

DELEGATED REPORT

Report by Claire Booth	Date of report: 01/11/2024	Ref: 71034/FUL
Registration: 06/09/2024	LDFC: 01/10/2024	Expiry Date: 01/11/2024
Site Visit: 08/10/2024	Site Notice: 08/10/2024	Press Date: N/A
18:00:00		
Objections: 7	Con Area: N/A	Adv Type: PI
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: COUS

Proposal: Change of use of existing 6 no. bedroom House in Multiple Occupation (HMO) (Class C4) to 9 no. bedroom (single occupancy) House in Multiple Occupation (HMO) (Sui Generis) with erection of single storey outbuilding extension at rear (to be used as bedroom no. 9)

Location: 309 Walmersley Road, Bury, BL9 5EZ

Description

The application relates to a traditional bay fronted three storey end-terraced property located on the junctions of Walmersley Road with Arley Avenue and Arley Avenue with Back Walmersley Street, on the opposite side of the road to the Sundial Public House. The property adjoins a terraced is in use as Dentist.

The application property is three storey in height at the rear. It has a traditional two storey rear projection that extends across part of the rear elevation. The two storey rear projections exist on all properties within this terrace.

Within the rear yard area of the application site, at Basement Level (The submitted ground floor plans are therefore incorrect in this respect), exists both a flat roof outbuilding that accommodates approximately half to 2/3rds of the rear yard area and a steel staircase leading from the existing kitchen area down to the rear yard area of the property, the existing outbuilding, and a small area used to store 3 standard refuse bins. The steel staircase has a metal sheet cover. A side gate onto Arley Avenue exists in the rear yard area.

The property has a Basement that can be accessed both internally, and from the frontage of the property, via the steps down to it that To the rear of the property, at Basement Level exists a flat roof outbuilding, a steel staircase The property is currently converted to a 6 bedroom House in Multiple Occupation (HMO). At the time of my site visit an occupant advised 3 of the 6 rooms are currently occupied.

Planning permission is sought to create a 9-bedroom HMO by demolishing part of the existing outbuilding, to create an outbuilding with an en-suite bedroom with kitchenette, and for conversion of the Basement area within the host dwelling into two self-contained apartments. The proposal seeks to install a doorway at Basement level on the side elevation of the rear two storey rear projection to serve.

The plans indicate that the yard area would accommodate 6 x 240 litre bins (1440 litres) and parking for two bicycles. The plans also proposed to block up the existing side gate within the yard area and to provide gated access on to Newton Street.

Procedural Issues

The submitted Ground Floor Plans, both the existing and proposed, incorrectly show the outbuilding to be on the same level as the existing/ proposed ground floor kitchen. Due to the land level difference between the front and rear of the property, the existing and proposed outbuilding is actually located at Basement Level. The submitted ground floor plans are therefore incorrect in this elevation.

In addition, the Existing and Proposed Rear Elevations fail to show the external steel staircase present on the property which provides access down to the yard area and outbuilding from the ground floor of the property which runs partly alongside the elevation of the property. The external stairs are covered by a current tin roof structure over the staircase. This tin roof structure sits above a ground floor window on the rear elevation of the property which serves an existing bedroom within the dwelling.

Moreover, no plans have been submitted showing the front elevation of the proposed accommodation within Room 9, the altered, maybe new, outbuilding within the rear yard area of the property.

Relevant Planning History

None.

Publicity

The application has been advertised by Site Notice and adjoining and nearby neighbours have been formerly notified by letter.

7 representations have been received, objecting to the proposal on the following grounds:

- Raises concern about on-street car parking provision already being at capacity and asserts the proposed increase in residents will result in worse conditions.
- Asserts proposal would increase existing severe parking and safety issues in this area
- Rebuts applicants assertions over parking availability to rear of no. 311 and on Arley Avenue
- Asserts the accommodation proposed would affect occupants right to light
- Advises there is a high demand for family housing in this locality
- Advises existing HMO houses further down Walmersley Road are:
 - Not full to capacity with them showing empty rooms
 - Are hot spots for our over stretched police and ambulance services
 - Regular cause for complaints and objections from local residents
- States too many HMO's in area resulting in an increase in antisocial behavior and deprivation, pressure on roads and amenities - area going downhill.
- Asserts turning it into a 9 bedroom HMO would result in excessive noise by the intensive use
- Concerned more bins on highway adversely affecting visual amenity and pedestrian safety
- Asserts HMO's cause damage to social cohesion with higher levels of transient residents and fewer long term households and established families leading in the long term to communities which are not balanced and self sustaining. This is already happening on Walmersley Road due to the high volume of HMO's.
- Asserts there are 20 HMO's in the vicinity leading to the loss of the residential community.

Statutory/Non-Statutory Consultations

Adult Care Services - No comments or recommendations received.

Traffic Section - Advised more parking along Arley Avenue and insufficient provision would cause harm to highway safety.

Environmental Health - Pollution Control - No objections.

Greater Manchester Police - designforsecurity - No comments or recommendations received.

Waste Management - Advised

Housing - Public Protection - Raises objections to the proposed development due to the accommodation being unsatisfactory.

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

Pre-start Conditions - Not applicable.

Development Plan and Policies

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
EN7/2	Noise Pollution
JP-C1	Our Integrated Network
JP-S2	Carbon and Energy
JP-C2	Digital Connectivity
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-C8	Transport Requirements of New Development
JP-H3	Type, Size and Design of New Housing
JP-H4	Density of New Housing
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.

Principle of Development

UDP 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.

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.

Permitted Development Fall Back position

Various court cases have considered the concept of a fallback development as a material consideration. In *Gambone v SSCLG* a two-stage approach was set out, where a determination must first be made concerning whether the fallback position is a material consideration, before weight is determined.

This was followed by Appeal Judgement *Mansell v Tonbridge and Malling Borough Council* that confirmed the legal considerations in determining the materiality of the 'fall back' position as a planning judgement and the basic principle is that for a prospect to be a real prospect it does not have to be probable or likely, a possibility will suffice.

Submissions therefore need consider and address whether the fallback would be significantly more harmful than the appeal scheme or whether the effect would be similar or less harmful. In each case, the decision-makers must use their judgement to decide where the planning balance lies.

Character of the area

Whilst there is no specific policy in relation to HMOs within the 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. This is an issue which has been raised by a number of objectors.

According to the current Bury Council Register of licensed Houses in Multiple Occupation, there are 15 licensed HMO's on Walmersley Road. The HMO Licensing section advised that the application site is not yet licensed due to their prohibition notices being present on the existing outbuilding and the Basement area of this property. They also advise they are in the process of licensing another HMO on Walmersley Road, taking the total number of licensable HMOs to 17. On the Council's Building Regulations register, two more HMO properties on Walmersley Road have been identified.

The Council HMO licensing department note that there are properties known as 'Section 278 HMOs which are self contained flats or have less than 5 occupants which do not require a licence. The LPA also does not have access to records in relation to smaller HMOs that either do not require a licence, or do not need planning permission. Notwithstanding this, and empathising with the neighbours concerns, based on the information the Council holds, this part of Walmersley Road does not appear to be overly

concentrated with HMOs and therefore it would be unreasonable of the LPA to refuse the planning application on this base.

Layout and Design

In addition to the policies set out under the Principle of Development Section, UDP Policy EN1/2 seeks to ensure that development proposals would not have a detrimental effect on the visual amenity and character of a particular area. Policy JP-P1 Sustainable Places aims to promote a series of beautiful, healthy and varied places. UDP Policies H2/1 - The Form of New Residential Development and H2/2 - The Layout of New Residential Development, provide the assessment criteria for detailed matters relating to height, appearance, density and character, aspects and finish materials.

Paragraph 135 of the NPPF (2023) states that planning policies and decisions should ensure that developments will, amongst other things, will 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 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

PfE Policy JP-C8: Transport Requirements of New Development requires, amongst a range of other things, that all development to make appropriate provision for deliveries and servicing (including requiring Delivery and Servicing Plans for appropriate developments), in a way that:

- meets road safety requirements,
- reduces transport emissions and other environmental impacts,
- reduces traffic congestion, the number of vehicle movements and the need for repeat deliveries

The site itself is an end of terrace, part two storey, part 3 storey property with a very small rear yard area for the storage of refuse. Indeed, the existing property can only accommodate 3 x 240 litre bins within the rear yard area. Given the above, Google street view shows refuse bins stored along the side boundary wall of the site on the adopted highway/ pavement.

The proposals indicate that due to the reduction in size of the outbuilding to form an en suite bedroom, noted as bedroom 9 on the submitted plans, 6 x 240 litre bins, totalling 1410 litres for refuse storage provision, and recycling waste storage provision - paper/ cardboard and plastic containers would be provided in the rear yard area of the property.

The Council's Waste Management Section advise that the existing 6 bedroom HMO should provide 2880 litres of refuse and recycling storage provision to serve the needs of its permitted occupants. It is clear that the provision currently provided for the existing property demonstrates that the property as a 6-bedroom HMO cannot satisfactorily serve the needs of its own existing occupiers. A 9 bedroom HMO should have 4320 litres of refuse and recycling waste provision. The proposed provision therefore fails to provide sufficient refuse storage provision. This constitutes poor design, contrary to the requirements of the NPPF - Section 12 - 'Achieving well-designed and beautiful places' and PfE Policy JP-C8.

Amenity

Existing Businesses

The application site is attached to a property used as a Dentist Practice and opposite the Sundial Public House. Having 9 occupants within this dwelling would therefore not unduly impact these business.

Neighbouring Residents

There area is primarily residential in nature with residential properties along this side of Walmersley Road, to the rear of the application site on Arley Avenue.

Apart from the proposed basement level door proposed on the rear elevation of the three storey part of the rear elevation, no additional windows are proposed. Due to the proposals seeking to accommodate people in the Basement and a new/ altered outbuilding, no loss of privacy by virtue of overlooking, over and above the permitted 6 bedroom HMO use, would occur.

In terms of noise, the addition of 3 additional residents within the property would not generate significantly more noise than the permitted full back position for the property.

Future Occupiers

Paragraph 135 of the NPPF (2023) states that planning policies and decisions should ensure that developments will, amongst other things, will 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 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

PfE Policy JP-H3 requires all new residential property to at least meet the sizes set out within the National Minimum Space Standards. In this respect both of the proposed bedrooms in the Basement of the host property would accord with the nationally prescribed space standards.

In terms of Bedroom 9 however, due to its detached location from the main house, down in the rear yard area, does not meet the minimum space standards, contrary to the requirements of PfE Policy JP-H3.

The occupant of this proposed bedroom would also have to access the kitchen facilities proposed in the host property by going outside the outbuilding into the yard area and then up the external steel staircase to access proper kitchen facilities within the property. This proposed arrangement is not acceptable as occupants should not be required to access amenities in a separate property to which they are staying. Due to the outbuilding being within the rear yard area at a lower level than the ground floor of the main dwelling and having to access the main house in the manner stated the proposal is considered to be poor accommodation which would be detrimental to the amenity of any future occupant.

In addition, whilst full elevations of the proposed altered or new outbuilding have not been submitted, it is clear from the submitted floor plans that this outbuilding would be served by a window overlooking the yard area, where the bicycles and refuse bins propose to be stored, and a window is proposed on to Back Walmersley Street. Outlook from this window would therefore be compromised and unpleasant.

A window is also proposed in the elevation of the outbuilding abutting Back Walmersley Street. This window would have to be fixed, none opening, as any window could not open on to this narrow back street, which is used as connective highway and for the parking of cars tight up to the yard boundaries of the terrace to which this application site forms one end of. At the time of my site visits to the application site, vehicles have also been parked along part of the rear yard boundary of this property. Back Walmersley Street is also very narrow, with the gable of a property on Arley Avenue forming the other side of Back Walmersley Street.

The HMO Licensing Officer has also raised objections to the occupation of this outbuilding for the reasons given as well as also noting the proposed outbuilding not meeting the national minimum space standards. They also note that the proposed bathroom in the outbuilding would not meet the sizes required by HMO licensing standards.

For the above reasons, the accommodation proposed in the proposed altered/ new outbuilding would provide unsatisfactory accommodation for any future occupier(s).

Moving on to the Basement area within the property, this is currently served by a partly glazed door at the front of the property and two small pavement level windows. It is proposed to install two ensuite bedrooms (Rooms 7 and 8) within the Basement Area, a Bathroom, and to insert a fully glazed door on the rear elevation to serve one of the bedrooms. Each room would therefore be served by glazed doorways and one of the small pavement level windows present on the gable of the property. These windows are obscure glazed and none-opening.

Proposed Room 7 would be served by the existing doorway served by the steps within the frontage of the property. The frontage of the property faces eastwards. Due to this doorway being below ground floor level, and the height of the front boundary walls with railings, this door receives very little sunlight and due to its below ground position it receives no direct sunlight. The occupant of the proposed en-suite bedroom this existing door serves would therefore receive very little natural light. Moreover, the small Basement window would only let daylight/ sunlight into the room over a very small portion of the room. Again due to its small size, being at pavement level and obscure glazed, this window would not receive a lot of natural light and the light would not illuminate the room sufficiently to provide a pleasant/ satisfactory standard of living accommodation for any future occupant of this room.

Due to the existing door being below ground and the pavement window being high level and obscure glazed, the occupant of this room would also have no outlook.

Turning to proposed Room 8, this would be located in the rear half of the Basement. The proposed new doorway to serve this bedroom would be sited on the rear, west facing elevation. The boundary walls to the existing/ proposed yard area would extend above this proposed doorway. In addition, whilst not shown on the submitted plans the existing external steel staircase and its roof would project above the proposed doorway and therefore this doorway receiving sunlight and daylight would be severely compromised. The occupant of this bedroom would also have an outlook onto bicycles and the proposed refuse storage area and the boundary walls of the yard.

The proposed occupants of the Basement would share a Bathroom that would also not have a window.

All of the above lead me to conclude that the accommodation proposed both at Basement level and within the rear yard area would lead to wholly unsatisfactory living accommodation and conditions for any future occupants of these areas (Proposed Rooms 7, 8 and 9) and would adversely affect the amenity of future residents. It is therefore recommended the application be refused on these grounds.

Highway Safety

PfE Policy JP-C1: An Integrated Network directs deliver a pattern of development that minimises both the need to travel and the distance travelled by unsustainable modes to key services and amenities, education, jobs, health care retail, recreation and leisure facilities, green space and green infrastructure.

The site is on a main transport route it is a mile from the edge of Bury Town Centre so occupants will either have a car or use public transport to access key services and amenities, jobs and education. It is unreasonable to think that none of the existing or proposed occupants have a car. They can only park these cars on street.

Policy JP-C8: Transport Requirements of New Development requires, amongst a range of other things, that all new development is to incorporate adequate car parking provision and enough secure and covered cycle parking to meet long-term demand from occupiers and

visitors in a convenient location that helps to maximise its use be located. Colleagues in the Council's Planning Policy Section have advised that LTN1/20 should be used to assess the number of cycle parking spaces. This advises 1 cycle parking space per bedroom should be provided for all new development. This proposal seeks to provide 2 cycle parking spaces within the rear yard area. The number proposed is insufficient for 9 occupants and the submitted detail fails to show whether these spaces would be covered or secured, contrary to the requirements within PfE Policy JP-C8.

Moving on to car parking, whilst there are no specific car parking standards for an HMO in SPD11: Parking Standards, no off-highway car parking provision is proposed as part of this application. This will mean that any occupants with a car will therefore park on-street in the vicinity of the application site.

The application site itself is located on the corner of Walmersley Road with Arley Avenue, opposite the Sundial Public House which is located on the corner of Walmersley Road and Lowes Road. Double yellow lines exist in front of the Sundial P.H and wraps round on to Lowes Road. Adjacent to and opposite the side elevation of the Sundial Public House exists housing association accommodation blocks at Derby Court and Harry Whitehead Court complexes.

Double yellow lines exist in front of the application site and its neighbours. They extend from 305 to 327 Walmersley Road and wrap round onto Arley Avenue along part of the gables of both corner dwellings and around the corner of Newton Street, located at the opposite end of the terrace to the application property.

Back Walmersley Street is a narrow cobbled back street used by a few residents to store refuse bins and where residents park cars tightly up to the rear boundary of the terrace to which the application forms part. At the opposite end of Back Walmersley Street to the application site, double yellow lines also exist from the junction of Walmersley Road down Newton Street, up to the junction with Back Walmersley Road. Chestnut Court Nursing Home exists at the bottom of Newton Street. The representations received advise visitors to occupants of the Nursing Home often park on Arley Avenue and Back Newton Street, as do patrons of the Sundial PH.

Arley Avenue contains a number of semi-detached properties and is a feeder road to a number of residential avenues and provides connective routes through to Seedfield Road, located to the south. To the rear of properties on the south side of the western end of Arley Avenue is a Football Pitch to the rear of Seedfield School. There is a pedestrian walkway through to the football pitch located between 39 and 41 Arley Avenue. Opposite this pedestrian walkway is a small plot of land on Arley Avenue, between the rear of properties on Copse Drive and Spinney Drive is used as a car park for Seedfield Sports Junior Football Club.

All the representations received state Arley Avenue is a busy route, which given the number of dwellings accessed along it and from it, and a junior football pitch with limited parking provision is accessed from it, the Dentist property adjoining the application site, and the Nursing Home at the end of Newton Street it is not surprising. This location is therefore generally busy due to the amount and nature of the property and uses in and around this location.

The Highway Authority has also advised that this area and around the junctions of Walmersley Road with is particularly busy due to the existing nursing homes, the on-street parking restrictions and on-street parking provision is at capacity, particularly in the evenings and even more so when football training is taking place at the western end of Arley Avenue. They have advised that the proposal for a 9 bedroom HMO would result in an over intensive use putting more strain on-street parking provision, to the detriment of pedestrian safety and highway safety.

Given all of the above, the proposals would make existing highway safety issues worse than the permitted fallback of the property being a 6 bedroom HMO. The property at a 6 bed HMO is a level which is considered to be at maximum capacity. Any increase in occupation of this dwelling would put additional pressure on parking in the area. This along with the property being unable to accommodate sufficient refuse storage provision within its yard area, leading to refuse bins being stored on the public highway would be particularly harmful in this location given the highway conditions described above. It is thus recommended the application be refused on this basis.

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

This Policy requires new residential to be built to an accessible and adaptable standard in accordance with Part M4(2) of Building Regulations.

The proposal relates to the conversion of existing residential accommodation at Basement level and therefore it is accepted that there will be occasions such as this when it is not practical to fully comply with this policy.

Carbon and Energy - PfE Plan, Policy JP-S2

The applicant has stated that the requirements to introduce energy saving systems where the existing infrastructure is already in place would not be required.

This is accepted given the rest of the house has the permitted development fallback position of being a 6 bed HMO.

Digital Connectivity - PfE Plan, Policy JP-C2

The existing building is served by full fibre and as such policy compliant.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed development, by virtue of the size, location and lack of outlook from Room 9 within the rear yard area of the property would lead to a poor standard of accommodation for the future occupier of Room 9 and as such would have a detrimental impact on the residential amenity of future occupiers of this outbuilding, contrary to policies H1/2 - Further Housing Development, 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 proposed development, by virtue of the bedrooms located within the Basement area of the property (Rooms 7 and 8) with restricted outlooks, small windows and due to being below ground would receiving limited daylight and sunshine and would lead to a poor arrangement of individual and shared accommodation available for

the future occupiers of the Basement area of the property and as such would have a detrimental impact on the amenity of future occupiers of Bedrooms 7 and 8. The proposed development therefore conflicts with policies H1/2 - Further Housing Development, 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.

- 3 The proposal would result in the significant intensification of the use of a building with no off-street parking facilities, which is highly likely to lead to vehicles parking and carrying out manoeuvres on the surrounding residential streets where on-street parking facilities are at a premium, which would have a significant impact on existing parking facilities for existing residents and be detrimental to the free flow of traffic and highway safety. The proposed development therefore conflicts with Policies HT2/4 - Car Parking and New Development, H2/2 - The Layout of New Residential Development, EN1/2 - Townscape and Built Design, H2/4 - Conversions of the Bury Unitary Development Plan and Policies JP-C5: Streets For All, JP-C6: Walking and Cycling and JP-C8: Transport Requirements of New Development of the Places for Everyone Joint Development Plan.
- 4 The proposed development would fail to provide sufficient refuse and recycling bin storage provision to meet the refuse and recycling requirements of existing and future occupants. This would result in bins being stored on the adopted highways to either the front, side and/ or rear of the property, causing obstructions on the adopted highway, to the detriment of highway safety. The proposal is therefore poorly designed. The proposed development therefore conflicts with Policies H2/2 - The Layout of New Residential Development, EN1/2 - Townscape and Built Design, H2/4 - Conversions and Places for Everyone Joint Development Plan, Policies JP-C5 Streets For All and Policy JP-C8: Transport Requirements of New Development of the Places for Everyone Joint Development Plan.
- 5 The application and submitted plans contain inaccurate information in relation to the conversion of the outbuilding to enable the impact upon amenity and design of the proposed development to be properly assessed. Therefore, the proposed development would conflict with Policy EN1/2 - Townscape and Built Design of the Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB - 01/11/2024		HL - 01/11/2024	