

Ward: Bury East - Moorside

Item 03

Applicant: Mr Zak Haris

Location: 240 Walmersley Road, Bury, BL9 6NH

Proposal: Change of use from dwelling (Class C3) to 9 no. bedroom HMO (single occupancy, Class Sui Generis)

Application Ref: 69699/Full

Target Date: 03/08/2023

Recommendation: Approve with Conditions

Description

The application relates to a large 2 storey detached dwellinghouse which is located in an area of predominantly residential development. The property is positioned on a corner plot and fronts the main road.

The dwelling is an attractive period property, with feature bay windows and detailing and wrought iron surrounds to upper floor balcony features. The property is considered to be a Non-Designated Heritage Asset as a building of local interest.

The property was formerly a residential care home but changed to a dwellinghouse circa 2017. Accommodation comprises a basement room, ground floor living areas and 1 bedroom with a further 5 bedrooms at the first floor. The property has previously been extended at the rear at the ground floor level.

The front garden is bounded by a low wall and wrought iron railings and at the side off Raymond Avenue is the vehicular access to the site which is through a double wrought iron gate and leads to the rear of the property which comprises a hardstanding area.

The application seeks the change of use from a dwellinghouse to a 9 no. bedroom (single occupancy) House of Multiple Occupation (HMO).

Externally, it is proposed to provide 9 parking spaces along the eastern boundary wall of the rear yard area and a bicycle stand for 5 cycles. Bins would be stored next to the side elevation of the property and the vehicular access would remain as currently exists, via the double gates from Raymond Street.

There are no proposed changes to the external appearance of the building.

Internally, alterations would be carried out to provide separate bedrooms, bathrooms and shared facilities which would comprise the following -

Basement - storage and laundry room

Ground floor - 4 no. bedrooms and 3 no. bathrooms. Combined living room and kitchen area 68.22 sqm)

First floor - 5 no. bedrooms and 3 no. bathrooms.

Relevant Planning History

62085 - Addition of fence and alterations to existing boundary walls to maximum total height of 2.5 metres - Approve with Conditions 18/01/2018

69475 - Withdrawn/invalid

Publicity

Letters sent to 31 properties on 15/6/23.

27 objections received with the following issues -

No exceptional circumstances have been given in the application for the change of dwelling from a residential property to a 'large' HMO property. No information has been given about the nature/type of future residents.

- Safeguarding- concerned for our family's safety and well-being in respect to nature of the persons who will reside in the property.
- Being within such close proximity, the change of use to multiple occupancy will certainly have an impact on noise disturbances & anti-social behaviour to ourselves & other neighbouring properties
- Unbalanced community- The proposed change of use will over saturate an area that already has over 20 HMO properties within a 1 mile radius
- Proposed plans for 8 on site parking spaces for a 10 room HMO is not feasible and will create parking congestion around local streets
- Direct negative impact on property prices within the immediate area
- Information on the 'Design and Access' statement states, 'The property has been in derelict situation for many years & draws in all types of nefarious activities. The applicant is willing to fix it & give it new life for the betterment of the surrounding community.' My questions are, why now, when no attempt made sooner, reducing the risk of criminal activity? What confidence should we have given the property has been left in a state of disrepair, with no regard for the community.
- See no changes to the original application? Plans appears no different from a care home, which is its current status? So why is this application being considered?
- Objections raised to the last application have yet to be answered. For example; proposed tenants, impact on people's safety due to increased anti-social behaviour. Given the number of HMO's in the area, compared to others, it is completely disproportionate & demonstrates little regard to homeowners & the safety & well-being of families.
- There is already a disproportional amount of HMO in this area! Rooms to rent signs are frequently seen. There's a bail hostel, several homes of supported living, a children's home application submitted across from the park allegedly the owners have now bought adjoined house to expand before plans approved.
- The crime rate has increased, drug issues on Clarence park, parking issues at the lower end of Walmersley road (not helped by approval for yet another takeaway with no parking in place)
- Along with the Homing created at 223 Walmersley Road within the last 12 months, there are already enough businesses in and around this area which are affecting crime and anti social behaviour in the immediate vicinity. 223 is also supposed to be purchasing 221 to make one enormous property for further housing of children? If this does not go through planning and be objected to, this would make this process a complete farce.
- The changes to 240 are not a necessary change from single family dwelling, considering the percentage of homes already changed to HMO's or flats etc.
- Can the planning department prove that the area is under national threshold or do you just make the decision based on opinion?
- It's about time the local authority listened to it's members of the community who have to put up with the aftermath of your decisions.
- 10 additional persons are likely to cause more air pollution with their vehicles.
- A large HMO could cause more anti-social behaviour in the area, noise pollution, and other detrimental factors.
- Just last week a police task force set up by the Home Office to clean up the anti-social behaviour and drug related problems on Walmersley Road said the problems all occur within the other HMO's on Walmersley Road, and that another especially of this size would only add to the very serious problems arising in the vicinity
- There will be no children in the HMO which will lead to an in balance of adults to children.
- HMO landlords have no interest in the area, the residents and the tenants they put into these establishments. The house in question needs a significant amount of work to bring up to any standard and even if this is done it won't be maintained or be enforced. Every HMO in Walmersley is an utter dump. Gardens and properties are not maintained as this costs money landlords don't want to spend. Rubbish is piled high, brining more

vermin to the area. Wake up councillors. Level up and not down, please for the sake of everyone having to put up with the abundance of HMO's already granted and left to rack and ruin, whilst the council take in the council tax and the landlords high rental yields. Another HMO would be the nail in Walmersley's coffin!!!

- This is a beautiful building with history that could make a lovely family home or business premises. We are also well aware of the repeated police presence at other HMOs in this area.
- The owner claims the house was left derelict and HMO is solution. It's worth considering that this may be attributed to the poor assessment of the owner's choice of tenants in the past. It is within the owner's purview to maintain the house properly, and even when he did have tenants in the property, they have chosen not to take necessary measures to prevent its dereliction.
- Need for careful consideration of its impact on the local services (already stretched), community and neighbouring properties.
- Please, please, please Bury Council do not allow yet another HMO dwelling to appear in this area Police raids and ambulance visits are now a regular thing in these areas and we do not feel safe going out after dark. Walmersley used to be a lovely place to bring up your family but now many of the properties are rented and this seems to bring ASB, littering and parking problems.
- We have children, elderly and vulnerable ppl living here. There is already trouble happening at one dwelling now the council want to bring more in. We pay tax so we are living safely that is not the case. there are constant run ins. THIS IS A DEFINITE NO from our side.
- Walmersley Road is in dire need of tidying up, help with speeding issues, help with anti social behaviour. Adding a HMO will only add to ongoing issues.
- An application for this property to become an HMO was made in April 2023 (ref no 69475). Many objections followed and the application was withdrawn. The same application is now resubmitted. I hope this one won't be withdrawn only to be made again later on?
- It is disingenuous to say the people living in the area would benefit from another HMO. It is wrong to say we must put up with another HMO as the only solution to 'criminal activities.' The solution to his problem must not be our problem.
- Could I also ask what response has been provided by the 'consultees'? The website shows there has been no response? I appreciate we, as the people affected may not be privy to such comments but its poor to note there has been no response. This was the case with the previous submission by the applicant!! This does not appear to be a transparent process.
- There are 2 properties, within 300yards, still advertising rooms for rent. These have been available for sometime....therefore it would suggest it's not what people are looking for?
- Today we have again received an email from the council about 'operational issues', which meant waste bins have not been emptied. How will they manage with an increase in residents.
- At what point are residents going to be advised when this application is to be heard by panel? Will residents be invited or is it held behind closed doors?

Those who have made representations have been informed of the Planning Control Committee meeting.

Statutory/Non-Statutory Consultations

Traffic Section - No objection.

Environmental Health - Pollution Control - No objection

Environmental Health - Commercial Section - No response received.

Waste Management - No objection

Greater Manchester Police - designforsecurity - No response received.

Adult Care Services - No comments to make

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
H1/2	Further Housing 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
EN7	Pollution Control
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

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

The National Planning Policy Framework (NPPF) sets out the governments objective of significantly boosting the supply of homes in all kinds of size and tenures. With regard to HMOs, the conversion of large houses into flats or bedsits can make an important contribution to the local housing stock and can utilise vacant or underused space more efficiently.

The property is currently a dwellinghouse (use Class C3) and is a sizeable family home currently comprising 6 no bedrooms and associated living area accommodation. The dwelling would have the benefit of permitted development rights to convert to a 6-person House in Multiple Occupation without the need for planning permission under current planning legislation and therefore as a principle, the conversion of the property to an HMO would be acceptable in principle.

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.

The site is located in an urban area within a residential setting and as the proposed development would continue to provide residential accommodation, the use would not conflict with the character of the surrounding area.

The property is located in a relatively sustainable area with access to public transport and local services.

Therefore, the proposed development would be acceptable in principle and would be in accordance with Policy H1/2 of the Bury Unitary Development Plan and the NPPF.

However, it is also recognised that such conversions can in some cases raise issues such as pressures on parking, servicing requirements, impacts on residential amenity and effects on the character and appearance of an area.

UDP Policy H2/4 - 'Conversions' specifically has regard to such issues when considering proposals to convert a building to multiple occupation.

These issues are considered below.

Impact on residential amenity - In terms of increasing the occupation of the property, the current dwelling a fairly sizeable dwelling and could comfortably provide for a family of 6 or more or under permitted development rights, accommodation for a 6 person HMO.

Comparative to the existing layout, the additional 3 no bedroom spaces would be located at the ground floor with the 1st floor remaining unchanged apart from providing another bathroom. The basement would continue to be used for storage with a laundry facility provided.

At the rear of the property is a garden which extends between 10.5-11.5 sqm to the rear. This area is already a fully surfaced hardstanding and it is proposed to provide parking for 8 cars plus a cycle store. The rear of the garden is enclosed by a high brick wall and similallry so bounds the neighbour's property. Beyond the rear boundary is a back street with access taken from the side off Raymond Avenue. For an HMO which tends not to demand the same level as parking as for other residential type uses, it is considered this area would not be intensely used to cause undue noise and disturbance comparative to a garden area which could be used as a garden by families.

The proposed development would also bring back into use a vacant property and therefore occupation would benefit from natural surveillance and upkeep of the grounds.

Like families, future occupiers would likely have different patterns and timetables to their day, where comings and goings would be staggered throughout the day and evening and therefore it is considered that there would be no perception of an increased occupancy or additional activity in or around the site comparative to what could already exists.

In terms of the proposed use and associated neighbour and noise issues, the Environmental Health Pollution Control Section have raised no objection to the proposed development.

It is therefore considered the proposal for 3 more occupiers would not intensify the current use of the site to such a degree to cause harm to local residential amenity.

No external works to the elevations or window openings are proposed and as such there would not be any additional or further impacts on the privacy on or overlooking to neighbouring properties.

It is therefore considered that the proposed development would therefore not have an adverse impact upon the residential amenity of the neighbouring properties and would be in accordance with UDP Policy EN2/4.

Impact on future occupiers - The original submission has been amended to reduce the number of bedrooms to what is now proposed for a 9 bed HMO.

By deleting one of the bedrooms from the scheme, a larger communal area of approximately 68.22 sqm would provide communal facilities comprising a kitchen/dining and living room area. it is also proposed to provide 5 no. bathrooms to serve the 9 bed facility. The standard of the shared accommodation and living spaces would comply with the HMO licensing requirements.

Each bedroom would be of a size to comfortably accord with National Space Standards and the size required to secure an HMO license.

External amenity space would be limited but the property has a garden at the front and side and there is a public park only 75m to the south or 140m to the east and as such it is considered the site would be located in an area which would provide good quality outdoor areas.

It is therefore considered that the proposed development would provide a good standard of internal communal and bedroom space for future occupiers. The proposal is therefore considered to comply with the requirements set out in UDP Policy H2/4.

Visual amenity - The property is a traditional red brick building with attractive features and is a distinctive building in the area.

The dwelling has been identified as a non-designated heritage asset in accordance with Annex 2 of the NPPF and is considered to be a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing). The 'Good Practice Advice Note 2: Managing Significance in Decision-Taking' published by Historic England (2015) clarifies non-designated assets as those "...that have been identified in a Historic Environment Record, in a local plan, through local listing or during the process of considering the application."

There are no external alterations proposed as part of this application and internally the property has been modernised.

As such the visual character of the building and streetscene would be unaffected by the proposed development and as such the proposed development would comply with EN1/2 and the principles of the NPPF.

Character of the area - Policy H2/4 takes into consideration the concentration of building conversions to for multiple occupation and the impact this can have to the character of an area. This is an issue which has been raised by a number of objectors.

According to the current Bury Council Register of licensed Houses in Multiple Occupation, there are 9 licensed HMO's on Walmersley Road. (A property requires an HMO license if there are 5 or more occupiers which share amenities but planning approval is only required for 6 or more occupiers).

The nearest registered HMO is approx 340m away to the south. The other HMO's are located beyond this to the south on Walmersley Road which stretches over 730m to the Town Centre.

It is therefore considered that due to the dispersed locations, the proposed development would not result in an over concentration of multiple occupied development in the area or affect the character of the area in terms of maintaining a good mix of housing and as such would comply with Policy H2/4.

Highway issues - There are no specific car parking standards for HMO's in SPD11 Parking Standards in Bury, but SPD 13 The Conversion of Buildings to Houses in Multiple Occupation advises 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.

It is generally recognised that car ownership tends to be lower for those who occupy HMO's comparative to other households. That said, the proposed development would provide a 9 person accommodation at the property and as such demand for parking would likely be higher than for a 6 person family household or a permitted 6 bed HMO.

The proposed development would provide 8 parking spaces which is considered to be a relatively high ratio to the number of occupiers for this type of tenure. There would also be a cycle store provided in the rear yard area.

The property is located on a main road and bus route to the town centre and there is a bus stop just yards away from the property and as such an accessible location.

It is therefore considered that the proposed development would be acceptable and comply

with H2/4 and HT2/4.

Bin storage - Waste management have confirmed there would be adequate bin store capacity. As the proposal is for an HMO the development may need more capacity for an additional bin which could be adequately accommodated in the outside space.

Response to objectors

- In terms of the type of persons who would potentially occupy the building, this is not a planning consideration.
- There is no evidence to suggest that the proposed development would result in or contribute to anti-social behaviour or unlawful activities in the area.
- The previous application - reference 69475 - was deemed invalid and withdrawn as the applicant had failed to establish the current lawful use of the property. For this application, an estate agent's marketing specification and document of when the property was put up for auction has been submitted. These documents show the internal arrangements as a family dwellinghouse. In addition, Council Tax records show the property was categorised as a 'dwellinghouse' in 2017. As such it is considered the lawful use of the property as a dwellinghouse has been categorically established.
- Issues raised in relation to parking provision and concentration of the number of HMO's in the area have been covered in the above report.
- The Design for Security Team have been consulted but have made no comments to the application. It is understood the police have their own register of HMO's in a given area.

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

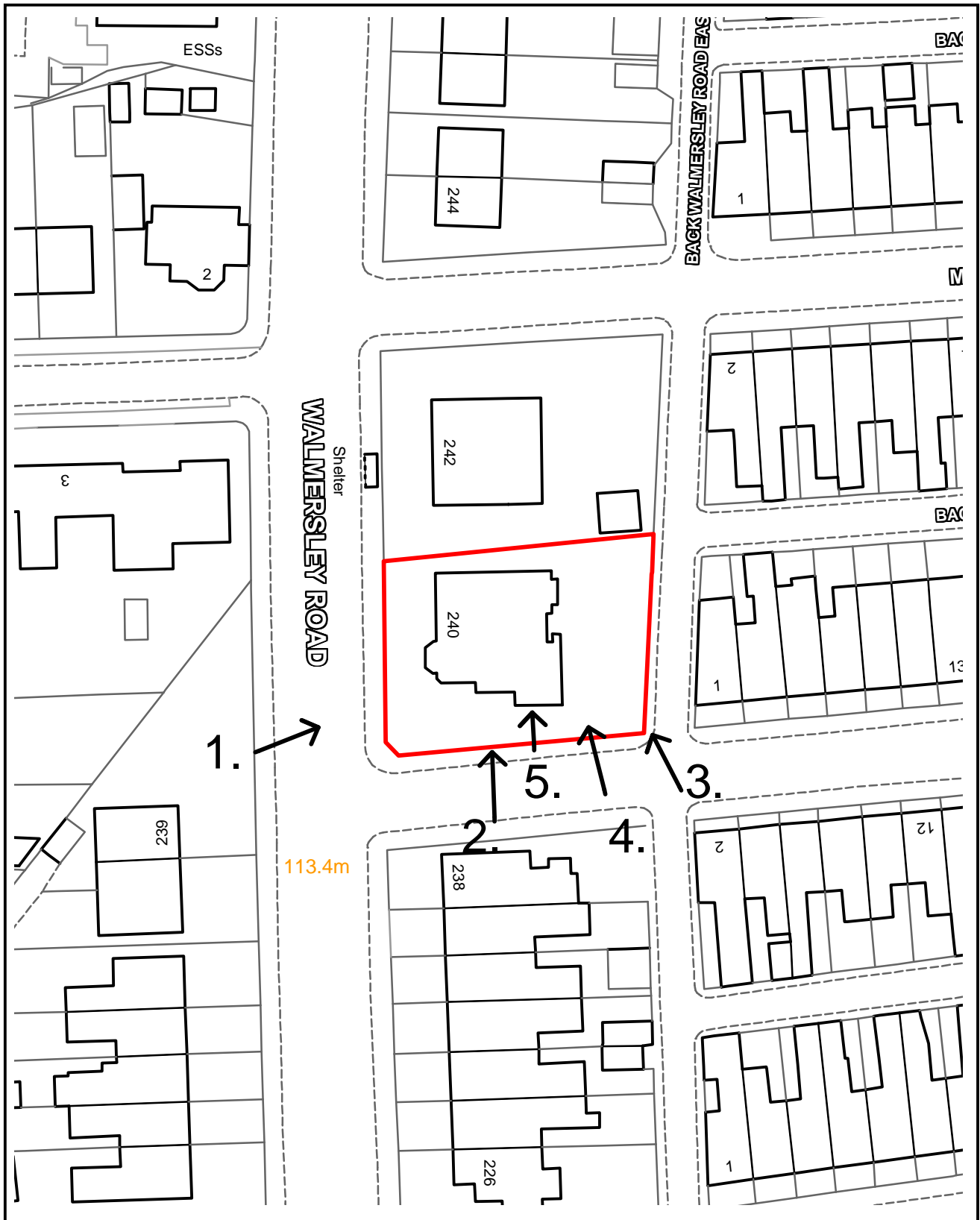
Conditions/ Reasons

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 drawings - Location plan rev 1 dated 5/7/23; existing site plan rev 2 dated 11/7/23; proposed site plan rev 2 dated 11/7/23; proposed site plan detail rev 2 dated 11/7/23; existing sliding entrance rev 1 dated 11/7/23; existing basement plan dated 28/3/23; existing ground floor plan dated 8/6/23; existing first floor plan 8/6/23; proposed basement plan dated 8/6/23; proposed ground floor plan rev 1 dated 8/6/23; proposed first floor plan rev 1 dated 8/6/23; existing front/right side elevation dated 17/3/23; existing rear/left side elevation 17/3/23; proposed front/right side elevation/3/23; proposed rear/left side elevation dated 13/7/23. 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 access and car parking arrangements indicated on the approved plans shall be shall be surfaced, demarcated and made available for use prior to the use hereby approved commencing and thereafter maintained at all times.
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
4. The bin storage facilities and cycle store indicated on the approved plans shall be made available prior to the use hereby approved commencing and maintained thereafter.
Reason. To ensure adequate provision for the storage of cycles and storage and disposal of refuse within the curtilage of the site, clear of the adopted highway pursuant to Bury Unitary Development Plan Policies H2/4 - Conversions.

For further information on the application please contact **Jennie Townsend** on **0161 253-5320**

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 69699

ADDRESS: 240 Walmersley Road, Bury,
BL9 6NH

Planning, Environmental and Regulatory Services

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Bury
COUNCIL

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Photo 1



Photo 2



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Photo 3



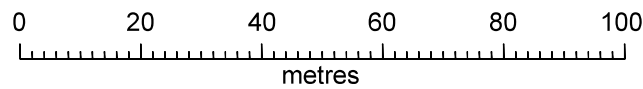
Photo 4



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Photo 5





Location Plan

General Notes		
No.	Revision/Issue	Date

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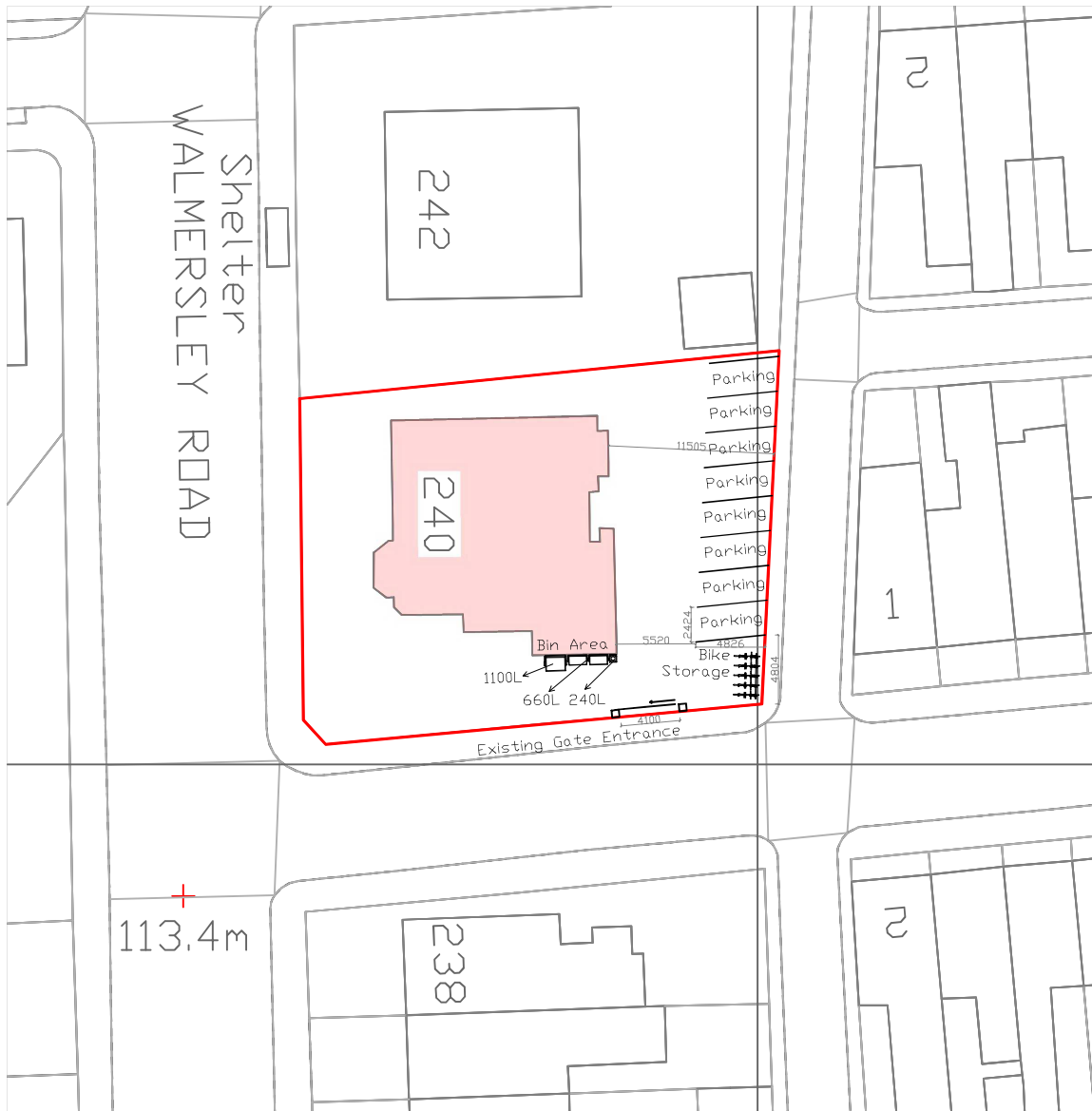


Mason and Marlowe
 Mason and Marlowe Ltd
 Project Managers and Quantity Surveyors
 5 Piccadilly Place
 Manchester, M1 3BR

Project Name and Address

240 Walmersley Road
 Bury, BL9 6NH

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Proposed Site Plan
Revision 2

General Notes

No.	Revision/Issue	Date

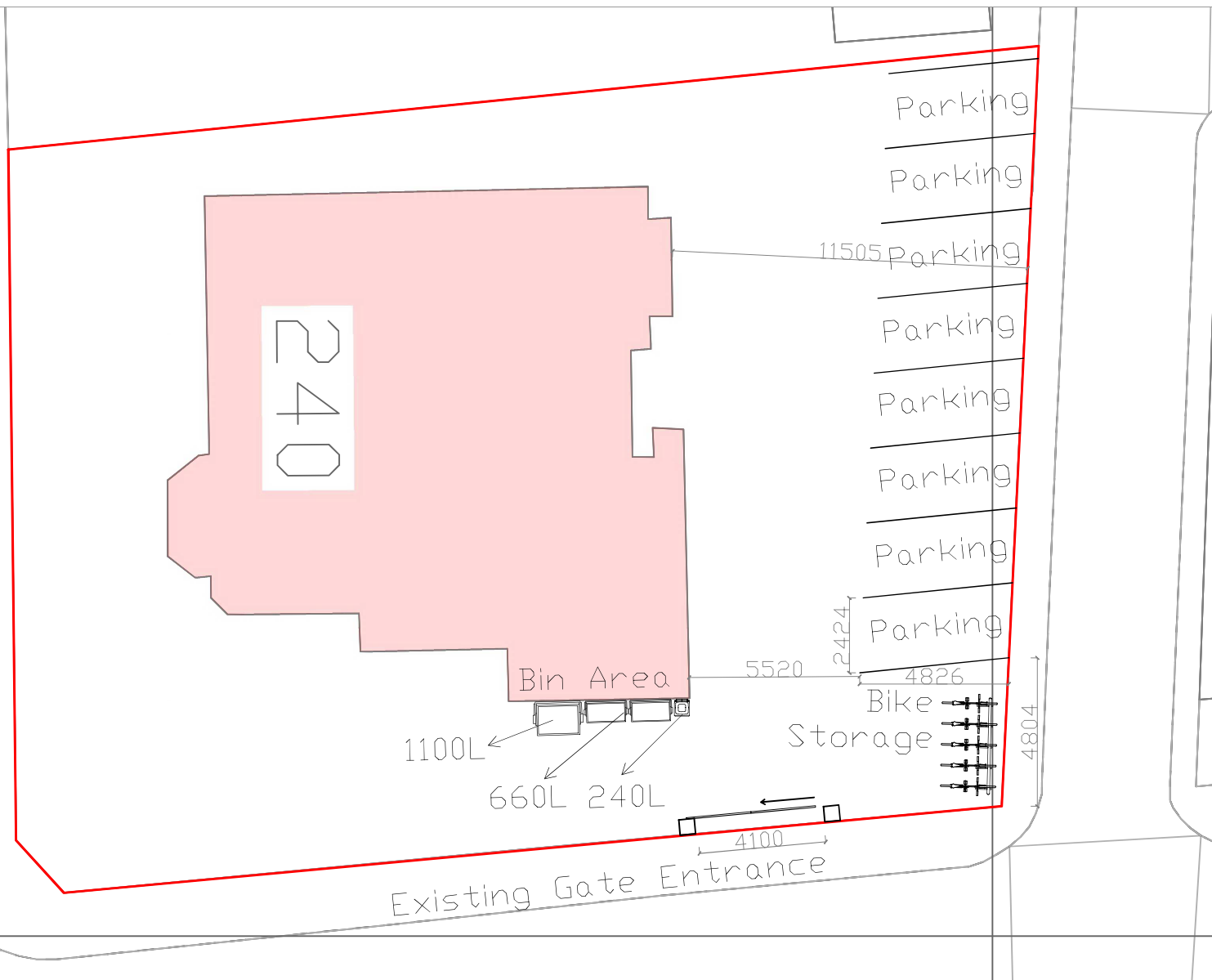
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Project Name and Address

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General Notes

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Firm Name and Address



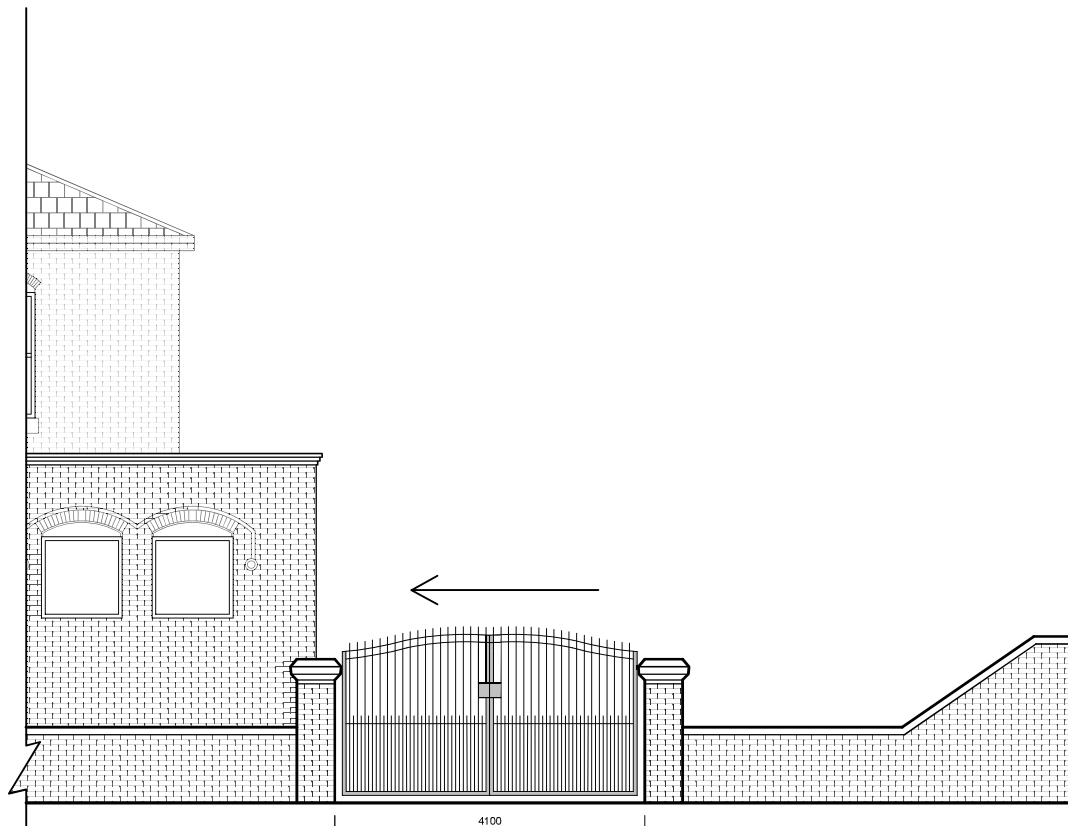
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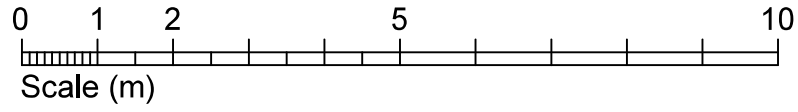
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 Bury, BL9 6NH

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Proposed Site Plan Detail
 Revision 2



EXISTING SLIDING ENTRANCE



REVISION 1

General Notes

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Firm Name and Address

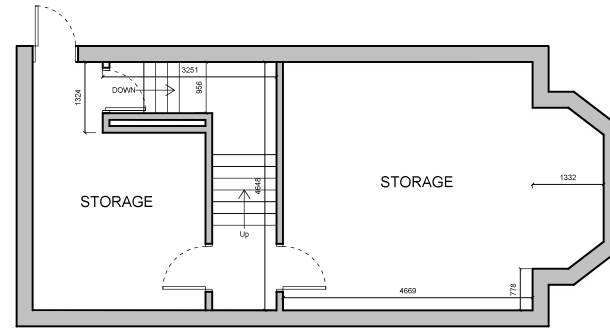


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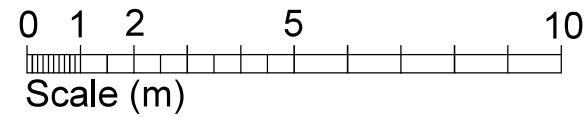
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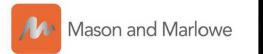
Existing Basement Plan



General Notes

No.	Revision/Issue	Date

Firm Name and Address



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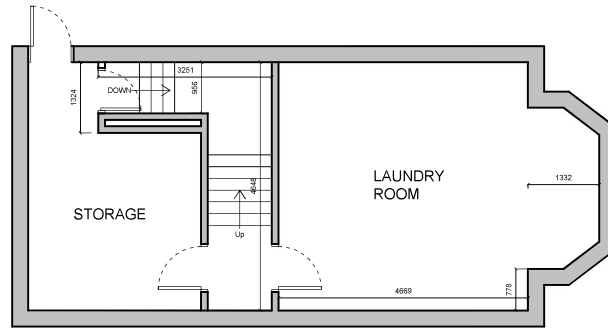
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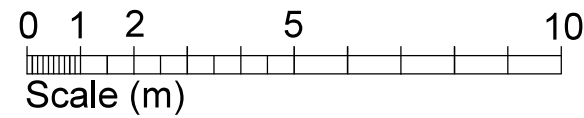
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Proposed Basement Plan



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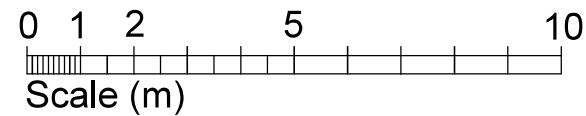
Firm Name and Address
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Project Name and Address
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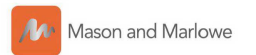
Existing Ground Floor Plan



General Notes

No.	Revision/Issue	Date

Firm Name and Address



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Manchester, M1 3BR

Project Name and Address

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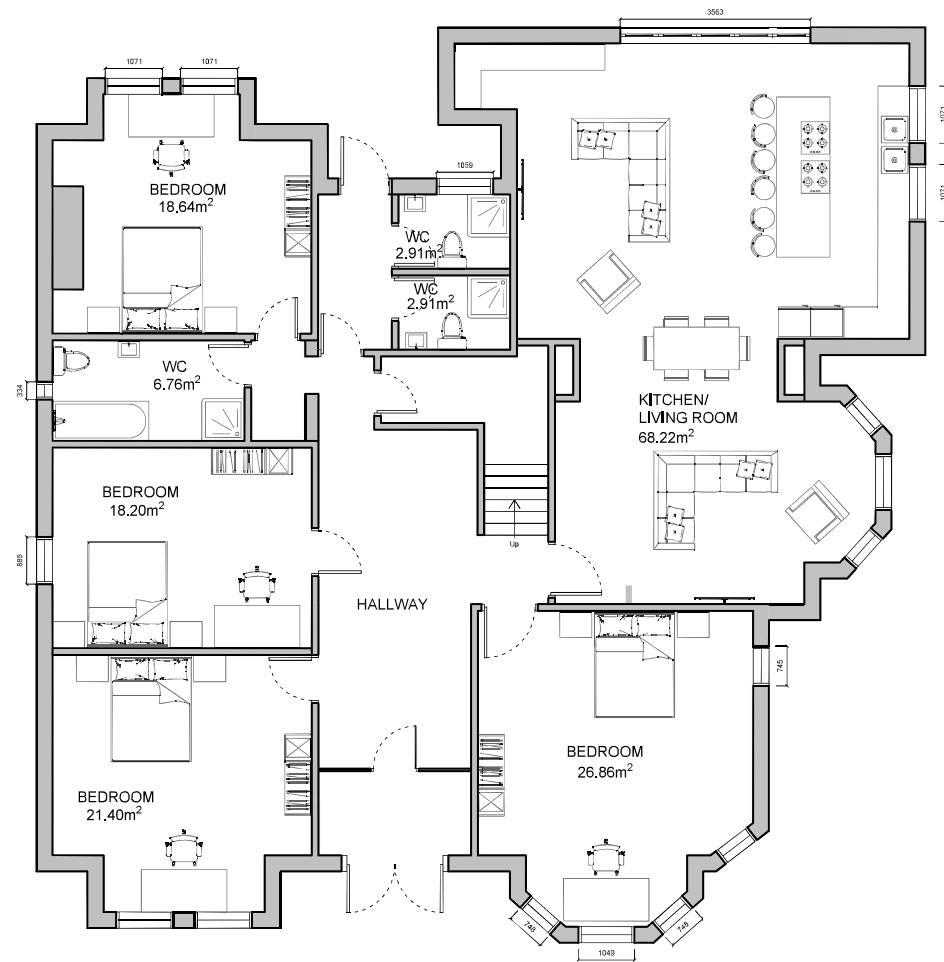
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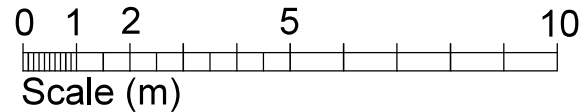
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Proposed Ground Floor Plan Revision 1



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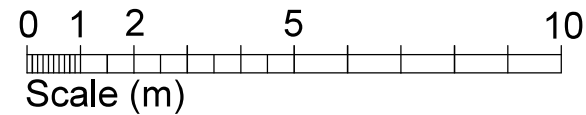
Firm Name and Address
 Mason and Marlowe
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 5 Picadilly Place
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Project Name and Address
 240 Walmersley Road
 Bury
 BL9 6NH

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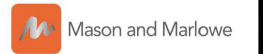
Existing First Floor Plan



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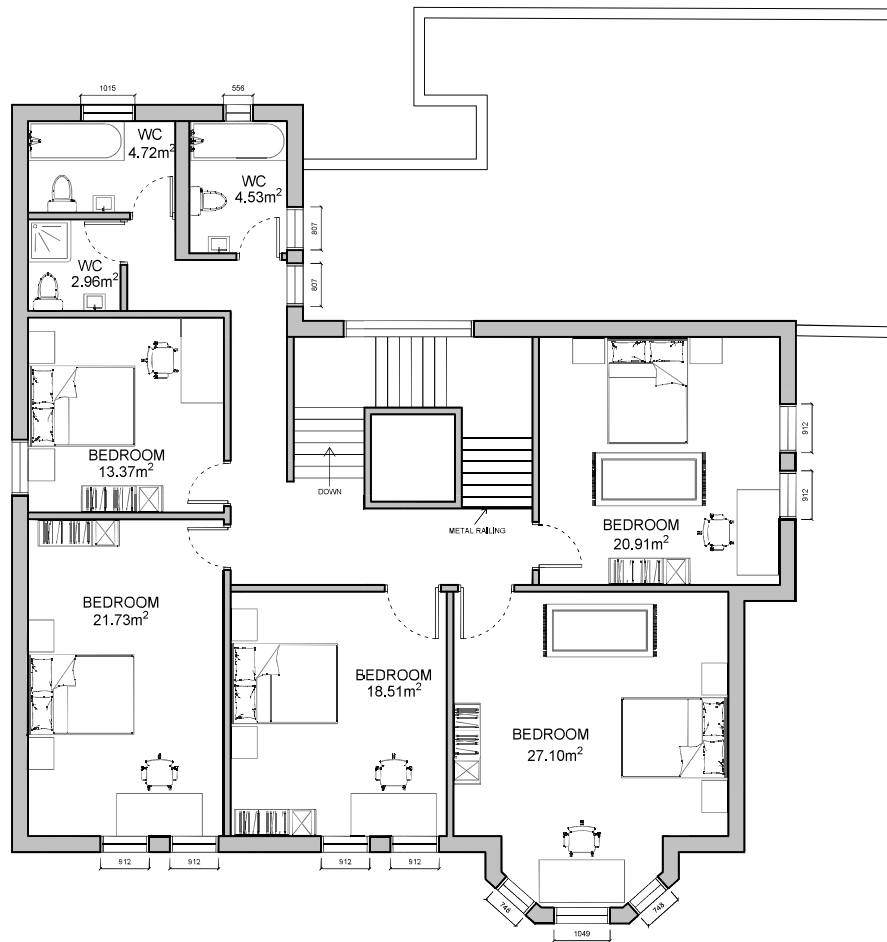
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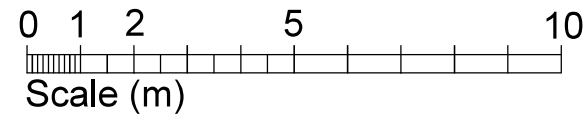
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Proposed First Floor Plan Revision 1



General Notes

No.	REVISION 1
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Firm Name and Address



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Manchester, M1 3BR

Project Name and Address

240 Walmersley Road
Bury
BL9 6NH

Project

Date
08/06/2023

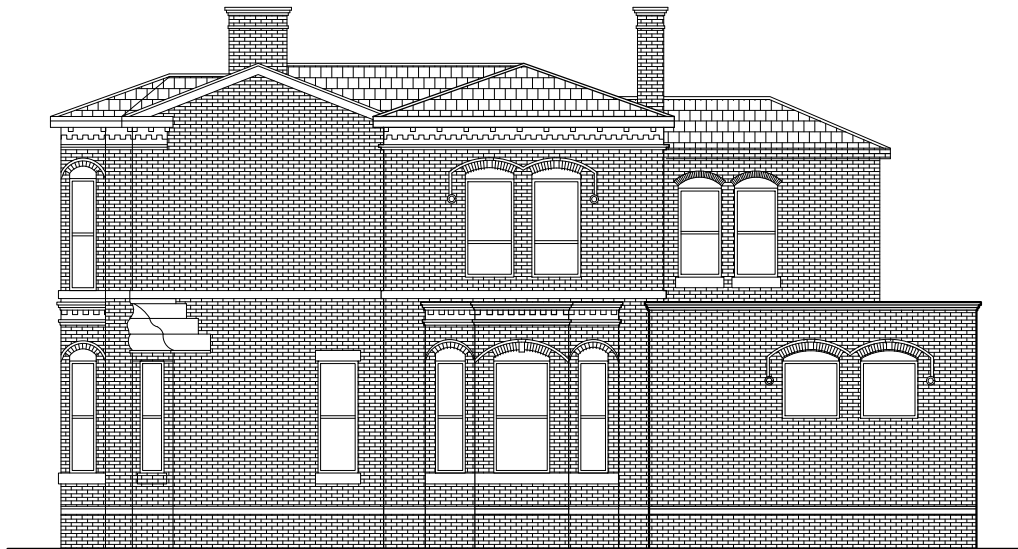
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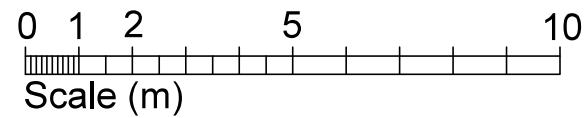
A3



PROPOSED FRONT ELEVATION



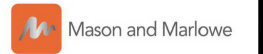
PROPOSED RIGHT SIDE ELEVATION



General Notes

No.	Revision/Issue	Date

Firm Name and Address



Mason and Marlowe Ltd.
Project Managers and Quantity Surveyors

5 Picadilly Place
Manchester, M1 3BR

Project Name and Address

240 Walmersley Road
Bury
BL9 6NH

Project

Date
17/03/2023

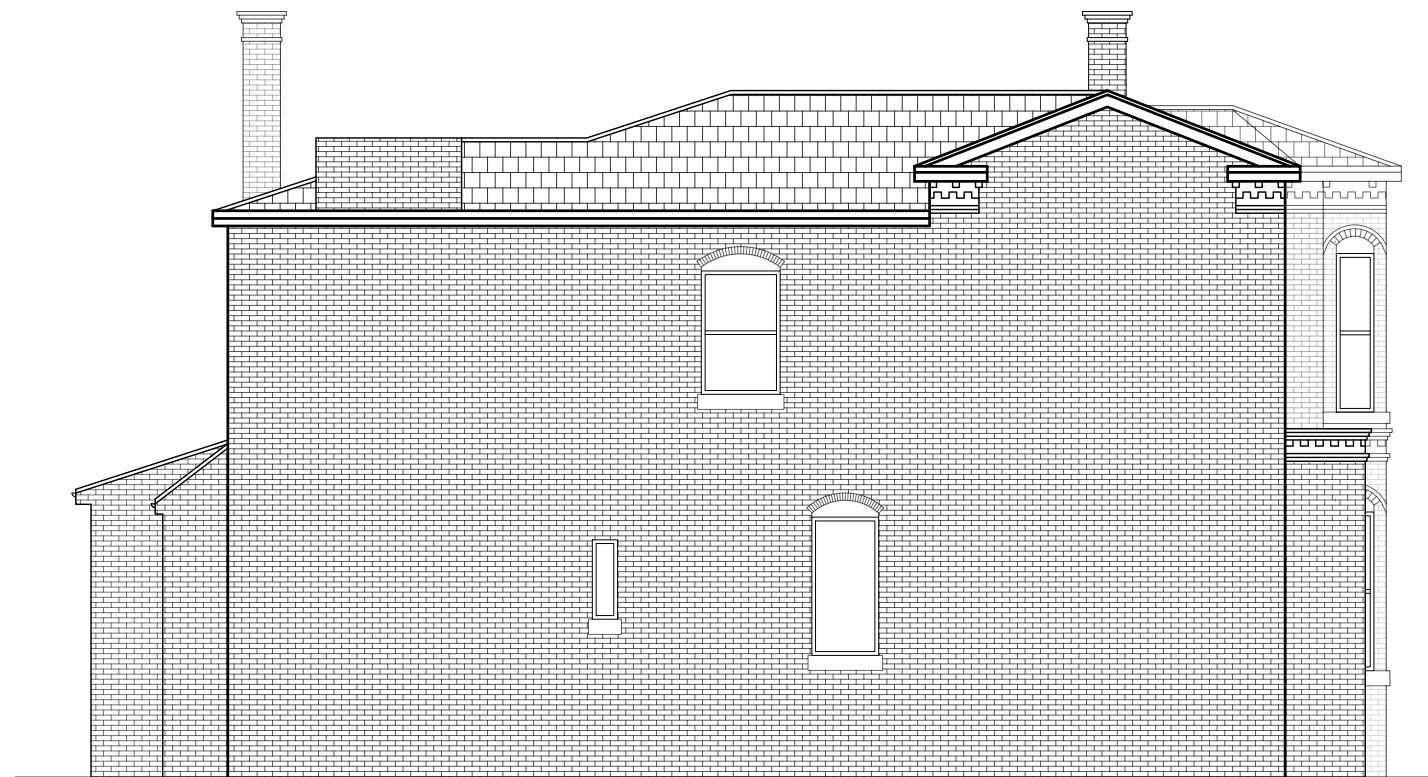
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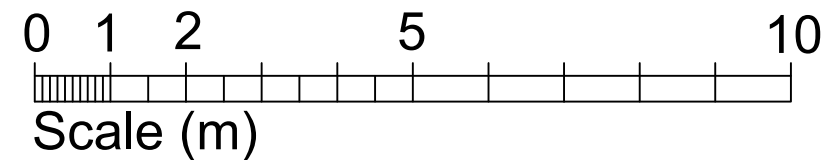
A3



PROPOSED REAR ELEVATION



PROPOSED LEFT SIDE ELEVATION



General Notes

No.	Revision	Date
	Revision 1	

Firm Name and Address

 Mason and Marlowe

Mason and Marlowe Ltd.
Project Managers and Quantity Surveyors

5 Picadilly Place
Manchester, M1 3BR

Project Name and Address

240 Walmersley Road
Bury
BL9 6NH

Project	Sheet
Date 13/07/2023	A3
Scale 1/100	