

DELEGATED REPORT

Report by Claire Booth	Date of report: 18/12/2025	Ref: 72424/FUL
Registration: 27/10/2025	LDFC: 20/11/2025	Expiry Date: 22/12/2025
Site Visit: 10/12/2025	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIDW

Proposal: Change of use from a single dwellinghouse (Class C3) to 2 no. self-contained apartments (Class C3)

Location: 40 Orange Hill Road, Prestwich, Manchester, M25 1LS

Description

The application relates to a terraced house with a loft bedroom, located on the north-west side of Orange Hill Road.

Permission is sought to change the use of a single dwellinghouse (Class C3), three bedroom property (one bedroom is in the loft), to 2 no. self-contained apartments (Class C3).

During the course of the application amended plans have been received indicating the location of refuse storage and cycle storage facilities.

Relevant Planning History

None to report.

Publicity

10 adjoining and nearby neighbours were notified about this application by letter.

One representation has been received which raises the following objections:

I wish to object to the application to convert a mid-terraced 3-bed home into two flats. This subdivision is out of keeping with the character of the street, which is made up of traditional family houses, and would increase occupancy density and noise. The proposal does not address identified local housing needs, which prioritise genuinely affordable homes rather than market-rate one-bed and two-bed flats.

Parking on the street is already extremely crowded, with residents relying on limited on-street spaces. Creating two separate dwellings would add further vehicles and worsen congestion, affecting residents, visitors and potentially emergency access.

Allowing this change also sets an unwelcome precedent for further flat conversions in the terrace, reducing the supply of family housing and putting greater pressure on local infrastructure. For these reasons, I ask the Council to refuse the application.

Statutory/Non-Statutory Consultations

Environmental Health - Pollution Control - No objections

Waste Management - No comments or observations received.

Traffic Section - No objections

Pre-start Conditions - Not applicable.

Development Plan and Policies

EN1/2	Townscape and Built Design
EN7/2	Noise Pollution
EN7/5	Waste Water Management
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H2/4	Conversions
HT2/4	Car Parking and New Development
HT6/1	Pedestrian and Cyclist Movement
SPD11	Parking Standards in Bury
JP-C2	Digital Connectivity
JP-C5	Streets For All
JP-C8	Transport Requirements of New Development
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
JP-H1	Scale of New Housing Development
JP-H3	Type, Size and Design of New Housing
JP-H4	Density of New Housing
JP-P1	Sustainable Places
JP-S1	Sustainable Development
JP-S2	Carbon and Energy
JP-S4	Flood Risk and the Water Environment
JP-S5	Clean Air
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 of Development

The application seeks to change the use of the existing property and convert it to two self-contained residential apartments. The following matters are considered under the principle of development section:

Location of Property

Policy JP-C1: An Integrated Network seeks to, amongst other things, Minimises both the need to travel and the distance travelled by unsustainable modes to jobs, housing and other key services, including healthcare, education, retail, recreation and leisure facilities, green space and green infrastructure; and, Locating and designing development, to deliver a significant increase in the proportion of trips that can be made by walking, cycling and public transport;

The application site is within an existing residential area at Heaton Park within approximately 300m of Bury Old Road / St Margarets Road Local Shopping Centres. Bus stops are located on Bury Old Road close to the end of Orange Hill Road which provides regular services to Manchester City Centre and Bury Town Centre. The site is therefore considered to be an accessible location by means other than using unsustainable modes of transport.

Accordingly, the proposal to create two dwellings within this property is therefore acceptable in this location and in compliance with the above-mentioned criteria within PFE Policy JP-C1.

5 year housing supply

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.

The site is located within an established urban area, within an accessible location, in walking distance of a defined Local Shopping Centre and would constitute a subdivision of an existing dwelling. As such the proposal is considered to be acceptable in principle.

Layout and Design

As the development proposes the subdivision of the building, the main changes to layout would involve the provision of increased bin storage provision, where 8 bins would be provided - 4 bins per apartment.

PfE Policy JP-H3 also states that all new dwellings 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 property seeks to be converted into two apartments. Apartment 1 would be within the majority of the ground floor of the property and would provide a 15.2sq.m bedroom, a 21m² kitchen-diner and a bathroom. This apartment would have direct access to the rear yard area. This dwelling would comply with minimum gross internal area standards. The proposed bedroom would comply with minimum areas, and widths. Storage proposed within a bedroom and under stairs storage would also comply with the national minimum space standards. The ground floor apartment could be designed to be Building Regs M4(2) compliant. This will be secured via condition

Turning to the proposed upper floor apartment; the first and second floors of the property are proposed to be a 2 bedroom property. This would be accessed through the main front door, of the property. A bathroom is proposed on each floor of the apartment and each bedroom would have dedicated storage space. As above, the proposed dwelling would comply with minimum standards for floor areas, room widths and storage. M4(2) compliance for this property is impractical, due to its location at first floor level within this terraced property.

Amended plans have been received illustrating that both apartments would be able to access the rear garden and yard area of the property for amenity purposes, accessing the outbuilding where bicycles are to be stored and refuse bins are to be stored.

Overall, the proposed amendments to the internal layout of the property would result in satisfactory accommodation for the proposed future occupiers.

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.

Neighbours have raised concerned that the proposed development would increase noise and disturbance.

The proposal would retain the existing residential use of the property, with the same amount of bedrooms as the existing house, and as such it is not envisioned that the future occupants of the two dwellings would create any more noise and disturbance than would be expected from 1 x 3no. bed dwelling. Similarly, the comings and goings of future occupiers, would not cause such demonstrable harm to the amenity of adjoining and nearby residents to justify refusal of the application on this basis.

In respect of overlooking and loss of privacy, the existing windows and doors of the property would remain in situ. The main room that would change its use is the ground floor front room, which proposes to become a bedroom.

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.

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 site is located within Zone 3/4 as defined by SPD11.

SPD11 would require the existing property to provide 3 secured cycle storage spaces (1 per bedroom) and 2 parking spaces and 2 parking spaces (1 space per 1 bed dwelling).

No off street parking is proposed as part of the development, however covered and secure cycle parking is proposed within an existing shed located to the rear of the property.

The existing and proposed car parking requirements are the same for both the existing dwelling and proposed apartment dwellings. The car parking requirements of both existing and proposed occupiers would be accommodated on street and it would therefore be unreasonable to refuse the proposed sub-division on this basis given the parking needs of both the existing and proposed residential properties.

The proposed application however does include the provision of covered and secure cycle parking storage for both apartments within the rear yard area of the property, complying with SPD11. Off street bin storage for 8no. bins is also proposed within the rear yard area, which would meet the bin storage thresholds for 2no. properties.

The parking and services provision proposed is acceptable from both a design and highway safety perspective.

Biodiversity Net Gain

While 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 development involves the conversion of an existing building. As such the development is subject to the de minimis exemption (development below the threshold) and BNG is not required.

Carbon And Energy

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

The applicant states that the proposed internal works of the properties will prioritise the minimisation of energy demand and maximisation of energy efficiency through the following measures:

- New insulation to reduce heat loss and enhance thermal efficiency.
- New efficient boilers and heating system
- Smart thermostats to enable precise control over heating and cooling, enhancing energy efficiency and user comfort. This improves thermal regulation and supports sustainability goals.
- Targeting EPC rating of C or above, demonstrating our commitment to energy efficiency and environmental sustainability.

The applicant states that these measures would be in accordance with Part L of the Building Regulations. The proposal would therefore be in compliance with PfE Policy JP-S2.

Digital Connectivity

PfE Policy JP-C2: Digital Connectivity requires development to have full fibre to premises connections unless infeasible or unviable, with multiple-ducting. The property will be served by full fibre broadband in compliance with this policy.

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 permission relates to the following plans:

Drawing ref. PP-14371652v1: Location Plan;
Drawing no. 502 Rev. 2: Site - Existing & Proposed; and,
Drawing no. 003 Rev. 3: Proposed Plans and Elevations.

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

Reason. For the avoidance of doubt and to ensure a satisfactory standard of development pursuant to the policies of the Bury Unitary Development Plan and Places for Everyone Joint Development Plan.
- 3 The bin storage facilities indicated on the approved plans shall be made available prior to occupation of either of the apartments 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 and in the interests of good design, pursuant to Policy EN1/2: Townscape and Built Design, H2/4: Conversions, H2/2: The Layout of New Residential Development of the Bury Unitary Development Plan, Policies JP-P1: Sustainable Places, JP-C5: Streets for all, JP-C6: Walking and Cycling and JP-C8: Transport Requirements of New Development of the Places for Everyone Joint Development Plan, SPD11: Parking Standards in Bury and the National Planning Policy Framework.
- 4 The covered and secure cycle storages arrangements indicated on the approved plans shall be provided and made available for use prior to the development hereby approved being brought into use and thereafter maintained at all times.
Reason. To ensure adequate covered and secure off-street cycle storage arrangements and provision for this mode of transport, in the interests of promoting active travel modes, road and pedestrian safety, pursuant to Policy EN1/2: Townscape and Built Design of the Bury Unitary Development Plan, Policies JP-C5: Streets for All, JP-C6: Walking and Cycling, and JP-C8: Transport Requirements of New Development of the Greater Manchester Places for Everyone Joint Development Plan and Supplementary Planning Document 11: Parking Standards in Bury.
- 5 The apartments to which this approval relates shall be used for C3(a) use and for no other purpose (including any other purpose in Class C of the Schedule to the Town

and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

Reason. To safeguard the amenities of the occupiers of nearby residential accommodation and in the interests of satisfactory accommodation and associated servicing and cycle parking provision, pursuant to Policy EN1/2 - Townscape and Built Design and H2/4 - Conversions of the Bury Unitary Development Plan, Policies JP-C5 - Streets for All, JP-C6 - Walking and Cycling, JP-C8 - Transport Requirements of New Development of the Places for Everyone Joint Development Plan and Supplementary Planning Document 11: Parking Standards in Bury.

- 6 The ground floor apartment hereby approved shall be built in accordance with the 'accessible and adaptable' standard in Part M4(2) of the Building Regulations.
Reason. To secure the satisfactory development of the site pursuant to Places for Everyone Joint Development Plan Policy JP-H3: Type, Size and Design of New Housing.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB	18/12/2025	DM	18/12/2025