

Response to Invalidation Letter (ref. 71619)**156 Walmersley Road, Bury, BL9 6LL**

Proposed Development: Change of use from existing 6-bed House in Multiple Occupation (HMO) (Class C4) to 9-bed House in Multiple Occupation (HMO) (Sui Generis) and associated external works including new lightwell, cycle storage shelter and window to basement

Places for Everyone Joint Development Plan Document**JP-H3: Type, Size and Design of New Housing**

All dwellings must:

- Comply with the nationally described space standards; and
- be built to the accessible and adaptable standard in Part M4(2) of the Building Regulations (which would be secured by a condition) unless specific site conditions make this impracticable. Provide a statement that the development would comply with Part M4(2).

Please complete the attached space standard table.

Please provide a statement/evidence to confirm compliance with the above and where impracticable state why.

Applicant's Response:

Policy JP-H3 relates to traditional housing (use class C3 - dwellinghouses) with a requirement to comply with NDSS and Part M of the Building Regulations. The policy notes that housing provision to accommodate specific groups will be addressed through district Local plans.

It is noted that the proposed development is for the intensification of use of an existing 6-bed HMO (use class C4) to a 9-bed HMO (Use class Sui generis).

HMO developments are governed by the LPA's HMO design and licencing standards and are not required to meet NDSS. HMO licensing standards are not planning policy and do not form a part of the development plan for Bury.

The proposed accommodation meets and exceeds the required HMO licensing standards with bedrooms varying in size between 10.7 sqm and 20sqm (plus a separate en-suite bathroom) in order to cater for a diverse range of product and price points.

Notwithstanding that this policy doesn't strictly apply to the proposed large-scale HMO development (use class Sui Generis), the proposed room sizes meet and exceed the minimum bedroom size (at least 7.5sqm) and dimension requirements of the NDSS (at least 2.15m wide). Separate en-suite bathroom and storage cupboard will be provided in each bedroom.

It is also noted that the NDSS does not include space standards for 9-bedroom dwellinghouses and therefore the proposals cannot be confirmed against the NDSS or the Council's attached space standards table.

JP-H4: Density of New Housing – Requires density appropriate to the location

New development should be delivered at a density appropriate to the location with regard to be had to minimum densities. Lower densities may be acceptable where there are site-specific issues such as wider landscape and green infrastructure policy requirements

Provide the proposed density on site. – ie numbers of dwellings per hectare of development.

Applicant's Response:

It is considered that Policy JP-H4 relates to traditional housing (use class C3 - dwellinghouses) with a requirement to not exceed 'minimum net residential density' which is described in 'dwellings per hectare' and therefore not relevant for the proposed development which seeks to intensify use at the application site from a 6-bed HMO to a 9-bed HMO.

Notwithstanding, it is considered that the application site would still count as 1 dwelling following the proposed change of use despite the proposals to increase density from 6-bed to 9-bed HMO. On this basis, no change is proposed to housing density as described under Policy JP-H4.

JP-C2: Digital Connectivity

All new development to have full fibre to premises connections, unless technical infeasible and/or unviable.

This policy supports high quality digital infrastructure and requires new development to have full fibre to premises connections, operational internet connections and accessibility to network providers unless technically infeasible or unviable.

Please provide a statement to state how the development would comply with this policy.

Applicant's Response:

It is noted that the proposed development is for the change of use of an existing 6-bed HMO to a 9-bed HMO.

The property is not a "new development" and it is argued that this policy doesn't strictly apply.

Notwithstanding, the existing HMO already benefits from existing internet connections and fast fibre cables will be provided at the property.

JP-S2: Carbon and Energy

Energy statement to set out how the proposal complies with Policy JP-S2.

Development proposals should set out how they intend to minimise energy demand and maximise energy efficiency unless it can be demonstrated that it is not practicable or financially viable.

Development should comply with the 2022 part L Building regulations.

The development should also include an EV chargepoint for each house (in line with Part S of Buildings Regs and where appropriate and practical).

Provide a statement to demonstrate how the development would comply with this policy (if not why not)

Applicant's Response:

See below with each part of the policy addressed separately.

Policy JP-S2 states that *"An expectation that new development will, unless it can be demonstrated that it is not practicable or financially viable;*

- (a). Be net zero carbon which applies:
- from adoption– to regulated operational carbon emissions;
 - from 2028 - to all emissions 'in construction'.

From 2025 development should also calculate and minimise carbon emissions from unregulated emissions alongside regulated emissions.

Development proposals should set out how this has been achieved in an energy statement in accordance with the energy hierarchy, which in order of importance seeks to:

- Minimise energy demand;*
- Maximise energy efficiency;*
- Use renewable energy;*
- Use low carbon energy; and*
- Utilise other energy sources.*

From 2025 any residual carbon emissions that cannot be fully mitigated on-site should be offset, in agreement with the relevant local planning authority through a financial contribution to a carbon offset fund.

As an interim measure, development should be consistent with the 2022 Part L Building Regulations unless superseded by changes to building regulations and/or national or local planning policies.

Compliance with Part L of the Building Regulations is a mandatory requirement and a pre-construction SBEM assessment will be undertaken before works start on site to confirm to Building Control that the proposed design will meet the requirements of Approved Document L.

The installation of low carbon technology (ASHP/GSHP) or renewable energy (PV) is not viable for a scheme of this scale and nature and has therefore been discounted on this basis.

In summary, the proposed improvements are proposed to maximise fabric efficiency and minimise energy demand:

- External walls are a double skin with a small cavity. They will be getting internally insulated with 37.5mm PIR insulated plasterboard
- All the windows are already UPVC double glazed.
- The rooms in the roof have been insulated to modern regulations with a u value of 0.15 W/m²K.
- The two small lean to roof's will be insulated with 300mm mineral wool loft insulation.
- The boiler will be an Eco Main 35KW combi boiler.
- The Showers will be fed from two 300L unvented hot water tanks
- The heating system will have a smart thermostat.
- All the radiators will have TVR's
- All the lighting will be low energy LED's
- The ground floor is suspended timber throughout the ground floor apart from the kitchen which is concrete slab.
- The basement conversion will have a new slab Insulated to modern

	regulations with a U value of 0.18 W/m²K and the walls will also be upgraded to 0.18 W/m²K as well. • All the ceilings between floors will be insulated with 100mm acoustic roll out insulation.
<i>(b). Incorporate adequate electric vehicle charging points, in line with Part S of the Building Regulations, unless superseded by relevant Local Plan policies, to future proof for the likely long-term demand, taking account of the potential maximum energy demand for the site;</i>	N/A – Part S of the Building Regulations specifically outlines the requirements for the provision of EV charging for ‘residential buildings’ and residential ‘dwellings’ (either new build, or following material change of use, or part of mixed use development, or undergoing major renovations). Appendix A of the approved document defines ‘dwellings’ as “a self-contained unit designed to accommodate a single household”. ‘Residential Building’ is defined as a “building which contains one or more dwellings”. This definition is consistent with the Town & Country Planning Act where a residential dwellinghouse fall within Use Class C3. It is noted that the proposed development is for the change of use of an existing HMO (use class C4) to a large-scale HMO (Sui Generis) and on this basis, Part S of the Building Regulations does not apply.
<i>(c). Where practicable, prioritise connection to a renewable energy/heating/cooling network in the first instance or a low carbon energy/heating/cooling network that is adaptable to non-fossil fuels at a later date;</i>	N/A – There is no district heating network available in the vicinity of the site which the scheme could connect to.
<i>(d). In residential developments, achieve energy demand reductions in terms of space heat demand; hot water energy demand and the delivery of on-site renewable energy generation, in accordance with Table 5.1.</i> <i>For renewable energy generation priority should be given to PV installation where technically feasible, alternative technologies will be appropriate where the equivalent generation is evidenced.</i>	This is linked to compliance with Part L of the Building Regulations which is a mandatory requirement. See comment at section a) above. The installation of low carbon technology (ASHP) or renewable energy (PV) is not viable for a scheme of this scale and nature and has therefore been discounted on this basis.
<i>(e). For non-residential developments, achieve at least BREEAM excellent standard (or equivalent) for the ‘Ene 01 – reduction of energy use and carbon emissions’ category</i>	N/A – BREEAM is typically used to assess the environmental performance standards of commercial and multi-residential buildings

rising to 'BREEAM outstanding' equivalent for ENE 01 from 2028."

(e.g. student halls / sheltered housing etc) and it isn't a suitable or practical assessment for low rise, low density accommodation. On this basis, and given the nature and scale of the proposed development, a BREEAM assessment is not considered required.