

DELEGATED REPORT

Report by Claire Booth	Date of report: 02/06/2025	Ref: 71276/FUL
Registration: 06/11/2024	LDfC: 29/11/2024	Expiry Date: 01/01/2025
Site Visit: 08/01/2025	Site Notice: N/A	Press Date: N/A
13:20:00		
Objections: 0	Con Area:	Adv Type: N/A
Reason for Delay:		EIA: NA
S106 agreement		Dec Level: DEL
		Stat Class: COUS

Proposal: Change of use from offices (Use Class E) to 8 no. bedroom (single occupancy) HMO (Sui Generis) with 2 no. front velux rooflights and 2 no. rear velux rooflights; Erection of 1.8m high boundary walls at rear with gated access

Location: 47 Knowsley Street, Bury, BL9 0ST

Description

The application relates to a traditional red brick, bay fronted mid-terraced property on Knowsley Street within Bury Town Centre that is positioned towards the south-western end of the terrace. The property has a small piked dormer on its front roof slope. It has an existing two storey outrigger to the rear. The property has an open frontage area contained by the brick boundary wall abutting Knowsley Street and raised up from the street. It has an open rear yard area which is accessed off a cobbled street at the rear which it is currently used for the storage of bins.

The properties along Knowsley Street are a mix of commercial uses and, as a result of various Permitted Development conversions and planning applications, properties in use for HMO purposes.

Planning permission is sought to change of use of the property from an office (Class E) to a 8 bed/8 person house in multiple occupation (HMO) and for two roof rooflights to the front roof slope beneath the existing pike dormer and for three rooflights on the rear roof slope. A 1.8m high close boarded fence is also proposed along the rear boundaries of the site which abut the cobbled street that runs along the rear of the whole terrace of properties.

The internal layout proposed would be as follows:

Ground floor - 2 no. bedroom with ensembles and a communal kitchen-diner which would include a table within it to accommodate 8 people eating at the same time.

First floor - 4 no. bedrooms with ensembles .

Second floor - 2 no. bedrooms with ensembles.

The smallest bedroom would be 10.3sqm plus a 1.8sqm ensuite shower room, with the largest bedrooms being on both the ground and loft room floors all measuring between 15sqm-17.5sqm.

Within the rear yard area it is proposed to provide one car parking space. Part of the rear yard area would accommodate bench seating, a bin storage area and a secure and covered cycle storage shed for 4 bicycles.

Relevant Planning History

Adjacent property - 45 Knowsley Road

68982 - Change of use from offices (Use Class E) to 8 no. bedroom 8 person HMO (Sui Generis) with 2 no. front velux rooflights, and 2 no. rear velux rooflights to be installed; Erection of 1.8m high boundary fence and gated access to rear. Approved with Conditions, 23/08/2023

Publicity

12 neighbouring properties have been notified by letter. No representations have been received.

Statutory/Non-Statutory Consultations

Traffic Section - No objections, however notes that the development should either remove the highway signs adjacent to their rear yard boundary or ensure the development does not affect them.

Environmental Health - Pollution Control - Requests noise mitigation and ventilation.

Greater Manchester Police - designforsecurity - Recommends internal improvements to the property.

Waste Management - Verbally advised of the on-site refuse storage requirements.

Housing - Public Protection - Recommended a noise assessment should be sought.

Planning & Building Regs consultation Fire Protection Dept Bury Fire Station (Part B)
- No comments or observations received.

Pre-start Conditions - Not applicable.

Development Plan and Policies

Area	Manchester Road/Knowsley Street
BY4	
TC1	Town Centres
EC2/2	Employment Land and Premises
JP-C8	Transport Requirements of New Development
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
HT2/4	Car Parking and New Development
JP-H1	Scale of New Housing Development
JP-H3	Type, Size and Design of New Housing
JP-H4	Density of New Housing
JP-S2	Carbon and Energy
JP-P1	Sustainable Places
JP-C2	Digital Connectivity
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-C8	Transport Requirements of New Development
NPPF	National Planning Policy Framework

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.

ASSESSMENT

Principle of Development

Loss of an Employment Generating Use

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. The proposal conflicts with the requirements of this area policy.

UDP Policy EC2/2: 'Employment Land and Premises Outside Employment Generating Areas' states the Council will seek the retention of existing employment land and premises outside the Employment Generating Areas except where it can be clearly demonstrated that an existing employment site or premises is no longer suited in land use terms to continued use.

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 this 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 within Bury Town Centre that remains a suitable use for this location.

An assessment is therefore required to determine whether retaining the site in an employment generating use 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. The applicant has provided sufficient evidence that the application site was actively and robustly marketed for employment generating uses at a realistic price for a suitable length of time.

The applicant has provided sufficient evidence of the office market generally in Knowsley Street to demonstrate that there is there is unlikely to be a realistic prospect of 47 Knowsley Street 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 (0.0146ha), the contribution would amount to £5,694. This should be secured via a S106 agreement. Therefore, 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 and any subsequent decision would be subject to the necessary planning contribution being secured by a S106 agreement being signed and completed. The required

contribution has been calculated in accordance with the requirements of SPD14.

The applicant has entered into and signed the necessary S106 agreement securing the contribution of £5,693 and therefore the proposal accords with SPD14 and UDP Policy EC2/2.

Housing

In respect of the proposed HMO use, UDP Policy H1/2: 'Townscape and Built Design' 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.

UDP Policy H2/4: 'Conversions', has specific regard to effects on amenity of neighbouring properties, general character of the area, amenity of occupants, effects from external changes on the street scene 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. SPD 13 is rather dated in absolute terms (adopted in May 2007) and in some of the assumptions expressed (e.g. HMO's tend to attract residents in their teens and twenties who by their nature can be a little more energetic than older people, leading to a more active social life in the evenings). However, the general factors against which proposals should be assessed at UDP Policy H2/4 remain relevant.

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. Paragraph 63 of the NPPF confirms that "the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) those who require affordable housing; families with children; older people (including those who require retirement housing, housing-with-care and care homes); students; people with disabilities; service families; travellers; people who rent their homes and people wishing to commission or build their own homes" however no direct reference is made to HMOs or buildings of multiple occupation. For clarification, a house in multiple occupation is a form of housing tenure, where occupants live together forming more than one household (i.e. where facilities such as kitchen, bathroom or bathrooms can be shared with other tenants).

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 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

UDP Policy H2/4 - 'Conversions' 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.

Knowsley Street historically contains properties which were and are in an employment generating use. However, it is clear from looking at the planning history and the HMO Licensing register in this locality that the central area of the terrace has become highly concentrated with properties within either a HMO use or a flat/ apartment use.

Notwithstanding this, the majority of the terrace is in commercial/ employment generating uses, and, unlike the central part of the terrace which contains a cluster of HMO properties, this property, whilst located adjacent to an 8 bed HMO (no. 45 Knowsley Road) the application site is located close to the south-western end of the terrace where there would be no cluster of HMO development. Therefore, due to this property being at the south-western end of the terrace it is considered that its change of use to a HMO would not result in the over concentration of building conversions towards this end of the terrace and the terrace as a whole. The proposal is therefore acceptable in this respect.

Effect on neighbouring businesses

Paragraph 200 of the NPPF states:

Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

The application site is located between an 8 bed HMO and a property called Westminster House which forms the eastern end of the traditional red brick terrace, which is in use as a medical/ drugs company. To ensure that noise does not cause a nuisance to the adjoining business, it is recommended that the party wall between the application site and the neighbouring business is adequately soundproofed. This can be secured via a planning condition. A suitably worded condition is thus duly recommended.

The proposal has demonstrated that the existing rear yard area would accommodate the refuse bins necessary to support the number of occupants and, subject to a condition requiring the party walls to be satisfactorily soundproofed, the proposal would not cause demonstrable harm to the adjoining or nearby businesses.

Amenity on neighbouring residents

The application site is located between a property with an authorised use for two apartments which is currently in use a single residential property and a property, which is currently vacant, with an authorised office use. A representation received, raises concern that since the property has been in its unauthorised 6 person HMO use, they have had to be quieter within their living accommodation due to them being aware that residents are sleeping next to their main habitable rooms, including their living room, due to the occupants undertaking shift work. A planning condition could be imposed to ensure the application site is adequately soundproofed along its boundary walls but as a residential use, this would potentially not meet the tests for conditions.

Amenity of Future Occupiers

PfE Policy JP-H3: states that all new dwelling must:

1. Comply with the nationally described space standards; and
2. Be built to the 'accessible and adaptable' standard in Part M4(2) of the Building Regulations unless specific site conditions make this impracticable.

This is further supported by UDP Policy H2/4 that seeks to consider the impact of any

proposals on the amenity of the occupants.

All bedrooms proposed would easily comply with the national prescribed space standards. Due to the access to the front and rear of the property being up historic steps, it would be impractical to make the property 'accessible and adaptable'. The proposal thus accords with P/E Policy JP-H3.

In terms of the proposed communal space, which in this case, seeks only to be a kitchen-diner area, proposes seating to be provided for each of the occupants. The Council's HMO Licensing team have advised that to meet HMO licensing guidelines for the number of occupants the kitchen area would need to have two sinks or a sink and a dishwasher. During the course of the application, the plans have been amended to illustrate two hobs can be accommodated within the proposed Kitchen-Diner.

The National Design Guide states that an aspect of ensuring development is well designed by ensuring that refuse bins are accessible and well-integrated into the design of streets, spaces and buildings, to minimise visual impact, unsightliness and avoid visual clutter.

The proposed Site Plan indicates sufficient refuse storage provision can be provided within the enclosed rear yard area and a covered and secure cycle area. It also demonstrates an outside bench and pot plants could be accommodated within the rear yard area.

All of the above, leads me to conclude that the proposals would provide satisfactory living accommodation for future occupiers.

GM Police has made the following recommendations to the internals of the property:

- There should be an audio intercom for visitors and secure mail boxes for each resident.
- All internal doors/frames to individual HMO bedrooms should be of robust construction (FD30 or higher), with hinge-bolts and a lock certified to BS 8621 or PAS 8621, to allow each resident to secure their own bedroom/possessions. Bedroom doors should have a door viewer and chain.

These recommendations cannot be secured through the planning application due to the matters relating to the internals of the property, however, we would be able to list them in the informatives on the decision notice.

Highway Safety and Servicing

There are no specific car parking standards 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.

HMO's are best located in sustainable areas well served by public transport and close to amenities, services and facilities, which can reduce the demand of parking. In this regard, the application site is in a highly accessible area on a main road and bus route in Bury Town Centre. The site is also within walking distance of the Bus and Tram Stations within Bury Town Centre and the shops and services occupants would require for their day-to-day living requirements. The site, being closely located to the Bus and Tram Station within Bury Town Centre, is therefore suitably located for development such as this.

The application proposes a single car parking space. The Council's Highways department has raised no objections due to the highly accessible location of the application site to Bury Town Centre and the main public transport hub positioned on the road across from Knowsley Street and therefore a refusal based on a lack of car parking provision could not be justified. They have however noted that adjacent to the rear boundary of the site is a highway sign. The applicant therefore provided an amended Site Plan to demonstrate that

the proposal, due to the proposed fencing of part of the rear yard area, would have no adverse impact on the existing highway sign.

Moving on, the National Design Guide states that an aspect of ensuring development is well designed by ensuring that refuse bins are accessible and well-integrated into the design of streets, spaces and buildings, to minimise visual impact, unsightliness and avoid visual clutter.

In terms of servicing the site, the applicant has demonstrated that the required level of refuse storage provision can be accommodated within the rear yard area.

The application also provides secure and covered cycle parking to meet long-term demand from future occupiers of the property in a convenient location within the rear yard that helps to maximise their use. The proposal therefore accords with of PfE Policy JP-C8: Transport Impact of Development.

Carbon and Energy

PfE Policy JP-S2 sets out the steps required to achieve net zero carbon emissions. The submitted details state the proposals will be align with the 2022 Part L Building Regulations and therefore the proposal accords with the requirements of this policy.

Digital Connectivity

PfE Policy JP-C2 requires all new development to have full fibre to premises connections unless technically infeasible and / or unviable.

The site is located within Bury Town Centre and as such it is likely that internet connectivity can be provided for any occupiers that move into new property.

Conclusion

The application site is located within a highly accessible location due to it being in close proximity to Bury Town Centre. The proposed development provides a satisfactory

All matters discussed have been satisfied, subject to the recommended planning conditions being imposed and informatives added to the decision notice.

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 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 the expiration of three years from the date of this permission.

Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 This permission relates to the following plans:

Drawing no. 47KR/200/BR Rev. C1: Location Plan; Proposed Site Plan
Drawing no. 47KR/203/BR Rev. C1: Proposed Floor Plan Layouts
Drawing no. 52MR/204/BR: Proposed Elevations and Section
Drawing no. 52MR/205/BR Rev. C1: Proposed Layouts; Rear Fencing

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Bury Unitary Development Plan and the National Planning Policy Framework.

- 3 The sound insulation of the party wall(s) shared with Westminster House, 49 Knowsley Street, shall be improved in accordance with Building Regulations Approved Document E (or similar method), the details of which shall be submitted to and approved by the Local Planning Authority and implemented to and approved in writing by the Local Planning Authority prior to the use commencing.

Reason. To reduce nuisance from noise to the occupiers of the adjoining business pursuant to the Policy EN7/2 Noise Pollution of Bury Unitary Development Plan and the National Planning Policy Framework.

- 4 The refuse storage facilities and secure and covered cycled storage indicated on the approved plans shall be implemented and made available for use to the written satisfaction of the Local Planning Authority prior to the development hereby approved becoming first occupied and shall thereafter remain available at all times.

Reason. In order to ensure that the development would maintain adequate facilities for the storage of domestic waste, including recycling containers, in the interests of amenity and to secure covered and secure cycle parking provision, pursuant to Policy JP-C8: Transport Requirements of New Development of the Places for Everyone Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB	02/06/2025	DM 02/6/25	