

DELEGATED REPORT

Report by Helen Pressley	Date of report: 18/06/2026	Ref: 72418/FUL
Registration: 31/03/2026	LDfC: 08/05/2026	Expiry Date: 26/05/2026
Site Visit: 10/04/2026	Site Notice: 10/04/2026	Press Date: 16/04/2026
Objections: 1	Con Area: BURY	Adv Type: CA
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIDW

Proposal: Second floor/roof extension to form 9 no. apartments and increase in retail space to ground floor

Location: 11-19 Bolton Street, Bury, BL9 0EY

Description

The site is currently a two storey building with 5 no. retail/commercial units at ground floor. The property is set back from Bolton Street, with a flat roof canopy projecting towards the adopted highway and public forecourt underneath.

To the rear the property there is a single storey flat roof element that can be accessed via Parks yard.

The existing floor plans submitted do not include any room uses at first floor or ground floor, however the ground floor plans confirm there are 5no. shop units at ground floor. There are also flues on the top of the existing single storey element that do not appear to have the benefit of planning permission.

A front door access, to the first floor is also shown on the existing plans. This access also does not appear to have the benefit of planning permission.

The site is located within Bury Town Centre Conservation Area. The site is also located within Bury Town Centre Shopping Area as identified under UDP Policy S1/1 and is classified as a Secondary Shopping Area and Frontage under UDP Policy S2/3.

Planning permission is sought for a second floor/roof extension and change of use of the first floor to form 9 no. apartments above the existing ground floor shops, and increase in retail space to ground floor. A row of new shop fronts is also shown on the proposed elevation drawings.

Relevant Planning History

28066 - (No. 11) Change of use from hairdressers (class A1) to hot/cold food takeaway (Class A3) - Approve with conditions 21/03/1993

28352 - (No. 11) Internally illuminated fascia sign - Approve with Conditions 26/05/1993

34622 - (No. 19) Change of use from amusement arcade to retail shop - Approve with Conditions 21/10/1998

39824 - Single store extension to the front of shops - Approve with Condition 18/11/2002

48049 - External fire escape and guardrail at the rear - Refused 25/07/2007

53459 - (No.11) Change of use from retail (A1) to taxi booking office (Sui Generis) - Refuse

04/02/2011

02955/E - Second floor/roof extension to form 9 no. apartments and increase in retail space to ground floor - Enquiry Complete 19/03/2025

Publicity

Letters sent to neighbouring properties 7/4/2026

Site notice posted 10/40/2026

Press notice in the Bury Times 16/04/2026

1 objection received in relation to:

- Adding flats to this poorly maintained building, not something Bolton Street needs.
- Existing waste issues will be increased with additional flats.
- No feasible parking or access.

1 comment received confirming no objection to the proposed development.

Statutory/Non-Statutory Consultations

Traffic Section and Waste Management No recommendation made pending submission of additional information in relation to parking and access requested by the Case Officer.

Borough Engineer - Drainage Section SuD conditions requested

Environmental Health - Contaminated Land No comments to raise in relation to air quality. EV chargepoint condition requested.

Environmental Health - Pollution Control The application and additional supplementary documents have included commercial kitchen odour and noise following guidance of the HVCA standard DW172 and DEFRA guidance on control of odour and noise for commercial kitchens. This includes noise suppression for the potential of vibration from the extract fan and ductwork.

Conservation Officer No recommendation made pending submission of amendments requested by the Case Officer.

United Utilities (Water and waste) No response received

Pre-start Conditions - Not Relevant

Development Plan and Policies

EN1/2	Townscape and Built Design
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
S2/3	Secondary Shopping Areas and Frontages
S1/1	Shopping in Bury Town Centre
EN6/3	Features of Ecological Value
EN7/3	Water Pollution
EN7/5	Waste Water Management
EN7/2	Noise Pollution
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H2/4	Conversions
H3/1	Assessing Non-Conforming Uses
H3/2	Existing Incompatible Uses
H4/1	Affordable Housing
HT2/4	Car Parking and New Development
JP-C1	Our Integrated Network

JP-C2	Digital Connectivity
JP-C3	Our Public Transport
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-C8	Transport Requirements of New Development
JP-H3	Type, Size and Design of New Housing
JP-H4	Density of New Housing
JP-S2	Carbon and Energy
JP-S4	Flood Risk and the Water Environment
JP-S5	Clean Air
JP-P1	Sustainable Places
JP-P2	Heritage
JP-P6	Health
JP-G7	Trees and Woodland
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
NPPF	National Planning Policy Framework
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within the adopted Bury Unitary Development Plan (UDP), together with other relevant material planning considerations.

The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP and PfE Policies will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in

accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Principle (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 site is located within the urban boundary, outside of the Green Belt and as such is considered to be in a sustainable location for residential development subject to the considerations set out below.

Principle (Retail)

UDP Policy S1/1 - Shopping in Bury Town Centre confirms that the Council will protect, maintain and enhance the role of Bury Town Centre as a sub-regional shopping centre. This is further reinforced by UDP Policy S2/3 - Secondary Shopping Areas and Frontages that confirms that the council will seek to maintain retailing (formerly A1) as the predominant land use at ground floor levels.

It would appear from the proposed plans submitted, that the existing commercial units at ground floor would be retained with all residential units provided at the higher levels.

Shopping areas today have changed with regard to their function and land use characteristics, with alternative uses becoming an ever increasing feature in many shopping areas. Furthermore, the proposal seeks to retain the existing ground floor uses. The proposed residential use at first and second floor is therefore considered to be acceptable.

It is therefore considered that a complimentary land use would help to preserve the vitality and viability of changing high streets.

Layout and Design

Density

PfE Policy JP-H4 - Requires new housing development to be delivered at a density appropriate to the location, reflecting the relative accessibility of the site by walking, cycling and public transport and the need to achieve efficient use of land and high quality design. Policy JP-H4 sets out minimum densities that should be considered. Therefore in accordance with Policy JP-H4 regard should be had to a minimum net residential density of 120 dwellings per hectare at this site. The site is application form states that the site is 450 square metres or 0.045 hectares, which based on a total of 9 dwellings would result in a density of 200 dwellings per hectare. The proposal would therefore lead the efficient use of land.

Heritage and Design

UDP Policies H2/1 and H2/2 provide the assessment criteria for detailed matters relating to height, appearance, density and character, aspects and finishing materials for new residential developments. 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 seeks to create a city region that consists of a series of beautiful, healthy and varied places. High quality design is fundamental to achieving this. 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.

As the site is located within the Conservation Area it is necessary to consider the proposal in terms of UDP Policies EN2/1 - Character of Conservation Areas and EN2/2 - Conservation Area Control of the UDP in that the Council will take action as appropriate to preserve or enhance the character or appearance of the Borough's Conservation Areas. PFE Policy JP-P2 - Heritage also applies, and ensures that the LPA will work proactively to conserve, sustain and enhance our historic environment.

The site is within Bury town centre conservation area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities in the exercise of their planning functions to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities in the exercise of their planning functions to have regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Paragraph 212 of the National Planning Policy Framework (NPPF) requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 215 of the NPPF states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The conservation area is on Historic England's Heritage at Risk register (HAR) and is assessed by them to be in a poor condition with medium vulnerability with a deteriorating trend.

The existing development with a retail use at ground floor and storage above is a 1970s built structure of minimal architectural value. It is in poor condition generally and the shop fronts are a modern feature which have undergone significant alteration and represent an alien feature.

In totality the existing building does not preserve the character or appearance of the conservation area. This weakness represents a continued threat to its character and appearance. It also causes harm to the setting of the nearby designated and non-designated heritage assets.

It is acknowledged that the proposed redevelopment of the building represents an opportunity to remedy the weakness the existing building represents but it must be carried out in manner that would enhance the character and appearance of the conservation area and the setting of designated and non-designated assets.

There is currently little cohesion in relation to the shop fronts at ground floor, with an existing front door that appears to lead to the first floor that is at odds with the existing frontage. The applicant has sought to replace and upgrade these existing shopfronts, including the removal of the existing flat roof canopy. This can be seen on the proposed elevation drawing BUILDING/26158192-G.

The proposed third floor windows to the front are located at eaves level, and are smaller than those at first and second floor and this would replicate the window arrangements of the directly facing buildings. No objections are raised to these windows. To the rear the proposal would remove a flat roof element which would be an improvement.

The proposal includes the introduction of pitched roof dormers. Limited examples of dormers can be found within the Conservation Area with the Conservation Area appraisal acknowledging that they are a rare addition to property in the town. Any dormers are generally subservient additions, set back from the eaves and ridges of properties. The proposed dormers are considered to be oversized, and not suitably set back from the eaves of the property. The proposed dormers are considered to be a negative feature within the conservation area. It would represent an alien feature with no historicism in not being an original feature of the architectural grain of the conservation area being a contemporising feature.

Flues are proposed on the rear elevation, these are considered to be an improvement on the existing flues however it is unclear how they would be facilitated within the layout of the building as they are not shown on the proposed ground floor plans, and appear to exit the building at first floor between the landing window and the bedroom window for unit 3. It is unclear from the floor plans if the flue location proposed on the elevations is feasible.

On the 24th April 2026 the applicant was written to review and update a number of plans. In relation to the shop fronts the Case Officer requested that a typical drawing of the proposed ground floor shop fronts was submitted, confirming the proposed materials. The applicant was asked to reduce the size of the proposed dormers and pull them back from the eaves of the property. In order to assist in the assessment of the proposed elevations that applicant was also asked to provide a flat proposed front elevation, that has not been drawn utilising orthographic projection. The applicant was also asked to confirm the materials proposed for the front elevation. This information has not been submitted.

A Heritage Statement has been submitted with the application that describes Bury Town Centre Conservation Area, and acknowledges that the existing building is "more of an eyesore." The Heritage Statement also acknowledges that the building has no architectural merit or heritage use. In terms of assessing the proposal however the Heritage Statement is limited to a single paragraph relating to refurbishment, and the need to comply with building regulations, drainage and that kitchens and bathrooms will require air extraction. It does not appear that this assessment has been made in relation to the final proposal and it is unclear from this statement how the proposed development as a whole is intended to preserve and enhance the Conservation Area.

The Design and Access Statement submitted, appears to be largely a re-write of the pre-application response provided by the LPA. No reference is made to the materials proposed for the amended shop fronts within either the Design and Access Statement, plans or application form. The application form does confirm that brick slip cladding is proposed for the front elevations, however UPVC frames are proposed for the windows and doors which would not be appropriate within a Conservation Area.

The Concept Board submitted, does include rendered versions of the proposed elevations, however the conservation area shop front (proposed) does not match the drawings submitted and whilst a useful visual aide does not provide confirmation of the materials proposed.

It is considered that the proposed dormers would not preserve or enhance the character or appearance of the conservation area and as such would represent less than substantial harm and although there would be some public benefit in the provision of additional housing, it would not outweigh the harm identified the character and appearance of the conservation area.

In addition due to the lack of detail within the proposed elevational drawings and supporting information it is considered that the applicant has failed to demonstrate that the development as a whole would preserve or enhance the character or appearance of the Conservation Area in which it is sited. As such the proposal would not comply with the Policy considerations set out above in terms of Heritage and design.

Internal Layout

PfE Policy JP-H3 also states that all new dwelling must:

1. Comply with the nationally described space standards (NDSS); and
2. Be built to the 'accessible and adaptable' standard in Part M4(2) of the Building Regulations unless specific site conditions make this impracticable.

The proposed flats do not include any in built storage.

The second floor and third floor plans do not appear to be complete in relation to units 5, 6, 8 and 9 (bathrooms /ensuites not annotated). There is no bathroom shown on the floorplans for units 1, 4 and 7. The proposed third floor stairs do not appear to be correct as they do not terminate on this floor. These discrepancies have been highlighted to the applicant but no further drawings have been submitted.

No section has been provided for the building to ensure the units within the loft space have sufficient head height to meet NDSS standards.

The proposal would therefore fail to comply with NDSS as no in built storage is proposed for the units. Due to the lack of detail identified on the floor plans, and lack of bathrooms in some of the proposed units the LPA is also unable to assess compliance with NDSS standards for the remaining proposed flats as alterations would be required.

M4(2) compliance can be secured by condition.

Affordable Homes

The applicant has stated on their application form that the proposal is for Affordable Homes. The number of units proposed is below the number required to provide affordable units for Policy compliance and this has not been expanded on in any of the supporting information.

Amenity

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. There are no adopted aspect standards for new build residential properties however, Supplementary Planning Document 6 provides guidance on aspect standards between residential properties 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.

From the proposed site plan submitted a distance of approximately 7 metres can be provided between the first floor rear windows and the single storey side extension of the gym building to the south, and 11 metres between the proposed first floor windows and the two storey blank elevation of this building. A distance of 10 metres should be provided for

the first floor and the boundary with this property, and 13 metres for the third floor. These proposed windows would however face towards a blank single storey and two storey gable of a directly facing property and as such it is unlikely that the proposed windows would cause detrimental loss of privacy. Suitable distances can be provided between the proposed residential accommodation and the existing two storey building to the south preventing overbearing relationships.

Noise

UDP Policy H3/1 - Assessing Non-Conforming Uses and H3/2 - Existing Incompatible Uses that consider factors such as noise, vibration, smell, fumes, smoke, soot, ash, grit, dust, visual intrusion, traffic generation and parking arrangements, and hours of operation, and seeks to implement measures to control these where possible to minimise areas of conflict and potential nuisance.

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 application and additional supplementary documents have included commercial kitchen odour and noise following guidance of the HVCA standard DW172 and DEFRA guidance on control of odour and noise for commercial kitchens. This includes noise suppression for the potential of vibration from the extract fan and ductwork.

The noise assessment has specified plant noise limits based upon the principles of BS4142. These could be secured by condition.

Highways and Access

Policy EN1/2 requires the consideration of the design and appearance of access, parking and service provision. This is further supported by 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. 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.

Vehicular access and servicing to the site is proposed from Parks Yard. Pedestrian access is proposed from Bolton Street and Parks Yard, via the proposed parking area.

The applicant was asked to update drawing BUILDING/26158192-J to show the ground floor layout rather than the first floor to provide a fully detailed and dimensioned site and ground floor plan based on a topographical survey of the site and adjacent adopted highways and mainly private rear access. This has not been submitted.

The parking arrangements do not appear to be workable and could encroach on the access as they are affected by the proposed outward opening doors, which may also be contrary to Building Regulations, due to the blocking of the fire escapes. Whilst existing, this may be exacerbated by the proposed development and higher floors.

Shop 3 at ground floor also does not have direct access to a bin store and it is unclear whether the bin storage proposed for the residential units is sufficient given the number of units proposed. Given the location of the parking it is also unclear how bins would be removed from the bin storage for collection if cars are parked.

Proposed Parking

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.

The proposed site plan does not confirm if the parking is in relation to the proposed flats, or existing ground floor uses. It is also unclear how the proposed ground floor units would be serviced should the parking be in use.

The site is located within Zone 1. SPD 11 confirms that flats within Zone 1 should only provide disabled parking. The proposed site layout shows no disabled parking.

Parking for the ground floor uses would also need to be in accordance with SPD 11. Whilst the ground floor plan states all the units are "shop" the units at ground floor at the time of the Case Officer's site visit comprised 2no. takeaway, 1no. cafe/takeaway, 1no. shop and 1no. barbers. The application form does not confirm the floor areas for these units to enable an assessment to be made in relation to SPD11.

Cycle storage also needs to be in accordance with SPD 11 for both the existing and proposed units. 8 no. spaces are shown which would be inadequate for the residential units proposed (1 per dwelling should be provided) and no cycle storage is proposed for the ground floor units.

The application and submitted plans therefore contain insufficient, topographical survey based information in order for the following to be properly assessed in relation to the highway:

- 1.Provision of vehicular and pedestrian access to the development from Parks Yard.
2. Provision of in curtilage servicing, parking and cycle storage arrangements that comply with Supplementary Planning Document 11: Parking Standards in Bury, located clear of the adopted highway and private access route to the south of the site.
- 3.Bin storage and waste collection arrangements for the existing and proposed uses on site.

Ecology and Biodiversity Net Gain

Policy JP-G8 states that through local planning and associated activities a net enhancement of biodiversity resources will be sought. This is supported by Policy EN6/3 that seeks to retain, protect and enhance the natural environment and seeks to retain features of ecological or wildlife value. Paragraph 180 of the NPPF states that the planning policies and decisions should contribute to and enhance the natural and local environment.

Given the nature of the site it is accepted that the de-minimis exception would apply to this site.

Carbon and Energy

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

The Energy Statement refers to the installation of Air Source Heat Pumps, photovoltaic panels and the installation of a Tesla powerwall home battery. It is unclear where these interventions would be sited as they are not included on any of the plans submitted and as such they can not be assessed in terms of visual amenity, heritage and amenity.

The Energy Statement also references Policies DES10, CS10 which are not Bury UDP or Places for Everyone Joint Development Framework Policies. The statement also references a doctors surgery, 17 dwellings and rooflights that are not proposed and refers to a Policy requirement to reduce emissions to 40% compared with 2013 Building Regulations for Dwellings which is not a requirement of JP-S2. Given the amount of conflicting information within this statement it is considered that the applicant has failed to demonstrate compliance with PfE Policy JP-S2.

Digital Connectivity

PfE Policy JP-C2 - Digital Connectivity - this policy requires development to have full fibre to premises connections unless infeasible or unviable, with multiple-ducting. The policy supports the provision of free, secure, high-speed public wi-fi connections, particularly in the most frequented areas.

The Digital Infrastructure Statement submitted confirms that the proposal will provide on-site infrastructure, including open access ducting to industry standards, to enable all premises to be directly served by fibre optic broadband technology.

Other Matters

It is acknowledged that the applicant sought to front load the process by engaging in pre-application advice, and the scheme has been amended since the initial application in response to this advice.

During the live planning application process the applicant's agent was made aware of the LPA's fundamental concerns with the application prior to determination of the scheme. On the 24th April the Case Officer contacted the agent and request. The Case Officer requested that these were submitted by the 8th May. No plans were received and the Case Officer asked for an update and acknowledgement of the request on the 11th May. The agent confirmed that *"all requested items are being actioned and should hopefully be with you by end of next week."*

An extension of time was therefore agreed by the LPA until the 20th June to allow for this submission within the timeframes indicated by the applicant's agent and for consultation to be undertaken.

No further contact has been made by the applicant/agent. No updates have been received in terms of potential delays and no amended plans have been submitted.

The LPA seeks to determine applications within the statutory timescales, unless an extension of time is genuinely required. In this instance the applicant/agent has failed to engage with the LPA and as such the LPA has proceeded to determination within the agreed extension of time.

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

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

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed dormers would by virtue of their design, scale and siting introduce a discordant feature into the Bury Town Centre Conservation Area where it is the intention of the Local Planning Authority to secure a high standard of development in relation to alterations by requiring the use of sympathetic and compatible building forms and materials. The proposed external alterations would neither preserve nor enhance the conservation area within which the site is located. The proposal therefore conflicts with the following policies of the Unitary Development Plan EN2/1 Character of Conservation Areas, EN2/2 Conservation Area Control, EN1/2 -

Townscape and Built Design, H2/2 The Layout of New Residential Development, H2/1 - The Form of New Residential Development, Places for Everyone Joint Development Framework Policies JP-P1 - Sustainable Places and JP-P2 - Heritage, Bury Town Centre Conservation Area Appraisal and the National Planning Policy Framework.

- 2 The application and submitted plans fail to adequately assess the impacts of the proposal on the significance of the identified Conservation Area through the submitted Heritage Statement, and have failed to submit full details of the proposed shop fronts, materials, photovoltaic panels, air source heat pumps and proposed flues. Due to the lack of detail within the proposed elevational drawings and conflicting information supplied within the supporting information it is considered that the applicant has failed to demonstrate that the development as a whole would preserve or enhance the character or appearance of the Conservation Area in which it is sited. The proposal therefore conflicts with the following policies of the Unitary Development Plan EN2/1 Character of Conservation Areas, EN2/2 Conservation Area Control, EN1/2 - Townscape and Built Design, H2/2 The Layout of New Residential Development, H2/1 - The Form of New Residential Development, Places for Everyone Joint Development Framework Policies JP-P1 - Sustainable Places and JP-P2 - Heritage, Bury Town Centre Conservation Area Appraisal and the National Planning Policy Framework.
- 3 The development would be seriously detrimental to the residential amenities of future occupants due to the lack of bathrooms for Units 1, 4 and 7 and the failure to demonstrate compliance with Nationally Described Space Standards (NDSS) through the provision of adequate built in storage and ceiling heights. The proposal would therefore fail to comply with the following policies of the Unitary Development Plan EN1/2 - Townscape and Built Design, H2/2 The Layout of New Residential Development, H2/1 - The Form of New Residential Development, Places for Everyone Joint Development Framework Policies JP-P1 - Sustainable Places , JP-H3 - Type, Size and Design of New Housing and the National Planning Policy Framework.
- 4 The application and submitted plans contain insufficient, topographical survey based information in order for the following to be properly assessed in relation to:
 - 1.Provision of vehicular and pedestrian access to the development from Parks Yard.
 2. Provision of in curtilage servicing, parking and cycle storage arrangements that comply with Supplementary Planning Document 11: Parking Standards in Bury, located clear of the adopted highway and private access route to the south of the site.
 - 3.Bin storage and waste collection arrangements for the existing and proposed uses on site.

The proposed development therefore conflicts with Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design, H2/2 The Layout of New Residential Development, HT2/4 - Car Parking and New Development, Places for Everyone Joint Development Framework Policies JP-C5 - Streets for All, JP-C6 - Walking and Cycling, JP-P1 - Sustainable Places and the National Planning Policy Framework and Supplementary Planning Document 11: Parking Standards in Bury.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u> DM	<u>Date 18/6/2026</u>
HP 18/06/2026			

