

DELEGATED REPORT

Report by Charlotte Orrell	Date of report: 03/06/2026	Ref: 73003/FUL
Registration: 09/04/2026	LDfC: 06/05/2026	Expiry Date: 04/06/2026
Site Visit: 15/04/2026	Site Notice: N/A	Press Date: N/A
Objections: 41	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: COUS

Proposal: Change of use from Pub (Sui Generis) to 12 bed (single occupancy) HMO (House in Multiple Occupation) (Sui Generis); rear dormer extension

Location: Rose And Crown Inn, 36 Manchester Old Road, Bury, BL9 0TR

Description

The application property is an end terraced building on the western side of Manchester Old Road and the northern side of Barker Street. Previously, the building has been used as a public house. The boundary to the rear is formed by timber fencing, and it is open to the front onto the pavement.

The proposal is to change the use of the building from a public house (sui generis) to a 12 bed House in Multiple Occupation (HMO) (Class C4) together with the construction of a rear dormer to provide bedrooms within the roof space.

The proposed HMO would have 12 bedrooms; 3 at ground floor, 7 at first floor and 2 at second floor within the roof space. The smallest of the bedrooms would be 7.5sqm and the largest 20.3sqm. 8 of the bedrooms are proposed to have en-suites, with an additional bathroom at first floor for the remaining 4 bedrooms. At ground floor, a communal living and kitchen area measuring 38.8sqm is provided.

Cycle storage is provided with 11 cycle spaces provided. No parking is provided for the property. A small rear yard measuring approximately 20sqm is provided, with 10 0.6m x 0.8m waste bins indicated on the plans to be stored in the rear yard.

The proposed rear dormer would project 3.4m from the existing roof plane of the property, would be 5.5m in length and incorporate a flat roof 2.1m in height. A southern side elevation windows is also proposed to be added.

The area is residential in nature, with parking on the street common however it is restricted, with residents requiring permits.

Relevant Planning History

None

Publicity

20 neighbouring properties were consulted on 14.04.2026. Objections from 43 neighbouring properties were received detailing the following concerns:

- Concerns regarding traffic and parking, including how these issues are exacerbated during school runs
- Concerns regarding the residents that will live in the proposed, including whether they will want to integrate with existing residents on the street
- The proposed will impact services and infrastructure that serves the street

- The proposed dormer will appear out of character with the street
- The proposed dormer overlooks neighbours
- Overdevelopment, both in build and with the property proposing to host 12 residents
- Concern over the limited outdoor recreational space for the residents
- Concern over noise impacts and whether soundproofing will be incorporated, and whether the soundproofing will be enough to mitigate impacts
- Concern over potential antisocial behaviour, crime and safety of existing residents
- Concern over the number of HMOs within the area already
- Cycling spaces to relieve traffic and parking impacts is unrealistic
- Proximity to public transport will not relieve parking or traffic impacts
- Concern regarding waste
- The proposal results in the loss of a pub which impacts the community
- No dedicated parking for the proposed
- Adding an HMO to the area will create an imbalance and undermine the established family residential character
- Insufficient details have been submitted on how 12 residents will be managed
- The building could be better developed
- Concern over the proximity of the proposed to a school
- Concern over addition of habitable room windows facing neighbours
- Concern over fire risk
- Impact on property value of neighbouring properties
- Concern over whether the applicants have demonstrated management capability and the track record necessary to demonstrate whether they can operate this size HMO
- Concern over properties within the area not being consulted
- Concern over internal alterations
- Neighbours were not informed of the application prior to buying property on this road
- The proposed would impinge at a 45 degree angle to neighbouring windows

Statutory/Non-Statutory Consultations

Traffic Section - Recommended refusal based on the proposed car parking provision being inadequate and is likely to lead to vehicles parking and carrying out manoeuvres on the highway to the detriment of the free flow of traffic and road safety.

Parking Services - made the comment that adding in 5-8 more vehicles and resident permits would compromise any current available space and could lead to parking issues on the street.

Waste Management - As the application is for a HMO, the policy on HMO waste capacity will apply as below:

Households of Multiple Occupation (HMO's) will have access to containers for the same range of collections and will be subject to the same requirements and limits for waste capacity as standard domestic households as they pay the same council rates as these. Any further collections or capacity will be chargeable.

HMOs can have as much recycling capacity as required, having standard 240L bins wherever possible. However, if these bins are misused or become contaminated then it is the responsibility of the license holder, landlord, property owner or managing agent to correct this and if it becomes a recurring issue then the Council reserves the right to remove the recycling bins from the premises.

In light of the above, the waste capacity that would be allowed for the proposed HMO would be 620 litres of general waste. Anything further required would be chargeable as commercial waste.

Bins would also have to be presented on the back street for collection. Location of bin storage seems fine but they would need sufficient storage for the above waste capacity (equates to 3x240l general waste bins plus recycling bins).

Adult Care Services - no response received

Housing - Public Protection - no response received

Greater Manchester Police - designforsecurity - no response received

Planning Policy Manager - no response received

Pre-start Conditions - Not relevant

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
SPD11	Parking Standards in Bury
SPD13	Conversion of Buildings to Houses in Multiple Occupation
NPPF	National Planning Policy Framework
NPPG	National Planning Policy Guide

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.

Emerging Policy

The Council has produced an updated SPD 13 – Houses in Multiple Occupation. Consultation on the draft SPD has been completed and a limited number of representations were submitted. The updated SPD is due to be taken to the Council's Cabinet in June 2026 for Adoption. Due to the advanced stage of preparation, the emerging SPD 13 – Houses in Multiple Occupation is now considered to have significant weight in determining applications, but it will not have full weight until it has been adopted.

Concentration of HMOs

In order to help ensure mixed and balanced communities and to ensure that new development does not have an unacceptable impact on amenity, quality of life and residential character of the surrounding neighbourhood, emerging SPD 13: 'Conversion of buildings to Houses in Multiple Occupation' sets out restrictions to limit the concentration of HMOs and manage the siting of HMOs relative to other HMOs. To achieve this the Council will apply three measures:

- A concentration threshold;
- Restricting the sandwiching of properties; and
- Restricting three adjacent HMOs

Planning permission will not normally be granted for new HMOs, or for proposals to increase the number of bedrooms within existing HMOs, where:

- a) Proposals would result in more than 10% of properties (residential and commercial) or more than four properties (whichever is the fewer) being classed as HMOs within a 100m buffer of the application property; or
- b) The number of HMOs already exceeds 10% of properties or four HMOs within a 100m buffer of the application property.

Officers have obtained information from the Council's licensed HMO database and the Council's mapping system as to where existing licensed HMOs are located in relation to the existing application site. There are only 2 other licensed HMOs within 100 metres of the application site, thus the proposal complies with b).

It is therefore considered that this proposal would not cause an over concentration of HMO development in this location and thus the proposal is considered to accord with the requirements stated above.

Residential Amenity

UDP Policy H2/4 requires applications for conversion to have regard to the effect on the amenity of the neighbouring properties through noise, visual intrusion, the position of entrances, impact of parking areas, extensions and fire escapes.

Neighbouring Properties

SPD 6 provides guidance on interface distances between residential developments. The proposed HMO would introduce habitable room windows at ground, first and second floor on the front, southern side and rear elevations.

In terms of the habitable windows introduced on the front elevation, the interface distance would be approximately 13.5m between habitable rooms. Despite this being less than the 19.5m considered the minimum standard in SPD 6, terraced streets of this nature often do not meet this, and the existing relationship of the street is below this standard. The habitable rooms to the front also do not encroach further than the existing property and so it would be acceptable in this instance.

In terms of the habitable rooms to the side elevation, 10m is the interface distance which is slightly below the 12m that would be required however, given this is an existing relationship, it would again be considered acceptable.

In terms of the habitable windows facing the rear, there are no directly facing neighbouring properties that could be impacted.

In terms of the habitable windows facing the rear however, including those proposed within the dormer, these would introduce new vantage points into the private amenity space of adjoining neighbours on both Manchester Old Road and Barker Street leading to an overlooking impact and privacy impacts to these neighbours which would not be considered acceptable.

Therefore, in respect of the amenity of neighbouring properties, the proposal is considered to not be acceptable and thus conflicts with UDP Policy and guidance relating to HMO's.

Future Residents

In terms of the proposed bedrooms, they all meet the requirements of the HMO licensing standards for being over 6.5sqm and therefore each suitable for one occupant. All bedrooms also comply with the Nationally Described Space Standards. The combined kitchen/living/dining area also meets the HMO licensing standard by being larger than 34.5sqm.

8 of the bedrooms provide en-suite facilities, with a separate bathroom for the other 4 bedrooms consisting of a toilet, basin and shower. This also complies with the standards outlined by HMO licensing.

Bedrooms 1-11 all have windows providing outlook and ventilation, however Bedroom 12

only has roof lights provided. This does not provide adequate outlook and therefore is not considered acceptable.

In terms of the window proposed for Bedroom 2, this looks directly out onto the private amenity space, partially blocked by the rear outside stairs, and so it is not considered this provides adequate outlook. Likewise, the window proposed for Bedroom 9 outlooks onto the rear stairs, not providing adequate privacy for this bedroom.

Externally, a small rear yard approximately 20sqm in size is provided however this would also be used to store waste bins. This does not provide a suitable area for 12 residents to sit outside, nor dry clothes and therefore it is not compliant with SPD 13, and does not provide adequate amenity for future residents.

As indicated on the plans, only 8 refuse bins are proposed to be stored in the rear yard. This is not considered an adequate level of bins for 12 occupants and therefore is not considered acceptable.

The proposal is therefore considered to conflict with the requirements set out in UDP Policy H2/4 - Conversions and H2/1 - The Form of New Residential Development.

Visual Amenity

In terms of the building, an additional window is proposed on the side elevation which is a minor addition and will not appear out of character within the streetscape.

In terms of the proposed rear dormer, it would be sandwiched behind the adjoining neighbour and the elevation fronting Barker Street and so it would not be visible from the street scene. Furthermore, other properties such as 3 Manchester Old Road feature similar extensions and so it is not considered that it would have an intrusive impact on the area.

No other amendments are proposed, and given most of the alterations are internal, the visual amenity of the street is unlikely to be impacted, compliant with Policies EN1/2 - Townscape and Built Design and H2/1 - 'The Form of New Residential Development of the Bury Unitary Development Plan and Section 12 (Securing well-designed development) of the National Planning Policy Framework.

Highway Safety

SPD 13: 'The Conversion of Buildings to Houses in Multiple Occupation' gives some general advice. It states that parking and road safety issues will be important considerations when assessing a planning application and any proposal that is considered to have a detrimental impact on highway safety or harm to amenity will not be permitted.

The proposed is sited within Zone 2, with the parking standards for HMOs within this Zone set out within SPD 11. SPD 11 states a minimum parking provision of 0.25 unallocated spaces per bedroom, which for this HMO would equate to 3 spaces.

During consultation with both Highways Engineers and Parking Services, they have recommended refusal based on the lack of allocated parking for the property as well as the parking restrictions existing in the area. The street is permitted parking only, with parking permits for 3 further cars as a minimum creating unacceptable congestion and parking issues. Given this, it is not considered acceptable.

In terms of cycle spaces, 11 spaces are proposed, falling short of the 12 needed (1 per bedroom). This would therefore also need to be increased.

Servicing

In terms of servicing the site, the level of occupancy would necessitate the need to provide 4 x standard 240 litre refuse bins. The applicant has not demonstrated that this level of refuse storage provision can be accommodated within the rear yard area. The proposal therefore cannot be assessed under UDP policies H2/4, HT2/4 and SPD13 with regard to HMO development, as it is considered insufficient information has been submitted on this aspect.

Crime and Disorder and Anti-Social Behaviour

Paragraph 135(f) of the NPPF states planning decisions should 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.

It is clear from the representations received that local residents have concerns about occupants of this proposal causing anti-social behaviour and disorder in this community. The types of occupiers that may reside at this property is not something the planning system can resist this application on.

Response to Objections-

Most objection comments have been discussed within the body of the report.

Objections based on who will live there, and whether they will integrate into the community, are not material planning considerations.

Concerns over internal alterations, sound proofing and fire risk are matters for building control.

All neighbours with an adjoining boundary have been consulted, in line with the regulations.

The proposed dormer does not impinge at a 45 degree angle to any neighbouring dwellings, and the existing relationship of buildings impinging at a 45 degree angle is not taken into account during change of use applications.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed dormer would be seriously detrimental to the residential amenities currently enjoyed by the occupiers of the adjoining dwelling house, by reason of its position. The proposed development therefore conflicts with the following policy of the Bury Unitary Development Plan:
H2/3 – Alterations and Extensions and associated Supplementary Planning Document 6: Alterations and Extensions to Residential Properties
- 2 The proposed does not provide an adequate level of amenity for future residents, and the size of the rear amenity space is inadequate to accommodate the size of the development proposed. The proposed development therefore conflicts with Policy H2/2 and H2/4 of the UDP as well as emerging SPD 13.
- 3 The proposed car parking provision is inadequate and is likely to lead to vehicles parking and carrying out manoeuvres on the highway to the detriment of the free flow of traffic and road safety, conflicting with Policy JP-C5 of PfE.

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- 4 The applicant has not demonstrated that an adequate level of refuse storage can be accommodated within the rear yard area of the site and therefore insufficient information has been submitted to be able to assess the proposed against UDP policies H2/4, HT2/4 and SPD13.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CO	03.06.2026	DM	03.06.2026