

DELEGATED REPORT

Report by Claire Booth	Date of report: 10/11/2025	Ref: 72379/FUL
Registration: 15/09/2025	LDFC: 16/10/2025	Expiry Date: 10/11/2025
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 2	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: COUS

Proposal: Change of use from dwellinghouse (Class C3) to 8 bed (single occupancy) House in Multiple Occupation (Sui Generis) together with proposed external alterations including new rear dormer conversion and new roof and dormer windows

Location: 109 Walmersley Road, Bury, BL9 5AN

Description

The application relates to the northern terrace property located on a short row of terraced dwellings, nos 103 -109 (odd) Walmersley Road, located between Canning Street adjacent to the north facing elevation of the application site and Vernon Street to the south. No. 101 Walmersley Road located adjacent to the north elevation of the short terrace row of which the application site forms the southern end, is in use as apartments.

The existing dwelling house has four floors and is currently 3 bed, with the bedrooms located at first floor level. It has a small garden frontage and rear yard area.

Planning permission is sought for the change of use of a dwellinghouse (Class C3) to create an 8 bed (single occupancy) House in Multiple Occupation (Sui Generis), together with proposed external alterations including new rear dormer conversion and new roof and a for a flat dormer.

The proposed HMO accommodation is to be over three floors and would be laid out as follows:

Basement: Heating and Boiler location

Ground Floor: 2 x Bedrooms and a Kitchen-Diner

First Floor: 4 x Bedrooms; 3 of which would have en-suites, along with a small WC.

Loft Floor: 2 en-suite bedrooms.

Within the rear yard area it is proposed to accommodate an outside seating area, refuse storage and cycle storage provision and to provide one car parking space.

Relevant Planning History

Publicity

33 nearby and neighbouring properties were formally consulted by letter on the 25/09/2025.

2 representations have been received which raise the following concerns/ objections:

DELEGATED REPORT

- We have a large number of HMO in the Walmersley area. According to estate agents pages many of them have empty rooms. This suggests there are too many HMO already in the area of Walmersley.
- There is already insufficient parking for existing residents between Canning Street and Vernon Street, and as a disabled resident I often struggle to park near my home. More occupants will worsen congestion.
- The area suffers from overflowing bins and rubbish from current multi-occupancy properties, which affects hygiene and appearance.
- There are already two HMOs in this short block, creating an excessive concentration that harms the neighbourhood's character. HMOs bring transient tenants with little investment in the community, leading to decline in standards. Another HMO will further reduce family homes and harm the balance of the area.
- HMO properties do nothing to improve our community as often it encourages anti-social behaviour.

Statutory/Non-Statutory Consultations

Adult Care Services - No comments or observations received.

Traffic Section - Proposal unlikely to cause demonstrable harm to highway safety

Environmental Health - Pollution Control - No comments or observations received.

Greater Manchester Police - designforsecurity - No comments or observations received.

Waste Management - No comments or observations received

Housing - Public Protection - No objections, subject to an informative being imposed making the applicant aware of the need to obtain a HMO licence.

Planning & Building Regs consultation Fire Protection Dept Bury Fire Station (Part B)
- No comments or observations received.

Pre-start Conditions -Not applicable.

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
SPD11	Parking Standards in Bury
SPD13	Conversion of Buildings to Houses in Multiple Occupation
JP-C2	Digital Connectivity
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-C8	Transport Requirements of New Development
JP-S2	Carbon and Energy
JP-P1	Sustainable Places

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 of Development

The property is currently a dwellinghouse (Use Class C3) which would have a 'permitted development fallback' to form a 6 person HMO, under current regulations. The permitted development position indicates that the principle of a conversion to a HMO is acceptable.

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.

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. .

These issues are discussed in more detail below.

Accessibility of the site to services, jobs and amenities

PfE Policy JP-C1, seeks to deliver an accessible, low carbon Greater Manchester with world-class connectivity, by, amongst other things, delivering a pattern of development that minimises both the need to travel and the distance travelled by unsustainable modes to jobs, housing and other key services, including healthcare, education, retail, recreation and leisure facilities, green space and green infrastructure; and locating and designing development, to deliver a significant increase in the proportion of trips that can be made by walking, cycling and public transport;

The application site fronts onto a busy through route which is a key bus route to and from Bury Town Centre, and when travelling in a northerly direction to the town centres of Rawtenstall, Burnley and Blackburn.

It is also located within 200 metres, walking distance, of Chesham Precinct located to the north of the application site. This precinct contains a Co-op, a chemist, and takeaways a shop selling solely alcohol and a betting shop. Approximately 250m the south is the Walmersley Road/ Moorgate Local Shopping Centre which contains other services and amenities, such as a chemist, Dry Cleaners and solicitor. - As such, the application site is considered to be suitably located for this type of residential accommodation.

Character of the Area and concentration of flats and HMOs

Whilst there is no specific policy in relation to HMOs within the adopted Development Plan, UDP Policy H2/4 - Conversions takes into consideration the concentration of building conversions for multiple occupation and the impact this can have to the character of an area. The justification for this policy makes it clear that it is necessary to ensure that dwelling standards are maintained and to ensure that, generally, an over provision of building conversions does not adversely affect the need to maintain a good mix of housing types or adversely affects the character and amenity of residential areas.

Upon review of 'Bury Council's Register of Licensed HMOs' (version August 2025), there are currently two existing HMO's, within a 50 meter radius, which are located at No. 103 Walmersley Road (to the south) which is a 6-bed HMO, and at No. 10 Vernon Street (to the south east) which is a 5-bed HMO on the westerly side of Walmersley Road. Due to these properties being separated from each other, it is therefore considered that this proposal would not cause an over concentration of HMO or flat/ apartment development in this location and thus the proposal is considered to accord with the relevant criteria within UDP Policy H2/4.

Residential 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.

NPPF Paragraph 135f states decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. In this respect GM Police have been consulted on this proposal. They have provided no recommendations to the LPA.

Neighbouring Properties

The application site is located on an end of terrace and neighbours one residential dwelling at No. 107 Walmersley Road (to the south). The rest of the surrounding area along Canning Street, Walmersley Road and the Back of Walmersley Road West is also residential in nature. The proposed 8-bed HMO is considered to be compatible with the neighbouring uses given the dwelling will also remain in residential use.

The property can lawfully be occupied as a HMO with up to 6 occupiers under Permitted Development Rights and this application seeks consent for an additional 2 occupiers. It is recognised that the proposed 8-bed HMO would increase occupancy of the property and therefore the levels of activity associated with the site. Given the house will accommodate 8 occupants, 2 above the fallback allowance, it is considered soundproofing should be placed against the neighbours party wall of all communal areas and within the loft area, as both the stairs into the loft and a shower are proposed against the party wall with the adjoining neighbours. As the Council has done on similar applications, the soundproofing of walls will be secured by condition.

Subject to the above recommended planning condition, it is considered that the uplift in activity at the site or the comings and goings associated with a HMO of this size, would not be so significant to create harm, considering the property could accommodate a 6-bed HMO without the need for planning permission.

For these reasons, subject to the recommended planning condition, it is not considered that the proposal to use the property as an 8-bed HMO would not result in neighbouring residents experiencing a demonstrable loss of amenity in terms of noise and disturbance.

In terms of loss of privacy caused by the proposed dormer, as the proposed rear dormer can be erected under Permitted Development rights and therefore this part of the proposal has a permitted fallback. meaning this aspect of the proposal cannot be considered by the LPA. Notwithstanding this, the rear of the property looks directly on to the gable of no. 1 Canning Street. Therefore no adjoining or nearby neighbours will be overlooked.

In respect of the amenity of neighbouring properties the proposal is therefore considered to be acceptable and thus complies with UDP Policy and guidance relating to HMO's.

Amenity of future occupiers

UDP Policy H2/4 that seeks to consider the impact of any proposals on the amenity of

occupants.

PfE Policy JP-H3: states that all new dwellings must:

1. Comply with the nationally described space standards; and
2. Be built to the 'accessible and adaptable' standard in Part M4(2) of the Building Regulations unless specific site conditions make this impracticable.

This policy doesn't strictly apply to the proposed HMO development (use class sui generis), the proposed single occupancy room sizes meet and exceed the minimum bedroom size (minimum 7.5sqm for single and 11.5sqm for double bedroom) and dimension requirements of the NDSS (at least 2.15m wide). Separate en-suite bathroom and storage cupboard is also be provided in each bedroom.

With regards to Part M, the proposed development will comply with Part M: Category 1 (Visitable Dwelling) of the Approved Document (M4(1)) and has incorporated reasonable provisions for people to gain access to and use the dwelling and its communal facilities along the ground floor, as well as a habitable room has also been provided on the ground floor.

Category M4(2) (Adaptable Dwellings) and M4(3) (Wheelchair user dwelling) of the Approved Document makes clear that this optional requirement applies to 'new dwellings'. Due to the retrofit nature of the development, it is not feasible to comply with all provisions of Part M.

The proposals include 8 x en-suite bedrooms with double beds and a 23 sqm shared communal area including kitchen / dining room. The dining area would allow all occupants to eat together if they so wish.

All habitable rooms are shown to be served by an appropriately sited and sized window which will provide an adequate amount of daylight and outlook for future occupants and ventilation.

The rear yard area is large enough to accommodate all the refuse/ waste storage requirements of 8 no. occupants, a covered and secure cycle parking area and also to provide an outside seating area for future occupiers. The submitted plans also indicate the rear yard area can also accommodate one car to be parked.

All of the above, leads me to conclude that the proposals would provide satisfactory living accommodation for future occupiers. The proposal thus accords with PfE Policy JP-H3 and UDP Policy H2/4.

Highway Safety

PfE Policy JP-C1: 'An Integrated Network' seeks to deliver an accessible, low carbon Greater Manchester with world-class connectivity. It seeks to achieve this by a range of measures, including, amongst other things, delivering a pattern of development that minimises both the need to travel and the distance travelled by unsustainable modes to jobs, housing and other key services, including healthcare, education, retail, recreation and leisure facilities, green space and green infrastructure; and locating and designing development, to deliver a significant increase in the proportion of trips that can be made by walking, cycling and public transport.

It has been demonstrated within the 'Accessibility of the site to services, jobs and amenities' section of this report that the location of the application site means that due to the application site being on a key bus route, and future occupants would not have to rely on a car to access key town centres which contain a range of services and amenities and the local centres of Walmersley Road/ Moorgate and Chesham Precinct which provide some basic services and amenities.

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.

SPD11: 'Parking Standards in Bury' states that the level of parking provision for HMO's acknowledges that HMOs and shared housing tend to attract occupiers with lower-than-average levels of car ownership compared to the general population. This document sets out car parking requirements for all developments. It also splits the borough into zones based on their proximity to the borough's Town Centres and sets parking standards based on this. The application site is within Parking Zone 2.

The SPD therefore states that 0.25 parking spaces per bedroom should be provided. In this case 8 bedrooms are proposed therefore 2 car parking spaces should be provided in-curtilage. It also requires 1 secure, covered cycle storage space per bedroom to be provided within curtilage of the dwelling.

The Proposed Site Plan indicates one off-road car parking space would be provided within the rear yard area, therefore it would be accessed off Back Walmersley Road West, which is an existing shared service road to the rear. This can be accessed from Canning Street and the rear of all the terraces to the north of the application site and Birch Street, to the south. Whilst this does not accord with the two space requirement set out in SPD11, and also acknowledging residents concerns about the on-street car parking provision, the Highway Authority has confirmed that due to the permitted fallback position of 6 people being able to live in the property, they consider two additional occupiers over the permitted six occupiers and the cars two additional occupiers may have, would not cause such a severe harm to highway safety and on-street car parking provision to justify refusal of the application on this basis.

The proposals proposed to accommodate a secure and covered cycle store with space for eight bikes (100%) provision as indicated on the submitted drawings. This will promote cycling as a viable and attractive means of travel. The level of provision proposed within the scheme will also help to support a reduction in reliance upon the private car and help to encourage use of more environmentally friendly and sustainable modes of transport amongst future occupants of the proposed development.

Due to the site's high level of sustainability and accessibility, it is not considered necessary for future residents to own a car. The nature of the accommodation also means that it will be less likely that future residents will own a car as HMO uses tend to have a lower level of car usage than a single residential dwelling and it is generally expected that town centre living would not necessarily or automatically provide parking. It is also noted that the property can be lawfully occupied as a HMO with up to 6 occupiers under Permitted Development Rights and this application seeks consent for an additional 2 occupiers. The proposals will seek to promote sustainable modes of transport and will include a secure and covered cycle store (with a capacity of 8 spaces) within the rear garden. This will promote cycling as a viable and attractive means of travel. The level of provision proposed within the scheme will also help to support a reduction in reliance upon the private car and help to encourage use of more environmentally friendly and sustainable modes of transport amongst future residents.

In terms of assessing highways matters paragraph 116 of the NPPF is relevant which advises "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe". This is a high policy test and it is not considered that the development for an additional 2 bedrooms would be associated with severe adverse highway impacts which would warrant a refusal.

The application is also accompanied by a Highways Technical Note prepared by AXIS which confirms that the proposed development accords with the transport requirements of the NPPF; Saved Policy HT2/4, and would be acceptable when assessed against part e of Saved Policy H2/4 and the relevant guidance within SPD 11.

Taking all of the above into account, it has been demonstrated that the scheme accords with the highway safety requirements of paragraph 116 the NPPF; UDP Policy HT2/4 and would be acceptable when assessed against part e of UDP Policy H2/4 and the relevant cycle parking storage requirements set out within SPD 11.

Carbon and Energy

PfE Policy JP-S2 sets out the steps required to achieve net zero carbon emissions. The submitted details state the proposals will align with the 2022 Part L Building Regulations and would prioritise the minimisation of energy demand and maximisation of energy efficiency through a range of measures set out in the submitted supporting documents,

- **High Insulation Standards:**
 - The development will feature highly insulated walls and ceiling cavities to reduce heat loss and enhance thermal efficiency.
 - Double glazing will be installed throughout the property to further improve insulation and reduce energy consumption. This ensures compliance with Part L Building Regulations. and therefore the proposal accords with the requirements of this policy.Passive performance will be enhanced through improving the fabric efficiency with double glazing and insulation as well as the efficiency of the existing internal layout.
- **Renewable Energy Sources:**
 - o Due to the building orientation and lack of solar gain on the roof, the installation of solar PV panels is not feasible.
 - o The building will use a conventional boiler with water tank system due to the high demand for hot water from six separate hot water stations. ASHP is not viable under the current design.
 - o We commit to opting for renewable energy sources when selecting gas and electricity suppliers for the building, ensuring a greener energy supply.
- **Smart Thermostats:**
 - o Smart thermostats will be installed throughout the property to enable precise control over heating and cooling, enhancing energy efficiency and user comfort. This improves thermal regulation and supports sustainability goals.
- **Energy Performance Certificate (EPC) Rating:**
 - o They aim to achieve a high EPC rating of C or above,
- **Regular Maintenance:**
 - o The property will undergo regular maintenance, with bi-annual reviews to ensure all energy-saving measures are functioning optimally and to identify opportunities for further improvements.

The above measures align with the 2022 Part L Building Regulations and thus the proposal accords with the requirements of PfE Policy JP-S2.

Digital Connectivity

PfE Policy JP-C2 requires all new development to have full fibre to premises connections unless technically infeasible and / or unviable. The policy supports the provision of free, secure, high-speed public wi-fi connections, particularly in the most frequented areas.

In compliance with Policy JP-C2 of the PfE plan, the submission advises that the proposed development would support high-quality digital infrastructure through the following measures:

- Full Fibre Superfast Internet will be installed to the development
- Mesh network throughout the property, ensuring seamless fast wireless internet to all rooms/ floors.
- Cat 6 Network Points on each floor, providing robust and reliable wired internet connections for high-speed data transfer

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

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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 the expiration of three years from the date of this permission.

Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 This permission relates to the following plans and documents:

Drawing no. 109WR/299/PL: Location Plan; Existing Site Plan;
Drawing no. 109WR/300/PL Rev. C3: Proposed Site Plan;
Drawing no. 109WR/303/PL: Proposed Floor Plan Plans;
Drawing no. 109WR/304/PL: Proposed Elevations and Section; and,
Document: PfE Statement, undertaken by Mark Gordon Design and Associates.

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings and documents.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Bury Unitary Development Plan, Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 3 The sound insulation of the party wall(s) shared with no. 107 Walmersley Road, shall be improved in accordance with Building Regulations Approved Document E (or similar method), the details of which shall be submitted to and approved by the Local Planning Authority and implemented prior to the use commencing.

Reason. To reduce nuisance from noise to the occupiers of adjoining properties, pursuant to Policy EN7/2: Noise Pollution of Bury Unitary Development Plan and the National Planning Policy Framework.

DELEGATED REPORT

- 4 The refuse storage facilities and secure and covered cycled storage indicated on the approved plans shall be implemented and made available for use to the written satisfaction of the Local Planning Authority prior to the development hereby approved becoming first occupied and shall thereafter remain available at all times.
Reason. In order to ensure that the development would maintain adequate facilities for the storage of domestic waste, including recycling containers, in the interests of amenity and to secure covered and secure cycle parking provision, pursuant to Policy JP-C8: Transport Requirements of New Development of the Places for Everyone Development Plan.
- 5 The cycle and 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 cycle storage arrangements and provision for the storage and disposal of refuse within the curtilage of the site, clear of the adopted highway, in the interests of highway safety pursuant to Development Plan policies H2/2 - The Layout of New Residential Development, EN1/2 - Townscape and Built Design, H2/4 - Conversions, JP-C5 Streets For All and JP-C6 Walking and Cycling.
- 6 The maximum number of residents occupying the premises shall not exceed 8 (eight) people.
Reason. To avoid an over-concentration of people living in the property and ensure satisfactory living accommodation for existing and future occupiers, in accordance with Policy H2/4-Conversions of the Bury Unitary Development Plan, Policies JP-C5: Streets for All and JP-C8: Transport Requirements of New Development of the Places for Everyone Joint Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB	10/11/25	DM	10/11/25