Ward: Radcliffe - North and Ainsworth

Applicant: Mr J Dar

Location: Railway Hotel, 427 Ainsworth Road, Radcliffe, Manchester, M26 4HN

**Proposal:** Change of use from public house into a 10 bed House in Multiple Occupation (HMO) (sui generis)

Application Ref:71306/FullTarget Date:06/02/2025

Recommendation: Approve with Conditions

#### Description

The application relates to a vacant public house located at the end of a terrace that directly fronts Ainsworth Road. The existing site comprises of a two storey building with a two storey and single storey extension to the rear. A yard area is also located to the rear. There is a change in levels from the front, to the rear of the site leading to the yard area being accessed from lower ground floor. An access runs along the side of the pub which appears to be utilised to access the rear of the terrace to the north. This access not within the control of the applicant and is located outside of the red edge. A public right of way is located to the south of this access - Footpath 33SA.

The existing accommodation comprises of a public house to ground floor with access from Ainsworth Road., Living accommodation is provided at first floor, accessed internally, that would provide a 3no. bedroom single storey unit. Storage is provided at lower ground floor with access to the rear yard.

The site is surrounded by a mixture of uses with a terrace of residential dwellings to the north, a bowling green to the west (rear), commercial units to the east separated from the site by Ainsworth Road, and further residential development to the South.

Planning permission is proposed for the change of use of the existing public house to a 10 bed House in Multiple Occupation (HMO) (sui generis).

Relevant Planning History Enforcement 25/0009 - Untidy land - Ongoing

#### Publicity

Letters sent to 1 neighbouring properties on the 16th December 2025.

37 representations of objection have been received in relation to:

- Lack of parking when Bowling Club is playing at home.
- No details of car parking provided within application.
- Parking will be offset onto surrounding streets.
- Building work commenced at property and site is untidy.
- Concern about anti-social behaviour, drug use and criminality.
- HMO residents tend not to take responsibility for waste leading to overflowing bins and vermin.
- Safeguarding concerns for local children.

- HMO would intimidate the users of the Bowing Green.
- It is not the right area for a HMO.
- The town is currently undergoing a regeneration, to the cost of thousands, to be compromised allowing HMO"s to be built is a waste of trying to create a decent community.
- High densities of HMOs can change the nature of an area and result in reduced community cohesion.
- Will have a detrimental impact on the occupants of an established care home, Half Acre Care Home through anti-social behaviour, noise, pollution and will cause stress and anxiety.
- Decrease in house prices.
- Lack of doctors/dentists in the area.
- Overdevelopment with little regard to private amenity of tenants.
- No sizes provided on bedrooms to check if they meet HMO standards.
- Too many people in one building.
- Small windows to bedrooms.
- Little outdoor amenity space provided.
- Too many HMOs in Radcliffe. 16 registered in the town already.
- Landlords don't monitor properties.
- I strongly believe that Bury Council do not have the ability or capacity to properly regulate this sector of accommodation.
- Where is the local centre that the HMO is sited near?
- Need family homes.
- Need clarity on who will be housed in the building. Will they be paying rent?

#### Statutory/Non-Statutory Consultations

**Traffic Section and Public Rights of Way Officer**- Condition requested in relation to the implementation of bin and cycle storage.

#### Waste Management - no response

**Environmental Health - Pollution Control -** The noise mitigation from the build material seem to address the potential noise for the flat form the gym and therefore agree to the works to be carried out in accordance to what they have submitted.

**Private Rented Sector Enforcement Team** - Confirm HMO licence will be required. Confirmation of requirements for Fire Safety, internal amenities provided.

Adult Care Services - No response

Greater Manchester Police - designforsecurity - No response

The Coal Authority - No response

Pre-start Conditions - Not relevant

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

- 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
- EN7/2 Noise Pollution
- HT2/4 Car Parking and New Development

- JP-H1 Scale of New Housing Development
- JP-H3 Type, Size and Design of New Housing
- JP-H4 Density of New Housing
- JP-S2 Carbon and Energy
- JP-P1 Sustainable Places
- JP-S5 Clean Air
- JP-C2 Digital Connectivity
- JP-C5 Streets For All
- JP-C6 Walking and Cycling
- NPPF National Planning Policy Framework
- SPD13 Conversion of Buildings to Houses in Multiple Occupation
- SPD11 Parking Standards in Bury
- SPD6 Supplementary Planning Document 6: Alterations & Extensions

#### **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.

#### **Principle (Residential)**

The National Planning Policy Framework (NPPF) is a material planning consideration in planning decisions, and emphasises the Government's objective of significantly boosting the supply of homes. The Framework states that local planning authorities should identify and update annually a supply of specific deliverable sites to provide a minimum of five years' worth of housing, with either a 5% buffer to ensure choice and competition in the market for land, or a 20% buffer where there has been significant under delivery of housing over the previous three years. As set out in NPPF paragraph 78, the supply of housing must be assessed against the housing requirement set out in adopted strategic policies where these are less than five years old.

The joint Places for Everyone Plan was adopted with effect from 21 March 2024 and sets the up-to-date housing requirement for Bury against which the deliverable supply of housing land must be assessed. PfE Policy JP-H1 sets the following stepped targets for Bury: - 246 homes per year from 2022-2025;

- 452 homes per year from 2025-2030; then
- 520 homes per year from 2030-2039.

Bury's Strategic Housing Land Availability Assessment sets out the latest housing supply position, which is made up of sites that have an extant planning permission and sites that have potential to obtain planning permission in the future. This shows that there are a number of sites within the Borough with the potential to deliver a significant amount of housing. However, not all of these sites will contribute to the deliverable land supply calculations as many sites will take longer than five years to come forward and be fully developed. The joint Places for Everyone Plan allocates significant strategic sites for housing within Bury and will accelerate housing delivery within the Borough to meet housing needs.

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

The National Planning Policy Framework also sets out the Housing Delivery Test (HDT), which is an assessment of net additional dwellings provided over the previous three years against the homes required. Where the test indicates that the delivery of housing was substantially below (less than 75%) the housing requirement over the previous years, this needs to be taken into account in the decision-taking process. The latest results published by the Government (the 2023 measurement published on 12 December 2024) show that Bury has a HDT result of less than 75%, and therefore, this needs to be treated as a material factor when determining applications for residential development.

Therefore, paragraph 11(d) of the National Planning Policy Framework states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless: i. The application of policies in the Framework that protect areas, or assets of particular importance, provide a strong reason for refusing the development proposed; or ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

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

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

The proposal would create an HMO through the change of use of a non-residential property it would be counted as one net additional dwelling. As such the proposal would have a limited contribution to housing supply.

#### Principle (HMO Sui Generis Use)

UDP 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.

UDP Policy H2/4 - Conversions, has specific 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. 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.

SPD 13 is rather dated in absolute terms (adopted in May 2007) and in some of the assumptions expressed (e.g. HMO's tend to attract residents in their teens and twenties who by their nature can be a little more energetic than older people, leading to a more

active social life in the evenings). However, the general factors against which proposals should be assessed at UDP Policy H2/4 remain relevant, which include assessment of the type of premises, scale and concentration of uses, location, character of the area, amenity and parking provision.

PfE Policy JP-H3 - Seeks to provide an appropriate mix of dwelling types and sizes reflecting local plan policies and having regard to relevant local evidence. Development across the plan area should seek to incorporate a range of dwelling types and sizes, including for self-build.

Paragraph 63 of the NPPF confirms that "size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) those who require affordable housing; families with children; older people (including those who require retirement housing, housing-with-care and care homes); students; people with disabilities; service families; travellers; people who rent their homes and people wishing to commission or build their own homes" however no direct reference is made to HMOs or buildings of multiple occupation.

For clarification, a house in multiple occupation is a form of housing tenure, where occupants live together forming more than one household (i.e. where facilities such as kitchen, bathroom or bathrooms can be shared with other tenants).

The conversion of properties to multiple occupation can often make an important contribution to local housing stock. However, it is recognised that such conversions can put pressures on buildings, sites and areas depending upon the amount of accommodation to be provided, demands created from parking etc and thus have an adverse effect on residential amenity and the character of an area.

The main issues in relation to this proposal is the consideration of the impact of the proposed accommodation in relation to the suitability of the site and location, impacts on amenity, nature of the local environment, surrounding land uses and highway issues. These issues are discussed in more detail below and in light of the policies set out above.

#### Character of the area

Whilst there is no specific policy in relation to HMOs within the UDP, Policy H2/4 -Conversions takes into consideration the concentration of building conversions for multiple occupation and the impact this can have to the character of an area. The justification for this policy makes it clear that it is necessary to ensure that dwelling standards are maintained and to ensure that, generally, an over provision of building conversions does not adversely affect the need to maintain a good mix of housing types, or adversely affects the character and amenity of residential areas. This is an issue which has been raised by a number of objectors.

A number of the objections received also reference an over saturation of HMO uses within Radcliffe as a wider area. Reviewing the current HMO register there are 20 HMOs within Radcliffe that require a licence. These uses appear to be largely focused around the streets that surround the town centre. Smaller HMOs (those with less than 5 people) would not require a licence (nor would they require planning permission) and as such would not be included within the register to allow assessment. Of these registered HMOs the nearest HMO to the proposal site would be 360 Ainsworth Road which is approximately 250m away from the site. A further 2 HMOs are also registered on Ainsworth Road that are just over a kilometre from the site.

The residential properties within the immediate vicinity of the site, with the exception of the residential care home at Half Acre Nursing Home, appear to be single dwellings that have

not been subdivided or converted. As such, it is considered that there would not be an over concentration of HMOs or building conversions within the vicinity of the site that would lead to a cumulative change in the character of the area.

#### Layout and Design

In addition to the policies set out above UDP Policy EN1/2 seeks to ensure that development proposals would not have a detrimental effect on the visual amenity and character of a particular area. PfE Policy JP-P1 Sustainable Places aims to promote a series of beautiful, healthy and varied places. UDP Policies H2/1 - The Form of New Residential Development and H2/2 - The Layout of New Residential Development, provide the assessment criteria for detailed matters relating to height, appearance, density and character, aspects and finish materials.

No external alterations are proposed to facilitate the change of use. The existing window and door arrangements would be retained as existing. An area of amenity space is located to the rear of the property that would allow future residents to sit outside, or dry washing etc. A bin store and cycle store are also proposed to the rear of the site to allow storage off of the public highway. The location of a bin store to the rear of the site rather than storing the bins to the side of the building adjacent to the access, which appears to have been the location for bin storage for the public house, would be preferable and would remove the bins from the public realm.

It is therefore considered that the proposal would not have a detrimental impact on the character of the existing building in terms of visual amenity.

#### Amenity

#### Neighbouring Properties

UDP Policy H2/4 requires applications for conversion to have regard to the effect on the amenity of the neighbouring properties through noise, visual intrusion, the position of entrances, impact of parking areas, extensions and fire escapes.

SPD 13 states that generally, planning applications will not be approved in areas of predominantly single family dwellings. However, decisions on such applications will depend upon the particular characteristics of each scheme, and its impact on the amenity and character of the neighbourhood. The LPA however cannot condition who the tenants of the property would be and the management of the property would be undertaken by the landlord who would be required to obtain an HMO licence. The licensing of HMOs is required for landlords to ensure these properties are kept to the required standards and are adequately managed.

There are no adopted aspect standards for new build residential properties however, SPD 6 provides guidance on aspect standards between residential properties in relation to householder extensions and as such, would be a reasonable guide in this case.

For clarity the following aspect standards would be applicable:

- 20 metres between directly facing habitable room windows;
- 13 metres between an existing habitable room window and a proposed two storey blank wall
- 6.5 metres between an existing habitable room window and a proposed single storey blank wall
- 7 metres between a proposed first floor habitable room window and a directly facing boundary with a neighbouring property.

As set out above the window and door arrangements will be retained as existing, however

residential habitable room uses will be introduced to support the proposed use.

The lower ground floor be converted from a storage use, to a kitchen, dining room, gym and store area. A kitchen is considered to be a non-habitable room and therefore aspects have not been applied. The proposed dining room windows and door would face towards the shared boundary with No. 429 Ainsworth Road. These windows would be largely screened by the existing boundary fence between the two properties and would appear to face towards an open area utilised as a parking space rather than an area of private amenity space. The introduction of a lower ground floor dining area is therefore considered to be acceptable.

At ground floor the rear bedroom would have a single window facing towards the shared boundary with No. 429 however this would be a secondary window with the principal window for this room located on the main rear aspect. Other ground floor side windows facing towards No. 429 would relate to non-habitable spaces.

A number of side ground floor windows are proposed facing towards the access to the rear of the terrace. Given the change in levels to the rear of the site these windows are located a higher level than the access track and as such would not lead to a loss of privacy for the users of the access. These windows would be separated from the dwellings on Wilton Lane by a public right of way (Footpath 33SA) and highway and as such no undue loss of privacy is foreseen.

The existing first floor side kitchen window would be replaced by a bedroom window. This window would be over 10 metres from the directly facing boundary with No. 1 an No. 3 Wilton Lane due to the intervening highway and footpath referenced above. As such the location of this window would comply with aspect standards. An existing first floor side bedroom window would be retained in it's existing use.

A first floor side window facing towards No. 429 would relate to a non-habitable space (landing). as existing.

The front ground floor and first floor windows would face towards a commercial unit, that is separated from the site by a highway as such no undue loss of privacy is foreseen. The front first floor bedroom windows would also been retained as bedroom windows.

The ground floor rear bedroom window referenced above would be located approximately 7 metres from the boundary of the bowling club complying with SPD 6. The proposed first floor rear bedroom window would replace an existing lounge which is also a habitable room window as such residential amenity would be maintained. All other rear first floor and ground floor windows relate to non-habitable spaces.

#### **Future Occupiers**

UDP Policy H2/4 that seeks to consider the impact of any proposals on the amenity of the occupants. Policy JP-P1 further reinforces this by stating that developments should offer comfortable and inviting indoor and outdoor environments. UDP Policy EN7/2 - Noise Pollution does not permit development which would lead to an unacceptable noise and environmental nuisance to nearby occupiers and/or amenity users.

The proposed bedrooms would all have en-suites. An additional WC is located at ground floor. Communal spaces are proposed through the introduction of a dining room, kitchen and gym at lower ground floor and a lounge at ground floor. Additional storage is also provided at lower ground floor.

The Private Rented Sector Enforcement Team have confirmed that for a 10 bed HMO to

meet the required licensing standards that the kitchen would need to be 10.2m2, living/dining rooms additional to the kitchen would need to measure at least 16.7m2 and bedrooms at minimum of 6.5m2.

The proposed plans show that the proposed kitchen is 41m2, the proposed lounge is 43m2 and the proposed dining room is 37.3m2 and all bedrooms exceed 6.5m2. The proposal would therefore comply with HMO licensing for internal amenity standards.

As set out above there is outdoor amenity space provided to the rear of the site for the use of future occupants. This is located adjacent to the lower ground floor windows/doors rather than the ground floor bedroom windows limiting impact of the use of this space on the bedrooms that are proposed.

As a gym is proposed at lower ground floor the applicant has provided additional information in relation to the specification of the separating floor/ceiling that provides a 57db attenuation. The applicant states that this will allow levels of up to 87dB(A) in the gym while still achieving the night-time recommended 30dB(A) in the bedroom. This information has been sent to Environmental Health for comment and they have accepted the proposed mitigation which can be secured via condition.

#### **Highways and Parking**

UDP Policy EN1/2 requires the consideration of the design and appearance of access, parking and service provision. This is further supported by UDP Policy H2/2 that requires proposals to demonstrate adequate car parking provision, access for both vehicles and pedestrians, and provision for public transport and the existence of any public rights of way and UDP Policy H2/4 that requires consideration of the impact of parking areas on the amenity of neighbouring properties, and the consideration of car parking and servicing requirements. Policies JP-C5 and JP-C6 require streets to be well designed and managed to make a significant positive contribution to the quality of place and support high levels of walking, cycling and public transport.

In terms of parking standards UDP Policy HT2/4 requires all applications for development to make adequate provision for their car parking and servicing requirements. Supplementary Planning Document 11 provides parking standards for developments. PfE Policy JP-C8 requires new development to be located and designed to enable and encourage walking, cycling and public transport use and to reduce the negative effects of car dependency.

There are no specific car parking standards for HMO's or buildings of multiple occupation in SPD11 Parking Standards in Bury. However, 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.

There is no existing off street parking for the existing public house use which includes a 3 bedroom residential unit at first floor. Both uses would require an element of parking that is currently accommodated on street. The site is located on a main road with access to bus links and within walking distance to a Neighbourhood Centre and Local Shops as identified under UDP Policy S1/5 (Black Lane/Ainsworth Road). This is located approximately 120m to the south of the site. It is acknowledged that car ownership by HMO occupants is generally lower and given the sustainable location of the site, and the existing uses the use of on street parking for the proposed HMO is considered to be acceptable.

It is acknowledged that there are existing parking problems associated with the bowling club

to the rear of the site however this is an existing issue, that would be outside of the remit of this application. There is an existing lawful use at the site as a public house which would require a level of deliveries, visitors etc. In addition there were pre-existing residential occupants at first floor all of which create a demand for parking within the vicinity of the site. Given the nature of HMOs it can be reasonably assessed to be a less intensive land use in terms of parking requirements. As such the proposal is considered to be acceptable.

#### Carbon and Energy

PfE Policy JP-S2 sets out the steps required to achieve net zero carbon emissions.

A supporting Carbon Energy Statement has been submitted with the application that sets out the applicant's intentions to comply with the relevant Building Regulations which would be Part L in this instance. The applicant has also set out a sustainability strategy for energy. water, waste management and construction management. The proposal would therefore be in compliance with the above policy.

#### **Digital Connectivity**

PfE Policy JP-C2 requires all new development to have full fibre to premises connections unless technically infeasible and / or unviable.

The site is located in an area where full fibre is available.

#### Response to representations

It is considered that the material planning considerations have been addressed within the main body of the report.

As set out above, the LPA can not control who the tenants of the property would be and the management of the property would be undertaken by the landlord who would be required to obtain an HMO licence. The licensing of HMOs is required for landlords to ensure these properties are kept to the required standards and are adequately managed.

Impact on property values is a non-material planning consideration not relevant to the decision.

Plans have been revised to show the proposed floor areas, and in response to the Private Rented Sector Enforcement Team's comments to ensure amenity for future occupiers.

#### 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.

- This decision relates to drawings numbered Site Location Plan, 2189/1, 2189/2, 2189/3, 2189/6 and revised drawings 21895/4, 2189/5 received 7th January 2025 and the development shall not be carried out except in accordance with the drawings hereby approved.
  <u>Reason.</u> For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan and Places for Everyone Joint Development Plan listed.
- 3. The cycle and bin storage facilities indicated on the approved plans shall be made available to the satisfaction of the Local Planning Authority prior to the use hereby approved commencing and maintained thereafter. <u>Reason</u>. To ensure adequate cycle storage arrangements and provision for the storage and disposal of refuse within the curtilage of the site, clear of the adopted highway, in the interests of highway safety pursuant to Development Plan policies H2/2 The Layout of New Residential Development, EN1/2 Townscape and Built Design, H2/4 Conversions, JP-C5 Streets For All and JP-C6 Walking and Cycling.
- 4. The development hereby approved shall include sound insulation above the gym to provide 57dB Rw attenuation. The acoustic attenuation shall be implemented in full and available for use before use of the premises first commences. <u>Reason.</u> To protect the amenity of the occupants of the ground floor bedrooms once the development hereby approved is occupied pursuant to Bury Unitary Development Plan Policy EN7/2 Noise Pollution.

For further information on the application please contact Helen Pressley on 0161 253 5277

# 71306 - Viewpoints

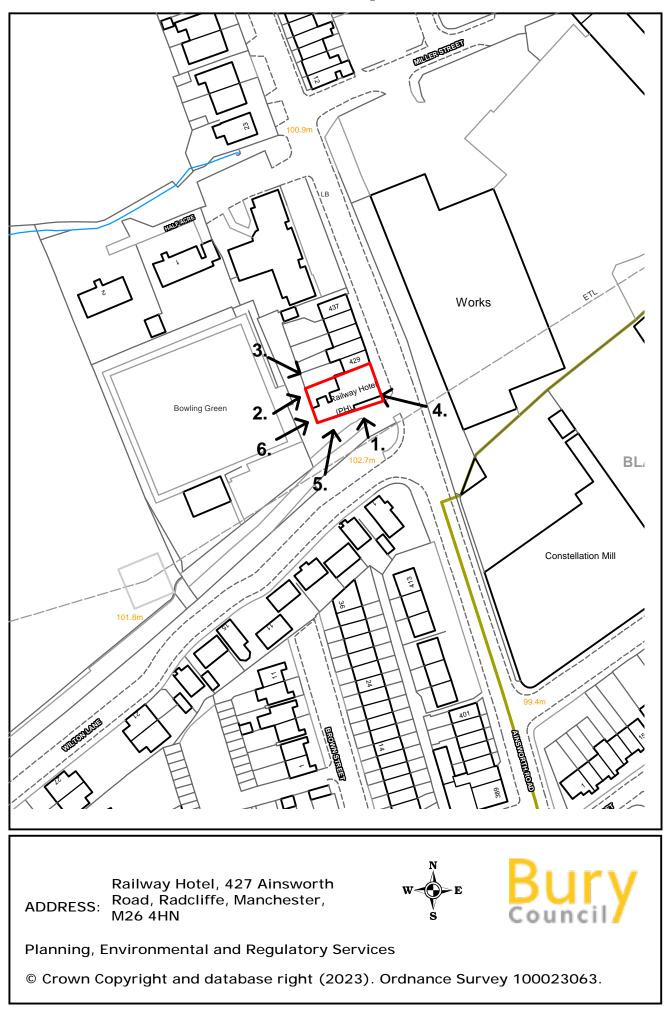
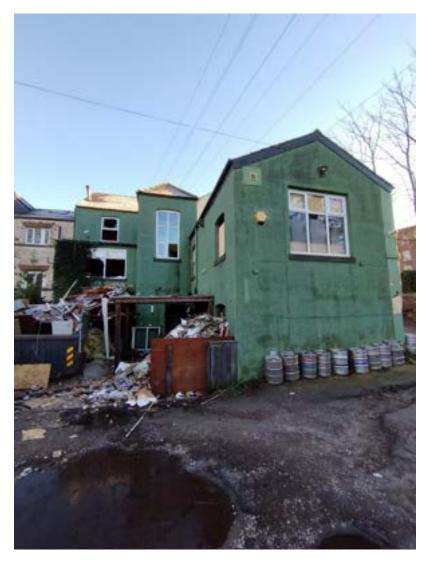


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Photo 2



# Photo 3



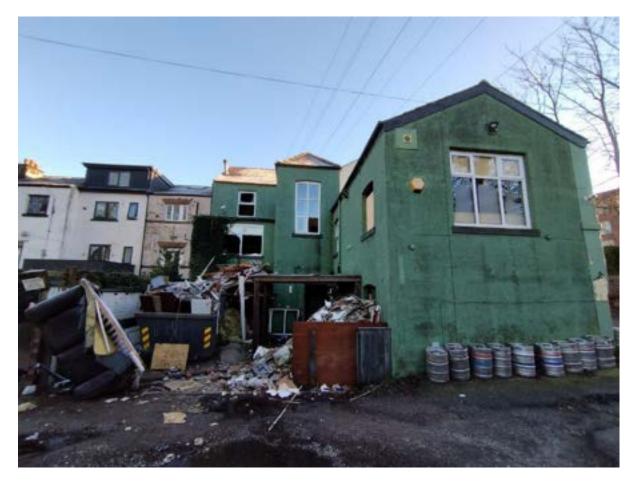
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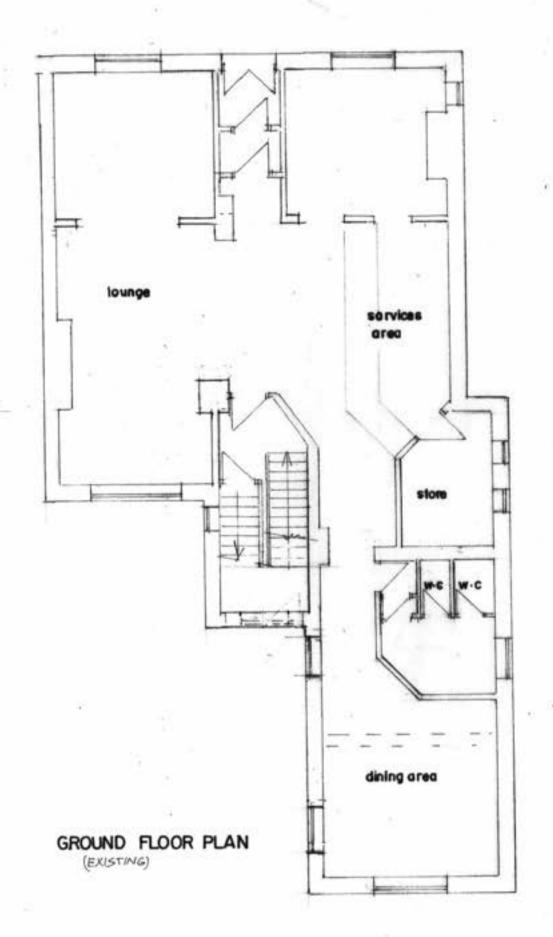


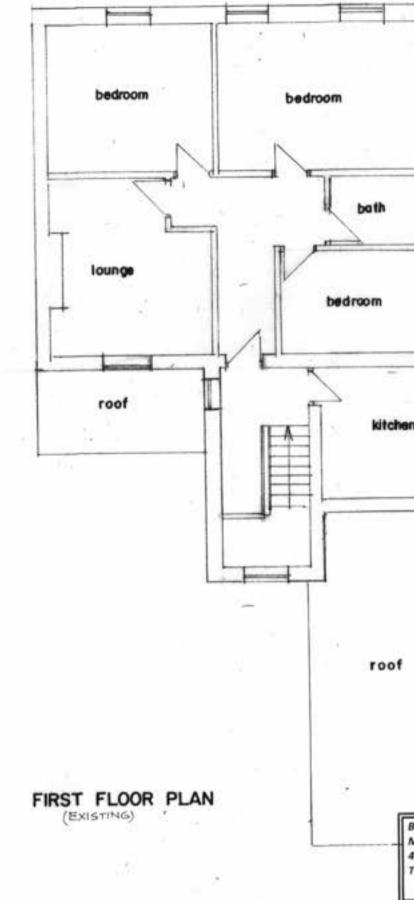
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Photo 6

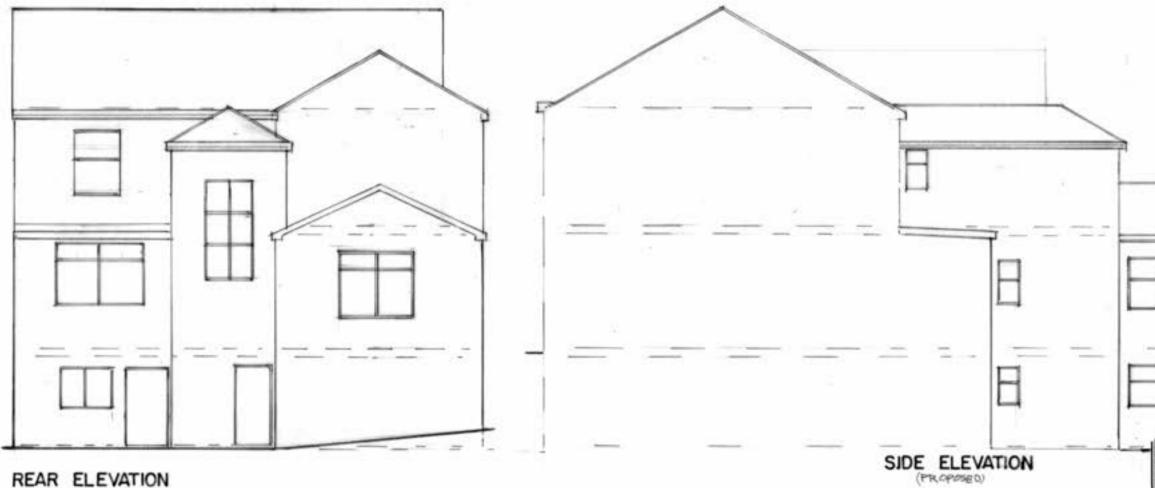






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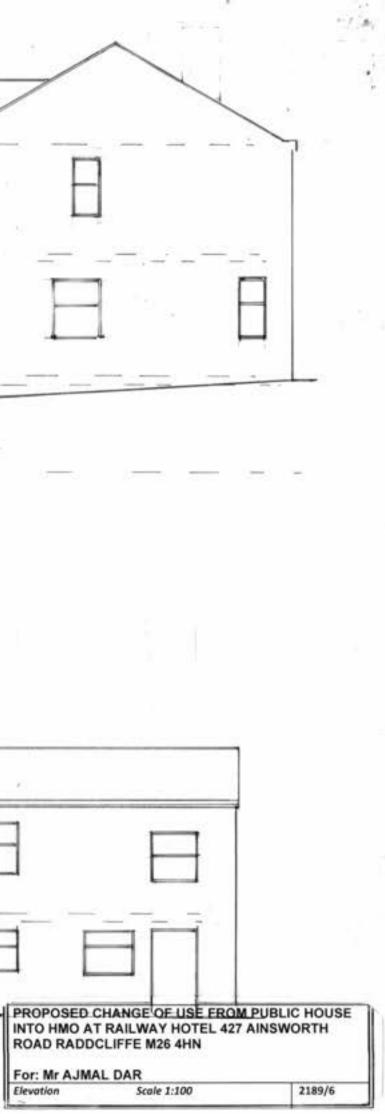


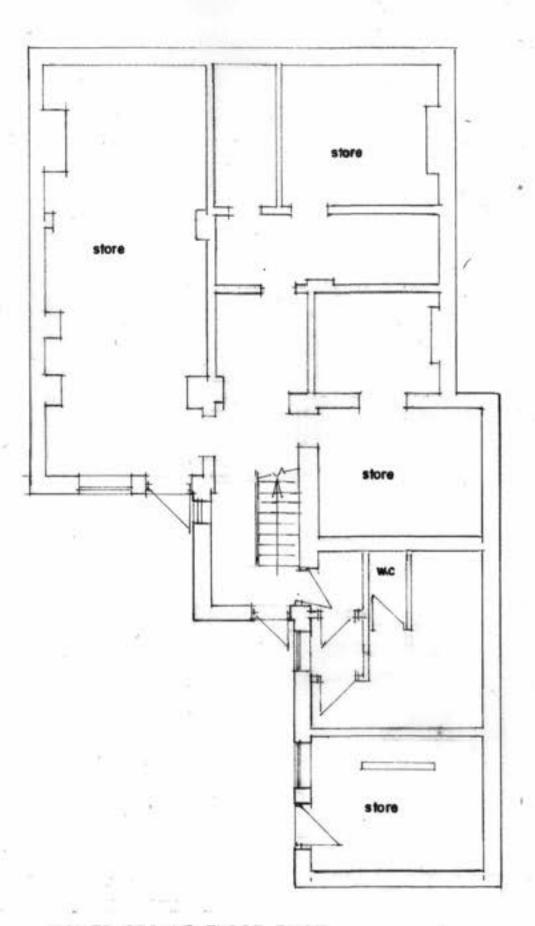
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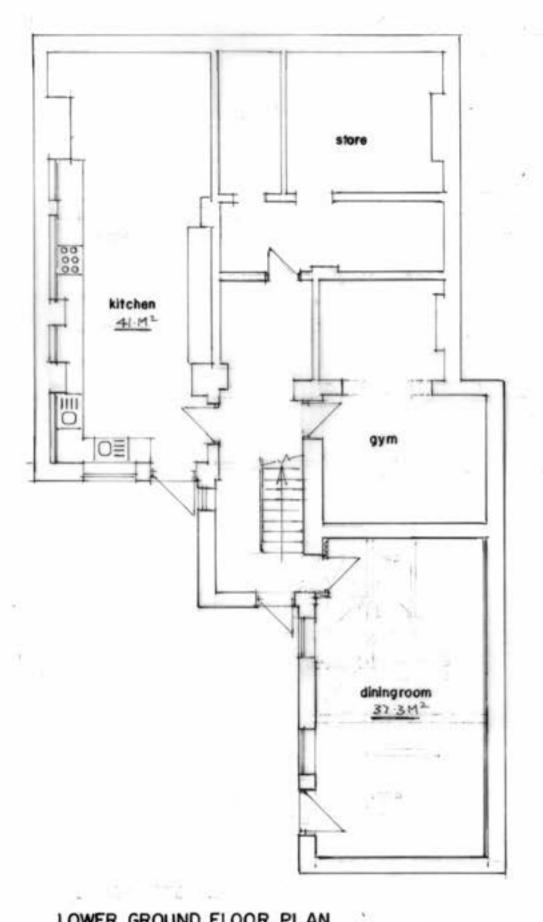




# LOWER GROUND FLOOR PLAN

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PROPOSED	CHANGE OF USE FROM AT RAILWAY HOTEL 427	PUBLIC HOUSE
	DCLIFFE M26 4HN	



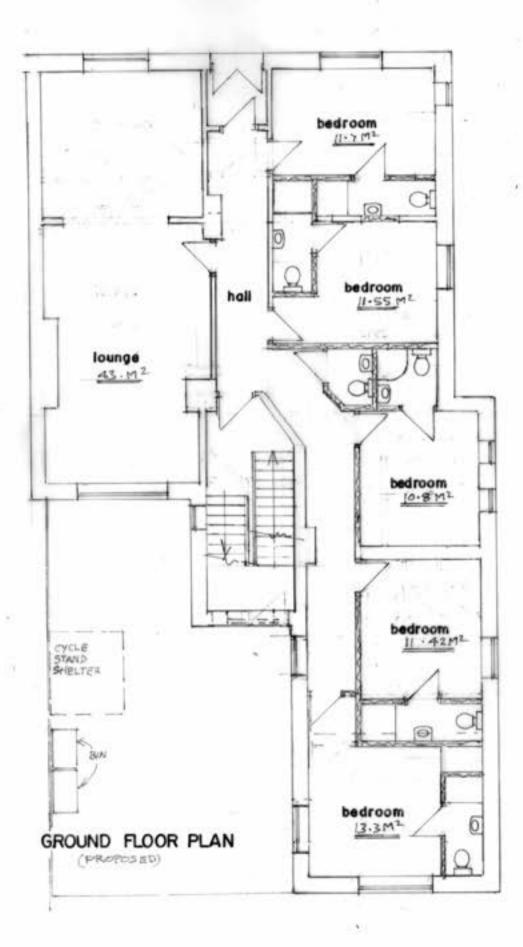


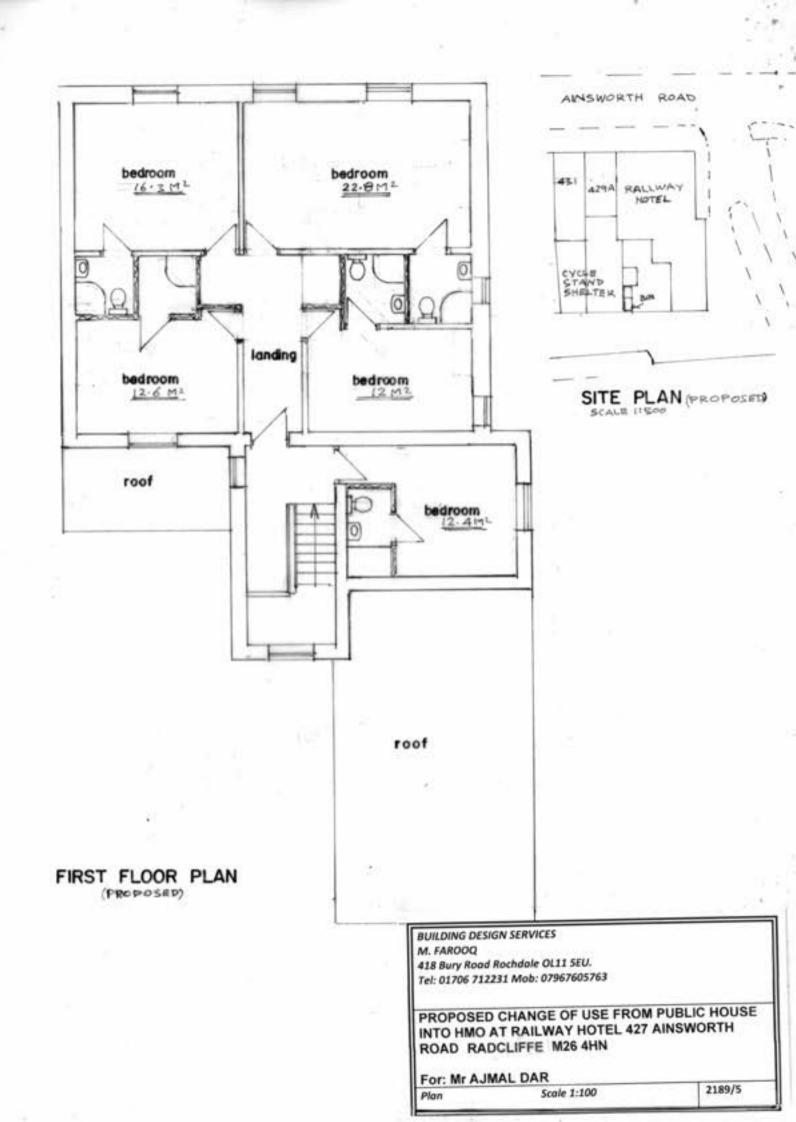
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# LOWER GROUND FLOOR PLAN

BUILDING DES	IGN SERVICES	
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