

**Ward:** Bury East - Moorside

**Item** 03

**Applicant:** Sona Co-Living Ltd

**Location:** 206 Walmersley Road, Bury, BL9 6LL

**Proposal:** Change of use to 8-bedroom HMO (Sui Generis) and formation of front and rear lightwells

**Application Ref:** 67867/Full

**Target Date:** 27/01/2022

**Recommendation:** Approve with Conditions

### **Description**

The site relates to a three storey mid-terraced property on a row of similar styled properties. The dwellinghouse was converted to a 6 no. house of multiple occupation (HMO) under permitted development (Use Class C4).

The row fronts a main road and there is an alley (Back Albion Place) running along the backs of these houses. Over the rear alley to the east are a row of two storey terraced houses. Across Walmersley Road are mixed residential properties.

There is a large enclosed rear yard where bins would be stored and which provides some outdoor amenity space.

The proposal involves:-

Basement - 2 no. bedrooms with en-suites

Ground floor - 1 no. bedroom with ensuite and a communal lounge, kitchen and dining areas.

First floor - 3 no. bedrooms with en suites with a small communal office workspace.

Second floor - 2 no. bedrooms with en suites.

To accomodate bedrooms in the basement, the proposal also includes the formation of a light wells to the front and rear.

The smallest bedroom would be 14.3sqm with the largest measuring 24.3sqm. There would be space for parking one car in the rear yard with a bike store and bin storage.

### **Relevant Planning History**

47760 (204, 206 & 208 Walmersley Road) - Conversion into 12 one and two bedroom apartments – approved 20/07/2007.

39210 (206 & 208 Walmersley Road) - Change of use from bed & breakfast to house in multiple occupation to provide 16 bedrooms – approved 01/07/2002.

30670 - Single storey kitchen extension at rear – approved 07/03/1995.

28993 - Change of use from dwelling to residential guest house (Class C1) – approved 05/10/1993.

### **Publicity**

Immediate neighbours notified by letter dated 20/12/2022. Four objections received from nearby residents. Concerns summarised:

- This area is becoming more deprived and attracting landlords who want to maximise profit over community. This property should remain a family home. The area is being blighted by many HMO establishments that bring no quality to the area whatsoever. Current properties of this type within walking distance are a disgrace to the eye. Unkept, dirty, poor repair.

- Concerns about noise
- problems with parking
- problems with scattered bins and rats and disease.

### **Statutory/Non-Statutory Consultations**

**Traffic Section** - No objections received. Any comments made will be reported in the supplementary agenda.

### **Pre-start Conditions** - N/A

### **Unitary Development Plan and Policies**

NPPF	National Planning Policy Framework
H1/2	Further Housing Development
H2/4	Conversions
EN1/2	Townscape and Built Design
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
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) and 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 Policy 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 currently a vacant dwellinghouse (Use Class C3) which would have a 'permitted development fallback' to form a 6 person HMO, under current regulations. The permitted development position together with the history of the site suggests that the principle of a conversion to a HMO is acceptable.

The conversion of houses to HMO's can often make an important contribution to local housing stock. However, it is recognised that such conversions can put pressures on the amount of accommodation provided, put demands on parking and have an adverse effect on residential amenity and the character of an area.

The main issues with this proposal are what impact the clear intensification of the residential use of the premises would have in planning terms and in relation to the suitability of the site and location, impacts on amenity, nature of the local environment, surrounding land uses and highway issues.

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.

These issues are discussed in more detail below and in light of policies H1/2 and H2/4.

**Visual amenity and Streetscape** - The main external changes to the building would be the formation of the lightwells at the front and rear. There would be the usual multi-doorbell arrangement at the entrance but generally there would be no significant impact on the character and appearance of the building or streetscape. The bins would be kept with the rear yard area so should not cause particular concern. In terms of visual amenity, the proposal is considered to be acceptable and complies with UDP Policy and guidance in relation to HMOs.

**Layout** - In terms space standards, the applicant confirms that the proposed bedrooms would exceed the minimum standards set out in HMO licensing standards and the Nationally described Space Standards.

It is also stated that the communal areas in the form of a kitchen, lounge and dining areas and study area would provide good internal communal space.

Whilst the property could convert to a 6 person HMO without permission, the revised scheme which reduces the number of bedrooms from the 9 originally proposed, to 8. It is considered that this would now not give rise to particular concerns regarding the size and quality of communal living and recreation areas within the property. The proposed floor plans show the proposed communal areas would now comprise a kitchen/diner/lounge (32sqm), a front living room (16.4sqm) and a small work area only, to provide the kitchen, lounge and dining area.

Externally, there would be little change to the existing arrangements and facilities. Suitable bin storage would be located to the rear of the yard area, close to the rear doors. There would be cycle store and a parking space provided. There would be sufficient space left for drying clothes and incidental recreation/sitting out areas.

On balance, the revised layout with 8 units would comply with Policies H1/2, H2/1, H2/2 and H2/4.

**Impact on residential amenity** - In terms of the site and surroundings, the existing property fronts onto a very busy road and has residential properties on either side, to the rear and across the road to the front. A number of properties along Walmersley Road have been converted into HMOs.

The existing property on 1st and 2nd floor levels has 6 bedrooms. This number would be reduced to 5 and three additional units would be created on the ground floor and basement areas. This proposed internal arrangement is unlikely to generate additional noise, disturbance and activity to cause serious harm to neighbour amenity. In terms of residential amenity, the proposal is acceptable and complies with UDP Policy and guidance relating to HMO's.

**Highway and parking** - There is no specific car parking standards for HMO's in SPD11 Parking Standards in Bury. 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. 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.

With regard to the site, there are parking restrictions along this part of Walmersley Road with double yellow lines and a cycle way running in front of the property. At the rear, there is an access which is wide enough for one car. The parking for properties in the vicinity is mostly on-street with some off-street in rear yard areas.

There is limited parking for the HMO. Whilst it is generally recognised that car ownership tends to be lower for those who occupy HMOs compared to other households, it is clear that the proposed 8-bedroom HMO could have the potential to generate a greater demand for car parking than either the existing family dwelling or a 6-bed HMO 'permitted' under the current planning regulations . Whilst some residents of the HMO may not require access to a car, there is no means to secure this and any cars associated with the use would have to park within the yard or, if this is not available, on nearby streets alongside other residents in the locality.

In terms of the sustainability of the location, the property is situated on a main road and bus route into Bury Town Centre and as such could be considered 'sustainable', situated about 700m' to the north of the town centre. .

Given the location of the site in relation to the town centre together with the provision of one parking space and secure cycle storage, it is considered that it would be difficult to sustain a reason to refuse the proposal in traffic/parking grounds. The proposal would, on balance, would be acceptable and comply with UDP policies H2/4, HT2/4 and SPD13 with regard to HMOs.

**Permitted Development** - Under 'Permitted development' the Local Planning Authority does not have any control over the use of the property as a 6-bed HMO. The critical issue is whether the two additional bedrooms would make a significantly material and detrimental impact on residential amenity and highway safety. In view of the above it is considered that the development is acceptable.

## **Response to objections**

Many of the points raised have been responded to within the main report. In relation to the character and building, the building is in a good state of repair and presents itself appropriately to the street. Any dilapidous building can be subject to Enforcement processes.

Vermin is not a planning concern.

### **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.

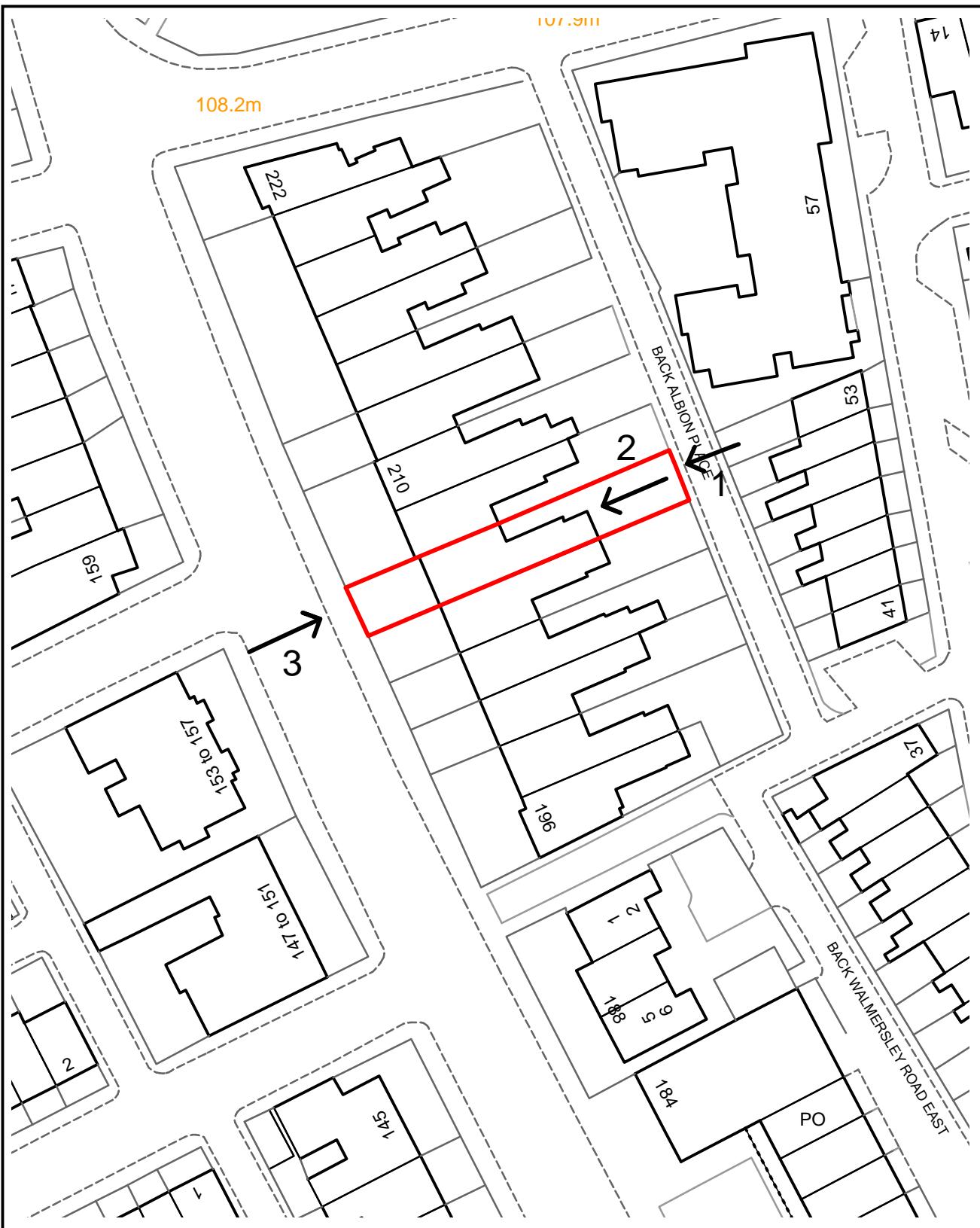
**Recommendation:** Approve with Conditions

#### **Conditions/ 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 decision relates to existing drawings numbered TQRQM21300094826253, 001, 002 rev B, 003, 004 and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.
3. The car parking and cycle storage indicated on the approved plans shall be demarcated and made available for use prior to the first occupation of the development.  
Reason. To ensure adequate off street car parking and cycle storage in the interests of road safety pursuant to Policy H2/4 Conversions and SPD13 Conversion of Buildings to Houses in Multiple Occupation.
4. The refuse storage facilities indicated on the approved plans shall be made available for use prior to first occupation and shall thereafter remain available at all times.  
Reason - In order to ensure that the development would maintain adequate facilities for the storage of domestic waste in the interests of amenity and pursuant to the following Unitary Development Plan Policy H2/4 Conversions.

For further information on the application please contact **Tom Beirne** on **0161 253 5361**

# Viewpoints



## PLANNING APPLICATION LOCATION PLAN

APP. NO 67867

ADDRESS: 206 Walmersley Road  
Bury



**Bury**  
COUNCIL

Planning, Environmental and Regulatory Services

(C) Crown Copyright and database right (2015). Ordnance Survey 100023063.

67867

Photo 1



Photo 2



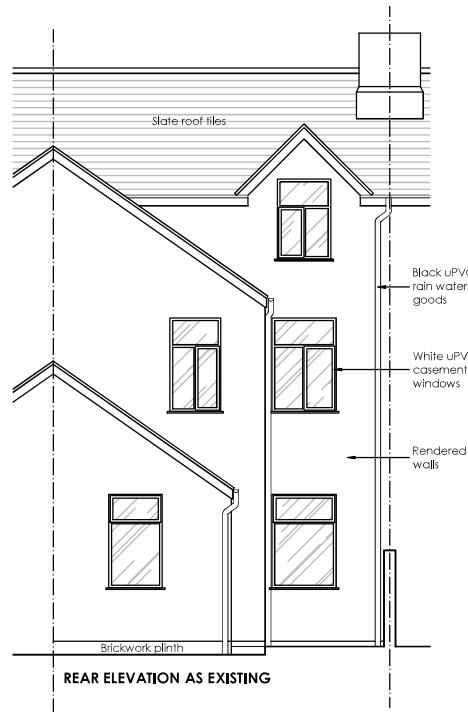
67867

Photo 3





FRONT ELEVATION AS EXISTING



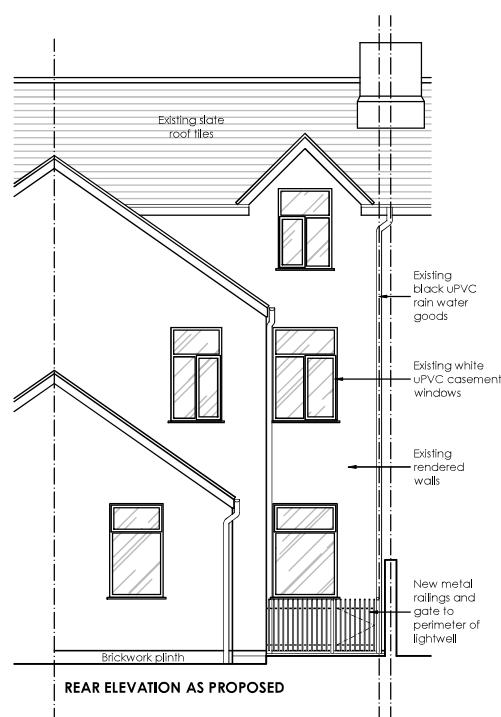
REAR ELEVATION AS EXISTING



SIDE ELEVATION AS EXISTING



FRONT ELEVATION AS PROPOSED



REAR ELEVATION AS PROPOSED



SIDE ELEVATION AS PROPOSED

# Tim Spencer Associates

Design and Project Management Consultants

12 Manley Close  
Holmes Chapel  
Cheshire CW4 7HL  
Tel/Fax: 01477 549 254  
E-mail: admin@timspencerassociates.co.uk

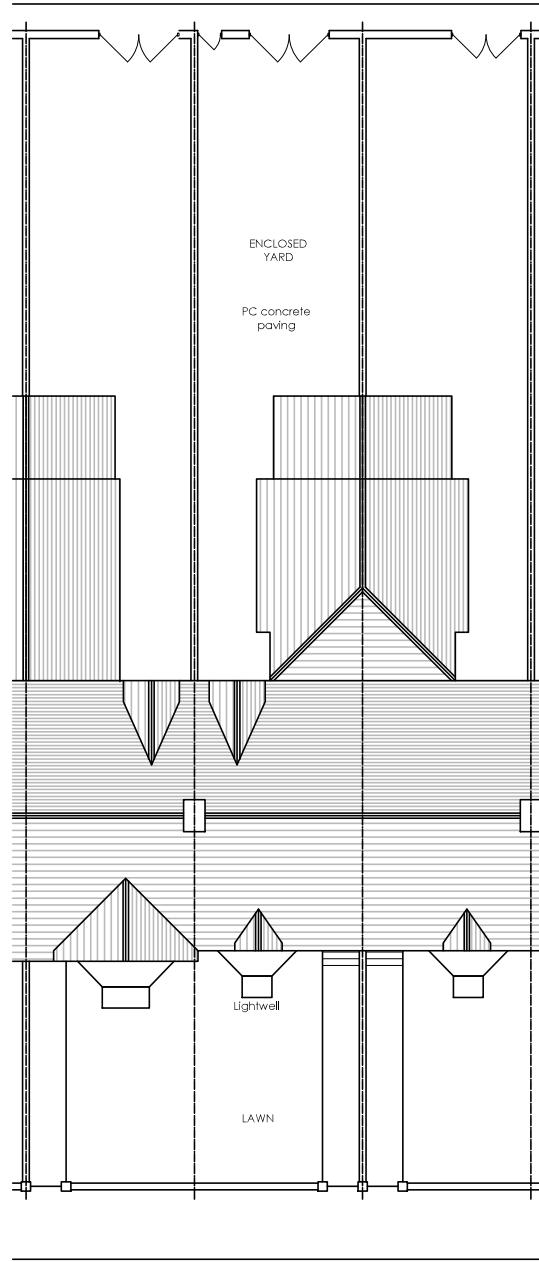
Project: 206 Wallmersley Road,  
Bury, BL9 6LL

Description:  
**EXTERNAL ELEVATIONS  
AS EXISTING & PROPOSED**

Job no: TSA 0421 Scale: A3@1/100  
Drawn no: 003 Date: 3.11.21 Rev: -

Drawing not to be scaled. Dimensions indicated must be checked on site prior to commencement of works. Any discrepancies to be reported immediately.

BACK ALBION PLACE

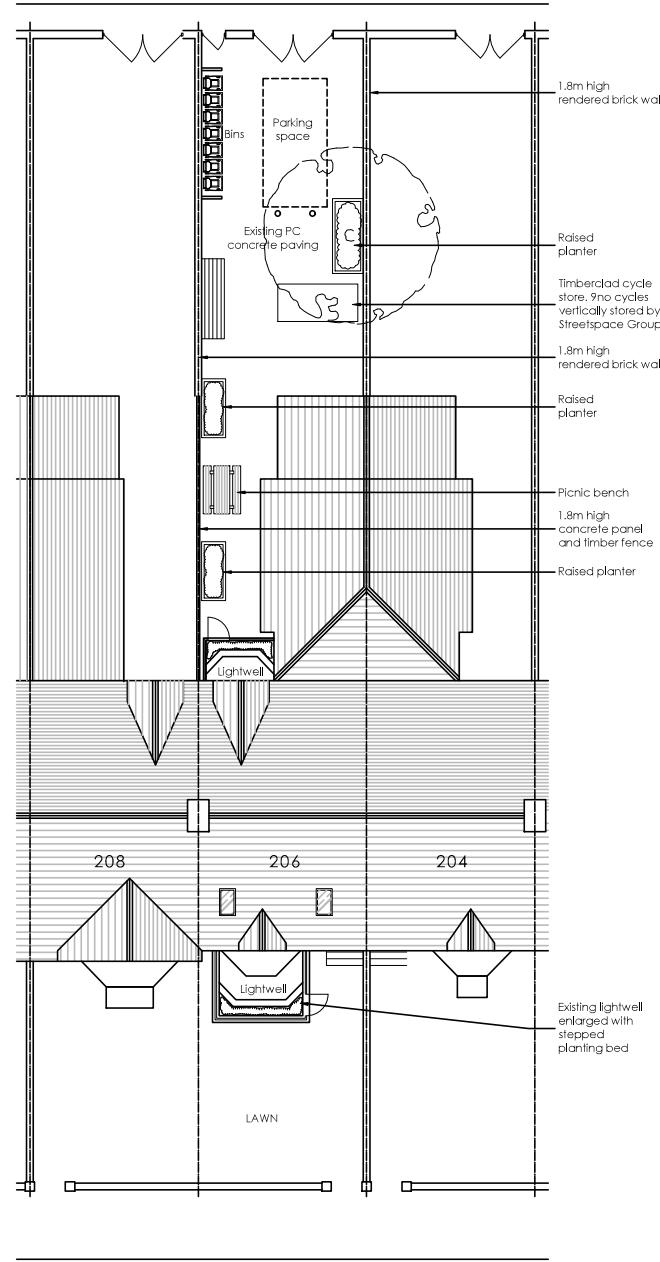


WALMERSLEY ROAD

**SITE / ROOF PLAN AS EXISTING**



BACK ALBION PLACE



WALMERSLEY ROAD

**SITE / ROOF PLAN AS PROPOSED**



**Tim Spencer  
Associates**

Design and Project Management Consultants

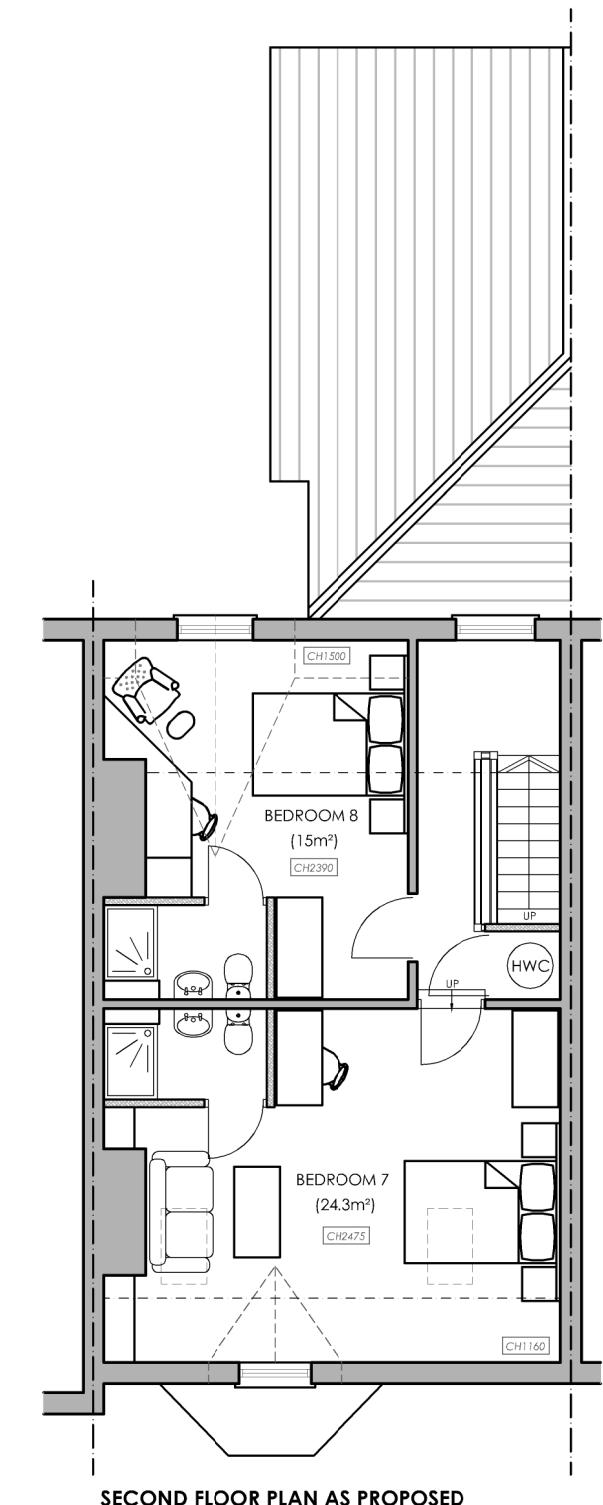
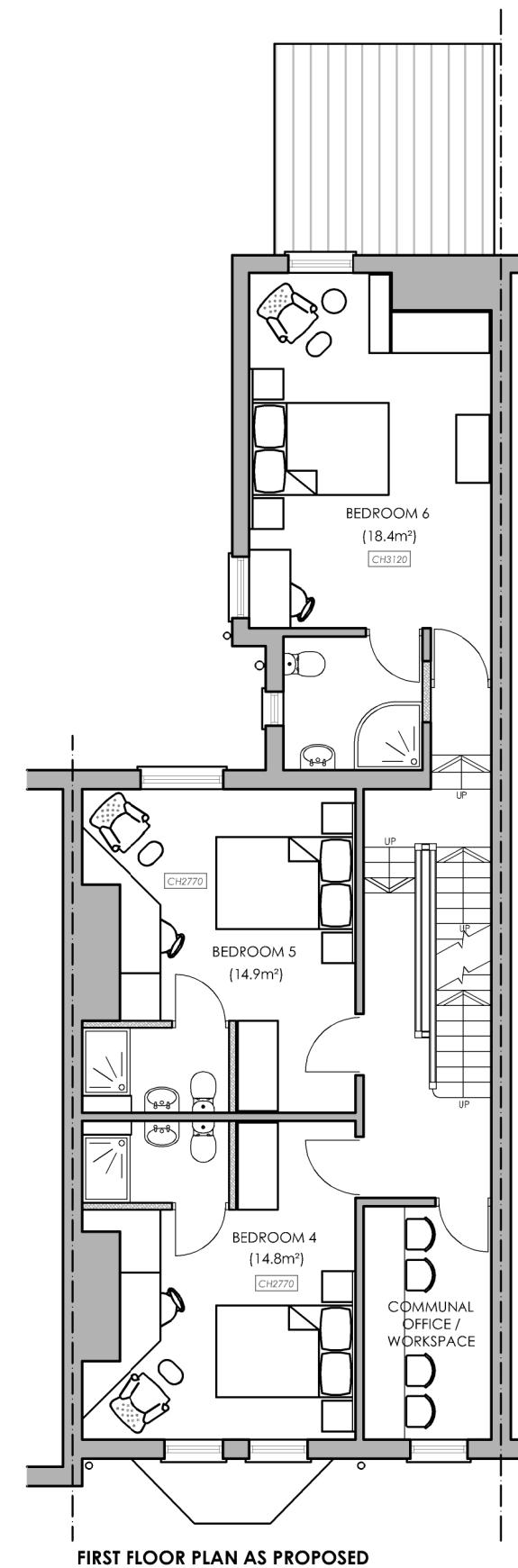
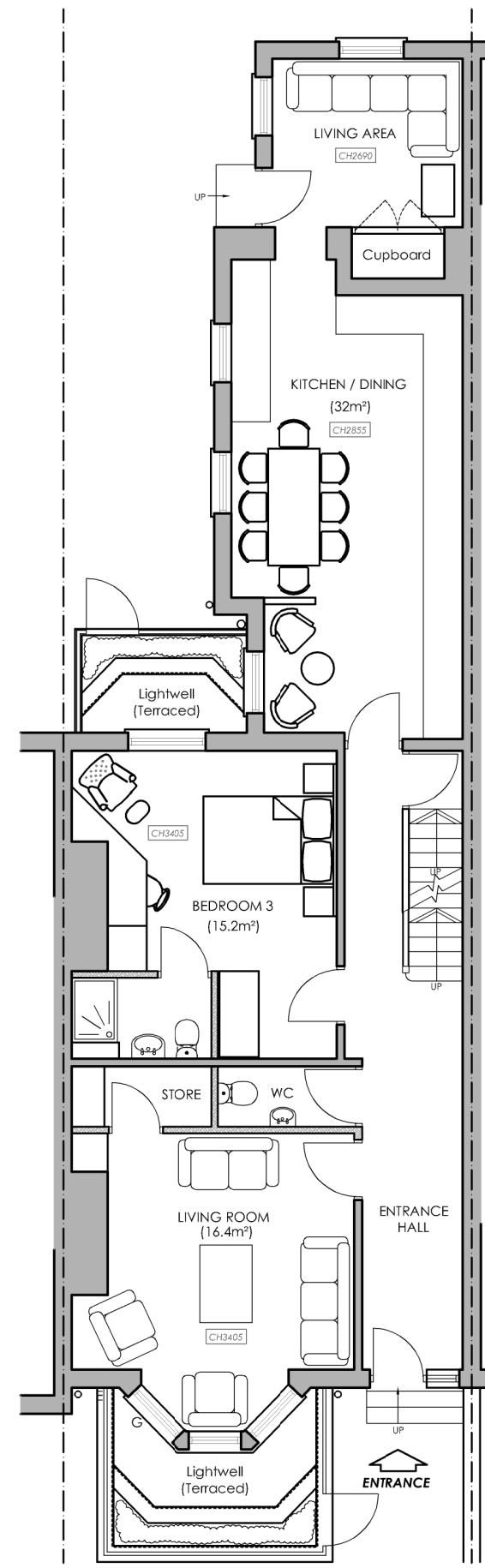
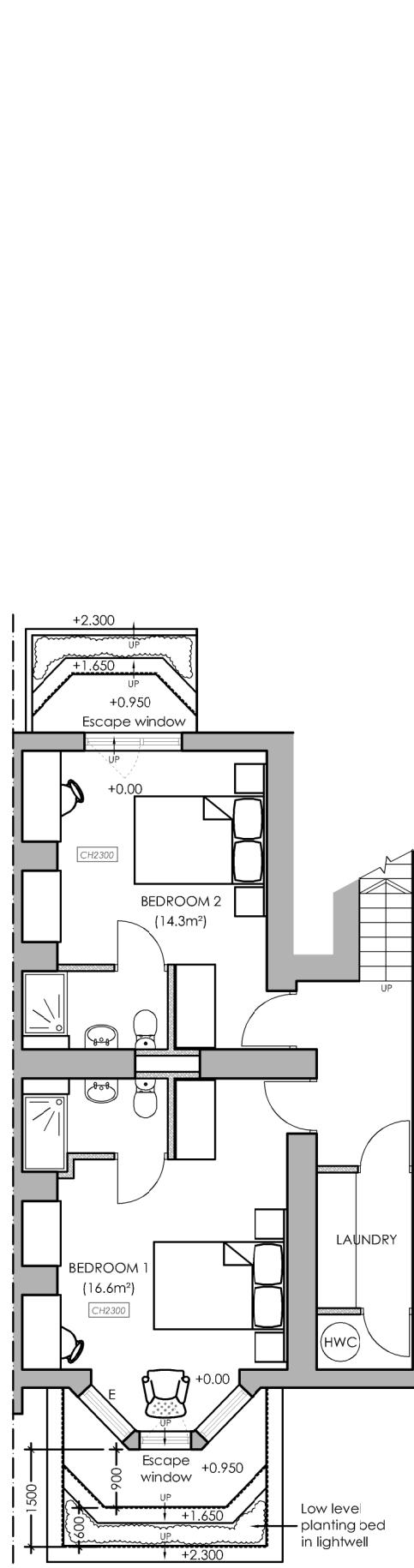
12 Manley Close  
Holmes Chapel  
Cheshire CW4 7HL  
Tel/Fax: 01677 549 254  
E-mail: admin@timspencerassociates.co.uk

Project: 206 Walmersley Road,  
Bury, BL9 6LL

Description:  
**SITE PLANS AS EXISTING & PROPOSED**

Job no: TSA 0421 Scale: A3@1/200  
Drawg no: 004 Date: 3.11.21 Rev: -

Drawing not to be scaled. Dimensions indicated must be checked on site prior to commencement of works. Any discrepancies to be reported immediately.



**Tim Spencer  
Associates**

Design and Project Management Consultants

12 Manley Close  
Holmes Chapel  
Cheshire CW4 7HL  
Tel/Fax: 01477 549 254  
E-mail: admin@timspencerassociates.co.uk

Project: 206 Walmersley Road,  
Bury, BL9 6LL

Description: **PLANS AS PROPOSED**

Job no: TSA 0421 Scale: A3@1/100

Drawn no: 002 Date: 3.11.21 Rev: B

Drawing not to be scaled. Dimensions indicated must be checked on site prior to commencement of works. Any discrepancies to be reported immediately.



SCALE 0 1m 2m 3m 4m 5m