

Planning Policy Comments

Application No: 71405

Location: 8 Tenterden Street, Bury, BL9 0EG

Proposal: Change of use from office (Class E) to 8 bed (single occupancy) HMO (sui generis), with 2 no velux rooflights at front and 2 no velux rooflights at rear, with new rear boundary fencing to form enclosed rear yard

Comment

Principle: Loss of Employment

The site is located within Bury Town Centre and more specifically within Area BY4 – Manchester Road/Knowsley Street as designated in Bury's Unitary Development Plan. Within Area BY4, the Council will consider favourably proposals for business, office, hotel/conference facilities, car parking and civic uses within the Manchester Road/Knowsley Street area of the Town Centre.

In considering the proposal, there is also a need to take account of paragraph 127 of the NPPF, which states that:

Planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:

- a. It should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and
- b. In the interim, prior to updating the plan, application for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.

In the context of the NPPF, the Council would need to be satisfied that there was no reasonable prospect of the site being retained or redeveloped for employment uses before being in a position where its redevelopment for housing could be supported.

In this respect, the Council has developed SPD14. In basic terms, SPD14 seeks to retain sites that are suitable, in land use terms, for continued employment use although it does allow for a greater degree of flexibility in so far as it considers viability issues as well as assessing the suitability of the site from a purely land use perspective.

From a land use perspective, the site is part of an established concentration of employment uses that remains a suitable use for this location.

An assessment is therefore required to determine whether retaining the site in employment is viable and there is no realistic prospect of the site being used for this purpose. SPD14 requires applications which involve the potential loss of employment land to submit robust evidence to demonstrate that the site has been actively and comprehensively marketed at a realistic value and for a minimum of 12 months.

Evidence submitted to support application 71405 includes a letter from the vender of the property, a letter from the vender's agent and a letter from the current agent who has marketed the property for commercial uses. An additional supplementary note from Groves Town Planning has also been submitted. The evidence has demonstrated that there is unlikely to be a realistic prospect of the site being used for employment use.

In such circumstances, SPD14 specifies that consideration will be given to alternative uses subject to a one-off financial contribution to offset this loss of the employment land. Contributions are then used to help bring forward employment opportunities elsewhere in the Borough. The level of contribution is based on average industrial land values in Bury and for a site of this size (0.02ha), the contribution would amount to £7,800. This should be secured via a S106 agreement.

Given that it is accepted that there is no reasonable prospect of the application site coming forward for employment use and the unmet housing need within the Borough detailed below, the Council would consider an alternative use subject to a one-off payment to compensate for the loss of the employment land.

Housing Land Supply and Principle of Residential Development

The National Planning Policy Framework (NPPF) is a material planning consideration in planning decisions and emphasises the Government's objective of significantly boosting the supply of homes. NPPF paragraph 61 is clear 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.

The Framework states that local planning authorities should identify and update annually a supply of specific deliverable sites to provide a minimum of five years' worth of housing, with either a 5% buffer to ensure choice and competition in the market for land, or a 20% buffer where there has been significant undelivery of housing over the previous three years. As set out in NPPF paragraph 78, the supply of housing must be assessed against the housing requirement set out in adopted strategic policies where these are less than five years old.

The joint Places for Everyone Plan was adopted with effect from 21 March 2024 and sets the up-to-date housing requirement for Bury against which the deliverable supply of housing land must be assessed. PfE Policy JP-H1 sets the housing requirement for Bury.

Following the adoption of Places for Everyone, the Council is able to demonstrate a deliverable 5 year supply of housing land with a 20% buffer (as currently required in Bury due to past under delivery) when assessed against the adopted PfE housing requirement.

The National Planning Policy Framework also sets out the Housing Delivery Test (HDT), which is an assessment of net additional dwellings provided over the previous three years against the homes required. Where the test indicates that the delivery of housing was substantially below (less than 75%) the housing requirement over the previous years, this needs to be taken into account in the decision-taking process. The latest results published by the Government (the 2023 measurement published on 12 December 2024) show that Bury has a HDT result of less than 75%, and therefore, this needs to be treated as a material factor when determining applications for residential development.

Therefore, paragraph 11(d) of the National Planning Policy Framework states that where there are no relevant development plan policies, or the policies which are most important

for determining the application are out-of-date, planning permission should be granted unless:

- i. The application of policies in the Framework that protect areas, or assets of particular importance, provide a strong reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

As a result of the latest published HDT result the 'tilted balance' applies and planning permission should be granted unless the above points Para 11(d) i or ii apply.

NPPF paragraph 80 requires the latest published HDT results to be used. However, the Government is currently operating to a delayed publication timetable for the HDT, and although the latest published results for 2023 are below 75%, based on the current HDT rulebook Bury's result for 2024 will be above 75% and the tilted balance will no longer be triggered by the housing delivery test result.

The applicant is proposing 1 no. 8-bed HMO – for housing delivery test monitoring purposes this would equate to 1 dwelling. The proposal would therefore make a limited contribution to housing supply.

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.

NPPF paragraph 125c gives “substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused”.

The property is in a highly sustainable location within the urban area with access to public transport and local services and amenities.

Character of the area – concentration of HMOs

Whilst there is no specific policy in relation to HMOs within the UDP, Policy H2/4 - Conversions takes into consideration the concentration of conversions for multiple occupation and the impact this can have on the character of an area.

According to the current Bury Council register of licensed HMO's, there are two licensed HMOs approximately 50 metres from the property (at St. Mary's Place). 18-20 St Mary's Place has also been recently converted to 9 apartments. There are no other licensed HMOs on this part of Tenterden Street.

Not all HMO's require a license if occupation does not exceed 5 or more or planning permission if the property is a dwellinghouse with no more than 6 occupants. The LPA does not have access to records in relation to smaller HMOs that either do not require a licence, or do not need planning permission. However, based on the evidence available, there is no evidence to suggest that this proposal would result in an over concentration of HMOs in this locality.

The site is part of an established concentration of employment uses that remains a suitable use for this location. Commercial uses will continue to predominate in the area. The introduction of an HMO may result in some change to the character of this row of properties. Appropriate management and maintenance arrangements will be required (either through planning or licensing) to ensure any potential issues are addressed.

Officer: FS / PB

Date: 21/03/2025