

**Description**

The application relates to a mid-terraced property located on Knowsley Street. The property is currently used as offices. The premises has an existing two storey outrigger to the rear. The property has a yard area to the front, and an open rear yard that is currently used for parking.

Planning permission is sought for a change of use from change of use from offices (Use Class E) to 8 no. bedroom / person HMO (Sui Generis) with 2 no. front velux rooflights, and 2 no. rear velux rooflights to be installed. The proposal also seeks to construct a 1.8m high boundary walls at the rear.

**Relevant Planning History**

None

**Publicity**

Neighbour letters sent 20/07/2023

1 objection received in relation to:

- The street is a professional street occupied by doctors, dentists, accountants, solicitors etc and a change to HMO would not be appropriate.
- Parking is a significant issue already and a further 8 bedrooms and potential vehicles will only exacerbate the problem.

Neighbour re-notified 8/8/23 to inform of revised plans to provide 1 no parking space. No further representations received.

**Statutory/Non-Statutory Consultations**

**Traffic Section** - Conditions proposed in relation to implementation of car and cycle parking and bin storage.

**Environmental Health - Pollution Control** - development which could lead to an unacceptable noise nuisance to nearby occupiers and/or amenity users. Therefore, we would propose that Noise from or associated with the proposed activity/development hereby permitted shall not increase the prevailing ambient noise levels as measured at the boundary of the site. The ambient noise levels shall be determined by a suitable noise survey (showing how the new development will affect the already existing properties in the area), by the applicant, to the satisfaction of the Local Planning Authority (LPA) and a copy of the survey report shall be provided to the LPA before any development takes place.

**Waste Management** - No response

**Adult Care Services** - no response

**Greater Manchester Police - designforsecurity** - recommendations made in relation to securing doors, windows, bike stores, bin stores and lighting.

**Planning Policy Manager** - No response

**Environmental Health - Private Rented Sector** - Layout looks to be suitable. All room sizes adequate. Does not meet kitchen standards but would be an adequate size for 8 occupants. HMO licence would be needed once conversion has been completed.

**Pre-start Conditions** - Not relevant

## **Unitary Development Plan and Policies**

<SQLDCPolicyComRep>

### **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 applicant states that the last use of the site was for offices, 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.

Given that the property could be potentially be utilised as a dwelling house under permitted development rights, and subsequently a 6 bed HMO the change of use to an HMO would be acceptable in principle.

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 the amount of accommodation provided, put demands on parking and have an adverse effect on residential amenity and the character of an area.

As such the main issue is what impact the additional accommodation, above the 6 people that could be accommodated at the site under permitted development rights, 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.

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 very little alteration to the existing property with the installation of new roof lights, and re-rendering or existing elevations. Part of the rear yard would be enclosed by means of a boundary fence, the yard would continue to provide bin store areas and parking.

Internally, building works would be carried out to facilitate the new accommodation. The internal arrangements to the property would provide a communal area on the ground floor with 2 ensuite bedrooms, 4 bedrooms and ensembles at the first floor and 2 en-suite rooms in the roof space.

The existing main entrance would be retained off Knowsley Street to provide the access into the building.

Minimal alterations would enable the property to be converted to an acceptable standard for residential occupancy as an HMO. As such, the proposed layout is considered to be acceptable and would comply with H2/2 and H2/4.

### **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 and at all 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.

Whilst noted that concerns have been raised by environmental health who request a noise survey, 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 1 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.

## **Parking**

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 some parking, for a single vehicle, which would be in the yard area behind the property. There would also be provision for bicycle storage in the yard 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.

At the heart of the NPPF is the principle of sustainable development which encourages the use of public transport. Given the town centre location, the proximity of facilities and public transport nearby, and that HMO occupancy tends to rely less on car use, the proposed development is considered to be acceptable.

The Highways Section have raised no objection subject to conditions that the proposed parking, cycle store and bin areas be provided prior to occupancy.

As such the development is considered to be acceptable and comply with UDP Policy H2/4, HT2/4 and the principles of the NPPF.

## **Response to neighbours**

The proposal has been amended to include a single parking space. Material considerations have been reviewed within the main body of the report.