

DELEGATED REPORT

Report by Claire Booth	Date of report: 06/03/2026	Ref: 72346/FUL
Registration: 18/11/2025	LDfC: 11/12/2025	Expiry Date: 13/01/2026
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area:	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: MIDW

Proposal: Conversion of first floor to 1no. self-contained apartment and first floor rear extension

Location: 74b Water Street, Radcliffe, Manchester, M26 4DF

Description

The application relates to the first floor of a mid terrace property located within a Local Shopping Centre, as defined within the adopted Development Plan. It has a flat roof single storey rear extension.

The application site sits above a Class E use, operating as 'Four 20 Deserts', and between no. 74A Water Street which is in residential use - see planning history section of this report - and no. 72, which is in use as a Hairdressers/ Beauty Salon and 72A Water Street, a flat above and which is accessed via a separate doorway on the Water Street elevation of the building.

To the rear of the property is a back ally which has no through route. A blank side elevation of a two storey traditional brick building in use as car garage. This building does have a blocked up window on its side elevation enclosing this back street. Within this rear alley, is a brick built single storey lean-to building that appears to be in a run down state.

The rear alley, is parked up with three cars, two of which have not moved during the course of this application. As well as the parked cars occupying a large portion of the width of the back street, the presence of both an 1100 litre bin serving the needs of the businesses within 76-78 Water Street and an overflowing 240 litre bin with 74A written on it block pedestrian access to the rear of the application site. In addition, the area between the three parked cars and the application site gate is littered with debris, such as fridge's, freezers, broken glass and tall weeds.

Planning permission is sought to create a self-contained flat at first floor level that would be accessed via the rear elevation of the building through a proposed new doorway. The proposed new doorway would alter the window arrangement.

It is also proposed to erect a first floor rear extension that would be above an existing flat roof extension and extend from the original rear wall of the property by approximately 3.62m. It would have a gable roof that would tie into the main/ original roof. The main roof pitch of the proposed first floor extension would extend approximately 6.5m and would have a maximum height of approximately 7.8m.

The proposal also seeks to install an additional doorway on the rear elevation to form a secure bike store area and permission is also sought to utilise and existing small brick built lean-to building within the back street, in which occupants of the property could store their bins.

Finally, the revised plans indicate the existing shop front would be replaced on a like for like basis.

Relevant Planning History

74 Water Street - Application Site

36701 - Conversion of shop (Class A1) to house (Class C3) with a two storey and single storey rear extension. Approved with Conditions, 31/07/2000

22727 - Conversion of shop/ dwelling, single storey kitchen extension at rear. Approved, 22/06/1989.

72 Water Street - Bonnies Hair & Makeup

58821 - Change of use of first floor from store to residential accommodation; Alteration to shop front 20/07/2015

57068 - Change of use of former tanning studio to 2 no. self contained flats; Alterations to front and rear elevations - Refused, 13/06/2014

24323 - Change of use from Amusement Arcade to Sunbed and Sauna - Approve, 24/05/1990

76-78 Water Street

51669 - Change of use of rear of ground floor and first floor of no. 78 and ground floor and first floor of no. 76 from retail (Class A1) to Massage Parlour (Sui Generis) with front entrance to no. 76 and new access at rear to no. 78 - Approved with Conditions, 19/11/2009

50997 - Change of use of part the rear of the ground floors and 1st floors to non retail (health/leisure use). Withdrawn - Invalid, 24/04/2009

48476 - Proposed conversion from shop into male health salon - Refused 11/10/2007. Appeal dismissed 21/11/2008 on the detrimental impact on the vitality and viability of the shopping centre and the negative impact on the character and appearance of the area. - Invalid, 24/04/2009

41912 - First floor extension to rear of shop - Approved with Conditions, 02/03/2004

Publicity

Neighbour letters were sent to 17 neighbouring and nearby neighbouring properties on the 19/11/2025.

One representation has been received advising they object to the proposals as they have previously had problems in their property due to water and damp from the application property and raising concerns about the impact the proposal would have on their property.

Statutory/Non-Statutory Consultations

Traffic Section - Raises objections to the application based on the proposed sub-standard pedestrian access arrangements to the self-contained apartment and the substandard bin storage and refuse collection access route proposed due to the rear alley being obstructed.

Waste Management - No comments or observations received.

Environmental Health - Pollution Control - No objections, subject to a condition securing soundproofing the front bedroom against traffic noise.

United Utilities (Water and waste) - No comments or observations received

Property & Technical Services - Estates - No comments or observations received

Canal & River Trust - No objections.

Pre-start Conditions - Not applicable.

Development Plan and Policies

S1/4	Local Shopping Centres
EN1/2	Townscape and Built Design
EN1/5	Crime Prevention
H1/2	Further Housing Development
H2/2	The Layout of New Residential Development
H5/1	Area Improvement
H5/1	Area Improvement
JP-C1	Our Integrated Network
JP-C2	Digital Connectivity
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-C8	Transport Requirements of New Development
JP-S2	Carbon and Energy
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
NPPF	National Planning Policy Framework
NPPG	National Planning Policy Guide

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 site is within the adopted Ainsworth Road / Water Street Local Shopping Centre. UDP Policy S1/4: Local Shopping Centres seek to maintain and enhance local shopping centres.

The ground floor of the property would remain in Class E use and thus the proposed change of use of the first floor to a non-retail use would not harm the retail frontage of the Ainsworth Road/ Water Street Local Shopping Centre. The proposal is therefore acceptable in principle.

Parking, Access and Servicing

Car Parking Provision

There is no on site parking proposed, in line with other properties in the immediate vicinity.

Cycle Parking Provision

For flats and apartments, SPD 11: 'Parking Standards in Bury' requires each dwelling flats and apartments to provide 1 secure, covered cycle storage space per unit. The proposal shows an internal bike store that is to be accessed externally via a proposed new doorway.

Access

The proposed first floor apartment proposes to be accessed from the rear of the application site via the back alley that runs along the length of the terrace. An internal bike store would be accessed from a proposed doorway on this back alley. The proposal seeks to store bins within an enclosure on the back street/ alley, which appears to be an existing brick built lean-to structure, and to access an internal bike store from the back alley.

The rear alley, is parked up with three cars, two of which have not moved during the course of this application. As well as the parked cars occupying a large portion of the width of the back street, the presence of both an 1100 litre bin serving the needs of the businesses within 76-78 Water Street and an overflowing 240 litre bin with 74A written on it block pedestrian access to the rear of the application site. In addition, the area between the three parked cars and the application site gate is littered with debris, such as fridge's, freezers, broken glass and tall weeds.

Even if all the debris was cleared up by approval of this application, the parked cars are not within the applicants control and it is clear that bins stored on this back street, along with parked cars restrict a safe and unobstructed access from being created. This rear street is hardly overlooked given most properties have extended up to their rear boundaries and due to the presence of the adjacent two storey brick car garage building forming a hard and

overshadowed boundary to this back street/ alley, overlooking of this narrow rear passage along the length of this terrace and from the two flats/ residential properties is therefore very limited.

Greater Manchester Police has also objected to this application based on crime and disorder concerns due to the main access to the proposed first floor flat being from this obstructed and unoverlooked back alley, to the detriment of pedestrian safety and due to the real risk of crime occurring in this location. For these reasons, it is recommended that the application be resisted as the proposal is clearly contrary to the aims of the NPPF and UDP Policy EN1/5: Crime Prevention, both of which seek to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

The Local Highway Authority have similarly objected to the main access for the proposed first floor flat being via this very obstructed back alley stating the proposal would result in the creation of sub-standard pedestrian access arrangements to the self-contained apartment from the unadopted and unlit rear access where parked vehicles and communal refuse bins that obstruct the primary route for pedestrians has not been taken into consideration, to the detriments of pedestrian and personal safety.

In addition, UDP Policy H5/1/2 Inner Radcliffe Area Improvement seeks to improve housing conditions and the housing environment within this locality owing to the current level of poor housing conditions and environment in this area of Radcliffe. Owing to the unacceptable proposed access to the development and the failure to provide a satisfactory bin collection access facilities and the inability to be able to get bicycles to and from the proposed bike store due to the obstructed back street/ alley, the proposal is clearly contrary to the requirements of this policy.

For all of the above reasons, the proposal is contrary to the requirements of UDP Policies EN1/5: Crime Prevention, H5/1: Area Improvement and H2/2: The Layout of New Residential Development and the design and crime safety requirements of the NPPF.

Servicing

PfE JP-C8: Transport Requirements of New Development requires all developments to be satisfactorily serviced. The Council has a duty to collect the waste of all residents. It is already clear that in visiting the site 5 weeks apart, that the overflowing bin of no. 74A Water Street has not been moved or emptied, probably as the 1100 litre bin serving the needs of the business(es) operating within nos. 76-80 Water Street and the parked cars block all access to and from the application site. This is even more so, given all the broken kitchen appliances piled up across the furthest end of the street away from the main road.

Given the obstructed nature of this rear street bins could not be collected and returned to their proposed storage location. There is nowhere on the adopted highway where bins could be stored without adversely affecting highway safety. For these reasons the Local Highway Authority has objected to the proposals. It is therefore recommended that the application is also be resisted on this basis.

To conclude this section, it is clear that the proposed development results in poor design, contrary to the requirements of Section 12 of the NPPF that seeks to secure well-designed places through planning decisions, as well as being contrary to all the Development Plan policies mentioned above.

Design and Visual Amenity

UDP Policies H2/1 and EN1/2 seek appropriately designed extensions and alterations which do not cause harm to the surrounding area.

A first floor rear extension is proposed to the rear of the property which would extend above an existing ground floor flat roof extension.

In visual amenity terms, the proposed extension would not be seen from the public realm and would reflect similar extensions on the rear of nos. 76, 78 and 80 Water Street. In this regard the proposal is thus acceptable.

As discussed under the above section of this report, the proposal is poorly designed with an unsafe and obstructed access to the proposed first floor apartment. The proposal also fails to provide an unobstructed access for refuse bins to be collected by the Council's Waste Management team and for the same obstruction reasons, the proposed bicycle store, required by SPD11 as a form of sustainable transport, could not be accessed. For these reasons the proposal fails to be well-designed development, contrary to the requirements of Section 12 of the NPPF and UDP Policies H2/1 and H2/2.

Impact on neighbouring businesses

NPPF paragraph 200 states:

Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

The application site is within an adopted Local Shopping Centre. Subject to the first floor being satisfactorily soundproofed, the proposal would not cause harm to the business below or adjacent.

Amenity of neighbouring residents

UDP Policy H2/1 seeks the impact of developments on neighbouring residential amenity to be acceptable.

A first floor apartment exists above no. 72 Water Street, known as no. 72A, which adjoins the application site. This has a first floor window on the rear elevation. No. 74A Water Street adjoins the other side of the application site is in use as a two floor dwellinghouse. This also has a first floor window on the rear elevation.

The first floor window serving no. 72A is far enough away from the shared boundary to not be demonstrably adversely affected by the proposed extension. In contrast, the first floor window serving no. 74A Water Street is currently compromised by an existing two storey rear addition present on the rear of no. 76 Water Street. The proposed two storey rear extension would effectively create a tunneled outlook, overbearing impact, and an undue sense of enclosure, to the detriment of the residential amenity of the occupant(s) of no. 74A Water Street.

Amenity of Future Residents

UDP Policy H5/1/2 Inner Radcliffe Area Improvement seeks to improve housing conditions and the housing environment within this locality owing to the current level of poor housing conditions and environment in this area of Radcliffe.

All residential development should accord with the minimum space standard requirements laid out in the nationally prescribed Space Standards.

The existing and proposed floor plans, as shown on drawing no.002-SI-XX-00-DR-I-P4: Existing and Proposed First Floor Plan, shows that the proposed apartment would accord with the nationally prescribed Space Standards and the same requirement within PfE Policy

As stated in earlier sections of this report, the proposal fails to achieve well-designed development as the proposed access to the development seeks to be from the severely obstructed rear alley. GM Police have objected to Access to and from the rear of the property has very little natural surveillance, that will leave residents & visitors to and of the proposed development vulnerable to criminality, fear of crime, and antisocial behaviour. Furthermore, there are a number of cars parked in the alley which can be used as possible hiding places for offenders.

Due to all of the above, the proposal clearly fails to provide well-designed development and fails to ensure this development would be safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion, as required by UDP Policy EN1/5 and paragraph 96 of the NPPF.

Carbon and Energy

The Council's in Greater Manchester aim is to ensure all new development is carbon neutral by 2038. The Policy promotes, amongst a range of other things, the retrofitting of existing buildings with measures to improve energy efficiency and generate renewable and low carbon energy, heating and cooling. The applicant has failed to consider the carbon and energy effects of converting the property, and incorporating the measures identified within the Policy as required by PFE Policy JP-S2: Carbon and Energy.

The applicant has failed to demonstrate the proposals compliance with this policy.

Digital Connectivity

PFE Policy JP-C2: Digital Connectivity requires, amongst other things, all new development to have full fibre to premises connections, unless technically infeasible and/or unviable, and to incorporate multiple-ducting compliant with telecoms standards, to facilitate future-proof gigabit-capable network connections. It is expected that internet connections will be operational and immediately accessible to network providers when occupiers move into properties

The applicant has failed to demonstrate the proposals compliance with this policy.

Biodiversity Net Gain

Applications such as this are subject to the provisions in Schedule 7A of the Town and Country Planning Act 1990 (the Act) relating to "Biodiversity Net Gain in England" which "makes provision for grants of planning permission in England to be subject to a condition to secure that the biodiversity gain objective is met". The general condition of planning permission relating to biodiversity gain is set out in paragraph 13(2) to Schedule 7A of the Act and states that:

- (2) The condition is that the development may not be begun unless—
 - (a) a biodiversity gain plan has been submitted to the planning authority (see paragraph 14), and
 - (b) the planning authority has approved the plan (see paragraph 15).

However, there are specific exemptions from biodiversity net gain for certain types of development. These exemptions are set out in paragraph 17 of Schedule 7A of the Act and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

In this case, the application proposal is "subject to the de minimis exemption (development below the threshold)". This exemption applies to development that does not impact a priority habitat and impacts less than 25 square metres (e.g. 5m by 5m) of onsite habitat, or 5 metres of linear habitats such as hedgerows.

In this case, as an existing ground floor extension exists which extends up to the rear boundary of the site it is clear that there is no onsite habitat or within 5 metres of any linear habitats. The proposal is therefore exempt from the statutory BNG requirements set out

above.

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 proposal would result in the creation of sub-standard pedestrian access arrangements to the self-contained apartment from the unadopted and unlit rear access where parked vehicles and refuse bins obstruct the primary route for pedestrians accessing the proposed apartment, to the detriment of pedestrian and personal safety and fails to achieve well-designed development, contrary to Policies H5/1: Area Improvement, H2/1: The Form of New Residential Development, H2/2 The Layout of New Development, EN1/2: Townscape and Built Design and EN1/5 - Crime Prevention of the Bury Unitary Development Plan, Policies JP-C5: Streets for All of the Greater Manchester Places for Everyone Joint Development Plan and the National Planning Policy Framework.
- 2 The proposed bin storage facilities, refuse collection access arrangements and cycle parking access and egress arrangements are sub-standard as parked vehicles and other communal refuse bins obstruct the access route to the rear of the property, which would not meet the requirements of Waste Management's 'Guide to Refuse Collection Requirements & Storage Methods for New Developments'. The proposal therefore fails to be well-designed development contrary to the requirements of Policies H5/1: Area Improvement, H2/1: The Form of New Residential Development, H2/2 The Layout of New Development, and EN1/2: Townscape and Built Design of the Bury Unitary Development Plan , policies JP-C5: Streets for All and JP-C8: Transport Requirements of New Development of the Greater Manchester Places for Everyone Joint Development Plan and the National Planning Policy Framework.
- 3 The proposed extension, by reason of its excessive height, scale, massing and projection, would have a detrimental impact on the first floor window on the rear of no. 74A Water Street by reason of its significant overbearing impact, the sense of enclosure caused and loss of outlook. It is therefore contrary to Policies H5/1: Area Improvement, H2/1: The Form of New Residential Development, H2/2 The Layout of New Development, and EN1/2: Townscape and Built Design of the Bury Unitary Development Plan and the National Planning Policy Framework.
- 4 The application and submitted plans and supporting statements contain insufficient information to enable the local planning authority to assess whether the proposal would maximise reductions in carbon emissions, as required by Policy JP-S2 - Carbon and Energy of the Places for Everyone Joint Development Plan and the National Planning Policy Framework.
- 5 The application and submitted plans and supporting statements contain insufficient information to demonstrate that the proposal would provide high quality digital

DELEGATED REPORT

infrastructure to future occupiers of the proposed development, as required by Policies JP-C1: 'An Integrated Network' and JP-C2: 'Digital Connectivity' of the Places for Everyone Joint Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB	06/03/2026	DM	06.03.2026