

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 10/08/2026	Ref: 73199/FUL
Registration: 24/06/2026	LDfC: 23/07/2026	Expiry Date: 19/08/2026
Site Visit: 03/07/2026	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 of first floor from mixed use of commercial/living accommodation (Class C3/Class E) to 3 bed, 3 person (single occupancy) HMO (House in Multiple Occupation) (Class C4); Change of existing rear tiled roof to flat roof and alterations to existing elevations

Location: 194 Hornby Street, Bury, BL9 5BA

Description

the application relates to an end terraced property on the corner of Hornby Street in Bury. The area is predominantly residential in character to the north, east and south and Fernhill Employment Generating Area (EC2/1/4) is opposite the site to the west.

The ground floor of the property appears to be in a community use as suggested by the sign 'Fernhill Centre' on the front of the property. (A community use falls under Use Class F2 although the existing floor plans show the ground floor as a Class E use). The applicant states the first floor is in a mix of use Class E and Class C3 residential use.

There are two entrances to the property, both located on Eldon street on the side elevation which lead to staircase and the uses on the upper floor which is accessed via back Hornby Street.

At the rear is a small yard which is shared between the commercial and residential uses.

The application seeks the change of use of the first floor from mixed use of commercial/living accommodation to a 3 bed single occupancy HMO.

The proposed HMO would be accessed via a new main entrance off Eldon Street and lead to a staircase to the first floor and 3 no. en-suite bedrooms and a shared kitchen/living room.

External alterations would comprise change of the existing flat roof to the single storey outriggers at the rear and alterations to the existing elevations.

Bins would be located in the rear yard to serve the ground floor commercial uses and first floor HMO.

With regards to the ground floor, the proposed floor plans show the ground floor would be split into two separate commercial units, unit 1 a pharmacy (class E) and unit 2 a physiotherapist (class E)

Relevant Planning History

38295 - Alterations and extensions to form office - approve 27/11/2001
55186 - Change of use from offices (Class B2) to 2 no. flats (Class C3) - Refused
07/08/2012

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55580 - Change of use from offices (Class B2) to 2 no. flats (Class C3) (resubmission) -
Approve with Conditions 07/12/2012

Publicity

Letters sent to 19 properties on 1/7/26.
No responses received.

Statutory/Non-Statutory Consultations

Traffic Section - Objection

Waste Management - No objection subject to sufficient bin store provision

Adult Care Services - No response received

Housing - Public Protection - Concerns raised

Greater Manchester Police - designforsecurity - No response received

Environmental Health - Pollution Control - No comments to make

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
EN1/2	Townscape and Built Design
EC4/1	Small Businesses
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H2/4	Conversions
HT2/4	Car Parking and New Development
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
JP-C2	Digital Connectivity
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-C8	Transport Requirements of New Development
JP-H3	Type, Size and Design of New Housing
JP-P1	Sustainable Places
JP-S1	Sustainable Development
JP-S2	Carbon and Energy
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), 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

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 - The Conversion of Buildings to Houses in Multiple Occupation that seeks to improve the standards of accommodation and reduce potential detrimental impacts on local communities.

This document is fairly dated with only small parts having relevance.

The Council has now adopted an updated SPD 13 - Houses in Multiple Occupation. Consultation (adopted 30th June 2026).

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 form more than one household and where tenants share facilities such as kitchen, bathroom or bathrooms.

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.

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

Concentration threshold

SPD 13 confirms that proposals for planning permission would not normally be granted for new 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.

The register of HMO's from March 2026 has therefore been reviewed. There is one non-licensable HMO within the 100m radius and as such the proposal would not exceed the concentration threshold.

Sandwiching and adjacent HMO's

The proposed development would not result in sandwiching by HMO's nor create a row of 3 HMO's.

It is therefore considered the proposed development would not have a detrimental impact on the character of the surrounding area and would not result in an over concentration of HMO's in the vicinity.

The proposed development would therefore be acceptable in this respect and comply with policies H2/4 and draft SPD13.

Layout

There would be 3 no. bedrooms with a communal kitchen/diner at the first floor.

All bedrooms would be en-suite and bedrooms would comply with Nationally Described Space Standards (NDSS).

Bedrooms 2 and 3 would be accessed from the corridor. The only access to bedroom No 1 would be through the communal kitchen/living area and as such it is considered that the residential amenity of the future occupants of these rooms would be adversely impacted by noise, activity and use of this communal area and would be contrary to SPD13 which states that bedrooms should not be accessed directly from communal areas or kitchens.

The bin store would be located in the rear yard and would provide separate bin store

facilities. The rear yard is only accessible via the rear entrances which serve the ground floor. This would mean that all three HMO units would access the bins via the front entrance on Hornby Street and walk round the building to the rear yard. This is neither practical or good design and would be contrary to section 12 of the NPPF - Achieving well-designed places - which seeks to ensure development function well and require good architecture and layout.

The proposed layout plan shows there would be a cycle store located to the rear of each of the ground floor units and could be accessed from the yard. There is not, however any provision for a cycle store for the three HMO units.

The proposed development is therefore considered to be unacceptable and would be contrary to policies EN1/2, H2/4, JP-C8, SPD11 and SPD13.

Public Protection

The public Protection Team have been consulted and raise concerns about the proposals and issues which would need to be addressed.

1. Bedroom 1 is an inner room via the kitchen, which is a high-risk room. In the event of a fire starting in the kitchen, where most fire start the only alternative exit would be via an escape window.

Unless all rooms exit onto a protected means of escape the Public Protection team would recommend refusal.

This issue has been discussed above.

2. A fire risk assessment will need to be undertaken for the property as this is a requirement of the Fire Safety Order 2005 for HMOs. The assessment should include the units of accommodation and communal areas and should inform the required fire detection, compartmentation and means of escape for the building. This is best undertaken in the early stages of development.

3. The property would not require an HMO licence, but will still subject to the HMO management regulations.

4. HMO standards require wash hand basins in ensuites to be a minimum size of 380mm in width, diameter 240mm and bowl depth of 130mm and appropriate heating provided to the ensuite.

5. Any window with a sill height of less than 800mm will need to be safety glazed.

The above would be subject to HMO management regulations.

Design and appearance

The application proposes alterations to the window and door openings on the ground floor and change from monopitch roofs to flat roofs on the single storey outriggers.

The proposed alterations to the elevations would be relatively minor and not significantly change the appearance of the building.

The alterations to the roof forms at the rear would not be widely visible from outside the site and considered to be relatively modest changes which would not have a detrimental impact on visual amenity.

The proposals are therefore considered to be acceptable and comply with EN1/2, H2/4 and SPD13.

Impact on residential amenity

The property is located at the end of a row of terraces on a corner plot.

The property is located within an area of mixed uses with residential predominately on both side and to the rear.

Part of the upper floor is already a residential use and the proposal to change the use of the first floor to residential use only would be in keeping with the character of the area.

In terms of alterations to the building and impacts on residential amenity from overlooking or privacy, there would be no further impacts on nearby residents than could currently exist.

It is therefore considered the proposed development would be acceptable and comply with EN1/2, H2/4 and SPD13.

Highways and parking

UDP Policy EN1/2 requires the consideration of the design and appearance of access, parking and service provision. Policy H2/4 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.

There is no dedicated parking at the property and parking of cars associated with the existing property and its commercial/residential uses would be on-street.

The site is located in Zone 3 under SPD11 - Parking Standards in Bury and for an HMO development for 3 occupiers would require a total of 1.5 parking spaces.

It is generally recognised that car ownership tends to be lower for those who occupy HMO's compared to other types of residential households and there parking on street in front of the property and adjacent side streets.

The site is 200m from a Neighbourhood Shopping Centre on Walmersley Road to the west with shops and facilities. There are also bus stops nearby on Walmersley Road with frequent bus services to the north of the Borough and Bury Town Centre. The town centre could also be accessed on foot, being 500m away.

The NPPF advocated sustainable means of development and encourages alternative modes of transport to the car and also promotes the location of development in sustainable areas. The NPPF at para 117 states that applications for development should give priority to pedestrian and cycle movements and facilitate access to high quality public transport. PpE Policy JP-P1 Sustainable Places advocates efficient uses of land and development which is well connected to local facilities and public modes of transport.

It is therefore considered the proposed development would be acceptable and comply with policies H2/4, JP-C5, JP-C6 and JP-C8.

To note, the proposed plans do not provide dedicated cycle parking for the proposed HMO. The proposed plans show that cycle stores would be located within the ground floor commercial units and not for the first floor HMO.

As such, the proposed development would be contrary to SPD11. SPD13 and the principles of the NPPF.

Policy JP-S2 - Carbon and energy

The applicant confirms that the development will be constructed to comply with the requirements of Approved Document Part L (Conservation of Fuel and Power) of the Building Regulations 2022.

Policy JP-C2 - Digital connectivity

The applicant will ensure that the development is designed to enable full fibre broadband connectivity to the premises, subject to confirmation from the relevant network providers and available infrastructure within the locality.

The residential HMO accommodation and both commercial units would be provided with suitable internal ducting, cable routes and telecommunications infrastructure to allow connection to full fibre broadband services. Operational internet connectivity will be available to future occupiers upon occupation of the premises through connection to local telecommunications networks.

To Note

The existing layout plans label the ground floor plans as Class E - commercial although the site visit indicated the property was in use or previously in use as a community facility (Class F2).

The proposed layout plans show the ground floor split into two units - a pharmacy (Class E) and 'commercial unit' (Class E). The subdivision of the ground floor would require planning permission, as would the change of use from community facility to a Class E use as it is not being proposed as part of 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 proposed bin storage/refuse collection arrangements are sub-standard and lack of a direct access to the rear yard from the ground floor for the future occupants of the HMO to utilise would result in an unacceptable and poor layout arrangement which is also likely to lead to bins being stored on the adopted highways in the vicinity of the only pedestrian entrance to the first floor of the building, which would be detrimental to pedestrian and highway safety. The proposed development would therefore be contrary to policies EN1/2, H2/4, JP-C8, SPD13 and the principles of paragraph 12 of the NPPF.
- 2 The proposed development would fail to provide secure covered cycle storage for the HMO. The proposed development would therefore be contrary to policies H2/4, JP-C8, SPD11 and SPD13 and the principles of the NPPF.
- 3 The proposed development, would provide sub-standard living conditions for future occupiers by virtue of the direct access off a communal kitchen/living area to bedroom 1. The proposed development would therefore be contrary to policies H2/4 and SPD13.

<u>Case Officer</u> JT 10/8/26	<u>Date</u>	<u>Sign off Officer</u> DM 11.08.2026	<u>Date</u>
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