

Ward: Bury East - Moorside

Item 03

Applicant: Mr Tahir Nasir

Location: 148 Walmersley Road, Bury, BL9 6LL

Proposal: Change of use from dwelling (Class C3) to an 8 no. bedroom House in Multiple Occupation (HMO) (Sui Generis)

Application Ref: 69452/Full

Target Date: 22/05/2023

Recommendation: Approve with Conditions

Description

The application site relates to a garden fronted traditional red brick terraced property on a row of similar styled properties located on the east side of Walmersley Road between Chesham Road to the North and St Mark's Square to the south. The site is located at the northern end of the row located closest to St Mark's Square.

The application site is currently used as a family dwellinghouse. It is three-storeys high and it has a basement.

Back Walmersley Road East, that runs along the back of these houses on Walmersley Road and it also runs at the back of the two-storey terraced houses on Hilton Street. Across Walmersley Road are mixed residential properties.

The application site has an enclosed rear yard area where refuse storage bins are currently stored.

The proposal is to change the use of the property from a single 6-bedroom dwellinghouse (Use Class C3) to an 8 bedroom House in Multiple Occupation (HMO) (Sui Generis use).

The proposed 8 bedrooms would be located on each floor of the property as follows:

Basement - 1 no. bedroom with en-suite

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

First floor - 4 no. bedrooms with en suites

Second floor - 2 no. bedrooms with en suites.

The smallest bedroom would be 10sqm plus a 3sqm ensuite, with the largest bedrooms measuring 20sqm and 21sqm respectively. Secure covered cycle storage would be included within the existing rear single storey addition that has a garage door opening onto Back Walmersley Road East.

The rear yard area would accommodate bin storage. To facilitate this, the rear yard gate would need to be widened to 1.2 metres. No external alterations to the property is proposed to the property itself despite the application being accompanied by existing and proposed elevations.

The application was initially submitted as a 9 bedroom HMO, but in assessment of the proposal has been reduced to an 8 bedroom property during the course of the application. The amended proposals are therefore considered below.

Relevant Planning History

45172 - Single storey extension at rear - Approve with Conditions, 12/10/2005

Publicity

Site Notices were erected at the front and rear of the property. 16 no. nearby residents have also been consulted by letter.

3 objections have been received to this public consultation which raise the following concerns:

- Increased noise levels and disturbances - increased number of occupants and from foot and vehicular traffic would adversely affect residential amenity and quality of life
- Impact on "stretched" public services
- No parking facilities available in the vicinity
- Disproportionate amount of HMO's on Walmersley Road, affecting the amenity of existing residents due to an increase in Anti Social Behavior in the locality occurring. The proposal would add to this issue that is harming the amenity of existing residents and detracting from this area.
- Adding another facility could cause additional strain on the local community and its resources.

Statutory/Non-Statutory Consultations

Traffic Section - No objections, subject to a condition

Environmental Health - Pollution Control - No objections

Planning Policy Manager - No comments or observations received

Greater Manchester Police - designforsecurity- No comments or observations received

Waste Management - No objections, subject to 4 x 1100 bins (2 x general rubbish + 2 x recycling (Plastic and Paper/ Cardboard)

Housing - Public Protection - Amendments required due to the number of occupants the kitchen will require 2 sinks and 2 cookers.

Adult Care Services - No comments or observations received.

Pre-start Conditions - Applicant/Agent has agreed with the necessary pre-start condition.

Unitary Development Plan and Policies

H2/4 Conversions

H2/2 The Layout of New Residential Development

HT2/4 Car Parking and New Development

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) 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.

Principle of Development

The property is currently a dwellinghouse (Use Class C3) which would have a 'permitted development fallback' to form a 6 person HMO, under current regulations. The permitted development position indicates 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.

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.

These issues are discussed in more detail below.

Residential Amenity

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. The property directly attached to the application site is used as a HMO.

The existing property has 6 bedrooms with 3 bedrooms on each of the top two floors. The second floor would be reduced from three bedrooms to two. Three bedrooms would remain on the first floor with one bedroom proposed at the front of the property at ground floor level and one bedroom proposed within the Basement of the building. 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 therefore considered to be acceptable and thus complies with UDP Policy and guidance relating to HMO's.

Character of the Area and concentration of flats

Officers have obtained information from the Council's HMO Officer as to where existing licensed HMOs are located in relation to the existing application site. With the exception of the property attached to the application site, 146 Walmersley Road, there are no other HMOs in close proximity to the application site. It is therefore considered that this proposal would not cause an over concentration of HMO or flat/ apartment development in this location and thus the proposal is considered to accord with the relevant criteria within UDP Policy H2/4.

Visual Amenity and Streetscape

There would be no significant impact on the character and appearance of the building or streetscape. The property would still appear as a 3 storey brick terrace. The necessary level of refuse storage bins would be accommodated within the rear yard area so should not cause particular concern. The rear yard gate that is accessible from and on to the highway at the rear of the property is to be widened to enable the 1100 litre bins to be wheeled in and out of the site. Subject to a suitably worded planning condition being imposed, it can be ensured this widening of the rear yard gate is completed in a sympathetic manner.

In terms of visual amenity, the proposal is considered to be acceptable and complies with UDP Policy and guidance in relation to HMOs.

The amenity of future occupants

This proposed scheme, which has been amended to reduce the number of bedrooms from a 9- bed as originally proposed, to an 8-bed HMO, as proposed.

The application has been amended to provide a greater level of communal space in the property in the form of an enlarged kitchen area, lounge and dining areas and to provide a study/ working from home area. The amended kitchen and communal areas satisfies HMO licensing standards and each bedroom includes their own bathroom facilities. All bedrooms would also accord with the National Space Standards. Overall the internal layout of the development is considered to provide satisfactory living accommodation for future occupiers of the site.

Externally, there would be little change to the existing arrangements and facilities. Secure covered bike storage would be located within the former garage. Suitable bin storage

provision would be located to the rear of the yard area. There would be sufficient space left for drying clothes and incidental recreation/sitting out areas.

On balance, the revised layout with 8 units would provide good internal communal space and bedroom space which will result in well-designed living accommodation for future occupiers. The proposal is therefore considered to accord with the requirements set out in UDP Policy H2/4.

Highway Safety and Servicing

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.

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. In this regard, the application site is in a highly accessible area on a main road and bus route into Bury Town Centre. The application site is situated approximately 550m to the north of the town centre. The Neighbourhood Centre on Walmersley Road which contains the Co-Op, a Florists, a Hairdressers, Strachens Chemist and a number of fast food establishments, is located approximately 75m north of the application site. The site is therefore in a highly accessible area.

With regard to the application site, there are parking restrictions along this part of Walmersley Road with double yellow lines running in front of the property. At the rear, there is a single width road where parking for some of the properties in the vicinity is mostly on-street with some off-street in rear yard areas.

There is no parking provision proposed at this site. 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 through the planning system and any cars associated with the use would have to park on nearby streets alongside other residents in the locality. The Highway Authority considers there are no highway safety reasons to resist these proposals given the accessible location of the site.

Given the location of the site in relation to both the Neighbourhood Centre and Bury Town Centre together with the cycle storage proposed, it is considered that it would be difficult to sustain a reason to refuse the proposal on traffic/parking grounds.

In terms of servicing the site, the Council's Waste Management Service has indicated that the level of occupancy would necessitate the need to provide 4 x 1100 litre refuse bins; 2 to be used for general rubbish and 2 to be used for the paper and plastic recycling service offered by the Council. The applicant has demonstrated that this level of refuse storage provision can be accommodated within the rear yard area, subject to the rear yard gate being widened. Given an adopted highway exists to the rear of the site, the Highway Authority has asked for a condition to be imposed requiring details of this, to ensure the adopted highway is not compromised by this element of the proposals. Such a condition is duly recommended, along with a condition requiring the necessary refuse storage provision to be provided.

Subject to the recommended planning conditions, the proposal would, on balance, be acceptable and would accord with UDP policies H2/4, HT2/4 and SPD13 with regard to HMO development.

Fallback Position

Under 'Permitted Development' dwellinghouses can change to a 6-bed HMO without needing planning permission. 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 would not cause demonstrable harm to either residential amenity or highway safety for the reasons outlined above.

Response to objections

Many of the points raised have been responded to within the main report. In relation to the character of the character and building, the building is in a good state of repair and presents itself appropriately to the street. In respect of the issues relating to lack of off-street parking provision, this has been explained within the Highway Safety and Servicing section of this report. In terms of the type of persons who would potentially occupy the building, this is not a planning consideration.

Conclusion

The property has permitted development rights to convert from a dwellinghouse to a 6 person HMO without planning permission. This is therefore the permitted fallback position and has been taken into account in assessing the appropriateness of the proposal.

The addition of two more occupants at the property would not result in conditions that would be demonstrably worse than the fallback position allowed under Permitted Development regulations given the sites location in close proximity of the Neighbourhood Centre on Walmersley Road and Bury Town Centre.

The property has been amended to provide greater communal areas within the property which will ensure that future occupants have a satisfactory level of amenity. The number of residents is also unlikely to cause amenity issues to the neighbouring property to the north of the site and those properties to the rear on Hilton Street. It has also been concluded that subject to its location and the widening of the rear yard gate not affecting the adopted highway of Back Walmersley Road East, which can be controlled by the recommended planning conditions, the proposal would not result in conditions detrimental to highway safety.

The amended scheme would also provide a satisfactory level of accommodation and amenity for future occupants of the development.

Taking account all of the above and subject to the recommended planning conditions, 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/ Reasons

1. The development must be begun not later than the expiration of three years from the date of this permission.

Reason: To comply with the requirements of section 91 of the Town and Country

Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. This permission relates to the following plans:

Drawing no. PL-001 Rev. P2: Location Plan and As Existing Plans; and,
Drawing no. PL- 003 Rev. P4: As Proposed Plans, received 05 May 2023

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

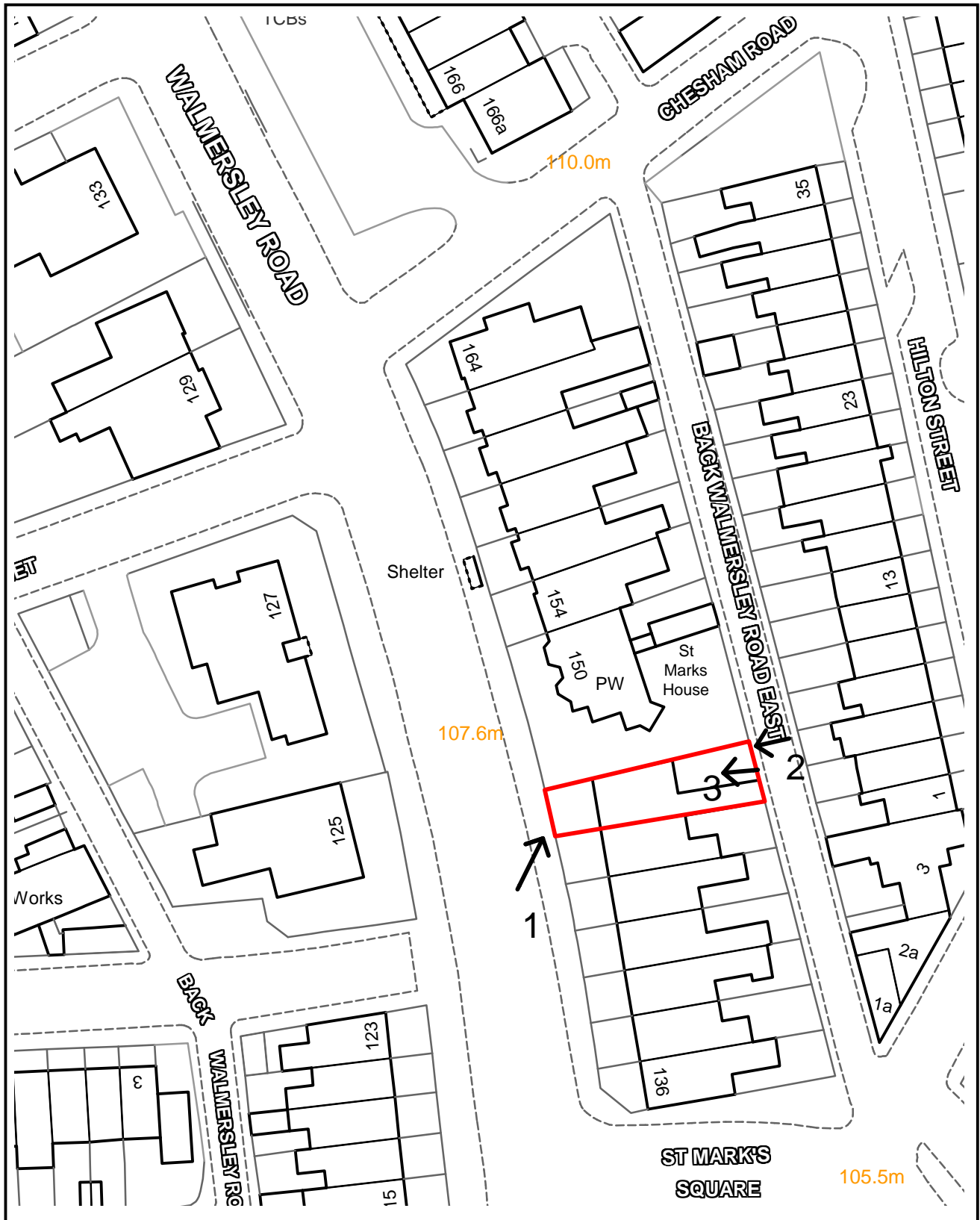
Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Bury Unitary Development Plan and the National Planning Policy Framework.

3. The bin and cycle storage facilities and works to widen/replace the existing, inward opening gate to allow access for communal bins indicated on approved plan reference PL-003 Revision P4, incorporating any remedial works required to reinstate the adjacent footway to its condition prior to commencement of the development, shall be made available/implemented to the satisfaction of the Local Planning Authority prior to the use hereby approved commencing and maintained thereafter.

Reason: To ensure adequate provision for the storage and disposal of refuse within the curtilage of the site and storage of cycles, clear of the adopted highway and to maintain a safe condition of the highway.

For further information on the application please contact **Claire Booth** on **0161 253 5396**

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 69452

ADDRESS: 148 Walmersley Road, Bury, BL9 6LL



Planning, Environmental and Regulatory Services

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69452

Photo 1



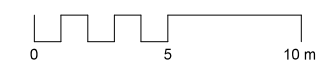
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Photo 2

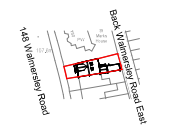
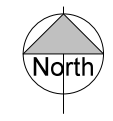


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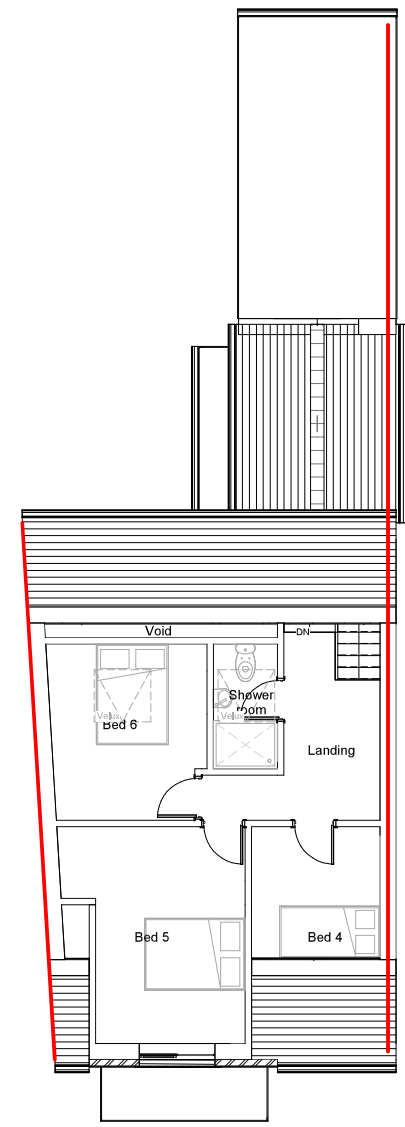




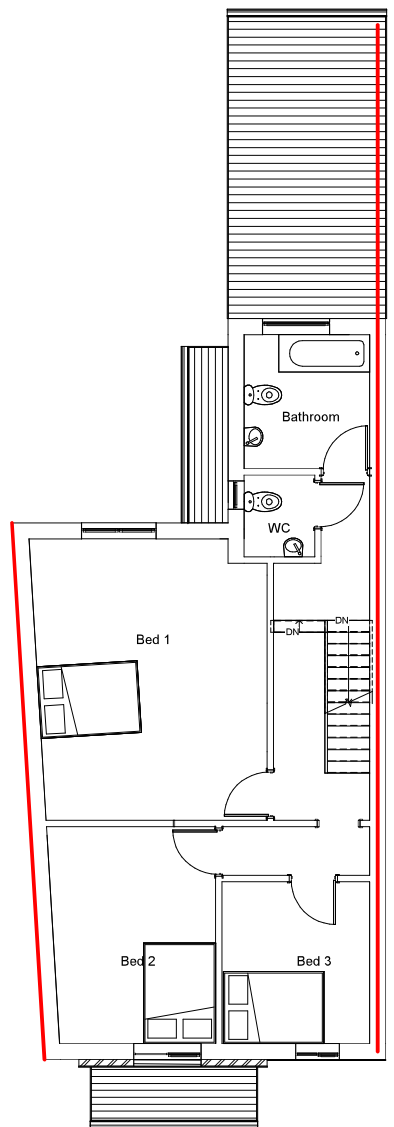
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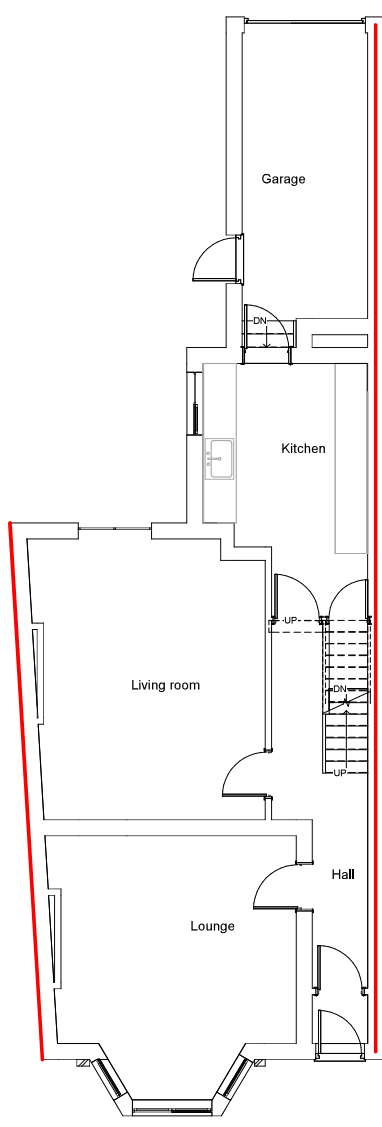
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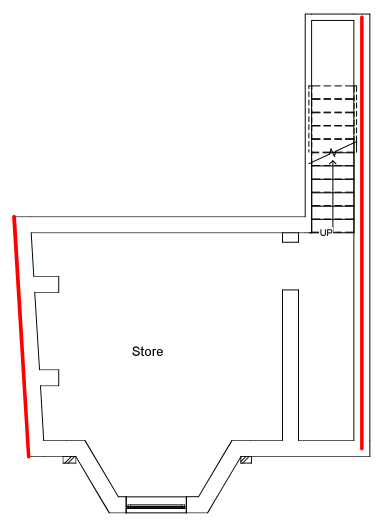
2 2nd Floor
 1 : 50



8 Existing 1st Floor
 1 : 50

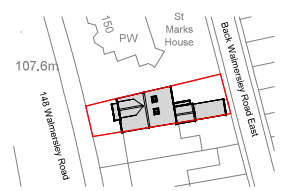


3 Existing Ground Floor
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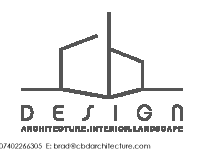
4 Basement
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5 Existing Site Plan
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Rev. No.	Rev. Date	Rev. By	Description
P2	27.03.23	BC	initial added
F1	01.05.23	BC	Final Issue

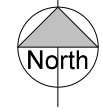
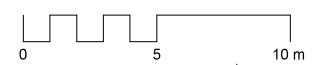
project
 148 Walmersley Rd
 location
 148 Walmersley Road
 Bury, BL9 6LL
 client
 Tahir Nazir



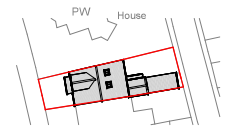
drawing title
 Location Plan and As Existing Plans

dwg purpose
PRELIMINARY

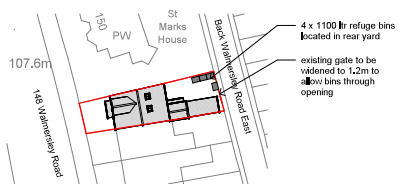
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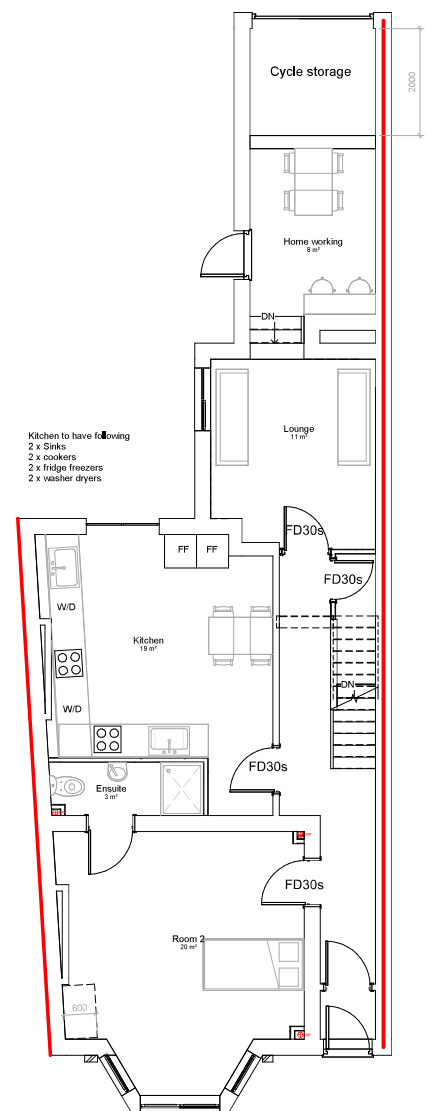
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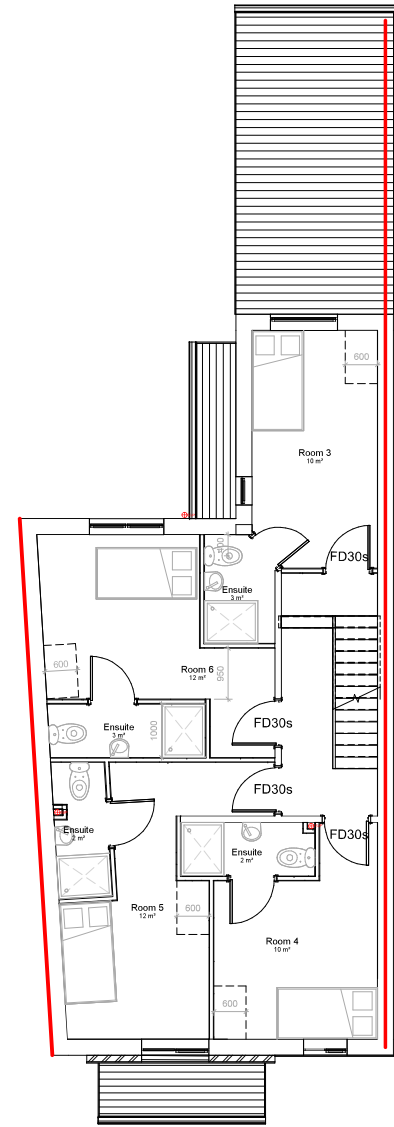
1 Block Plan
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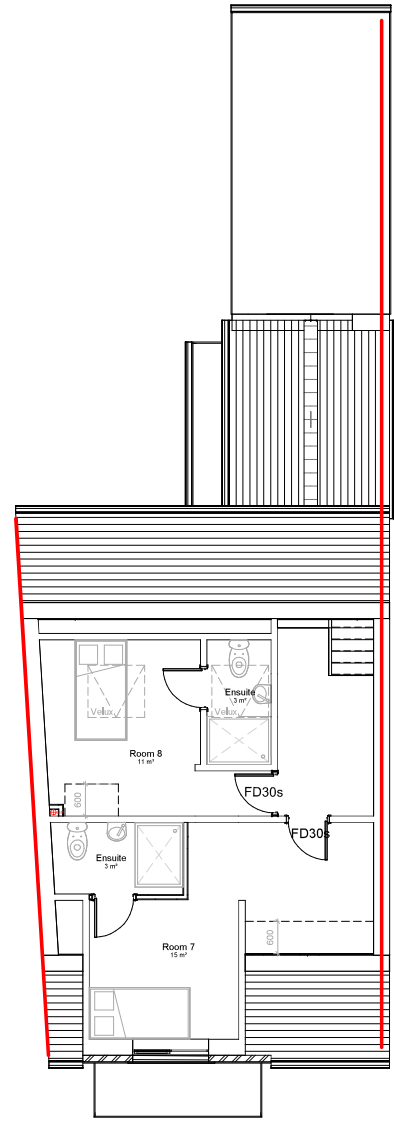
6 Proposed Site Plan
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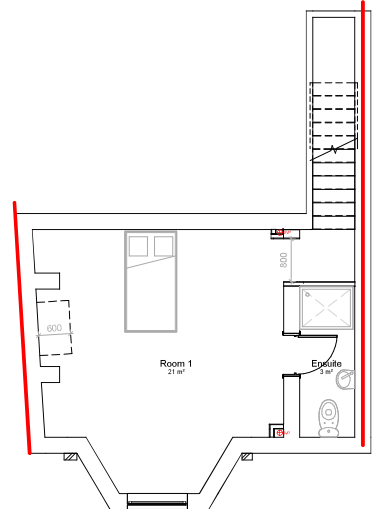
2 As Proposed Ground Floor
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3 As Proposed 1st Floor
 1: 50



5 As Proposed 2nd Floor
 1: 50

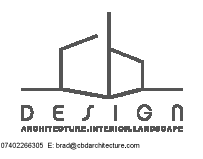


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Rev. No.	Rev. Date	Rev. By	Description
P5	05.05.23	BC	Planning comments
P4	05.05.23	BC	Planning comments
P3	05.05.23	BC	Kitchen layout added
P2	27.03.23	BC	Site plan added
P1	01.03.23	BC	First Issue

148 Walmersley Rd
 Bury, BL9 6LL

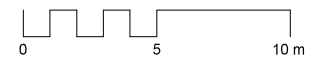
Tahir Nazir



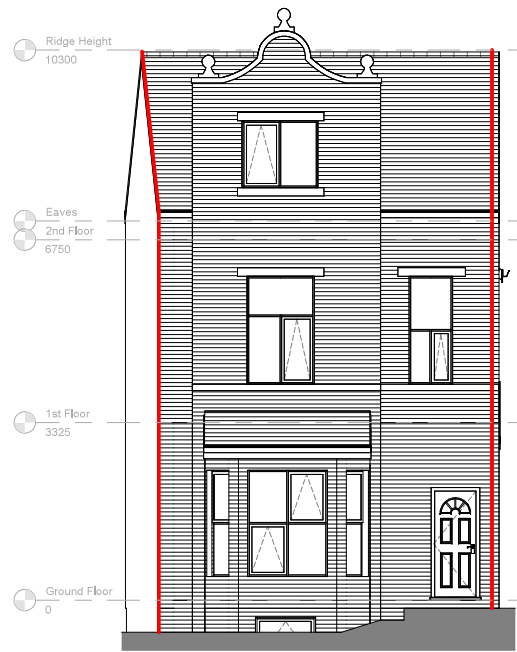
As Proposed Plans

dwg purpose: PRELIMINARY

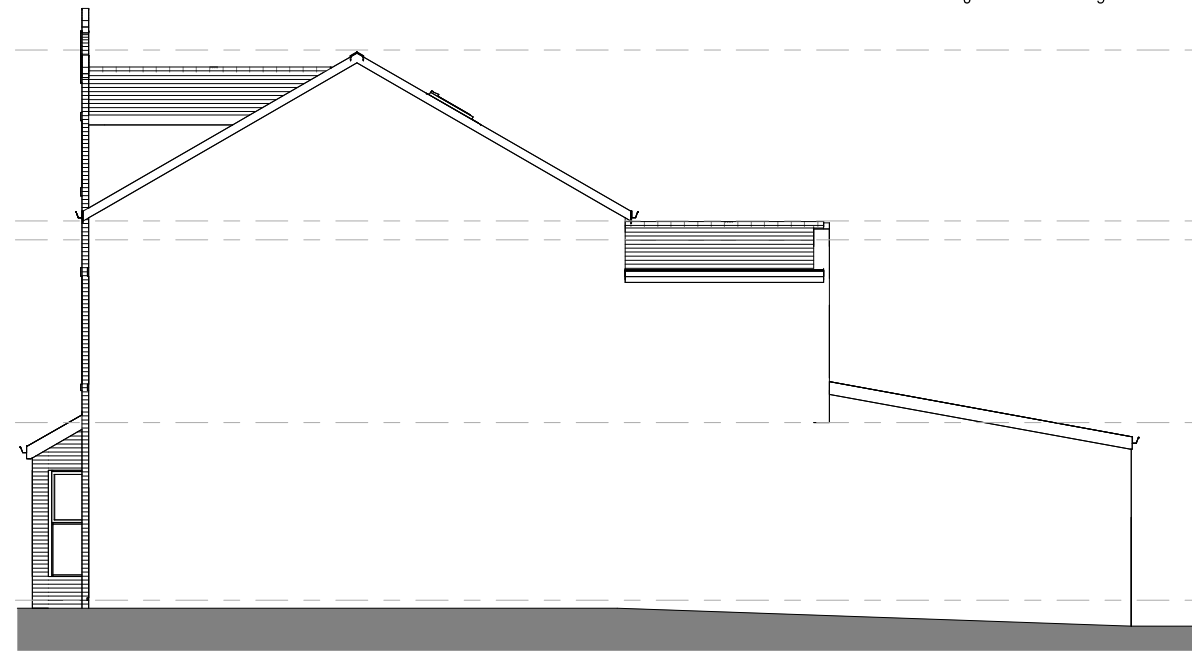
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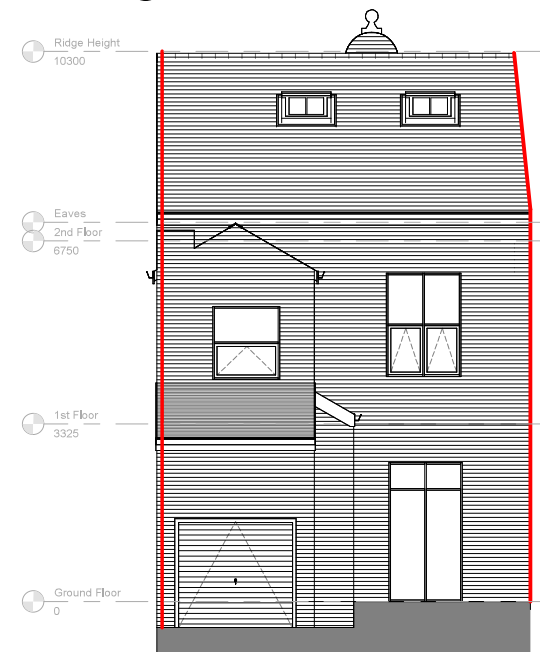
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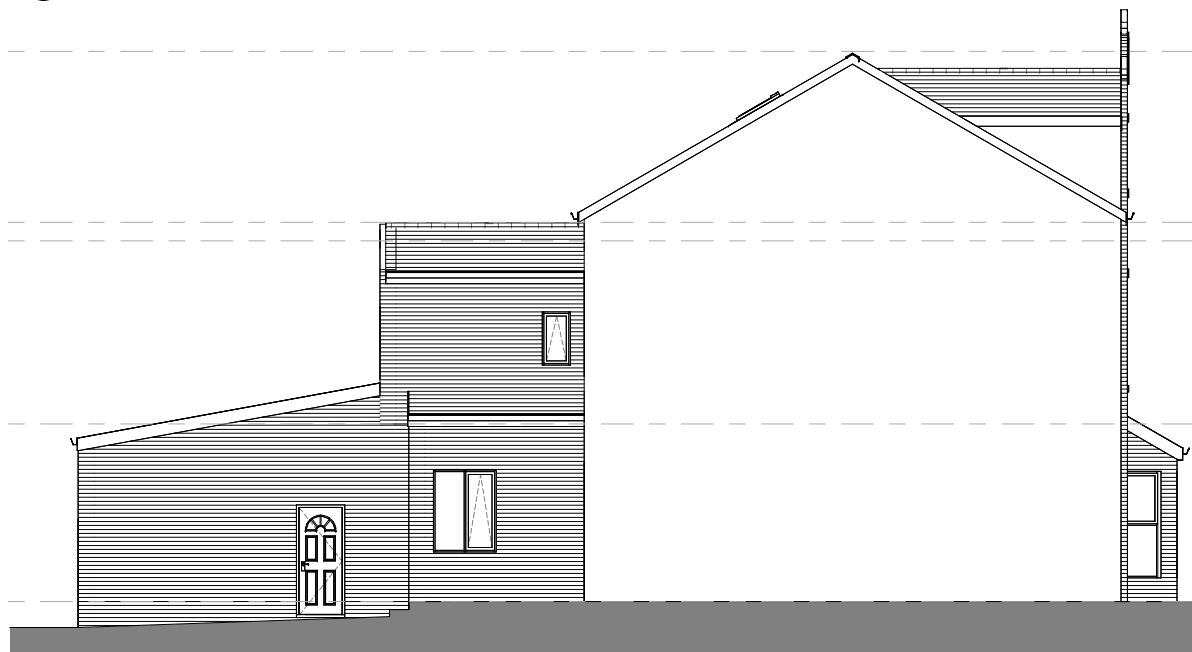
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2 As Proposed RHS Elevation
1 : 50



3 As Proposed Rear Elevation
1 : 50



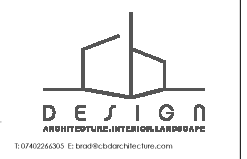
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1 : 50

Rev. No.	Rev. Date	Rev. By	Description
P1	01.03.23	BC	Final Issue

project

148 Walmersley Rd
Bury, BL9 6LL

client
Tahir Nazir



drawing title
As Proposed Elevations

dwg purpose
PRELIMINARY

scale	drawn	checked
1 : 50	BC	BC
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22-006	PL-004	01.03.23
job number	drawing number	revision
22-006	PL-004	P1