

DELEGATED REPORT

Report by Helen Pressley	Date of report: 11/03/2025	Ref: 70996/FUL
Registration: 12/11/2024	LDFC: 10/12/2024	Expiry Date: 07/01/2025
Site Visit: 19/12/2024	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIRD

Proposal: Single storey rear extension; Loft conversion; Alteration to shop window and addition of access door to front elevation to provide access to self contained flat.

Location: 36 Albion Street, Radcliffe, Manchester, M26 1BH

Description

The application relates to a detached property located on Albion Street. The premises has an existing E shop use at ground floor, and associated residential use at first floor. The residential use is currently accessed through the shop. To the rear of the shop there is a single storey rear extension, and yard area. The yard area contains a shipping container and the boundary is depicted by wooden fencing. Residential properties bound the site.

Planning permission is sought for the subdivision of the existing premises to a shop at ground floor and 1 no. self-contained first floor flat (Class C3). The proposed residential unit would have a separate access from the front of the site. The proposal also seeks to demolish and replace the existing single storey rear extension. The proposed rear extension would project approximately 6875mm from the original rear elevation.

Relevant Planning History

01231/E - Proposed two storey extension and erection of garage. - Enquiry completed 08/02/2013

01456/E - Erection of 1 no. dwelling - Enquiry completed 24/01/2014
56349 - Single storey extension at rear; new boundary wall - Approve with Conditions 28/06/2013

58120 - Erection of two storey building on existing vacant land between 32 & 36 Albion Street to create 2 no. self contained flats and erection of 3 no. single storey storage buildings at the rear - Withdrawn by Applicant 21/01/2015

68423 - Proposed two storey building with retail E(a) to ground floor and storage space above E(c) - Approve with Conditions 03/10/2022

69401 - Single storey rear extension with external staircase and new access door to first floor - Refused 04/07/2023

14/0279 - Container at rear used as storeroom and loft used as residential - 17/07/2014

Publicity

Letters sent to 14 neighbouring properties on the 14th November and 19th November 2024. No representations received.

Statutory/Non-Statutory Consultations

Traffic Section - Condition requested in relation to the submission of details in relation to

foundations, highways works, finished floor slab, surface water drainage, implementation of bin storage and storage of construction materials on site.

Environmental Health - Pollution Control - no response

Pre-start Conditions - Agreed by agent

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
H3	Incompatible Uses in Residential Areas
H3/2	Existing Incompatible Uses
EN1/2	Townscape and Built Design
EN1/8	Shop Fronts
EC4/1	Small Businesses
JP-H3	Type, Size and Design of New Housing
JP-H4	Density of New Housing
JP-P1	Sustainable Places
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-C2	Digital Connectivity
JP-C8	Transport Requirements of New Development
JP-S2	Carbon and Energy
HT2/4	Car Parking and New Development
SPD6	Supplementary Planning Document 6: Alterations & Extensions
NPPF	National Planning Policy Framework

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF), 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 considered to be in a sustainable location for housing within the urban area. The proposal would include the creation of a separate flat at the site, that was previously part of a ground floor retail unit. The national requirement to significantly boost the supply of housing under the NPPF is a material consideration that would favour the residential element of this site in principle.

Principle (Use)

UDP Policy EC4/1- Small Businesses considers that proposals for small businesses will be acceptable when the scale of development is appropriate to, and the use is environmentally compatible with, the surrounding area in which it is to be located, and where they do not conflict with other policies and proposals of the Plan.

UDP Policy H3 - Incompatible Uses in Residential Areas seeks to restrict the development of incompatible uses in areas which are primarily residential in nature and where possible will seek to resolve existing conflicts. This is further supported by Policies 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.

The proposal relates to the extension of an existing small commercial business to increase the retail sales area of the shop. The development would be in keeping with the scale of the existing business and would be accommodated within the applicant's ownership. Subject to details the proposals would comply with the above policies.

Layout and Design

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. PfE Policy JP-H4 sets out minimum densities that should be considered.

The minimum density for the site would be 70 dwellings per hectare. The application form confirms that the site is 0.0226 hectares. The proposal would therefore lead to a density of 44 dwellings per hectare. Given that the proposal would retain 1 no. dwelling on site as existing this density is considered to be acceptable.

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. 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.

In addition to Policy EC4/1, 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. Policy JP-P1 Sustainable Places aims to promote a series of beautiful, healthy and varied places.

The extension would be single storey and the scale would be in keeping with that of the existing 2 storey premises. The proposed extension would extend over the entire rear yard of the premises however the ground floor is associated with a commercial, rather than residential use and there are a number of residential extensions and outbuildings visible to the rear of the terraced properties visible from the site and therefore a single storey, lean to style extension is considered to be in keeping with the locality. The proposal seeks to use brick to match the existing property. The extension would result in the partial demolition of the existing rear outrigger which has become dilapidated and run down over time and the appearance of the site would be improved by the proposal and would involve the removal of an existing storage container which is out of keeping with the locality.

The proposal would also require amendments to the front elevation to allow for an access door to the first floor flat. EN1/8 further seeks to ensure that proposals for new and altered shop front properly respect the architectural elements of the building and the character of the surrounding street scene.

A shop front would be retained, with a glazed frontage that is reduced in size to facilitate the introduction of the flat door. An area above the glazing for signage and the existing shop entrance would be retained. The location of a front door for the proposed flat to the front of the building is preferable as it would allow for natural surveillance and as such no objections are raised to the amendments to the shop front to facilitate this element.

PfE Policy JP-H3: 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 flat would be a 1 bed, 1 person dwelling. The flat would meet minimum gross internal area for this type of property. The proposed bedroom would be 12.7m² (within 1.5m headroom) and 3.34m in width exceeding the minimums for a single occupancy room. Storage can be provided within the eaves of the loft space. The floor to ceiling heights of the first floor would all be over 2.3m in heights but only the central part of the second floor would have a ceiling height 2.3 m or higher (an area approximately 900mm wide and 3.87 square metres). As such approximately 30.87 square metres of overall floor space would have a height over 2.3 metres which is over 75% complying with NDSS.

Amenity

UDP Policy EN1/2 seeks to ensure that proposals for development are considered in relation to their relationship to the surrounding area, and the use of lighting. 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 between commercial extensions and existing 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.

The immediately adjacent site to the side of the property is currently occupied by an electricity substation but application 68423 - Proposed two storey building with retail E(a) to ground floor and storage space above E(c) has been approved. Pre-start conditions are yet to be discharged but layout of this development has been taken into account in any event as the permission is extant.

The proposed extension would not project more than 3 metres beyond the rear of the permission granted in relation to 68423. The proposed extension would project more than 3 metres beyond the rear of No.38 Albion Street but due to the intervening highway it would not impact on a 45 degree line as taken from the nearest ground floor habitable room window.

The proposed extension is located at a higher level than the dwellings to the rear facing Rupert Street and therefore the impact of a single storey extension, has been assessed as a two storey extension in terms of aspect standards. The proposed single storey rear extension would be located approximately 24 metres from the rear of No. 35 Rupert Street exceeding the 13 metres required by SPD 6.

No windows are proposed in the rear or side elevations of the proposed extension. A single side door is proposed that would access cycle storage rather than a habitable room.

At first floor the existing living room windows would be retained to the front. The existing side WC window would be amended to a bathroom window, and existing rear bathroom window would be amended to a kitchen window. Whilst the uses of the rooms have been amended they would still be non-habitable rooms and as such residential amenity would be maintained. The existing rear first floor bedroom window would be amended to a hallway window which is acceptable. Due to the nature of rooflights no undue overlooking is foreseen from the second floor bedroom rooflight.

Highways and Access

Policy EN1/2 requires the consideration of the design and appearance of access, parking and service provision. PfE 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.

Access to the shop for customers would remain unaltered as a result of the proposals. A bin store is shown to the rear of the site for storage of bins for both the shop, and residential use.

Highways have confirmed that subject to details in relation to foundations, boundary treatments, bin storage, highways works abutting the site and slab levels that they would raise no objections to the proposed extension. These details could be dealt with by means of a pre-commencement condition.

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 is no existing off street parking for the existing shop and associated residential unit at first floor. Both uses could require an element of parking that is currently accommodated on street and this provision of on street parking would be replicated through the proposal.

The proposal seeks to include cycle storage within the rear of the proposed extension supporting the above policy considerations.

Biodiversity Net Gain

Every grant of planning permission in England is deemed to have been granted subject to the biodiversity gain condition. Commencement and transitional arrangements, as well as exemptions, mean that certain permissions are not subject to biodiversity net gain.

The existing rear yard is hardstanding. An area of grass would be lost to the rear of the site to facilitate the extension. This area is approximately 17 square metres and as such would fall under the de-minimus exemption.

Carbon and Energy

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

The applicant has submitted an energy statement confirming that the proposal would exceed the minimum requirements for building regulations. As such the proposal would comply with the above policy.

Digital Connectivity

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 applicant has confirmed that the existing premises already benefits from fibre optic connectivity. Similarly the 1st floor will maintain its connectivity. As such the proposal would comply with JP-C2.

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 and 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 numbered 00 Rev I, 01 Ref G, 03 Rev I, 04 Rev I 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 and Places for Everyone Joint Development Plan listed.

- 3 Notwithstanding the details indicated on the approved plans, no development shall commence unless and until full details, on a topographical based survey of the site and adjacent highways, of the following have been submitted to and agreed with the Local Planning Authority:

1. Foundation details for the proposed extension confirming that there will be no adverse impact on/no encroachment under the adjacent adopted highways;
2. A scheme of highway works to a scope and specification to be agreed to demarcate the limits of the adopted highway on the un-named adopted back street that abuts the site, incorporating the provision of a footway/hardstanding/level access clear of the adopted highway in order to access the proposed bin store, measures to tie into the existing footway on Hawthorn Avenue, resurfacing of the section of un-named adopted back street that abuts the site to be used to access the proposed bin store and all associated highway remedial works required as a result of the removal of the existing boundary wall and construction of the proposed extension;
3. Finished floor slab and bin store levels relative to Hawthorn Avenue and the un-named adopted back street;
4. Surface water drainage arrangements for the proposed extension confirming no discharge onto/projection over the adjacent adopted highways.

The details subsequently approved shall be implemented prior to first occupation of the development hereby approved/the development hereby approved being brought into use.

Reason. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design and maintain the integrity of the adopted highway, all in the interests of highway safety pursuant to Development Plan Policies EN1/2 - Townscape and Built Design, JP-C5 Streets for All and JP-C6 Walking and Cycling.

- 4 The bin storage facilities indicated on the approved plans shall be made available prior to the development hereby approved being brought into use/use hereby approved commencing and maintained thereafter.
- Reason. To ensure adequate provision for the storage and disposal of refuse within the curtilage of the site, clear of the adopted highway pursuant to Development Plan Policies EN1/2 - Townscape and Built Design, JP-C5 Streets for All and JP-C6 Walking and Cycling.
- 5 The development hereby approved shall not be commenced unless and until facilities for the storage of construction materials have been provided within the curtilage of the site/on land within the applicant's control. The facilities shall be retained for the intended purpose and the area identified shall not be used for any other purposes other than the storage of construction materials for the duration of the construction period.
- Reason. To maintain the integrity of the adopted highway and ensure adequate off highway materials storage arrangements are provided for the duration of the construction period, in the interests of highway safety pursuant to Development Plan Policies EN1/2 - Townscape and Built Design, JP-C5 Streets for All and JP-C6 Walking and Cycling.
- 6 The external finishing materials for the proposal hereby approved shall match those of the existing building.
- Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP	11/03/2025	HL	12/03/2025