

DELEGATED REPORT

Report by Claire Booth	Date of report: 11/07/2025	Ref: 71405/FUL
Registration: 20/12/2024	LDFC: 30/01/2025	Expiry Date: 14/02/2025
Site Visit:	Site Notice: N/A	Press Date: 23/01/2025
Objections: 0	Con Area: BURY	Adv Type: CA
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: COUS

Proposal: Change of use from office (Class E) to 8 bed (single occupancy) HMO (sui generis), with 2 no velux rooflights at front and 2 no velux rooflights at rear and erection of wall to define yard side boundary

Location: 8 Tenterden Street, Bury, BL9 0EG

Description

The application relates to a traditional garden fronted stone built property located on the frontage of Angouleme Way, on Tenterden Street. It has a single rooflight in its front roofslope, positioned centrally and on its rear roofslope it has a high level single rooflight which would have likely illuminated a staircase historically. Back Tenterden Street street exists to the rear of the property where a tarmaced area exists and vehicular parking bays are marked out.

The application site is located within Bury Town Centre Conservation Area.

Planning permission is sought to change the use of the property from an office (Class E), formally Bury Hearing Hub, to an 8 bed (single occupancy) House in Multiple Occupation (HMO (sui generis)). The proposal also seeks to install 2 no velux rooflights on the front roof slope and 2 no velux rooflights on the rear rooflight.

The proposed layout of the property would be as follows:

Basement: A Plant and Laundry Room with a Washing Machine and Tumble Dryer;

Ground Floor: A communal kitchen-diner that accommodates two hobs, provides a communal area for 8 people to be able to eat together and includes a small lounge area along with two en-suite bedrooms. Both bedrooms would have a settee area within them.

First Floor - 4 no. en-suite bedrooms.

Second Floor - 2 no. bedrooms with en suites, both served by rooflights.

The smallest bedroom proposed is Bedroom 5 located on the first floor of the property at 11.5 sqm. The largest bedroom would be 20.4 sqm which is the ground floor front room of the property.

To the rear of the property is an unenclosed area which clearly belongs to each property. This is proposed to be re-laid with tarmac. Within this area it is proposed to provide a seating area, space for 4 x 1100 litre bins, a cycle store for 4 bicycles and a bench for outside seating. The application also seeks to erect two new 900mm high red brick walls with stone slab coping on top of the walls.

The application initially also sought permission for new rear timber boundary fencing to

form an enclosed rear yard area. It was considered to be not appropriate with regard to its siting cutting across the established boundary walls that exist to the rear of some of the properties within the terrace to which this application forms part. its height, design and materials. It was considered to represent an incongruous architectural feature of the built environment in that part of the conservation area which is characterised by 19th century urban development in predominantly red brick, natural local stone and natural slate roofs. As such the initial proposed boundary fence would not have preserved the character or appearance of this part of the conservation area. This aspect has thus been removed from the application proposal.

Relevant Planning History

57318 - Sign on 2 poles at front (Non illuminated) - Approved with Conditions, 09/05/2014

Publicity

The application proposal has been advertised by Site Notice and due to it being within Bury Conservation Area it has also been advertised within the Bury Times newspaper.

13 surrounding neighbouring properties have also been notified of the application proposals by letter.

No representations have been received.

Statutory/Non-Statutory Consultations

Conservation Officer - No objections to amended scheme, subject to a condition requiring details of the brick and stone top

Traffic Section - No comments or observations received.

Environmental Health - Pollution Control - No objections subject to a condition imposed requiring a scheme of soundproofing the building and windows against traffic noise being imposed on any approval.

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

Waste Management - No comments or observations received.

Housing - Public Protection - No objections but initially advised the proposals would not receive a HMO licence. The proposals have been amended to satisfy the comments made by his team.

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

Pre-start Conditions - Applicant/Agent [Not relevant/has/has not] agreed with pre-start conditions

Development Plan and Policies

Area	Manchester Road/Knowsley Street
BY4	
EN2/2	Conservation Area Control
TC1	Town Centres
EC2/2	Employment Land and Premises
JP-C8	Transport Requirements of New Development
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development

H2/4	Conversions
EN1/2	Townscape and Built Design
HT2/4	Car Parking and New Development
JP-H1	Scale of New Housing Development
JP-H3	Type, Size and Design of New Housing
JP-H4	Density of New Housing
JP-S2	Carbon and Energy
JP-P1	Sustainable Places
JP-C2	Digital Connectivity
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-C8	Transport Requirements of New Development
SPD11	Parking Standards in Bury
SPD13	Conversion of Buildings to Houses in Multiple Occupation
NPPF	National Planning Policy Framework

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within the adopted Bury Unitary Development Plan (UDP), together with other relevant material planning considerations.

The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP and PfE Policies will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

- The elimination of discrimination, harassment and victimisation;
- The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;
- The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within

the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Principle of Development

Loss of Employment

The site is located within Bury Town Centre and more specifically within Area BY4 - Manchester Road/Knowsley Street as designated in Bury's Unitary Development Plan. Within Area BY4, the Council will consider favourably proposals for business, office, hotel/conference facilities, car parking and civic uses within the Manchester Road/Knowsley Street area of the Town Centre.

In considering the proposal, there is also a need to take account of paragraph 127 of the NPPF, which states that:

Planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:

- a. It should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and*
- b. In the interim, prior to updating the plan, application for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.*

In the context of the NPPF, the Council needed to be satisfied that there was no reasonable prospect of the site being retained or redeveloped for employment uses before being in a position where its redevelopment for housing could be supported.

In this respect, the Council has developed SPD14. In basic terms, SPD14 seeks to retain sites that are suitable, in land use terms, for continued employment use although it does allow for a greater degree of flexibility in so far as it considers viability issues as well as assessing the suitability of the site from a purely land use perspective. SPD14 requires applications which involve the potential loss of employment land to submit robust evidence to demonstrate that the site has been actively and comprehensively marketed at a realistic value and for a minimum of 12 months.

From a land use perspective, the site is part of an established concentration of employment uses that remains a suitable use for this location.

Evidence submitted to support application 71405 includes a letter from the vender of the property, a letter from the vender's agent and a letter from the current agent who has marketed the property for commercial uses. An additional supplementary note from Groves Town Planning has also been submitted. The evidence has demonstrated that there is unlikely to be a realistic prospect of the site being used for employment use.

In such circumstances, SPD14 specifies that consideration will be given to alternative uses subject to a one-off financial contribution to offset this loss of the employment land. Contributions are then used to help bring forward employment opportunities elsewhere in

the Borough. The level of contribution is based on average industrial land values in Bury and for a site of this size (0.02ha), the contribution would amount to £7,800. This should be secured via a S106 agreement.

Given that it is accepted that there is no reasonable prospect of the application site coming forward for employment use and the unmet housing need within the Borough detailed below, the Council would consider an alternative use subject to a one-off payment to compensate for the loss of the employment land. As a result, the applicant will need to pay a planning contribution of £7,800 (Seven Thousand and Eight Hundred Pounds) to address the requirements of the Policy and this has been secured via a S106 agreement.

Housing Land Supply and Principle of Residential Development

The National Planning Policy Framework (NPPF) is a material planning consideration in planning decisions and emphasises the Government's objective of significantly boosting the supply of homes. NPPF paragraph 61 is clear that the overall aim should be to meet an area's identified housing need, including with an appropriate mix of housing types for the local community.

The Framework states that local planning authorities should identify and update annually a supply of specific deliverable sites to provide a minimum of five years' worth of housing, with either a 5% buffer to ensure choice and competition in the market for land, or a 20% buffer where there has been significant undelivery of housing over the previous three years. As set out in NPPF paragraph 78, the supply of housing must be assessed against the housing requirement set out in adopted strategic policies where these are less than five years old.

The joint Places for Everyone Plan was adopted with effect from 21 March 2024 and sets the up-to-date housing requirement for Bury against which the deliverable supply of housing land must be assessed. PfE Policy JP-H1 sets the housing requirement for Bury.

Following the adoption of Places for Everyone, the Council is able to demonstrate a deliverable 5 year supply of housing land with a 20% buffer (as currently required in Bury due to past under delivery) when assessed against the adopted PfE housing requirement.

The National Planning Policy Framework also sets out the Housing Delivery Test (HDT), 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%) 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 (the 2023 measurement published on 12 December 2024) show that Bury has a HDT result of less than 75%, and therefore, this needs to be treated as a material factor when determining applications for residential development.

Therefore, paragraph 11(d) 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, provide a strong 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

As a result of the latest published HDT result the 'tilted balance' applies and planning permission should be granted unless the above points Para 11(d) i or ii apply.

NPPF paragraph 80 requires the latest published HDT results to be used. However, the Government is currently operating to a delayed publication timetable for the HDT, and although the latest published results for 2023 are below 75%, based on the current HDT rulebook Bury's result for 2024 will be above 75% and the tilted balance will no longer be triggered by the housing delivery test result.

The applicant is proposing 1no. 8-bed HMO - for housing delivery test monitoring purposes this would equate to 1 dwelling. The proposal would therefore make a limited contribution to housing supply.

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.

NPPF paragraph 125c gives "substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused".

The property is in a highly sustainable location within the urban area with access to public transport and local services and amenities.

Character of the area - concentration of HMOs

Whilst there is no specific policy in relation to HMOs within the UDP, Policy H2/4 - Conversions takes into consideration the concentration of conversions for multiple occupation and the impact this can have on the character of an area.

According to the current Bury Council register of licensed HMO's, there are two licensed HMOs approximately 50 metres from the property (at St. Mary's Place). 18-20 St Mary's Place has also been recently converted to 9 apartments. There are no other licensed HMOs on this part of Tenterden Street.

Not all HMO's require a license if occupation does not exceed 5 or more or planning permission if the property is a dwellinghouse with no more than 6 occupants. The LPA does not have access to records in relation to smaller HMOs that either do not require a license, or do not need planning permission. However, based on the evidence available, there is no evidence to suggest that this proposal would result in an over concentration of HMOs in this locality.

The site is part of an established concentration of employment uses that remains a suitable use for this location. Commercial uses will continue to predominate in the area. The introduction of an HMO may result in some change to the character of this row of properties. Appropriate management and maintenance arrangements will be required (either through planning or licensing) to ensure any potential issues are addressed.

Character and Appearance of the Conservation Area

The application site is sited within Bury town centre conservation area.

The application, as amended, proposes to install a traditionally constructed wall along the length of the shared boundary of the site and to install two rooflights on the rear roofslope.

With regard to the character and appearance of the conservation area the proposed change of use of the property and the addition of two rooflights would preserve the character and appearance of the conservation area and would therefore be acceptable in heritage significance conservation terms.

The rear and side boundaries of the application site are entirely open to the back cobbled

street which sits between the rear of properties on Tenterden Street and Back Tenterden Street.

The character of the rear streetscape is that at least 3 of the properties within the terrace in which the application site forms part of have traditionally constructed walls along the side boundaries of their properties. The walls are either constructed in traditional stone or traditional red brick. The proposal, as amended, seeks to erect

The amended layouts and elevations seek to erect a brick side boundary wall with stone slap coping to the top of it. The amended design and siting of the wall are considered to re-instate the historic side boundaries to the property and subject to the walls being erected in matching brick and stone materials, which can be secured by planning condition (recommended) would be sympathetic to the character and appearance of the conservation area and indeed enhance the character and appearance of this rear streetscape.

Overall, the proposals, as amended, and subject to the recommended condition securing suitable and sensitive materials for the proposed boundary walls, the proposals accord with the requirements of S72 of the Planning (Listed Buildings and Conservation Areas) Act and UDP Policy EN2/1 - Conservation Area Control.

Design and Layout

Internally, there would be 8 no bedrooms over the 3 floors and one communal kitchen/dining area. The HMO Licensing Section have no issues regarding the layout and all of the en suite bedrooms are of a good size and comply with space standards and the proposed communal area and sperate Laundry area provides a satisfactory level of communal space for future occupiers of the proposed development.

The applicant has been advised that the Council's HMO Licencing department have queries whether sufficent light will enter both proposed loft bedrooms. In this respect this is a HMO licencing issue to enforce, however, both bedrooms are to be provided by low level rooflights proposed so both occupants of the loft room would have an external outlook. All other bedrooms would be served by existing windows. for the proposed 8 occupants but this would be a matter for the Licensing Department. It is considered the communal kitchen/dining area would provide an acceptable standard of shared amenity space for 8 occupiers.

Externally, there are two car parking spaces, an area to accomodate refuse bins, a cycle store for two bicycles, and a bench for seating proposed.

Given the town centre location of the application, two car parking spaces are sufficient - see Parking and Highways section for further justification.

In respect of refuse storage provision, the National Planning Practice Guide and Policy JP-C8 of the GM Places for Everyone Joint Development Plan, requires all new development to provide sufficient refuse storage provision within application sites. 8 occupants will require 4 x 1100 litre bins to be provided to meet the needs of future occupants of this development. These have been provided within the amended submission.

SPD11: Parking Standards in Bury states cycle parking is a basic requirement on all sites. For Houses in Multiple Occupation it states 1 secure, covered cycle storage space per bedroom should be provided. The application proposes covered and secure cycle storage for 4 bicycles. The application was submitted prior to the adoption of the updated SPD11 and therefore a condition is recommended to secure further bicycle storage capacity.

Taking account of all the above, the overall proposed layout is considered to be acceptable and would comply with UDP Policies H2/2: The Layout of New Residential Development and H2/4: Conversions and SPD11: Parking Standards in Bury.

requirements of the S106 agreement securing £7800.00 for office accommodation to be provided elsewhere in the borough, it is recommended the application be approved.

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

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.

- 2 This permission relates to the following plans:

Drawing no. 8TS/200/PL Rev. C4: Site Location Plan and Proposed Site Plan;
Drawing no. 8TS/205/PL Rev. C5: Proposed Layouts;
Drawing no. 8TS/203/PL Rev. C3: Proposed Plan Layouts & Rear Boundary Wall
Drawing no. 8TS/204/PL Rev. C4: Proposed Elevations and Section

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

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

- 3 Within three months of development first taking place, a scheme for soundproofing to be introduced to the front wall, windows and roof slope and party walls of the building has been submitted to and approved in writing by the Local Planning Authority. The soundproofing scheme shall ensure that the level of sound insulation provided is in compliance with the requirements of Approved Document E of The Building Regulations 2010 (or any equivalent Order following the revocation and re-enactment thereof, with or without modification). The duly approved soundproofing scheme shall thereafter be implemented in full before any occupation of the development hereby permitted first takes place.

Reason. To reduce nuisance from noise to the occupiers of the adjoining business/ office uses and to reduce nuisance from traffic noise on Jubilee Way to future occupiers of the development, pursuant to the Policy EN7/2 Noise Pollution of Bury Unitary Development Plan and the National Planning Policy Framework.

- 4 Notwithstanding the approved plans, within three months of development first taking place, a scheme for the provision of a minimum of 4 additional covered and secure bicycle parking spaces on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the siting, size, design and materials to be used in the construction of both bicycle stores. The

bicycle parking spaces shall be provided and made available for use in accordance with the duly approved scheme before the building hereby approved is first occupied, and shall be retained as such thereafter.

Reason. In order to promote modal shift and increased use of sustainable methods of travel and to ensure each occupant/ bedroom within the HMO has access to this sustainable transport method, in accordance with Policy JP-C5: Streets for All, Policy JP-C6: Walking and Cycling and Policy JP-C8: Transport Requirements of New Development of the Places for Everyone Joint Development Plan, SPD11: Parking Standards in Bury and the National Planning Policy Framework.

- 5 The car parking spaces, refuse storage and cycle storage facilities indicated on the approved plans and subsequently approved plan under condition 3 shall be implemented and made available for use to the written satisfaction of the Local Planning Authority prior to the development hereby approved becoming first occupied and shall thereafter remain available at all times.

Reason. In order to ensure that the development would provide adequate facilities for car parking, covered cycle storage provision and the storage of domestic waste, including recycling containers, in the interests of amenity and pursuant to Policy JP-C5: Streets for All, Policy JP-C6: Walking and Cycling and JP-C8: Transport Requirements of New Development of the Places for Everyone Development Plan, SPD 11: Parking Standards in Bury and the National Planning Policy Framework.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB	11/07/2025	DM	11/07/25