

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 09/07/2025	Ref: 71944/FUL
Registration: 16/05/2025	LDFC: 20/06/2025	Expiry Date: 11/07/2025
Site Visit: 04/06/2025	Site Notice: 04/06/2025	Press Date: N/A
Objections: 2	Con Area: N/A	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: COUS

Proposal: Change of use from dwelling (Class C3) to 8 bed (single occupancy) house in multiple occupation (HMO) (Sui Generis) with new velux rooflights to front/rear

Location: 44 Manchester Road, Bury, BL9 0SX

Description

The application relates to a 4 bed dwellinghouse which forms one of a row of eight terraced properties located on Manchester Road, close to Bury Town Centre. The properties are 2 storey in height and most have 2 storey outriggers at the rear with small yard areas.

The area is characterised by similar terraced properties and the listed Clock Tower and Tower Gardens is located directly opposite.

The application property comprises living accommodation at the ground floor, 3 bedrooms at the first floor and 1 bedroom at the second floor. There is a rear yard area and single storey garage which is accessed from the back street.

The proposal is for a change of use from a dwellinghouse to an 8 bed (single occupancy) house in multiple occupation (HMO) with new velux rooflights to the front and rear.

It is proposed to provide 2 no bedrooms and shared kitchen/diner at the ground floor, 4 bedrooms at the first floor and 2 no bedrooms at the second floor.
All bedrooms would be en-suite.

Cycle storage for 8 bikes and 4 bins would be located in the rear yard along with a seating bench and planting.

The single garage would be retained to provide 1 no parking space.

Relevant Planning History

N/a

Publicity

Letters sent to 9 properties on 30/5/25.

Site notice posted 4/6/25.

Two objections and 1 support received.

Objections

- Again we have more planning for HMOs (already there are 3 on this single block and several more in the locale). There is a struggle for parking, no access for refuge collection, illegal and dangerous parking, access restricted for disabled and elderly
- Need spaces for families who are being driven out because of the HMOs
- Too high a concentration in the area.

DELEGATED REPORT

- You must consider all the small 5 bed and under in the area also when deciding on this. There is at least 10 in a very small area! These bring parking issues, antisocial behaviour, noise, litter to a small street.
- Strain on council resource. 1 council tax income to support many more residents.
- Driving families out of the area with this high concentration of HMOs will lead to the area becoming deprived.

Support

- This location is a stone's throw from Bury town centre with excellent access to public transport.
- At a time when the UK faces a serious housing crisis, it baffles me why well-designed, sustainable homes like this would be opposed.
- There's often confusion between modern HMOs and the old "bedsit" model-this is not that.
- These are secure, high-quality homes designed for the very people our communities rely on: NHS staff, carers, young professionals.
- This is exactly the kind of thoughtful, community-focused development we need-safe, dignified housing in places people actually want to live.

Statutory/Non-Statutory Consultations

Adult Care Services - No response received

Traffic Section - No comments to make

Environmental Health - Pollution Control - Recommend a condition for soundproofing

Greater Manchester Police - designforsecurity - Potential issues with number of occupants

Waste Management - No response received

Housing - Public Protection - Require compliance with Licensing standards

Planning & Building Regs consultation Fire Protection Dept Bury Fire Station (Part B)

- No comments 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.

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 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.

The main issues of this application relate to the intensification of the property and the resulting standard of living accommodation and facilities and the location of the proposed HMO and character of the surrounding area.

The main issues in relation to this proposal is the consideration of the impact of the proposed accommodation in relation to the suitability of the site and location, impacts on amenity, nature of the local environment, surrounding land uses and highway issues.

These issues are discussed in more detail below and in light of the policies set out above.

Character of the area

Policy H2/4 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. This is an issue also raised by objectors.

According to the current Bury Council Register of licensed Houses in Multiple occupation, there is an existing 8 bed HMO located directly next door at No 46 Manchester Road with planning permission granted for an 8 bed HMO at No 52. To the north, No 17 Belle Vue Terrace has a license for 6 occupiers (two planning applications for increased occupation to 8 and 9 occupiers have previously been refused).

Opposite the site on Knowsley Street there are 6 properties with an HMO license and one granted planning permission but not yet showing on the register. No 32 Manchester Road, 6 houses up from the site has been converted to flats. The LPA does not have access to records in relation to smaller HMO's that either do not require a license or do not need planning permission.

When considering the character of the locality, in terms of building conversions and the required policy, there are a number of properties in the area which have been sub-divided or converted.

The over concentration of subdivided properties can impact on the character of the area due to the intensified use of the buildings in question and this is at the core of the Policy being considered. Whilst these uses are compatible within residential areas, the over-concentration of converted properties can impact on the character of an area due to the intensified use of the buildings.

Within a radius of approximately 100m, there are 10 known HMO's and a flatted property. The proposal would add to this intensification of subdivision of units which would impact on the general character of the area.

In their planning statement the applicant notes that there is an HMO at No 46 Manchester road and number of conversions on Knowsley Street which the applicant states shows the Council consider converting properties to be acceptable but they have not considered the proliferation and intensification of such housing tenure in the vicinity.

It is therefore considered that the application has failed to consider the full context of the existing building, retained uses, and the wider character of the area. As such, the proposed development is considered to be contrary to Policies H1/2, H2/4, JP-H3 and the National Planning Policy Framework.

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 although the HMO Housing protection section have commented that all rooms should have an adequate floor to ceiling height and any part of the room under 1.5 metres (5ft) shall not be taken into consideration when working out the floor area.

All rooms must also be illuminated up to a reasonable standard and as a guide a habitable room should have natural light in the region of 1/10th of the floor area of the room.

However, there would only be a single communal room in the form of a kitchen/dining room of 21.9 sqm and should 8 occupiers or even less for that matter, use this space at any one time to either cook or eat it would feel very cramped.

The plans show that there would be seating for 6 people at one time in the kitchen, although 2 seats would be awkwardly positioned behind the door and movement around the kitchen would be restricted and tight.

There is also no other area for residents to relax or have time away from their bedrooms which for the size and occupation of this property, is considered to be important in providing adequate facilities for residents.

In consultation with the design for security team, they also see the issue of one relatively small communal area and lack of facilities causing potential problems between residents.

It is therefore considered the proposed occupancy level would significantly restrict the functionality of this communal room, to the detriment of the living conditions of occupiers with nowhere to relax away from bedrooms.

Licensing comments

1. This property falls within the scope of Mandatory HMO licensing and a licence will need to be applied for due to there being 5 or more occupants.
2. A fire risk assessment will need to be undertaken for the property as this is a requirement of the HMO licence and the Fire Safety Order 2005 for HMOs. The assessment should include the units of accommodation and communal areas and should inform the required level of fire detection, compartmentation and means of escape for the building. This is best undertaken in the early stages of development.
3. Ensure all rooms have an adequate floor to ceiling height, any part of the room under 1.5 metres (5ft) shall not be taken into consideration when working out the floor area.
4. All rooms must be illuminated up to a reasonable standard in the opinion of the Authority. As a guide a habitable room should have natural light in the region of 1/10th of the floor area of the room.

Design for security comments

- The scheme does have some positive features such as relatively secure bicycle storage and en suite bedrooms.
- There is a lack of car parking spaces and the local area has parking restrictions (permits) this could lead to any residents with vehicles parking some distance from the property in vulnerable locations.

DELEGATED REPORT

- There is one relatively small kitchen shared between the eight residents with a lack of facilities (i.e. a single sink), which could be a cause of conflict between residents.
- The number of residents in this building could potentially generate more noise disturbance to immediate residents than the existing use as a family dwelling.

Highways

Adopted policy SPD11 acknowledges that HMOs and shared housing tend to attract occupiers with lower-than-average levels of car ownership compared to the general population. In zone 1, the location of the application property, parking for HMO's should only provide parking for disabled residents and visitor/drop offs.

The application proposes retention of the single garage which is accessed directly from the back street. The garage would not be of a size to facilitate an accessible space. However, the garage could be demolished and part of the yard used to park one car.

In terms of visitors/drop off's, there is on street parking available close to the property.

In this respect, it is therefore considered that the application could not be refused on parking or access issues.

The Local Highway Authority have been consulted and comment as follows -

It is possible that traffic management requirements could be satisfied for this development but details have not been pursued because it is understood that the proposal is to be recommended for refusal on planning grounds.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed development, by virtue of the increased occupation would result in the significant intensification of the use of the building which would provide poor and sub-standard living conditions and shared facilities for future occupiers. The proposed development would therefore be contrary to H2/1 - The Form of New Residential Development, H2/2 - The Layout of New Residential Development, H2/4 - Conversions of the Bury Unitary Development Plan, Supplementary Planning Document 13 - Conversion of Buildings to Houses in Multiple Occupation, Policy JP-H3: Type, Size and Design of New Housing of the Places for Everyone Joint Development Plan, and the National Planning Policy Framework.
- 2 The proposal would result in a development within the locality that would intensify the use and occupancy of the site, resulting in a high concentration of such uses within the vicinity of the site particularly in the immediate vicinity of Manchester Road and Knowsley Street. The application has therefore failed to demonstrate that the proposal would not have a detrimental impact on the character of the area contrary to Bury Unitary Development Plan Policies H1/2 - Further Housing Development, H2/4 - Conversions and Places for Everyone Joint Development Plan Policy JP-H3 - Type, Size and Design of New Housing.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	9/7/25		