

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 15/05/2025	Ref: 71644/FUL
Registration: 27/03/2025	LDFC: 25/04/2025	Expiry Date: 22/05/2025
Site Visit: 04/04/2025	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: COUS

Proposal: Change of use of existing 6 bed house in multiple occupation (HMO) to 8 bed (single occupancy) HMO (Sui Generis)

Location: 221 Walmersley Road, Bury, BL9 5DF

Description

The application relates to a 3 storey semi-detached property which is located on a main road and throughroute to Bury Town Centre.

The property currently operates as a House in Multiple Occupation (HMO) for 6 people and accommodation comprises a kitchen, utility room and a separate dining/living room, and 2 no bedrooms at the ground floor, 2 no. bedrooms and 2 unoccupied rooms at the first floor and 2 bedrooms and an unoccupied room at the second floor. All the bedrooms are en-suite.

The property has a small front garden and side access which leads to a rear garden and storage for 4 bins. Separated from the garden by a low wall and fence, there are two are two parking which have an unfinished surface and which are accessed from the back street.

The application seeks the change of use from a 6 bed HMO to an 8 bed HMO (single occupancy).

Internally, the existing 6 bedrooms would be retained. At the ground floor, the utility room would become a combined kitchen/utility space and at the first floor the larger of the unoccupied rooms would become an en-suite bedroom and the smaller room a communal space/study. At the second floor, the unoccupied room would become a bedroom en-suite.

Two additional bins would be provided in the rear garden and works to surface the parking area and access to it are also proposed.

Relevant Planning History

n/a

Publicity

Letters sent to 11 properties on 3/4/25.
No responses received.

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to conditions

Waste Management - No response received.

Adult Care Services - No response received.

Housing - Public Protection - No objection

Greater Manchester Police - designforsecurity- No objection principle.

Conservation Officer - No objection

Pre-start Conditions - Not relevant

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

The National Planning Policy Framework (NPPF) sets out the governments objective of significantly boosting the supply of homes in all kinds of size and tenures. With regard to HMOs, the conversion of large houses into flats or bedsits can make an important contribution to the local housing stock and can utilise vacant or underused space more efficiently.

At para 11, the NPPF is clear that decisions should be in favour of sustainable development and at para 61 states that the overall aim should be to meet an area's identified housing need, including with an appropriate mix of housing types for the local community.

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.

The property is located on a main throughroute and bus route to Bury Town Centre and within walking distance of a Neighbourhood Shopping centre and local services and facilities with a public park directly opposite.

The property already functions as an HMO for 6 people (which under Class C4 is permitted development) and as such the principle of the type of residential accommodation is already established, the assessment being whether two additional occupiers would significantly intensify the use of the property to a significant degree to either be detrimental to the occupiers, existing or future occupiers or those living nearby in terms of amenity impacts, the general character of the area, effect on streetscene by external alterations and car parking and servicing requirements.

These issues are covered in the report below.

Layout

There would be 8 bedrooms provided over the 3 floors with a communal kitchen and additional kitchen facilities combined with the utility room. The existing living/dining room would continue to provide an area away from the kitchen and bedrooms to eat and relax and the communal room at the first floor would give additional shared space for residents.

All the bedrooms would have an en-suite and workstation/sitting area and would comply with minimum space standards for HMO's and the communal areas adequate to meet Bury Council HMO Guidance and Licensing standards.

The increased occupation would be subject to a new HMO license.

The existing garden/yard would be large enough to facilitate 2 additional bins without impinging on amenity area, and the driveway for 2 cars and a motorcycle and access to it

would be properly surfaced.

There is adequate area within the yard to provide a bike store or alternatively stored in the basement.

Whilst the occupation of the property would increase by two people, in terms of the layout and amount of accommodation to be provided, the proposed development would meet space standards and make available adequate facilities, both private and shared for each resident.

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

Character of the area

The property is located within a residential setting and is already an established HMO for 6 occupiers. The property is a large terrace set over 3 floors and as a family home, the property could accommodate a similar number of occupiers as the proposed HMO and it is considered that there would not be significant activity, noise or disturbances as a result of two additional residents.

Apart from formalising the parking area, there would be no external alterations.

It is therefore considered the proposal would not be harmful to the amenity of adjacent residents and would comply with H2/4.

Highway issues

There is no specific car parking standard for HMO's in SPD11 Parking Standards in Bury. 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.

It is generally recognised that car ownership tends to be lower for those who occupy an HMO compared to other types of residential households. There is on street parking in the adjacent side street and the property is located in a sustainable area, within close proximity and walking distance to the Neighbourhood Shopping Centre. There are also bus connections to Bury town Centre and the northern part of the Borough.

The property has 2 parking spaces and space for a motorbike and cycle storage. Works are proposed to surface the drive in a permeable material and improve the footway and dropped kerb to highway specifications.

The Highway Authority have raised no objections subject to conditions.

It is therefore considered that given the sustainable location, access to services and shops, connections to public transport and the provision of 2 parking spaces, the proposed development is considered to be acceptable and comply with policies H2/4 and JP-P1.

Design for security

There are no concerns with regards to the increased occupation.

The tv room originally proposed on the first floor has been changed to a communal area and study room to reflect the comments of the DfS team.

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

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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 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 -

Location plan S1-00-DR-A-0801
Proposed site plan S1-00-DR-A-1010
Proposed elevations B1-XX-DR- A-1030
Revised proposed floor plans B1 A1020 rev B received 15/5/25

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 and Places for Everyone Joint Development Plan listed.
- 3 The car and cycle parking indicated on the approved plans, incorporating the materials indicated, 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 policies H2/4, EN1/2 and HT2/4.
- 4 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 Policies H2/4 and JP-C8.
- 5 The basement shall be used for ancillary shared accommodation, facilities or storage purposes only and shall not be used for the purposes of bedroom accommodation.
Reason. To ensure satisfactory living conditions for future occupiers of the property pursuant to Bury Unitary Development Plan Policy H2/4 - Conversions.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	15/5/25		