

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 25/04/2025	Ref: 71641/FUL
Registration: 28/02/2025	LDfC: 27/03/2025	Expiry Date: 25/04/2025
Site Visit: 20/03/2025	Site Notice: N/A	Press Date: N/A
Objections: 12	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: 17 Belle Vue Terrace, Bury, BL9 0SY

Description

The application relates to a mid-terraced property, stated by the applicant as currently a 6 bed House in Multiple Occupation (HMO) which is located on Belle Vue Terrace. This street comprises 11 properties - 10 terrace houses and a block of apartments at the end of the street where the road terminates at a turning head.

Belle Vue Terrace is designated as residents permit parking only on the south side leaving a single lane to access the rest of the street.

Manchester Road Car Park is located directly opposite the front of the houses and to the rear is a cobbled back street which serves the rear of the houses and those on Maudsley Street.

The application property is 2 storey with a bay fronted window and a rear outrigger and rear dormer. Part of the rear yard is decked and elevated above the back street and the lower part of the yard has two parking spaces and where bins are stored.

The existing plans show that there are two en-suite basement bedrooms (nos 1 & 2 as labelled on the plans) , each of which are served by a lightwell. At the ground floor the plans show 3 'surplus rooms' but all furnished as bedrooms, and a kitchen/living room. There are 2 en-suite bedrooms (nos 3 & 4) and a kitchen at first floor and 2 en-suite bedrooms in the roofspace and dormers (nos 5 and 6).

The applicant states that currently, the two basement rooms are occupied, the three ground floor rooms are vacant and the first and second floor are also occupied.

The proposal is to change the use from a 6 bed HMO to an 8 bed HMO (single occupancy).

The proposed plans show that the additional 2 en-suite bedrooms would be located on the ground floor (rooms 7 and 8). Part of the third room would be integrated into the existing communal kitchen and dining area to provide additional communal lounge space with a cycle store in the rear area which would be separated from the lounge by a new wall and accessed from the external deck.

The application is a resubmission of a previous scheme (ref 71156) which was refused for the change of use to a 9 bed HMO (single occupancy) .

Relevant Planning History

71156 - Change of use from a 6 bed House in Multiple Occupation (HMO) to a 9 bed (single occupancy) House in Multiple Occupation (HMO) - Refused 29/11/2024

20/0074 - Conversion of property into 9 no. flats - 26/03/2020

22/0137 - Works to roof - 02/05/2022

23/0349 - Change of use of property to house of multiple occupation - 29/12/2023

24/0214 - Change of use to house of multiple occupation - 10/09/2024

24/0478 - Change of use from 6 bed house of multiple occupation to 9 bed house of multiple occupation - 04/02/2025

Publicity

Letters sent on 6/3/25 to 24 properties.

Twelve objections received with the following issues -

- Not enough parking - Non-Compliance - Bury Council's SPD 11 on Parking Standards states new developments should have adequate parking and should not negatively impact existing residents.
- Waste collection issues,
- Property not suitable to house that many people
- House price decline with surrounding houses in the area.
- Too high a concentration of HMOs in the area.
- Photographic evidence sent of current parking issues stopping waste teams and emergency services getting road the roads, before the increase in residents.
- Evidence that the HMO fills it's current parking under the 6 rooms already provided, therefore contributes to these issues (2 cars shown on the driveway)
- Visitor Parking - More tenants bring more visitors, further increasing demand.
- Already we cannot get our bins collected because of parking around the streets and emergency vehicles have zero access nor do any of our elderly residents.
- The number of empty HMOs is already too many, there are only 10 houses on Belle Vue but 3 HMOs as well as 4 on the road adjacent.
- Local residents need help not further hindrance
- Parking on Belle Vue Terrace is only available on one side. Also
- Since there has been residents in the HMO the doors banging at all hours is very loud, possibly caused by the fire doors slamming themselves shut.
- We also are getting lots of cooking smells coming through that we never had before.
- The washing machine is against the wall of one of our bedrooms and I would call it anti social having it positioned there. The washer is loud enough to be heard in other areas of the house and combined with the dryer it drones on for 3 hours or more. The party wall is only single brick so for a kitchen to be placed next to a neighbours bedroom I feel is totally selfish and unreasonable.
- Over intensification and residential amenity concerns
- Precedent and deterioration of residential quality of life
- Failure to meet national and local space standards
- Fire safety concerns
- Accessibility and inclusive design

Response to objections by applicant

- Parking / Highways: The submitted Highway Transport Note includes an assessment of parking capacity in the area against forecasted parking demand and confirms the proposed use can be accommodated. 100% cycle parking is proposed.
- Concentration of HMOs: the building is an existing HMO
- Servicing: All residents will be informed of waste collection arrangements and the appropriate location for bins to be stored and presented for collection. Bins are to be returned to the application site curtilage promptly following bin collection.
- Noise from washing machine: The applicant has confirmed that the washing machines can be moved off the wall or relocated within the kitchen away from the party wall if required.

Statutory/Non-Statutory Consultations

Traffic Section - Recommend refusal on inadequate parking, bin store provision and set a precedent for similar development.

Waste Management - Would be entitled to an additional bin for general waste. Access by bin trucks problematic due to parking issues.

Adult Care Services - No comments received

Housing - Public Protection - No objection

Greater Manchester Police - designforsecurity - No response received

Pre-start Conditions - Not relevant

Development Plan and Policies

NPPF	National Planning Policy Framework
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
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-H3	Type, Size and Design of New Housing
JP-H4	Density of New Housing
SPD11	Parking Standards in Bury
SPD13	Conversion of Buildings to Houses in Multiple Occupation
Area	Bridge Road/Buckley Wells
BY2	

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.

Policies

UDP Policies H2/1 - The Form of New Residential Development and H2/2 - The Layout of New Residential Development takes into consideration factors relating to the height and roof type of adjacent buildings, the impact of developments on residential amenity, the density and character of the surrounding area and the position and proximity of neighbouring properties. Regard is also given to parking provision and access, landscaping and protection of trees/hedgerows and external areas.

UDP Policy H2/4 - Conversions, has regard to factors including effect on the amenity of neighbouring properties, impact on the general character of the area and existing concentration of flats, amenity of occupants, effect on the street scene of any changes to the external appearance and car parking and servicing requirements.

This is supported by SPD 13- The Conversion of Buildings to Houses in Multiple Occupation, that seeks to ensure that properties are of a sufficient size to accommodate the proposals and are large enough to offer satisfactory levels of accommodation for future residents. This document also seeks to ensure that HMO's are located in suitable locations

PfE Policy JP-H3 - Type, Size and Design of New Housing 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.

Principle

The property has an HMO license for 6 no occupiers which was issued 11/9/24. The property can also function as a 6 person HMO without the need for planning permission.

The application proposes the change of use from a 6 no bed HMO to an 8 no. bed HMO.

As a principle, given the property benefits from an HMO license and could be occupied by 6 people without planning consent, and therefore a fallback position, the principle of shared living accommodation is considered acceptable.

It is not clear from the application submission how many residents actually occupy the premises at present and from a site visit (20/3/25) to the property, it was established that one of the basement rooms appeared to be occupied as a bedroom but the other basement room and all three ground floor rooms were vacant but furnished as bedrooms. The first and second floors were not inspected.

The originally submitted existing plans showed 6 furnished bedrooms (2 basement, 2 first floor, 2 second floor) with the 3 ground floor rooms shown as void and empty of furniture. When questioned, the applicant revised the existing plans to show the 3 ground floor rooms furnished but as 'surplus' and not in use.

It is therefore questionable that the two basement rooms are actually in use but notwithstanding that, the approval of the two ground floor rooms for additional bedrooms to equate to an 8 bed HMO would mean acceptance of the basement room to be used as bedrooms.

This brings into the debate the impacts of utilising the basement for bedroom accommodation on existing and future occupiers, and the use of the property as a whole as an 8 bed HMO.

This is discussed below.

Layout, scale of development and living conditions.

Paragraph 135 of the NPPF states that planning policies and decisions should ensure that developments function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development and also 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.

Insofar as the existing and proposed bedroom sizes are concerned, each would exceed the minimum for single occupancy as set out in the Council's HMO licensing standards.

Two kitchen/communal rooms would be provided, one at the ground floor which shows kitchen, dining and living facilities and a small (9.5 sqm) kitchen/diner at the first floor and which are considered sufficient to serve the dining needs of occupiers and provide some area away from their bedrooms.

From an HMO licensing perspective, the property would be suitable for the proposed increased occupation in terms of space standards and provision of facilities and amenities. The applicant would need to apply to vary their existing HMO license and renew their fire risk certificate to reflect the increase in occupancy.

In terms of outdoor space, the existing rear yard has limited facilities for 6 occupants and comprises a decked area, two parking space and 3 bins. The two parking spaces would be retained but the applicant now proposes to also provide an additional 5 bins (8 in total).

A rotary dryer, seating and a separate cycle store would be located in the rear yard which would be an improvement on the current facilities and whilst the outdoor amenity space would be fairly cramped, it would on balance be acceptable for 8 occupiers.

Internally, the existing basement accommodation provides 2 en-suite bedrooms, each served by a small lightwell. Policy H2/4 states that consideration should be given to the amenity of occupants of an HMO and SPD13 at 3.39 states that each habitable room should have adequate natural light, ventilation and a view in order to provide an acceptable standard of amenity for residents.

It is considered that the lightwells not only provides a very poor outlook at the basement level but also limited natural light to these rooms, particularly in the winter months and more

so for the north facing room. Bedrooms in HMO's can tend to be the main living spaces and areas where residents spend the most time and as such, the basements are considered to provide an unpleasant and unsatisfactory standard of living accommodation.

In addition, the utility and pump are located at the basement level directly next to bedroom no 1 which would create a certain amount of noise and disruption for the resident occupying this room.

The applicant has stated that the application is for inclusion of the ground floor rooms. The application proposals would increase the total occupation of the building and as such the resulting development as a whole should be considered, in terms of the standard of living provided by each individual bedroom and the amount and standard of shared facilities provided for residents.

By approving an 8 bed HMO, this would result in the basements being used as bedrooms and it is considered that living conditions at the basement level are poor and sub-standard in terms of natural light and outlook, and occupiers and future occupiers would be far better accommodated in the ground floor rooms with basement areas used for purposes such as an additional living space, cinema rooms or utility rooms for example.

It is therefore considered that by utilising the ground floor rooms for 2 additional bedrooms and retaining the basement bedrooms to create an 8 bed HMO, the living conditions for the basement occupiers would be unacceptable and substantially harmful with regards to the provision of natural light, ventilation and outlook and the accommodation for these occupiers would be wholly unsatisfactory.

It is therefore recommended the application be refused on these grounds.

The proposed development would therefore be contrary to Policy H2/4 and SPD13 and the principles of the NPPF.

Impact on residential amenity

In terms of the nature of the surrounding area, this is predominantly residential and characterised by similar sized terraced houses for family living. It would therefore be more unusual for a terraced property of this size to accommodate 8 people.

That said, in terms of additional noise, disturbance and activity which would likely be created by two additional occupiers, it is considered there would not be significant harm caused to those living nearby.

Highway issues

There is no specific car parking standard 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.

The property is located on a side street where there is a residents permit parking scheme in place which runs down one side (southern side) of the road directly in front of the houses on Belle Vue Terrace. Under the permit scheme residents can have permits for however many vehicles they have registered at the address.

Complaints from existing residents living within the parking zone have been received by the Council's parking division, regarding the available but limited parking. There has also been issues with vehicles being parked in the back streets (there are yellow lines but the Traffic Regulation Order only operates 9am-5pm) and issues with access for the bin wagons due to the on street parking.

The Highway Authority have been consulted and recommend refusal on 3 grounds -

1. The proposed car parking provision is inadequate and is likely to lead to vehicles parking and carrying out manoeuvres on the highway to the detriment of the free flow of traffic and road safety.
2. The application and submitted plans contain insufficient information to enable the adequacy of the proposed bin storage/refuse arrangements to ensure that the adopted highway will not be used for the storage of bins to be properly assessed.
3. The proposed development, if approved, would create a precedent for similar development in the area, with a resultant cumulative impact on highway safety.

The applicant proposes to provide 2 parking spaces at the rear of the property and there is a pay and display car park opposite the site. The site is also located in what is considered to be a sustainable area, close to the town centre where there is access to public transport and a variety of facilities, services and shops to meet the needs of residents. It is also recognised that car ownership tends to be lower than those who occupy HMO's compared to other households.

There is also the fallback position (in principle) that the property could operate as a 6 bed HMO without requiring planning permission and not provide any parking and that the proposed 2 additional occupiers would benefit from the 2 parking which are proposed. Given the highly sustainable area, it would be difficult to resist an application on parking grounds.

The applicant has also shown that there would be 8 bins provided in the rear yard which is considered to be an adequate level of provision for 8 occupiers given a family of four or more would only be allocated 4 bins.

In terms of setting a precedent, should any future applications come forward in the area, these would be assessed on their own merits, having regard to the general character of the area and existing concentration of such housing.

It is therefore considered that on balance, it would be difficult to refuse the application on the above highway grounds .

JP-S2 - Carbon and energy

The applicant states that works previously carried out to convert the building to a 6 bed HMO to reduce energy demand and maximise energy efficiency of the property have been implemented through thermal insulation which was installed to comply with Part I of the building Regulations.

JP-C2 - Digital Connectivity

The applicant has confirmed that the property is serviced by high speed internet connection.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed development by virtue of the increased occupation to an 8 bed HMO would result in utilising the basement as bedroom accommodation which would provide poor, inadequate and sub-standard living conditions for existing and future occupiers by virtue of very limited natural light and restricted and poor outlook and ventilation. The proposed development would therefore be contrary to policies H2/4 - Conversions, Supplementary Planning Document 13 - Conversion of Buildings to Houses in Multiple occupation and the principles of the NPPF.

DELEGATED REPORT

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	25/4/25		