

DELEGATED REPORT

Report by Helen Pressley	Date of report: 10/04/2024	Ref: 70536/FUL
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Site Visit: 08/03/2024	Site Notice: 08/03/2024	Press Date: N/A
Objections: 18	Con Area: N/A	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: COUS

Proposal: Part change of use of former showroom/laundrette and 1no. flat (Use Class E/Sui Generis/Class C3) to form 1no. 7 bedroom (single occupancy) HMO (Sui Generis) and 1no. 8 Bedroom (single occupancy) HMO (Sui Generis) with associated parking and refuse storage and external alterations

Location: 1-5 Porter Street, Bury, BL9 5DZ

Description

The application relates to an end terraced building on the corner of Porter Street and Back Walmersley Road West. The building is an "L" shaped property that turns the corner of this junction, and currently has a yard area and single storey outbuilding to the rear. The property currently has 3no. commercial units at ground floor and 4no. self contained flats at first floor.

Planning permission is sought for the conversion of the commercial properties, and 1no. flat into 1no. 7 bed HMO at ground floor and basement level (HMO 1) and 1No. 8 bed HMO at ground floor and first floor (HMO 2). HMO 1 would be accessed from Back Walmersley Road West and HMO 2 would be accessed from Porter Street. The existing garage/outbuliding to the rear of the sit would be demolished to provide 3no. parking spaces, bin storage and bike storage that would be accessed from Back Rake Street. An area of shared amenity space for the 2no. HMOs would be located to the rear of the site.

Relevant Planning History

22/0253 - Change of use of property to place of worship - 26/08/2022

19904- Change of use of first floor from Class D2 (Gymnassium) to Class B1 (Business) - Approve 10/7/1987

31133 - Conversion of first floor to 3no. self contained flats - Approve with Conditions 04/06/1995

Publicity

Neighbour letters sent 26/02/2024

Site notice

- Lack of parking
- Increase in litter and fly tipping
- Increase in drug dealing
- Increase in noise
- Anti-social behaviour
- Anti-social behaviour in relation to existing occupants
- Loss of privacy
- Area is becoming run down
- HMO not suitable in a residential area

- Too many HMOs and bail hostel in area. No restriction on smaller HMOs.
- Loss of property value
- Nice to have a barbers on the street we just need the laundry to come back again
- Concern in relation to rats
- No.1 is currently being used as a prayer house causes parking problems
- Exiting flats cause parking problems
- I am aware that there are NO rules regarding the over saturation of HMO in one area. This NEEDS to change.
- Walmersley has become unrecognisable from what it was in the 1990's, when it was a real community.
- Will add to strain to already over subscribed GPs, Schools, dentists etc.
- HMOs not well maintained
- Photographs received showing parking problems
- Loud banging and building work currently taking place

Statutory/Non-Statutory Consultations

Traffic Section - Recommendation for refusal due to the significant intensification of a building with no existing off-street car parking facilities, substandard proposed parking and insufficient information in relation to bin storage.

Environmental Health - Contaminated Land - No objections subject to a condition in relation to EV charging points and informative in relation to the Control of Noise on Construction sites.

Waste Management - No response.

Borough Engineer - Drainage Section - No response.

Greater Manchester Police - designforsecurity - Comments made in relation to entry to the 7bed HMO from the rear rather than a main road, lighting and access arrangements.

Adult Care Services - No response

Environmental Health - Private Rented Sector - Confirmation that the HMOs would need a licence and fire risk assessment. Concerns raised in relation to bedroom 3 of HMO1 and the amount of light and ventilation. Comment made in relation to ensuring there was enough bin storage, and access to empty bins and the minimum size for sinks within an ensuite.

Planning Policy Manager - Confirmation that the proposal would provide 1 net dwelling and only have a limited contribution to housing supply.

Pre-start Conditions - Not relevant

Unitary Development Plan and 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
EN1/1	Visual Amenity
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
NPPF	National Planning Policy Framework
SPD13	Conversion of Buildings to Houses in Multiple Occupation
SPD11	Parking Standards in Bury
SPD6	Supplementary Planning Document 6: Alterations & Extensions

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 (Residential)

The National Planning Policy Framework (NPPF) should be treated as a material planning consideration and it emphasises the need for local planning authorities to boost the supply of housing to meet local housing targets in both the short and long term. The Framework states that unless they have an adopted plan that is less than five years old that identified a five year supply of specific deliverable sites at the time of conclusion of the examination, then local planning authorities should identify and update annually a supply of specific developable sites to provide either a minimum of five years' worth of housing, or a minimum of four years' worth of housing in certain circumstances set out in NPPF paragraph 226.

Bury's Strategic Housing Land Availability Assessment sets out the latest housing supply position, which is made up of sites that have an extant planning permission and sites that have potential to obtain planning permission in the future.

This shows that there are a number of sites within the Borough with the potential to deliver a significant amount of housing. However, not all of these sites will contribute to the deliverable land supply calculations as many sites will take longer than five years to come forward and be fully developed (e.g. some large sites could take up to ten years to be completed). In addition to the housing land supply in the SHLAA, the joint Places for Everyone Plan was adopted with effect from 21 March 2024 and allocates significant strategic sites for housing within Bury.

The adopted joint Places for Everyone Plan Policy JP-H1 sets a requirement for an average of 452 homes per year over the plan period, with stepped targets starting from a minimum housing target of 246 homes per year from 2022-2025 (increasing in future years of the plan). Following the adoption of PfE the Council is able to demonstrate a 5 year supply with a 20% buffer.

The National Planning Policy Framework also sets out the Housing Delivery Test, which is an assessment of net additional dwellings provided over the previous three years against the homes required. Where the test indicates that the delivery of housing was substantially below (less than 75%) of the housing requirement over the previous years, this needs to be taken into account in the decision-taking process. The latest results published by the Government show that Bury has a housing delivery test result of less than 75%, and therefore, this needs to be treated as a material factor when determining applications for residential development.

Therefore, paragraph 11d) of the National Planning Policy Framework states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless:

- i. The application of policies in the Framework that protect areas, or assets of particular importance, provides a clear reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole.

The site is in a sustainable location for housing within the urban area and sitting outside the Green Belt.

Due to the housing delivery test result, the 'tilted balance' applies and planning permission should be granted unless the above points Para 11(d) i or ii apply. However, the adoption of the Places for Everyone Joint Development Plan has resulted in new housing targets for the Borough and the allocation of strategic sites housing sites, which along with the identified housing land supply within the urban area enable the Council to demonstrate a deliverable 5 year supply of housing land, and will accelerate housing delivery within the Borough to meet housing needs.

In terms of residential units, the property currently comprises 4 flats. The proposal retains 3 of the existing flats and proposes 1 no. 7 bedroom HMO and 1 no. 8 bedroom HMO. For the purposes of housing supply monitoring (as set out in the housing lows reconciliation guidance which forms the basis for the housing delivery test), "House in Multiple Occupation (an HMO), if they were a house before, cannot be counted as a net additional dwelling, as they would have been counted as a net additional dwelling in a previous year. However, if a House in Multiple Occupation, is created by change of use from a non-residential building, then it can be counted as one net additional dwelling". This is contrary to the calculations set out within the Design and Access Statement that appear to have incorrectly used the HDT calculations for student accommodation or other communal accommodation (e.g. C2 care homes) rather than HMOs and therefore state that the development would deliver an equivalent of 8.3 dwellings. As the property currently comprises 4 flats, and the application is to retain 3 flats and provide 2 HMOs, the proposal would actually result in 1 net additional dwelling. As such, the proposal would have a limited contribution to housing supply.

Principle (HMO Sui Generis Use)

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.

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.

Policy JP-H3 - 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 "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

Policy H2/4 takes into consideration the concentration of building conversions for multiple occupation and the impact this can have to the character of an area. 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 9 licensed HMO's on Walmersley Road. 2 further HMO's on Walmersley Road have been approved through planning permission within the last 12 months but are not yet showing on the published register. No HMOs are registered on Porter Street, Clifton Street, Rake Street or Hornby Street.

No. 171 Walmersley Road is the nearest HMO to the site. This property is located on the junction of Walmersley Road and Porter Street and is adjacent to the site. This is registered as a 9 bed HMO. An additional 3 HMOs are registered or approved within 85 metres of the site. If the proposal were approved this would lead to 6 registered HMOs within an 85 metres.

Whilst a number of properties are retained in single occupancy, there are also a number of properties, particularly on Walmersley Road that have been subdivided into flats or are in use as hostels or community homes. Whilst these uses are compatible within residential areas, the over concentration of subdivided properties can impact on the character of the area due to the intensified use of the buildings in question.

In relation to this particular property when discussing the site and context the submitted Design and Access Statement references existing ground floor uses, and existing unauthorised uses at ground floor but does not reference the existing first floor uses, although this is referenced within the description of development and when reviewing alternative uses. The Executive summary (paragraph 1.5) also fails to take these existing, and retained flats into consideration. When discussing the surrounding land uses the Design and Access Statement states "The surrounding context is two-storey terraced housing with short yards accessed by back streets." No reference is made to the existing flats, HMOs or other residential uses within the vicinity of the site and how the introduction of further HMOs may impact the character of the area.

The existing plans are also insufficient. They reference "room areas" rather than room uses, although some of the room layouts do indicatively show their uses. The application form however does confirm that there are 3no. 1 bed flats and 1no. 2 bed flat existing at the property.

The Design and Access Statement references a number of NPPF paragraphs, but there is no assessment as to whether or not the proposal complies with these paragraphs. Bury UDP policies are also references but with little, to no assessment as to how the proposal would comply with these. When referencing H2/4 the Design and Access Statement states that "The proposal complies with the broad thrust of the policy." No assessment has been provided as to how this conclusion has been reached.

Policy JP-H4 requires new housing development to be delivered at a density appropriate to the location, reflecting the relative accessibility of the site by walking, cycling and public transport and the need to achieve efficient use of land and high quality design. Policy JP-H4 sets out minimum densities that should be considered. This site is within a GMAL6 area and within 800 metres of Bury Town Centre, therefore in accordance with PfE policy JP-H4 regard should be had to a minimum net residential density of 50 dwellings per

hectare. The total area of the site is 0.049 hectares, which based on a total of 5 dwellings would result in a density of 102 dwellings per hectare. This would result in a density at the site of over twice the minimum density.

JP-H4 also confirms that In order to achieve an appropriate mix of housing across the plan area, developments should include the provision of houses and/or apartments having regard to the following and the need to achieve high quality design:

- A. 35-70 dwellings per hectare: primarily houses
- B. 70-120 dwellings per hectare: mix of houses and apartments
- C. 120+ dwellings per hectare: primarily apartments, incorporating houses and/or ground-floor duplexes where practicable

The proposal is located in an area where the minimum density is 50 dwellings per hectare, and the policy above considers that these should primarily be provided through houses. Given the context set out above, where there are already a number of subdivided properties within the vicinity of the site it is therefore considered that the intensification of the existing building to provide the density proposed would be contrary to the policy considerations set out within JP-H4.

When considering the PD fall back at the site the Design and Access Statement states that the existing array of uses fall within either Class E or within sui-generis and benefit from prior approval allowances within Class MA and Class M of Part 3 of Schedule 2 of the GPDO 2015 respectively and consider that this would be a fallback position.

Whilst this fall back position is noted, it should also be noted that there is no evidence within the submitted documentation that the existing Class E or sui-generis uses have been appropriately marketed and are not viable at this site to provide important local services within walking distance of existing residents. The barber unit is still in use. Any prior approvals at the site would need to be adequately assessed against the relevant legislation in any event, and would not provide the 2 large HMOs applied for. Any external alterations would also need to be approved through a planning application.

The Design and Access Statement also considers that the existing flats can become HMO's under the provisions of Class L of Part 3 of Schedule 2 of the GPDO 2015. Whilst this is correct, considering these are 3no. 1 bed flats and 1no. 2 bed flat it is considered that the conversion of these flats into HMOs would have limited, if any impact on the character of the area due to the limited number of bedrooms that can be provided. As such this is not considered to be a viable fall back position to provide the level of accommodation proposed.

It is considered that the applicant has failed to consider the full context of the existing building, retained uses, and the wider character of the area. The proposal would result in an additional 2no. HMOs which when considered against the existing neighbouring land uses would intensify the use of the site and fail to provide a good quality residential environment. The applicant has therefore failed to demonstrate that the proposal would not have a detrimental impact on the character of the area contrary to Policies H1/2, H2/4, JP-H4 and the National Planning Policy Framework.

Layout and Design

In addition to the policies set out above 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.

The existing street scene is depicted largely by two storey terraced dwellings. The site itself

is an end of terrace, two storey property . There is evidence of the site's former use as a co-operative within stone work to the front of the building, above the front window openings on door headers. A traditional shop front is also retained to the front of the building, however this has been somewhat degraded by the windows installed at No. 1.

The conversion of the building to residential needs to be sympathetic to the existing structure, reflecting it's character and retaining important features. It is noted that the applicant seeks to retain the shop front as a nod to the former use of the site and this is welcomed.

The proposed ground floor front windows however would not preserve the character of the property. They do not reflect the existing openings, and fail to reflect the vertical emphasis of the existing window openings at the first floor. The design of the proposed window openings is neither appropriate to, nor sympathetic with the existing structure, and would be detrimental to the visual amenity of the area. The proposed development therefore conflicts with policies EN1/2, JP-P1, H2/1, H2/2 and H2/4.

Amenity

Neighbouring Properties

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.

SPD 13 states that generally, planning applications will not be approved in areas of predominantly single family dwellings. However, decisions on such applications will depend upon the particular characteristics of each scheme, and its impact on the amenity and character of the neighbourhood. The LPA however can not condition who the tenants of the property would be and the management of the property would be undertaken by the landlord who would be required to obtain an HMO licence. The licensing of HMOs is required for landlords to ensure these properties are kept to the required standards and are adequately managed.

Bedrooms have been located adjacent to the shared wall between the site and No. 7 rather than the communal spaces, maintaining a similar relationship between the proposed use and the attached terraced dwellings.

There are no adopted aspect standards for new build residential properties however, SPD 6 provides guidance on aspect standards between residential properties in relation to householder extensions and as such, would be a reasonable guide in this case.

For clarity the following aspect standards would be applicable:

- 20 metres between directly facing habitable room windows;
- 13 metres between an existing habitable room window and a proposed two storey blank wall
- 6.5 metres between an existing habitable room window and a proposed single storey blank wall
- 7 metres between a proposed first floor habitable room window and a directly facing boundary with a neighbouring property.

SPD 6 confirms that in terraced streets, where the current aspect standards are not available, the existing distances between habitable room windows will be maintained as a minimum. However, the existing floor plans do not denote the uses of the existing rooms within the flats and commercial units to allow this assessment.

The front elevation of the site faces towards No. 2 - 10 Porter Street. A distance of 14 metres can be provided between the proposed ground floor and first floor habitable room windows. It is noted that this is below the 20 metres set out above however the site is separated from these dwellings by a highway. In addition whilst room uses have not been

included on the plans it would appear that there are already some habitable room windows at first floor with this existing relationship.

The rear windows would face towards the rear of the properties at No.6-10 Rake Street. The first floor rear windows would be located approximately 17metres from the rear boundaries of these properties exceeding the 7 metres set out above and would be over 20 metres from the principal rear elevations of these dwellings.

The ground floor rear windows would be separated from the rear of the properties along Rake Street by an area of amenity space, parking, a highway and the rear boundaries of these properties. As such no undue overlooking is foreseen.

Future Occupiers

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.

HMO1

HMO 1 would be a 7no bed, single occupancy property. Each bedroom would be over 7.5m² and 2.15m wide complying with space standards for single occupancy rooms. Each bedroom would also have an ensuite that is not included within these floor areas.

A communal kitchen, diner and lounge with access to an additional shared WC would be located centrally within the unit would allow for approximately 34.7 square metres. Access would be available from this area to the communal outdoor space that would be sufficient to allow occupiers to site outside, or dry washing if required.

Bedroom 3 would be located in the basement. The only light for this window would be provided through an escape window that looks directly at a raised planter that is 900mm from the window. Whilst additional information could be provided in relation to light and ventilation of this room, this window would have no outlook, and would be significantly under aspect standards for a single storey to habitable room window relationship (6.5metres). As such it is considered that the location of a bedroom within the basement would be unacceptable.

The proposed development, by virtue of the proposed density and layout would lead to a poor arrangement of individual accommodation available for the future occupier of Bedroom 3 of HMO 1 and as such would have a detrimental impact on residential amenity of the occupiers contrary to UDP Policy H2/4.

HMO2

HMO2 would be a 8no. bed, single occupancy HMO. Each bedroom would be over 7.5m² and 2.15m wide complying with space standards for single occupancy rooms. Each bedroom would also have an ensuite that is not included within these floor areas.

This HMO would also have a kitchen/diner, a separate lounge at ground floor and co-working space at first floor. As with HMO access would be available from the kitchen/diner to the communal outdoor space that would be sufficient to allow occupiers to site outside, or dry washing if required.

A condition could be applied to ensure that the proposal would meet accessible and adaptable standards reflecting the the provisions of Part M4(2) of the Building Regulations.

Highways and Parking

Policy EN1/2 requires the consideration of the design and appearance of access, parking and service provision. This is further supported by Policy H2/2 that requires proposals to demonstrate adequate car parking provision, access for both vehicles and pedestrians, and provision for public transport and the existence of any public rights of way and Policy H2/4 that requires consideration of the impact of parking areas on the amenity of neighbouring properties, and the consideration of car parking and servicing requirements. Policies JP-C5 and JP-C6 require streets to be well designed and managed to make a significant positive contribution to the quality of place and support high levels of walking, cycling and public transport.

In terms of parking standards Policy HT2/4 requires all applications for development to make adequate provision for their car parking and servicing requirements. Supplementary Planning Document 11 provides parking standards for developments.

There are no specific car parking standards for HMO's or buildings of multiple occupation in SPD11 Parking Standards in Bury. However, 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. Car parking provision should meet the requirements of the likely occupants and, where possible, should be provided off-street.

The proposal seeks to remove the existing single storey outbuilding to the rear to create 3no. spaces. SPD 11 confirms that the LPA do not consider garages within parking standards, and the plans submitted show an access door to this outbuilding that is 1.4m wide which would not currently allow access by a vehicle without modification. As such it is considered that there is currently no off street parking provided for the property.

No assessment has been provided within the Design and Access Statement as to the needs of the existing/retained flats at the property in addition to the proposed HMOs. The applicant has used the parking standards for sheltered housing as a guide for the proposed HMOs but has not referenced SPD 13.

3no. 1 bed flats would be retained at the property. SPD 11 would require a maximum of 1no. space for each of these units in a high access area. The site is in a sustainable location, within walking distance of Walmersley Road that is served by a bus route. It is also acknowledged that car ownership within HMO tenants is generally lower, however this can not be controlled. On street parking within the vicinity of the site is very limited and appeared to be at capacity when the case officer attended site and as such this should not be relied upon. With the addition of 15no. bedrooms provided for the HMO it is considered that 3no. parking spaces for approximately 18no. persons within the site as a whole is inadequate and would lead to vehicles parking and carrying out manoeuvres on the surrounding residential streets where on-street parking facilities are at a premium at all times of day, which would have a significant impact on existing parking facilities for existing residents and be detrimental to the free flow of traffic and road safety contrary to the policies set out above.

The provision of off street bike storage is welcomed.

The proposed parking spaces would be accessed from Back Rake Street. This is a narrow back street with yard walls, and existing footways limiting the space to manoeuvre vehicles into and out of parking spaces. No tracking has been submitted to show that the spaces proposed can be accessed safely. The proposed access and parking arrangements are sub-standard, with inadequate levels of visibility at junction with Back Rake Street and at the back edge of the footway and inadequate arrangements to maintain vehicles clear of the adopted highway, which is likely to lead to the creation of conflicts on the adopted highway between emerging and parked vehicles and pedestrians, to the detriment of highway safety contrary to the policies set out above.

A bin store for 6no. 1100ml Wheelie bins is shown to the rear of the proposed parking spaces. No information has been submitted as to why this level of bin storage is adequate for the existing, and proposed uses. The application and submitted plans therefore contain insufficient information to ensure that adequate off-highway bin storage arrangements can be provided for the number of flats and HMO's proposed within the curtilage of the site in order to ensure that the adjacent adopted highways are not used for refuse collection purposes or the storage of communal bins.

Carbon and Energy

Policy JP-S2 sets out the steps required to achieve net zero carbon emissions.

- Section 8 of the Design and Access Statement (p.25) discusses sustainable development and the 10 advantages of sustainable building but does not state how this proposal meets any of these 10 objectives.

It is likely, should the conversion works be carried out in compliance with Part L of the building regulations that the proposal could meet the policy requirements however additional information in order to confirm this has not been requested given the considerations set out above.

Digital Connectivity

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 an urban setting and as such it is likely that the internet connectivity can be provided for any occupiers that move into new property. As above, additional information in order to confirm this has not been requested given the considerations set out above.

Other Considerations

As highlighted on pages 10 and 11 of the Design and Access Statement the NPPF advocates early engagement with the LPA so that issues can be resolved prior to submission of an application. This process was not engaged with and for this particular site could have raised the issues set out above, as well as the recently adopted Places for Everyone Policy considerations that have not been referenced within the submission documentation.

Response to representations

It is considered that the material planning considerations raised within the representations submitted have been addressed within the main body of the report.

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 proposal would result in an additional 2no. HMOs within the locality that would

intensify the use and density of the site and result in a high concentration of such uses within the vicinity of the site. The application has therefore failed to demonstrate that the proposal would not have a detrimental impact on the character of the area contrary to Bury Unitary Development Plan Policies H1/2 - Further Housing Development, H2/4 - Conversions, Places for Everyone Joint Development Plan Policy JP-H4 - Density of New Housing of the and the National Planning Policy Framework.

- 2 The design of the proposed window openings is neither appropriate to, nor sympathetic with the existing structure, and would be detrimental to the visual amenity of the area. The proposed development therefore conflicts with Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design, H2/1 - The Form of New Residential Development, H2/2 - The Layout of New Residential Development and H2/4 - Conversions and Places for Everyone Joint Development Plan Policy JP-P1- Sustainable Places.
- 3 The proposed development, by virtue of the proposed density and layout would lead to a poor arrangement of individual accommodation available for the future occupier of Bedroom 3 of HMO 1 and as such would have a detrimental impact on residential amenity of the occupiers contrary to Bury Unitary Development Plan Policy H2/4 - Conversions.
- 4 The proposal would result in the significant intensification of the use of a building with no existing 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 at all times of day, which would have a significant impact on existing parking facilities for existing residents and be detrimental to the free flow of traffic and road safety. The proposed development therefore conflicts with Bury Unitary Development Plan 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 and Places for Everyone Joint Development Plan Policies JP-C5 Streets For All, JP-C6 Walking and Cycling and Supplementary Planning Document 11 - Parking Standards in Bury.
- 5 The proposed access and parking arrangements are sub-standard, with inadequate levels of visibility at junction with Back Rake Street and at the back edge of the footway and inadequate arrangements to maintain vehicles clear of the adopted highway, which is likely to lead to the creation of conflicts on the adopted highway between emerging and parked vehicles and pedestrians, to the detriment of highway safety. The proposed development therefore conflicts with Bury Unitary Development Plan 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 and Places for Everyone Joint Development Plan Policies JP-C5 Streets For All, JP-C6 Walking and Cycling and Supplementary Planning Document 11 - Parking Standards in Bury.
- 6 The application and submitted plans contain insufficient information to ensure that adequate off-highway bin storage arrangements can be provided for the number of flats and HMO's proposed within the curtilage of the site in order to ensure that the adjacent adopted highways are not used for refuse collection purposes or the storage of communal bins. The proposed development therefore conflicts with Bury Unitary Development Plan 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 Policy JP-C5 Streets For All.
- 7 The application and submitted plans and supporting statements contain insufficient

information to enable the local planning authority to assess whether the proposal would maximize reductions in carbon emissions, as required by Policy JP-S2 of the Places for Everyone Joint Development Plan.

- 8 The application and submitted plans and supporting statements contain insufficient information to demonstrate that the proposal would comprise high quality digital infrastructure, as required by Policy JP-C2 of the Places for Everyone Joint Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP	10/04/2024	DM	12/04/2024