

DELEGATED REPORT

Report by Claire Booth	Date of report: 28/07/2025	Ref: 71992/FUL
Registration: 02/06/2025	LDfC: 04/07/2025	Expiry Date: 28/07/2025
Site Visit:	Site Notice: 03/07/2025	Press Date: N/A
Objections: 0	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: COUS

Proposal: Change of use from commercial use (Class E) to 5 bed, 6 occupants house in multiple occupation (HMO) (Class C4) and associated external alterations (including new doors and windows and removal of advertisement hoarding)

Location: 157 Bolton Road, Bury, BL8 2NW

Description

The application relates to an end terrace property within an adopted Local Centre, as defined within the adopted Development Plan. The property forms the northern end terrace of a row of commercial development located between the junctions of Bolton Road with Buxton Street and Fountain Street.

The application property is a vacant Accountants Office (Use Class E). The property is two-storeys high at the front and three storeys high at the rear. It has a staggered rear elevation by virtue of the presence of a three storey projection. The property has a yard area at rear. The property has traditional brick boundary walls to its yard area. The rear wall of which appears unsightly with a UPVC door forming the gate to the rear of the property, which is accessed from the road that runs around the rear of the terrace to which this application forms part.

Planning permission is sought to change the use of the property to form a 5 bedroom, 6 person House in Multiple Occupancy (HMO). The accommodation proposed is as follows:

Basement Level: The Basement of the property appears to be in two parts, with a Basement existing within the front third of the property and a Basement area existing within the rear third of the property. The front part of the Basement Area is proposed to remain vacant. The rear part of the Basement Area proposes to accommodate cycle parking for 3 bicycles.

The Proposed Floor Plans do not correspond with the Proposed Elevations plan. as they do not show that a new door is proposed at Basement level on the rear elevation, as shown on the Proposed Elevations plan, to provide external access to the cycle storage area.

Ground Floor Level: Access to the proposed HMO would remain from the front of the property. 2 en-suite bedrooms and a kitchen-dining area are proposed. The proposed kitchen area would be located within the central roof of the property. One bedroom, Bedroom 2, proposes to be accessed from the kitchen-dining area.

First Floor Level: 3 ensuite bedrooms are proposed. The front room on this level is proposed to accommodate 2 occupants.

No plans of the roof space of this property has been submitted. Neither has cross-sections of the building to clarify the use or height of either the loft space area or the Basement level of the property been submitted. As stated above, the submitted Proposed Plans do not

correspond.

Standard size bins are proposed within the rear yard area of the property. The Proposed Elevations Plan indicates that a single width door at Basement level is proposed in the rear of the two storey rear projection.

Relevant Planning History

41542: Change of Use from Shop (Class A1) to Office (Class B1). Approved with Conditions, 06/12/2013

Publicity

The application has been advertised by both Site Notice erected at the front and rear of the property, and 9 adjoining and nearby neighbours have been notified via letter.

No representations have been received.

Statutory/Non-Statutory Consultations

Adult Care Services - No comments or observations received.

Traffic Section - Raises concern that the proposed use will require 1100 litre waste storage bins and that these would be stored on the adopted highway, to the detriment of highway safety.

Environmental Health - Pollution Control - Raises concern that the application contains insufficient information to ensure that

Greater Manchester Police - designforsecurity - No objections. They have recommended a number of crime prevention measures are incorporated into the development, if approved.

Waste Management - No objections in principle.

Housing - Public Protection - States the application contains insufficient information to demonstrate that future occupants would have acceptable living conditions, due to the location of the property on a main road and due to the presence of Chinese Takeaway's flue in close proximity to the application site.

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

Pre-start Conditions - Not applicable.

Development Plan and Policies

S1/4	Local Shopping Centres
EC2/2	Employment Land and Premises
EN1/2	Townscape and Built Design
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H2/4	Conversions
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
JP-C1	Our Integrated Network
JP-S1	Sustainable Development
JP-S2	Carbon and Energy

SPD13	Conversion of Buildings to Houses in Multiple Occupation
SPD14	Employment Land and Premises
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.

UDP Policy H2/4 - 'Conversions' has 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 HMOs are located in suitable locations. These matters will be considered in the following assessment:

Principle of Development

The property is located in a Local Centre (Shopping and Servicing area) (Bolton Road/ Bury Bridge), as allocated within the adopted Local Plan, within a row of other commercial shops, including a takeaway, some with flats at first floor level. To the north/ north-west of the application property is a car wash business. The property is adjacent to another Class E use, which in turn is next to a Chinese Takeaway and other Class E units present in this block of properties.

The application site is located within an adopted Local Centre (an area containing shopping and servicing uses) referred to as the Bolton Road/ Bury Bridge Local Centre. UDP Policy S1/4 seeks to maintain and enhance Local Centres. The loss of a Class E property to create a residential use, in the form of a HMO, would detract from the Local Centre and the row of Class E use properties to which this property forms part of, to the detriment of the vibrancy and vitality of the Local Centre.

In terms of the previous office/ Accountants office use, the acceptability of the principle of the proposed change of use also needs to be considered against Bury's Unitary Development Plan (UDP) Policy EC2/2: 'Employment Land and Premises Outside the Employment Generating Areas' and its accompanying Supplementary Planning Document (SPD)14: 'Employment Land and Premises'.

UDP Policy EC2/2 seeks to protect existing employment land and premises unless it can be clearly demonstrated that the land and premises are no longer suited, in land use terms, to continued employment use.

In support of UDP Policy EC2/2 the Council has also developed SPD14 which again, in basic terms, seeks to retain sites that are suitable in land use terms although it does allow for a greater degree of flexibility than Policy EC2/2 insofar as it considers viability issues as well as assessing the suitability of the site from a purely land use perspective.

The application site is in a sustainable location within a local centre (Bolton Road / Bury Bridge). The site is suitable in land use terms for continued employment use.

One of the key factors in determining whether there is a reasonable prospect of the site being reused for employment purposes, is to show that there is a lack of market demand. Paragraphs 3.10-3.17 of SPD14 give advice on what will normally be expected from any marketing of an existing employment site.

Paragraph 3.10 states that where it is proposed to redevelop an existing site that is considered suitable, in land use terms, for continued employment use, applicants will be expected to clearly demonstrate that the site has been actively and robustly marketed at a realistic price that reflects the employment use.

The application's supporting statement states that the building has been vacant since June 2022 and was last marketed in May 2024 however no evidence to support this accompanies the application.

The applicant is required to demonstrate that the retention of the site in employment use is not viable and that there is no realistic prospect of the site being used for that purpose. To demonstrate this, there would be a need for the applicant to support the application with

robust evidence to demonstrate that the site has been actively and comprehensively marketed at a realistic value and for a minimum of 12 months. However, the application provides no evidence to demonstrate the application site has been sufficiently marketed as a Class E use available to buy.

If there is clear commercial and market evidence that there is not currently any realistic prospect of the site being retained in employment use, then the Council may consider alternative uses subject to a one-off payment to compensate for the loss of the employment site so that alternative office accommodation can be provided elsewhere in the borough. The application site area is 0.0097ha and therefore the one-off payment would equate to £3,783.

For all of the above reasons, it is recommended that the application be refused on the basis of failure to demonstrate there is no demand for anyone else to use the property as an office or other use falling within Class E within the adopted Local Centre. The property should be re-marketed in this current economic climate.

Location of Development

Being within an adopted Local Centre on Bolton Road, a main transport and bus route, the property is suitably located for the proposed use. The proposal therefore complies with the locational requirements of PfE Policy JP-C1: 'An Integrated Network'.

Impact on neighbouring businesses

NPPF paragraph 200 states:

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

The application fails to consider the impact of the development on adjoining and nearby businesses, and, or, whether any mitigation could minimise the effect future occupiers could have on putting unreasonable restrictions on a business, or businesses. The proposal is therefore contrary to this requirement of the Framework.

Moving on, UDP Policy H2/4; Conversions specifically has 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 HMOs are located in suitable locations. These matters are considered throughout this report.

UDP Policy H1/2 that 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 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. These matters are discussed below:

Character of the area

UDP Policy H2/4 - 'Conversions' takes into consideration the concentration of building conversions for multiple occupation and the impact this can have to the character of an area. The justification for this policy makes it clear that it is necessary to ensure that dwelling standards are maintained and to ensure that, generally, an over provision of building conversions does not adversely affect the need to maintain a good mix of housing types, or adversely affects the character and amenity of residential areas.

According to the HMO database held by the HMO Licensing team and the Planning database held by the Planning Authority, there are no other licensed HMOs near to the application site. This is not surprising given the site being located within the adopted Local Centre.

Layout of proposed development and the amenity of future occupiers

UDP Policy H2/4 that seeks to consider the impact of any proposals on the amenity of the occupants.

Due to the application site being located within an adopted Local Centre, adjacent to a car wash business, and within a row of commercial uses which includes a Chinese Takeaway which has an extraction flue at the rear, concern has been raised by the Council's Public Protection Team that the applicant has failed to take into account of whether any mitigation would be necessary in the property to minimise the effect of any noise disturbance from adjacent uses and/ or odour and noise expelling from the flue at the rear of the Chinese Takeaway. The application therefore fails to demonstrate that the proposal would provide a satisfactory standard of living for future occupiers.

In addition to the applicant failing to demonstrate that the amenity of future occupiers would not be harmed due to the sites location on a busy main road, adjacent to other commercial uses and due to being within close proximity to a Chinese takeaway with an extraction flue at the rear. It is thus recommended that application be refused on this basis.

In addition to the above, the internal layout of the property also causes concern, by virtue of a bedroom, Bedroom 2, proposed adjacent to the only communal space within the property - a kitchen-dining area with seating for 6 occupants in a 4 no. occupants and 2 no. occupants arrangement and directly accessed from the proposed shared communal space. a kitchen-dining area. The fire compartmentation of having a bedroom of a high risk area - a kitchen, also needs to be considered. Given these concerns, whilst accepting that the internal subdivision specifications relating to fire compartment of the layout would be subject to other provisions and legislation, the need for reconfiguration is likely to have a direct impact upon the scale and layout of the development. As such without appropriate consideration of the best use of space and how occupants could interact with general amenity space and be impacted by it, the arrangements indicated are considered to be unacceptable for future occupiers.

It is considered that the residential amenity of the future occupants of these rooms would be adversely impacted by this relationship through noise, odour and use of this communal kitchen-dining area.

Future residents getting rid of their waste would also not be satisfactory, as future residents could only access the refuse storage area, within the rear yard area at a lower level than the proposed kitchen-diner would be done by occupants having to take rubbish down the stairs leading into the Basement and having to navigate through the bicycle storage area to get rid of their rubbish. Future occupiers would therefore not have direct access to the refuse storage area from the proposed kitchen area. This further demonstrates the layout of the property would not result in a satisfactory standard of living for future occupants of the property.

For the above reasons, it is therefore recommended the application be resisted on these grounds.

Moving on, PfE Policy JP-H3: states that all new dwellings 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.

All bedrooms proposed would comply with the national prescribed space standards in terms of size and providing storage within them. A condition could be applied to ensure that the proposal would comply with Part M4(2) of the Building Regulations.

To conclude this section, the proposed layout shown would lead to a poor arrangement of shared accommodation available for the future occupiers of the property and as such would have a detrimental impact on residential amenity of future occupiers, contrary to UDP Policies H1/2, H2/1, H2/2 and H2/4.

Parking, Highway Safety Matters and Sustainable Transport Measures

HMO's are best located in sustainable areas well served by public transport and close to amenities, services and facilities, which can reduce the demand of parking.

The site, whilst outside Bury Town Centre, which is considered to be highly sustainable, but is within an allocated Local Centre on a main road used by buses going to and from Bury and Bolton Town centres and a bus that goes to and from Manchester City Centre and is therefore in a reasonably accessible location.

SPD11: 'Parking Standards in Bury' defines the amount of parking provision developments should provide determined on a sites location. The amount of parking for cars and cycle storage to be provided is determined based on parking standard zones. These zones have been derived based on local evidence, consideration of Places for Everyone Policy JP-H4: Density of New Housing and by using Greater Manchester Accessibility Levels (GMAL)³ which measure the accessibility of locations across Greater Manchester by walking and public transport. The location of the application site is within Parking Zone 2 given its distance from Bury Town Centre but recognising it is in a Local Centre which has local services and recognising that this part of Bolton Road is well served by Public Transport - Buses.

The SPD acknowledges that the level of car parking provision for HMO's acknowledges that HMOs and shared housing tend to attract occupiers with lower-than-average levels of car ownership compared to the general population. It requires HMO developments to provide 0.25 of a car parking space per bedroom. $0.25 \times 5 = 1.25$, therefore 2 car parking spaces should be provided off-street. This proposal provides no car parking space. Notwithstanding this, the area running along the rear boundary of the terrace, to which the application forms part, an area of marked out car parking spaces runs along the rear of the terrace. The former Accountants use will have utilised one or two of these spaces and given their are no houses in close proximity to the application site. On-street car parking also appears to be available on the neighbouring roads. Given the site is located in an accessible location by virtue of its position within the allocated Local Centre the proposed development and its lack off of-street car parking provision, is considered to be acceptable, for this particular development.

In terms of sustainable transport measures, SPD11 requires covered and secure cycle parking provision to be provided with all developments to enable occupants to travel short journeys by sustainable means. The provision of good quality cycle storage is an important means of encouraging more people to cycle and therefore reduce pressure on the highway both in terms of congestions and car parking demand. The SPD states cycle parking should not be considered as mitigation, but as a basic requirement on all sites. HMO proposals require 1 secure, covered cycle storage space per bedroom (If no garage or secure area is provided within curtilage) to be provided.

This proposal should provide covered and secure cycle parking provision for at least 5 bicycles/ E-bikes. The application proposes to accommodate cycle parking storage for 3 bicycles within the rear basement area. The application therefore fails to provide the required number of storage provision and therefore the proposal fails to accord with the requirements of SPD11.

Carbon and Energy

The Council's in Greater Manchester aim is to ensure all new development is carbon neutral by 2038. The Policy promotes, amongst a range of other things, the retrofitting of existing buildings with measures to improve energy efficiency and generate renewable and low carbon energy, heating and cooling. The applicant has failed to consider the carbon and energy effects of converting the property, and incorporating the measures identified within the Policy as required by PfE Policy JP-S2: Carbon and Energy.

The applicant has failed to demonstrate the proposals compliance with this policy.

Digital Connectivity

PfE Policy JP-C2: Digital Connectivity requires, amongst other things, all new development to have full fibre to premises connections, unless technically infeasible and/or unviable, and to incorporate multiple-ducting compliant with telecoms standards, to facilitate future-proof gigabit-capable network connections. It is expected that internet connections will be operational and immediately accessible to network providers when occupiers move into properties

The applicant has failed to demonstrate the proposals compliance with this policy.

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 application contains insufficient detail to demonstrate there is no reasonable prospect of the site being retained or re-developed for either an office or other employment uses, contrary to the requirements of Policy EC2/2 - 'Employment Land and Premises Outside the Employment Generating Areas' of the Bury Unitary Development Plan, SPD 14: 'Employment Land and Premises' and the National Planning Policy Framework.
- 2 The proposed development, by virtue having a bedroom located adjacent to the shared kitchen and dining area with its associated noise, disturbance and cooking odours, would result in conditions detrimental to the amenity of future occupiers of Bedroom 1 within the proposed development. 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', and

H2/4: 'Conversions' of the Bury Unitary Development Plan, Supplementary Planning Document 13 - Conversion of Buildings to Houses in Multiple Occupation and the National Planning Policy Framework.

- 3 Insufficient information has been submitted to demonstrate that the main road the property is sited upon and the sites' location close to a hot-food takeaway would not cause noise intrusion or odour issues to future occupiers of the proposed development, nor whether any measures to protect their amenity would harm the host building or the visual amenity of the street scene. Therefore, the proposed development would be contrary to Policies H2/4: 'Conversions', EN7/2: 'Noise Pollution' of the Bury Unitary Development Plan, Policy JP-S5: 'Clean Air' of the Places for Everyone Joint Development Plan and the National Planning Policy Framework.
- 4 The proposed development fails to demonstrate that future occupiers of the development would have a clear and safe route internally to enable them to safely and easily dispose of their rubbish within bins located within the rear yard area, contrary to Policies H2/1 - The Form of New Residential Development, H2/2: 'The Layout of New Residential Development', and H2/4: 'Conversions' of the Bury Unitary Development Plan, Supplementary Planning Document 13 - Conversion of Buildings to Houses in Multiple Occupation and the National Planning Policy Framework.
- 5 The application and submitted plans fail to provide sufficient covered and secure bike storage provision within the application site, to satisfy the Local Planning Authority that the applicant is satisfactorily mitigating the parking impacts of their development and encouraging more sustainable travel to and from the site as required by Policies JP-C1: 'An Integrated Network', 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 and the National Planning Policy Framework.
- 6 The applicant has failed to demonstrate whether the existing yard gate within the rear boundary wall of the property would need to be widened to satisfy providing sufficient refuse storage provision to serve the needs of the future occupiers of the development, thereby the proposal is poorly designed and may lead to bins being stored on the adopted highway and causing an obstruction to pedestrians, to the detriment of highway safety and securing well-designed development. The proposed development is therefore contrary to the requirements of H2/4: 'Conversions' of the Bury Unitary Development Plan, Policy JP-C5: 'Streets for All' and JP-C8: 'Transport Requirements of New Development' of the Places for Everyone Joint Development Plan, the National Planning Policy Framework and the National Design Guide.
- 7 The application and submitted plans and supporting statements contain insufficient information to enable the local planning authority to assess whether the proposal would maximise reductions in carbon emissions, as required by Policy JP-S2 - Carbon and Energy of the Places for Everyone Joint Development Plan and the National Planning Policy Framework.
- 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 Policies JP-C1: 'An Integrated Network' and JP-C2: 'Digital Connectivity' of the Places for Everyone Joint Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB	25/07/2025	DM - 28/07/2025	

