

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 13/12/2023	Ref: 70178/FUL
Registration: 19/10/2023	LDfC: 21/11/2023	Expiry Date: 14/12/2023
Site Visit: 16/11/2023	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: COUS

Proposal: Change of use from existing office to 8 bed (single occupancy) HMO (Sui Generis), with 4 no. velux rooflights installed to roof and erection of 1.8m high boundary fence and gated access to rear

Location: 27 Knowsley Street, Bury, BL9 0ST

Description

The application relates to a vacant mid-terraced property located on Knowsley Street which currently has an office use. The property is 2 storey with a 2nd floor in the roof space and dormer window. There is a 2 storey outrigger at the rear. The property has a garden area to the front and an open rear yard that could be used for parking.

The application seeks a change of use to an 8 no. bed (single occupancy) HMO, the installation of 4 no. velux roof lights and the erection of a 1.8m high boundary fence and gated access to the rear.

There would be 2 no bedrooms and a communal kitchen/dining room at ground floor, 4 no bedrooms at first floor and 2 no. bedrooms at the 2nd floor.

The rear yard would provide one parking space which would be separated from a communal outdoor space for bin storage, bike store and seating by a 1.8m high fence.

Relevant Planning History

00512/E - Change of use from A2 to HMO - Enquiry completed 18/06/2009

63508 - Change of use to children's day nursery (Class D1) - Refused 04/02/2019

Publicity

Letters sent on 30/10/23 to 53 properties.

No response received.

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to condition

Environmental Health - Pollution Control - Recommend a noise survey and condition for soundproofing and insulation.

Waste Management - Would recommend more bin store capacity.

Adult Care Services - No response received.

Greater Manchester Police - designforsecurity - No response received.

Housing - Public Protection - No objection subject to provision of appropriate facilities and HMO license

Pre-start Conditions - Not relevant

Unitary 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
EN7/2	Noise Pollution
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.

Principle

The application site is unallocated in the adopted Bury Unitary Development Plan. It does however fall within Area BY4 covering the Manchester Road/Market Street area of Bury Town Centre. Area Policy BY4 states that the Council will consider favourably proposals for business (B1), office, hotel/conference facilities, car parking and civic uses within the Manchester Road/Knowsley Street area of the town centre.

One of the key factors in determining whether there is a reasonable prospect of the site being reused for employment purposes is to show that there is a lack of market demand. Paragraphs 3.10-3.17 of SPD14 - Employment Land and Premises gives advice on what will normally be expected from any marketing of an existing employment site.

The property has been vacant since February 2023 and has been marketed as office space by way of online adverts and marketing board and has been on the market for 9 months.

Out of the 20 terraced properties on this row, currently there are 4 licensed HMO's on Knowsley Street. Planning permission has been recently granted for another 8 bed HMO on this row (license pending). Eleven properties remain in office/business/clinic uses. The other properties are either vacant or use unknown. As such, the row would predominantly remain in commercial use and it is considered the change of use would not have a significant impact on the character of this area.

The site is located within the urban area close to the town centre and in an area of mixed commercial and residential uses and the NPPF advocates the principles of sustainable development and encourages a mix of uses within the urban area in order to bring back into use vacant buildings.

There is also the fallback position that a change of use for residential purposes would fall under permitted development. The property currently has a use for offices which falls under use Class E. Under Part 3 Class MA of the General Permitted Development Order a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order can change use to residential subject to certain restrictions. The property could therefore potentially be utilised as a dwelling house under permitted development rights, and subsequently to a 6 bed HMO.

It is therefore considered that given the length of time the property has been vacant and has been marketed for 9 months without being occupied together with the fallback position of permitted development for use for residential purposes, it is considered the change of use to an HMO would be acceptable in principle.

The main issue is therefore the intensification of the use of the property to accommodate a total of 8 no residents comparative to 6 people that could be accommodated at the site under permitted development rights and the impacts if any, in relation to the suitability of the site and location, impacts on amenity, nature of the local environment, surrounding land uses and highway issues.

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.

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

Layout

Externally, there would be little in the way of physical alterations to the building, comprising the installation of rooflights to the front and rear. Part of the rear yard would be sectioned

off by a 1.8m high fence to provide a parking space. The remainder of the yard would provide an area for bins, bike storage and seating which is considered borderline acceptable for the proposed occupancy level.

Waste management have commented that the bin storage facilities may not be sufficient for an 8 occupancy residential property and would recommend more capacity. However, it is down to the applicant/landlord to enter a commercial contract if needed.

Internally, there would be 8 no bedrooms over the 3 floor and one communal kitchen/dining area. The HMO Licensing Section have no issues regarding the layout and all of the en suite bedrooms are of a good size and comply with space standards. The applicant has been advised on the kitchen facilities for the proposed 8 occupants but this would be a matter for the Licensing Department. It is considered the communal kitchen/dining area would provide an acceptable standard of shared amenity space

As such, the proposed layout is considered to be acceptable and would comply with H2/2 and H2/4.

Residential amenity

The property is in the middle of this row of terraces comprising of a mix of uses of commercial/office and residential types where there are comings and goings at different times of the day and night. The premises is fairly large in size and could be used as a commercial business accommodating a significant number of employees or turned into a single residential property housing a large family without the need for planning consent.

The Pollution Control Section have recommended that a noise survey is carried out prior to the commencement of development to determine the suitability of the site for the proposed development with conditions for to secure a soundproofing and insulation scheme.

Whilst noted that concerns have been raised by environmental health, given the fall back position of the potential uses of the site it is considered a condition to require insulation would be sufficient in this instance. It is therefore considered that for a property of this type and size and in this location, providing accommodation for 8 occupiers would not cause any more noise or disturbance or generate significant concerns than could be generated by a commercial business or other type of residency.

As such it is considered that there would not be a detrimental impact on the amenity of occupiers of the adjacent properties and as such the proposed development would comply with EN1/2 and EN2/4.

Highways

There is 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.

The development proposes to provide a single parking space within the rear yard behind the property. There would also be provision for bicycle storage in this area.

The site located in a highly sustainable location and within walking distance of the town centre and the metrolink, bus depot, local amenities and services.

There is a public car park directly opposite on Manchester Road, as well as a public car park to the north of the site and there is some on street meter parking on Knowsley street for visitors. A residential permit parking scheme operates in the locality which would deter

future occupiers of the HMO from parking on nearby streets and causing parking problems for the existing residents in the area.

It is acknowledged that an HMO use tends to have a lower level of car usage than for a single residential dwelling and it is generally expected that town centre living would not necessarily or automatically provide parking, and any future occupiers would be aware of this fact before taking up residence.

As such, the proposal is considered to be acceptable and would be in line with the principles of the NPPF and UDP Policies H2/4 - Conversions and HT2/4 - Car parking and New Development.

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 - Proposed site layout plan 27/KR/200/BR; Existing plan layout 27/KR/201/BR; Existing elevations and section 27/KR/202/BR; Proposed plan layouts 27KR/203/BR; Proposed elevations and section 27KR/204/BR 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 A scheme to provide soundproof insulation of the flats in accordance with the standards of construction specified in current Building Regulations shall be implemented prior to the first occupation of the development hereby approved, and thereafter maintained.
Reason. To protect the residential amenities of the future occupiers of the flat pursuant to UDP Policy EN7/2 Noise Pollution and H2/4 - Conversions.
- 4 The car and cycle parking 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 car and cycle parking provision, in the interests of road safety pursuant to Bury Unitary Development Plan H2/4 - Conversions and HT2/4 - Car Parking and New Development
- 5 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 Bury Unitary Development Plan Policies H2/4 - Conversions and EN1/2 - Townscape and Built Design.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	13/12/23		