4) to a 7 bed/7 person HMO (Sui Generis).

Relevant Planning History

02713/E - Change of use of vacant office premises (Class E(g)(i) to residential (Class C3) - Enquiry completed 27/05/2022

68845 - Change of use from office (Class E) to residential (Class C3) - Approve with Conditions 22/11/2022

71010 - Change of use from an office (Class E) to a 7 bed/7 person house in multiple occupation - Refused 24/03/2025

Publicity

Letters sent to neighbouring properties 1st April 2026.

3 objections received in relation to:

- Over concentration of HMOs in the area.
- No more new applications including expansions of HMOs should be considered in the area
- No waste management in place
- Increased noise
- Lack of parking
- The accuracy of the information on the planning statement, which was submitted with this application in relation to the single family dwelling use.
- Do not accept that planning permission 68845 was implemented
- According to RG/24/02066, the change from C3 to C4 is dated as having been received on 13 November 2024. This was well after multiple rooms had been advertised online.
- The plans submitted for 72985 as 'proposed plans' are clearly dated before the initial application (68845) on 18/08/2022. There was never any intention for the property to be used as a single family dwelling (C3).
- No signed statutory declaration confirming residential use
- No Council Tax records submitted
- Application 71010 was previously refused confirmed that the Class E to C3 use has not

DELEGATED REPORT

been carried out lawfully.

- Should the applicant consider that sufficient evidence exists to demonstrate lawful use, they should be advised to submit an application for a Certificate of Lawful Existing Use or Development in respect of the use of the property as a 6 bedroom, 6 person HMO (Use Class C4).
- Bike shed is wholly incongruous feature in the streetscene

Statutory/Non-Statutory Consultations

Traffic Section - Concerns raised in relation to lack of parking. No formal recommendation received.

Waste Management - No response

Housing - Public Protection It is not clear from the plans the amenities provided in the kitchen.

For 7 occupiers, they would require the following:

- 2 x sinks or 1 dishwasher and 1 sink
- 2 x 4 ring hobs
- 2 x ovens with grill
- 2 x worktop high fridges
- 2 x worktops high freezers

Greater Manchester Police - designforsecurity - Having looked at the documents provide for this application; I have no major concerns.

Pre-start Conditions - Not relevant

Development Plan and Policies

Area	Manchester Road/Knowsley Street
BY4	
TC1	Town Centres
EC2/2	Employment Land and Premises
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
HT2/4	Car Parking and New Development
JP-H1	Scale of New Housing Development
JP-H3	Type, Size and Design of New Housing
JP-H4	Density of New Housing
JP-S2	Carbon and Energy
JP-P1	Sustainable Places
JP-C2	Digital Connectivity
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-C8	Transport Requirements of New Development
SPD13	Conversion of Buildings to Houses in Multiple Occupation
SPD11	Parking Standards in Bury
SPD6	Supplementary Planning Document 6: Alterations & Extensions
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), 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.

Existing Use/Site History

Planning permission 68845 Change of use from office (Class E) to residential (Class C3) was approved in 2022. Previous application for an HMO use at this site 71010 considered that this permission had never been lawfully implemented and as such the site did not benefit from the permitted development rights under Part 3, Class L of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) that allows a permitted change of use between dwellinghouses in Use Class C3(a) and small HMOs in Use Class C4 (up to 6 persons living as a single household) and vice versa.

In addition application 71010 also considered that of use of the site from office, to HMO .

This application was refused on the 20th March 2025 for a number of reasons. This previous application was partially retrospective as the applicant had already converted the property into an 6 bed HMO. This application was refused in part as the applicant failed to demonstrate there is no reasonable prospect of the site being retained or re-developed for employment uses.

No further applications, or lawful developments certificates have been submitted for the existing 6 bed HMO use however the applicant has retained the use and applied for an HMO licence.

Given the complex site history, in the first instance the applicant was asked to provide an evidenced timeline to illustrate that the existing HMO use is lawful.

- 29th September 2022 - Planning permission 68845 granted
- 10th December 2022 - First tenancy commenced property occupied as a C3 dwelling. Tenancy agreement submitted in support of this.
- 12th December 2024 - Building control sign off of C3 dwelling (retrospective). Building regulations certificate submitted.
- 15th January 2024 - Emergency lighting confirmed compliant
- 1st February 2024 - Fire Alarm system confirmed compliant
- 23rd January 2025 - Annual gas safety inspection completed
- 9th December 2025 - Building control sign off for conversion from C3 to C4. Building Control Certificate submitted.
- 28th August 2025 - Energy performance certificate issued.
- 19th March 2026 - HMO licence formally issued

The above, and the submitted Planning Statement does provide a statement of events but does not provide evidence that the dwelling was lawfully occupied as C3 dwelling prior to conversion of the site to an HMO. The applicant has also submitted photographs of the EV chargepoints that have been installed to demonstrate compliance with conditions 3 and 4 of application 68845 however these prior occupation conditions have never been formally applied for discharge and the photos are dated 17th January 2026 which is some time after the tenancy agreement submitted for 2022.

A tenancy agreement, and retrospective building regulations does not confirm that the property was lawfully occupied in accordance with the former planning consent. No evidence such as Council tax, or bills have been provided.

The applicant has therefore failed to prove, on the balance of probability, that the C3 Use has been lawfully established and as such has not confirmed that the property would benefit from the permitted development rights set out under Part 3, Class L of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) to allow the property to be occupied as a 6 bed HMO. As such it would appear that the last lawful use of the building was an office.

This matter will be reported back to planning enforcement.

Loss of Employment

Prior to the unauthorised change of use of the application site to a 6 bedroom HMO, the application site was in an office use.

UDP Policy EC2/2: 'Employment Land and Premises Outside Employment Generating Areas' states the Council will seek the retention of existing employment land and premises outside the Employment Generating Areas except where it can be clearly demonstrated that an existing employment site or premises is no longer suited in land use terms to continued use.

In considering the proposal, there is also a need to take account of paragraph 127 of the

NPPF, which states that:

Planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:

- a. It should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and
- b. In the interim, prior to updating the plan, application for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.

In this context of the NPPF, the Council would need to be satisfied that there was no reasonable prospect of the site being retained or redeveloped for employment uses before being in a position where its redevelopment for housing could be supported.

In this respect, the Council has developed SPD14. In basic terms, SPD14 seeks to retain sites that are suitable, in land use terms, for continued employment use although it does allow for a greater degree of flexibility in so far as it considers viability issues as well as assessing the suitability of the site from a purely land use perspective.

From a land use perspective, the site is part of an established concentration of employment uses within Bury Town Centre that remains a suitable use for this location.

An assessment is therefore required to determine whether retaining the site in an employment generating use is viable and there is no realistic prospect of the site being used for this purpose. SPD14 requires applications which involve the potential loss of employment land to submit robust evidence to demonstrate that the site has been actively and comprehensively marketed at a realistic value and for a minimum of 12 months. As with the previous refusal at the site no evidence that the property was satisfactorily marketed has been submitted and therefore this reason for refusal stands.

Principle (HMO Sui Generis Use)

UDP Policy H1/2 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 Policy H2/4, 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. This is supported by SPD 13 - Houses in Multiple Occupation that seeks to improve the standards of accommodation and reduce potential detrimental impacts on local communities. Significant weight is now given to the updated version of this SPD which has been consulted upon.

PfE Policy JP-H3 seeks to provide an appropriate mix of dwelling types and sizes reflecting local plan policies and having regard to relevant local evidence. Development across the plan area should seek to incorporate a range of dwelling types and sizes, including for self-build.

Paragraph 63 of the NPPF confirms that "size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) those who require affordable housing; families with children; older people (including those who require retirement housing, housing-with-care and care homes); 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 HMOs or buildings of multiple occupation.

For clarification, a house in multiple occupation is a form of housing tenure, where occupants live together forming more than one household (i.e. where facilities such as kitchen, bathroom or bathrooms can be shared with other tenants).

The conversion of properties to multiple occupation 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 etc and thus have an adverse effect on residential amenity and the character of an area.

The main issues in relation to this proposal is the consideration of the impact of the proposed accommodation 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 the policies set out above.

Character of the Area

In order to help ensure mixed and balanced communities and to ensure that new development does not have an unacceptable impact on amenity, quality of life and residential character of the surrounding neighbourhood, SPD 13 sets out restrictions to limit the concentration of HMOs and manage the siting of HMOs relative to other HMOs. To achieve this the Council will apply three measures:

- A concentration threshold;
- Restricting the sandwiching of properties; and
- Restricting three adjacent HMOs

HMO Concentration Threshold

Planning permission will not normally be granted for new HMOs, or for proposals to increase the number of bedrooms within existing HMOs, where:

- a) Proposals would result in more than 10% of properties (residential and commercial) or more than four properties (whichever is the fewer) being classed as HMOs within a 100m buffer of the application property; or
- b) The number of HMOs already exceeds 10% of properties or four HMOs within a 100m buffer of the application property.

More than 4 properties within 100 metres of the site area already registered HMOs namely 45 Knowsley Street, 29 Knowsley Street, 27 Knowsley Street, 62 Manchester Road, 46 Manchester Road.

Permission has also been granted for the change of use of Number 47 Knowsley Street, and 52 Manchester Road to HMOs prior to the updates to SPD 13. A Lawful Development Certificate for the change of use of No. 44 Manchester Road was also granted in 2025.

The number of registered HMOs within the 100 metres of the site is 5. The proposal would therefore exceed the concentration threshold contrary to SPD 13.

Sandwiching and three adjacent HMOs

The nearest HMO would be No. 29 Knowsley Street. There is currently 1no. property between this existing HMO and the site. The proposal would therefore not lead to the sandwiching of HMOs, and would not lead to 3no. adjacent HMOs.

Layout and Design

In addition to the policies set out above UDP Policy EN1/2 seeks to ensure that development proposals would not have a detrimental effect on the visual amenity and

character of a particular area. PfE Policy JP-P1 Sustainable Places aims to promote a series of beautiful, healthy and varied places. 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.

SPD 13 confirms that for the purposes of determining planning applications for HMOs, the Council considers it appropriate to require applicants to meet the Nationally Described Space Standards in relation to bedroom size requirements. Each bedroom would exceed the 7.5 square metres required for single occupancy.

SPD 13 also confirms that all habitable rooms should have access to a good level of natural daylight, including kitchens / dining rooms, living rooms, and bedrooms, and achieve a good level of light penetration.

Bedroom 7 is located within the roof space, with only rooflights proposed to serve this room. SPD 13 confirms that habitable rooms within the roof space area must provide a reasonable outlook. Roof lights that only face the sky are not considered to provide a reasonable outlook and prospect. No elevations have been provided of the property and no section has been provided to show how far up the roof slope these windows are situated. As such it is considered that the applicant has failed to demonstrate that the future occupier of this room would have a reasonable outlook contrary to the considerations set out within SPD 13.

Only one communal shared space is proposed within the dwelling, with a space of 19.8 square metres proposed to be a shared kitchen/dining room. No shared living room is proposed. Public protection have confirmed that the shared accommodation would need to provide:

- 2 x sinks or 1 dishwasher and 1 sink
- 2 x 4 ring hobs
- 2 x ovens with grill
- 2 x worktop high fridges
- 2 x worktops high freezers

Given the space made available it does not appear that this can be accommodated within the kitchen area, without then encroaching on the limited dining area provision. Given the above, it is considered that the increase occupation of this terraced property would exert unacceptable pressure on the existing property which would be harmful to the amenity of the existing, and future occupiers.

Provision should be made for outdoor amenity space as part of HMO proposals

The proposal shows 1no. parking space, a bike store, and bins within the rear yard. It does not appear that there would be any retained amenity space at the rear of the property. Whilst acknowledged that the existing site has limited amenity space given that the application seeks to provide accommodation for 7no. persons it is considered that the outdoor amenity space provision is unacceptable.

The amount of bin storage space required will depend on the size of the HMO. HMOs are entitled to the same waste capacity as a normal domestic household, which for households under 6 people starts with a 240 litre bin for each waste stream (4 in total), with additional grey bin eligibility increasing by an additional 140ltrs for a household between 6 - 8 occupiers.

The proposed site plan shows an area for "bins" however it is lacking in detail. It is therefore considered that the applicant has failed to demonstrate that adequate in curtilage bin storage can be provided for the proposed use.

The proposed cycle store would replicate a flat roof style domestic shed and as such no objections are raised to the introduction of this element.

Amenity

UDP Policy H2/4 requires applications for conversion to have regard to the effect on the amenity of the neighbouring properties through noise, visual intrusion, the position of entrances, impact of parking areas, extensions and fire escapes. There are no adopted aspect standards for new HMO properties however, Supplementary Planning Document 6 (SPD6) provides guidance on aspect standards between residential properties and as such, would be a reasonable guide in this case.

The proposal would not include the introduction of any new habitable room windows within the main elevations.

The proposal would lead to 2no. rooflights in the rear elevation associated with bedroom 7. As set out above no elevations or details have been submitted in relation to these rooflights to make an assessment in relation to their outlook.

Highways and Parking

UDP Policy EN1/2 requires the consideration of the design and appearance of access, parking and service provision. This is further supported by UDP Policy H2/2 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 H2/4 that requires consideration of the impact of parking areas on the amenity of neighbouring properties, and the consideration of car parking and servicing requirements. Policies JP-C5 and JP-C6 require streets to be well designed and managed to make a significant positive contribution to the quality of place and support high levels of walking, cycling and public transport.

In terms of parking standards UDP Policy HT2/4 requires all applications for development to make adequate provision for their car parking and servicing requirements. Supplementary Planning Document 11 (SPD11) provides parking standards for developments.

The level of parking provision for HMO's within SPD 11 acknowledges that HMOs and shared housing tend to attract occupiers with lower-than-average levels of car ownership compared to the general population.

New HMO and shared housing developments in Zone 1 should only provide parking for disabled residents and visitor/drop-off.

1no. parking space is proposed to the rear of the site. The proposed site plan however is lacking in detail in relation to whether or not this would meet the required standards to be considered to be a disabled parking space.

It is therefore considered that the applicant has failed to demonstrate that the proposal would comply with the Council's parking standards in respect of the proposed development.

SPD 11 also confirms that 1no. secure, covered cycle storage space per bedroom (If no garage or secure area is provided within curtilage of dwelling) should be provided for HMOs.

The proposed site plan shows a bike store. An additional drawing has been submitted showing a 2.1m x 3.1 metre bike store, with an additional specification confirming that this store can be utilised to store 6 - 8 cycles in compliance with SPD 11.

Carbon and Energy

PfE Policy JP-S2 sets out the steps required to achieve net zero carbon emissions.

The applicant has confirmed that the proposal seeks to prioritise the minimisation of energy demands and maximisation of energy efficiency.

Digital Connectivity

PfE Policy JP-C2 requires all new development to have full fibre to premises connections unless technically infeasible and / or unviable.

The applicant has confirmed that the property is served by full fibre broadband

Response to Representations

It is considered that the material planning considerations raised within the representations has been assessed within the main body of the report.

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 applicant has failed to prove, on the balance of probability, that the application 68845 was lawfully implemented and that the use to which the application relates has been lawfully established. The applicant has therefore failed to demonstrate that the property would benefit from the permitted development rights set out under Part 3, Class L of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 2 The application contains insufficient detail to demonstrate there is no reasonable prospect of the site being retained or re-developed for employment uses, contrary to the requirements of Policy EC2/2 - 'Employment Land and Premises Outside the Employment Generating Areas' of the Bury Unitary Development Plan, SPD 14 and the National Planning Policy Framework.
- 3 The proposal would exceed the HMO concentration threshold as set out within emerging Supplementary Planning Document 13: Houses in Multiple Occupation. It is therefore considered that the proposal would fail to ensure that a mixed and balanced community is retained in the area contrary to Bury Unitary Development Plan Policies H1/2 - Further Housing Development, H2/4 - Conversions, Places for Everyone Joint Development Plan Policy JP-H4 - Density of New Housing, the National Planning Policy Framework and emerging Supplementary Planning Document 13: Houses in Multiple Occupation.
- 4 The applicant has failed to demonstrate that adequate light and outlook would be provided in relation to the rooflights proposed for the future occupier of proposed bedroom 7, or that these rooflights would not have a detrimental impact on the amenity of neighbouring properties by means of loss of privacy. The proposal is therefore contrary to Bury Unitary Development Plan Policy EN1/2 - Townscape and

DELEGATED REPORT

Built Design, H2/4 - Conversions, H2/1 - The Form of New Residential Development, H2/2 - The Layout of New Residential Development, Places for Everyone Joint Development Framework Policy JP-P1: Sustainable Places, emerging Supplementary Planning Document 13: Houses in Multiple Occupation and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

- 5 The proposed development, by virtue of the increased occupation and without increase of communal space and outdoor amenity space, would result in a loss of facilities and amenities available to the existing and future occupiers of the property and as such would have a detrimental impact on residential amenity of the occupiers. The proposed development would therefore be contrary to Bury Unitary Development Plan Policies H1/2 - Further Housing Development, H2/1 - The Form of New residential development, H2/2 - The Layout of New Residential Development and H2/4 - Conversions and emerging Supplementary Planning Document 13: Houses in Multiple Occupation.
- 6 The applicant has failed to demonstrate that the proposal would comply with the Council's car parking standards in respect of the proposed development The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan: HT2/4 - Car Parking and New Development, H2/4 - Conversions, emerging Supplementary Document 13: Houses in Multiple Occupation and Supplementary Planing Document 11- Parking Standards in Bury.
- 7 The applicant has failed to demonstrate the proposal would ensure that adequate off-highway bin storage arrangements can be provided for the proposed use, in order to ensure that the adjacent adopted highways are not used for refuse collection purposes or the storage of communal bins contrary to Bury Unitary Development Plan and Places for Everyone Joint Development Plan Policies EN1/2 - Townscape and Built Design, Policy H2/4: Conversions, JP-P1 - Sustainable Places, JP-C5 - Streets for All and JP-C6 - Walking and Cycling and emerging Supplementary Planning Document 13: Houses in Multiple Occupation.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP	15/05/2026	DM	20.05.2026