

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 11/12/2025	Ref: 72308/FUL
Registration: 15/10/2025	LDFC: 10/11/2025	Expiry Date: 10/12/2025
Site Visit: 23/10/2025	Site Notice: 23/10/2025	Press Date: N/A
Objections: 0	Con Area:	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: COUS

Proposal: Change of use of part ground floor and first floor to form 4 no. bedroom (single occupancy) House in Multiple Occupation (HMO) (Use Class C4); part two storey/part single storey rear extension and loft conversion with front and rear dormers

Location: 195 Rochdale Road, Pimhole, Bury, BL9 7BB

Description

The application relates to a mid terrace commercial property located on Rochdale Road, Bury close to the junction with Albert Street. There is an unmade cobbled back street at the rear which provides access to the rear of these properties. The ground floor window of the front elevation contains a door and shop window, both of which are secured by individual roller shutters. The front roof of the property contains 3 solar panels.

The ground floor of the property is in use as a Barbers (Use Class E). The first floor of the property is in use as self-contained residential accommodation which is accessed through the rear yard.

Planning permission was granted in December 2024 for extensions to the property for a front pitched roof dormer, rear flat roof dormer and a part two storey and part single storey rear extension.

The single storey extension would project the full length of the rear yard area (6.9m). It would have a width of approximately 3m, with the remaining width of 1.5m used to store bins. The two storey portion of the extension would project from the original rear elevation of the property by approximately 1.5 metres and extend across the full width of the property. The two storey element would have a flat roof with its eaves height to be the same as the existing property.

The proposed rear dormer would have a flat roof and set in from the side walls and eaves by approx 0.2m.

At the front, a small pitched roof dormer would be centrally positioned within the roof plane replacing the middle solar panel.

The extensions were to facilitate the reconfiguration of the ground floor to provide a staff room, kitchen and manager's office and expand the accommodation of the residential flat over two floors.

The extensions have largely been completed apart from the front dormer.

This application seeks the same extensions and alterations as previously approved but also change the use of part of the ground floor and the first and second floors to a 4 bed HMO.

There would be no changes to the Class E shop which would continue to operate from the same unit with access to a WC only at the back of the shop. The remainder of the ground floor would be converted from storage to a living room and kitchen/diner.

The first floor would provide 3 bedrooms and a bathroom with 2 bedrooms and a bathroom

at the second floor.

The rear yard would provide bin store facilities with 6 bins.

Relevant Planning History

71001 - Loft conversion with insertion of front facing bay window. - Withdrawn - Invalid
19/08/2024

71002 - Part two storey and part single storey rear extension and loft conversion with front and rear dormers - Approve with Conditions 12/12/2024

Publicity

Letters sent to 11 properties on 17/10/25.

Site notice posted 23/10/25.

No responses received as a result of the publicity.

Statutory/Non-Statutory Consultations

Traffic Section - Object and recommend refusal on bin store provision and pedestrian access arrangements.

Waste Management - No response received

Environmental Health - Contaminated Land - No comments to make

Environmental Health - Pollution Control - Require a noise survey and insulation.

Housing - Public Protection - Comments provided.

Adult Care Services - No response received

Greater Manchester Police - designforsecurity - No response received

Pre-start Conditions - Not relevant

Development Plan and Policies

NPPF	National Planning Policy Framework
S1/5	Neighbourhood Centres and Local Shops
EN1/2	Townscape and Built Design
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
HT2/4	Car Parking and New Development
EN7/2	Noise Pollution
EC4/1	Small Businesses
SPD6	Supplementary Planning Document 6: Alterations & Extensions
JP-S2	Carbon and Energy
JP-C2	Digital Connectivity
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-C8	Transport Requirements of New Development
H2/4	Conversions
SPD13	Conversion of Buildings to Houses in Multiple Occupation

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

The property is located within a Neighbourhood Shopping Centre and would continue to function as a class E shop business at ground floor, thereby contributing to the vitality and viability of the centre.

In terms of a residential use above, it is not uncommon for there to be living accommodation above shops. The site is also located in a sustainable area with access to shops, facilities and services.

However, in this case, the application seeks to use the first and second floors for an 4 bed HMO.

As such, this element of the proposal would need to be assessed against policy EN2/4 - Conversions and SPD13.

UDP Policy H2/4 - Conversions, has regard to factors including effect on the amenity of neighbouring properties, impact on the general character of the area and existing concentration of flats, amenity of occupants, effect on the street scene of any changes to the external appearance 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.

Use and layout

A dwellinghouse would benefit from permitted development rights to change the use to a small HMO (up to and including 6 people). However, this property has a commercial use at ground floor and flat above and therefore does not benefit from p.d rights.

The class E use would remain as currently exists. The existing plans show the class E shop only has access to the one room at the front and a WC at the rear. There are two rooms labelled as storage and whilst unusual, the existing plans show there to be no access from the shop to these storage areas which are accessed via the rear yard. The bin storage for the business would be accessed from the rear but again this is the current situation.

The remainder of the ground floor and the first and second floors are proposed for an HMO use for 4 occupants.

To note, an HMO for 4 occupiers would not require an HMO license but there would still be an expectation to meet HMO standards as an application is made for licensable and non-licensable properties.

The ground floor would be utilised as the shared living space to provide a kitchen/diner and separate lounge. A kitchen/diner is classed as a habitable room. The proposed plans show this room would be located centrally within the ground floor and there would be no window to provide light and an outlook which would result in a dark and enclosed space. The plans also do not show that there would be sufficient room for a table and seating for 4 people to eat whilst also space to prepare and cook food.

The living room would be a small room only 9 sqm in area as the plans show part of the room would facilitate a toilet. Light and outlook would be provided only by one window which would over look the small yard area and bins.

Policy H2/4 states that consideration should be given to the amenity of occupants of an HMO and SPD13 states that each habitable room should have adequate natural light, ventilation and a view in order to provide an acceptable standard of amenity for residents. The proposed communal accommodation would therefore be sub-standard in size and amenity facilities and poor in providing an acceptable level of light and outlook for future occupiers.

At the first floor, two bedrooms and one bathroom would be provided and at the second floor, two further bedrooms and a bathroom would be provided. All the bedrooms would comply with HMO licensing standards.

It is therefore considered that the proposed development and specifically the shared accommodation would be unacceptable and substantially harmful with regards to the provision of space, natural light, ventilation and outlook and as such the accommodation for these occupiers would be wholly unsatisfactory.

It is therefore recommended the application be refused on these grounds.

The proposed development would therefore be contrary to Policy H2/4 and SPD13 and the principles of the NPPF.

In terms of the other facilities provided in the property, there would be 6 bins shared with the shop and HMO occupiers. This provision would be considered acceptable.

The development would provide secured covered cycle spaces accessed from the rear yard and could accommodate 5 spaces and as such would accord with SPD11.

Design

SPD6 advises that extensions should achieve high standards of design and complements the original building by reflecting the design, massing and scale and should also not have a detrimental impact on the character and appearance of the general street scene through poor design, siting or excessive bulk.

The application proposes the extension which have been previously approved (ref 71002). The ground floor extension would extend to the rear boundary and the first floor extension would extend 1.5m from the rear wall which would be similar to other properties and the extensions which have been carried out on the street.

Had the property been a residential dwelling, the proposed rear dormer would have been permitted development. There are also similar examples of dormers on this row and the dormer would comply with advice in SPD6 for rear dormers in terms of size and design.

The front dormer would be set centrally within the roof plane replacing a solar panel. It would align with the first floor window and position within the roof plane would be proportionate to the front elevations and typical of those found on traditional terraced houses.

It is therefore considered the proposed development would be acceptable and comply with EN1/2, H2/1, H2/2 and SPD6.

Highways

The site is located in zone 2 where 0.25 parking spaces per unallocated bedroom would be required which would equate to 1 space. There would be no dedicated parking for the development. However in this case, the site is located on a main road and the other shops and businesses do not have parking. Given the proximity to the town centre and that HMO's tend to have lesser demands for parking, this is considered acceptable.

In terms of cycling, the development should provide 1 secured covered space per bedroom and 1 space for the Class E use which would equate to 5 spaces. There would be space to provide the cycle provision in the rear yard and as such compliant with SPD11.

The Highway Section have recommended refusal for 2 reasons, sub-standard pedestrian access via the back street which would be detrimental to pedestrian safety and sub-standard bin storage and collection arrangements.

The only access to the residential units would be via the back street which is the existing situation for the first floor flat. Although occupation of the property would increase to 4, it is considered the comings and goings of these occupiers would not be significant to refuse the application for pedestrian safety reasons.

In terms of bin storage, the yard could facilitate 6 bins which would be sufficient to serve the number of occupiers.

The bins would be collected from the back street, a similar situation to the current arrangements and those along the rest of the row of properties and as such considered acceptable.

Pollution Control

The Pollution Control team have been consulted and state that insufficient information has been provided to determine the levels of noise and therefore a noise assessment would be required.

The Team would also require insulation and soundproofing to the party walls.

Given that the property already accommodates a shop and residential flat, and given the scale and type of development where there are a mix of uses, with a suitable condition to provide soundproofing to party walls, a noise assessment in this instance is considered to

be unnecessary.

JP-S2 - Carbon and energy

The applicant has provided a statement to state how the development would seek to minimise energy output and maximise energy efficiency. This would be achieved through high levels of thermal insulation, careful material specification and efficient systems. Passive and active design measures such as fabric performance, air tightness and mechanical ventilation will be utilised in the proposed development to prevent overheating and reduce carbon emissions.

It is therefore considered th proposed development would comply with JP-S2.

JP-C2 - Digital connectivity

The property currently has an internet connection. High-speed full fibre connection will be made available to the premises once approval has been granted, with multiple ducting for future users of the property.
The development would therefore comply with Policy JP-C2.

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

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

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed development by virtue of the increased occupation to a 4 bed HMO would result in poor, inadequate and sub-standard living conditions for future occupiers by virtue of very limited natural light and restricted and poor outlook and ventilation for the communal living spaces. The proposed development would therefore be contrary to policies H2/4 - Conversions, Supplementary Planning Document 13 - Conversion of Buildings to Houses in Multiple occupation and the principles of the NPPF.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	11/12/25	DM	12/12/25