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Application Site

11-19 Bolton Street,
Bury,
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Application Details:

Second floor/roof extension to form 9 no. apartments and increase in retail space to ground floor (02955E)

This report takes into account the particular
Instructions and requirements of our client.
It is not intended for and should not be relied
Upon by any third party and no responsibility
Is undertaken to any third party.

Job number 137482-00

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1.0 INTRODUCTION

Planning permission is sought in relation to a Second floor/roof extension to form 9 no. apartments and increase in retail space to ground floor. 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 it was confirmed in our meeting that the first floor use used for storage. 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

2.0 SITE 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

3.0 EXISTING CONDITION OF THE BUILDING

The building has no structural issues and the structure appears to be in good condition. There are some small repairs to the roof lead work and the replacement of a small number of slate and brick walling that will need replacing to the rear. The building has only been used for commercial purposes in the past.

4.0 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.

5.0 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.

6.0 LAYOUT & 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 approximately 0.0459 hectares, which based on a total of 9 dwellings would result in a density of 196 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 incorporates a range of dwelling types and sizes. The site is within Bury town centre conservation area and is surrounded by a number of Non-Designated Heritage Assets (NDHA) and listed buildings. 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.

The conservation area is on Historic Englands' 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.

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 should seek to replace or upgrade these existing shopfronts with an appropriate design that would at least preserve the character and appearance of the conservation area.

It is possible to remove the existing flat roof canopy, and seek to create a more uniform frontage that replicates the form and scale of a traditional shop front that can be seen throughout the wider Conservation Area. The proposed entrance to the proposed flats have been integrated within the design so that it does not appear incongruous within the frontage. This is apparent in historic photography along Bolton Street.

The proposal maintains a scale, size and mass similar to the previously existing historic development which follows a graduation in height along Bolton Street towards Market Place which contribute to the areas character and appearance. Given that the proposal exceeds the minimum density at the site, it has been possible to reduce the height however not the number of residential units at the site to 6.

The overall height of the proposal has been lowered from ridge down whilst not affecting the accommodation within the roof space through the introduction of dormers. The proposal is showing access to the flat from the front and rear of the site. There is very little natural surveillance towards the rear of the site hence

the rear being for fire escape purposes only.. PfE Policy JP-P1 states that all development should be functional and convenient, enabling people and uses to act efficiently with minimal effort, and responding to needs relating to servicing, recycling facilities, refuse collection and storage.

This is further supported by PfE Policy JP-C8 that states that the LPA should prioritise convenient and safe access to the site and buildings for all users and ensuring that the layout, design and landscaping of development prioritises the provision of safe, secure and attractive access to local services and facilities for pedestrians, cyclists and people with a disability. It is considered that the location of an access to the rear of the site, off a back street would not meet the policy tests to provide a safe, secure and attractive access, hence the use of the rear egress as fire escape only.

The ground floor plan on the proposal shows where the bins would be stored for the existing commercial, and proposed residential uses. 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. To the rear the proposal removes the flat roof element which is an improvement, as well as the proposed windows aligning with the style of windows within the adjacent building.

Although relocating the flues internally would be welcomed within the Conservation Area, realistically this would not be feasible due to ongoing maintenance of such flows at very short intervals as well as access issues if anything was to Breakdown or clogs up.

As the proposal is located within the Conservation Area, a Heritage Statement has been submitted as part of the overall submission documentation. The heritage statement describes the significance of the heritage asset (Conservation Area), and then assesses how the proposal would preserve or enhance the Conservation Area. The Heritage Statement Assessment has been utilised to inform final designs and materials. Nationally Designated Space Standards 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.
- All of the proposed flats would need to comply with NDSS in terms of gross internal area (GIA), bedroom sizes, bedroom widths and inbuilt storage.

Flats 1, 4, 7 would comply with the GIA for 1 bed, 2 person, 1 storey dwelling. The bedroom meets minimum standards for a double occupancy room. No inbuilt storage is shown. Flat 3, 6, 9 would comply with the GIA for a 1 bed, 2 person, 1 storey dwelling. The bedroom meets minimum standards for a double occupancy room. No inbuilt storage is shown.

Flat 2, 5, 8 would comply with the GIA for a 3 bed, 6 person, 1 storey dwellings. All bedrooms meet minimum standards for a double occupancy room. Inbuilt storage is shown in the rear bedroom that is approximately 3.5m² which would also meet minimum standards.

Layouts have been amended to show the minimum inbuilt storage for flats 1, 4, 7, 3, 6, and 9. M4(2) compliance can be secured by condition. If the submission can not comply with M4(2) a case will be made with the planning application setting out the site specific conditions that make it impracticable.

7.0 BUILDING REGULATIONS

In January 2017 a digital connectivity requirement (Part R) was introduced to Schedule 1 of the Building Regulations 2010. This requires physical infrastructure to support high-speed broadband in all new building developments and major renovation projects.

8.0 FIBRE OPTIC BROADBAND

The proposal recognises the importance of digital infrastructure in enterprise development and expects high speed digital infrastructure in all employment developments.

In order to support the expansion of digital infrastructure and help businesses in all employment developments access highest available broadband speeds, 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.

Enabling works for digital infrastructure will be considered at the planning stage in order to ensure connectivity is provided without disruption to the occupiers.

The developers will work with a network provider from the early stages of the planning of their development and on a non-exclusive basis during the construction phase. This will reduce delays in connecting to existing networks and reduce lead-in times if the existing network requires capacity upgrade to serve the development.

9.0 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 impact of the noise of any flues required for the ground floor uses will be explored as well as any potential noise disturbances that may be caused from the surrounding uses that include bars, a gym, and a main road. As there are a number of potential noise nuisances within the vicinity of the site a noise impact assessment, that includes details of potential mitigation will be submitted as part of the application.

10.0 HIGHWAYS & 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.

The proposed plans will be submitted on an accurate site layout plan based on topographical survey data to confirm how the development would relate to the adjacent adopted highways, showing the new and existing footprints of the buildings. Consideration will be given at this stage in relation to how this development could be constructed (Parks Yard) and busy (Bolton Street) location, including how the site could be adequately accessed by construction vehicles - something that is not always considered at planning stage but becomes an issue after consent has been granted.

Proposed bin storage arrangements for the new and existing uses on the site will be agreed with Waste Management due to the intensification of use proposed. 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.

Given that the site is located in a highly sustainable location, within the town centre it should be likely that the LPA will support an application that provides no on site parking provision which can be fully addressed within the submission documentation. The servicing provision to the rear of the site will be clearly outlined to ensure that there is no conflict between deliveries etc and any future occupants of the proposed dwellings

11.0 ECOLOGY AND BIO-DIVERSITY 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. It is likely that the de-minimis exemption for BNG would apply to this site as it is a conversion of an existing building, and the rear yard appears to be hard surfaced.

Carbon and Energy PfE Policy JP-S2 - Carbon and Energy sets out the steps required to achieve net zero carbon emissions. A statement will be submitted with the submission to show how this policy has been addressed within the design of the dwellings.

12.0 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. A statement will be required with any submission to show how this policy has been addressed.

13.0 DRAINAGE

In terms of drainage any proposal should include a surface water scheme that must be based on the hierarchy of drainage options in the National Planning Practice Guidance and include assessment of potential SuDS options for surface water drainage with appropriate calculations and test results to support the chosen solution. It must be designed in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015). Details of proposed maintenance arrangements should also be provided

14.0 PLANNING POLICY

The proposal for the self contained flats complies with the Bury UDP plan and various clauses SPD7, 13, 15 and SPG5 all contained in the UDP part 2 Housing. The flats would all be self contained with no shared communal activities. The street scene and general character would not be affected as the group of people who would occupy this residence would most likely be young workers who will walk/ cycle and use the public transport. The location means that the local amenities would be all within a walking distance and there will be no need for a vehicle/ parking spaces.

15.0 ACCESS

The building was never constructed to give access to the less abled although the stairs do comply with the ambulant access requirements. The building in its nature will not be fully accessible. Although access is limited, the requirements for electrical switches etc outlined in part M would be complied with. There is also a cycle store located in the ground floor lobby level, indicated on proposed plans.

16.0 CONCLUSION

It is clear that the site suits residential due to its prime location. The proposal accepts and welcomes the responsibility of ownership of a listed building. Indeed it is suggested that the most important factor is to preserve this building is to find an appropriate use that will ensure it is fully used. This would stop the building from deteriorating quickly. The proposal identifies wasted space and proposes an additional self contained flat within this space.



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