

## **DELEGATED REPORT**

|                                 |                                   |                                |
|---------------------------------|-----------------------------------|--------------------------------|
| <b>Report by</b> Tom Beirne     | <b>Date of report:</b> 21/10/2025 | <b>Ref:</b> 72206/P3JPA        |
| <b>Registration:</b> 11/08/2025 | <b>LDfC:</b> 02/09/2025           | <b>Expiry Date:</b> 06/10/2025 |
| <b>Site Visit:</b> 27/08/2025   | <b>Site Notice:</b> N/A           | <b>Press Date:</b> N/A         |
| <b>Objections:</b> 9            | <b>Con Area:</b> N/A              | <b>Adv Type:</b> N/A           |
| <b>Reason for Delay:</b><br>N/A |                                   | <b>EIA:</b> NA                 |
|                                 |                                   | <b>Dec Level:</b> DEL          |
|                                 |                                   | <b>Stat Class:</b> NREQ        |

**Proposal:** Prior approval for proposed change of use from commercial (Class E) to 18 no. flats (Class C3)

**Location:** 78-80 Church Street West, Radcliffe, Manchester, M26 2SY

### **Description**

The application relates to a two/three storey, end terraced commercial property located on Church Street West. The site is currently vacant but was formerly used as a showroom and workshop. The site fronts Church Street West. The main building is "L" shaped with a single storey porch extension to the front, and a single storey rear extension accessed from the basement level to the rear. An existing single storey commercial unit is attached to the rear of the building.

Residential properties are located to the south east of the site and there is a mixture of terraced residential and commercial properties to the north and south west. Two storey industrial units are located to the north east of the site, as well as pedestrian access to Radcliffe Metro link station.

Prior approval for proposed change of use from commercial use (Class E) to 18 no. flats (Class C3). The proposal, which has been revised down from 20.no. flats, includes the demolition of the existing single storey rear extension to allow for the extension of a parking area and bin store. The proposal includes 10 parking spaces within the site.

The application follows a previously refused prior approval for a 20 no. flats in May this year.

### **Relevant Planning History**

02271/E - Change of use from workshop/showroom to 5 residential dwellings and 3 retail units - Enquiry completed 02/04/2019  
70563 - Change of use from former showroom/workshop to 28 no. bedroom (single occupancy) building of multiple residential occupation (Sui Generis) - Refused 11/06/2024  
71801 - Prior approval for proposed change of use from showroom/manufacturing (Class E) to 20 no. apartments (Class C3) - Prior Approval Required and Refused 20/05/2025  
72258 - External works to existing fenestration and demolition of single storey rear extension -  
11/0094 - Untidy property and land - 19/12/2011

### **Publicity**

Immediate neighbours notified by letter dated 11/08/2025.

None objections received.

Concerns are summarised below:

- Excessive waste.
- Increase in noise.
- Vandalism.

- Anti-social behaviour.
- Increase in crime.
- Parking issues.
- Against the Radcliffe Strategic Regeneration Framework.
- HMOs have a detrimental effect on towns creating imbalanced and unsustainable communities.
- Living in an HMO can have a negative impact on mental health.
- Building could be used to provide jobs.
- Already a high level of congestion/pollution.
- Too many HMOs and 1 bed properties in vicinity of the site.
- No need for flats for young, single probably male people.
- Lack of local support services and infrastructure.
- Should be located in Bury.
- Should be used for affordable homes for low earning families.
- Close to residential area where families live.
- Not enough facilities, particularly kitchens for all the people.
- Council do not have the ability or capacity to properly regulate this sector of accommodation.
- HMOs lead to a high turnover in residents that contributes to a decline in community cohesion.
- Scale and intensity is unprecedented in the area.
- Too many people in one building.
- 12 parking spaces is insufficient.
- Lack of recycling facilities.
- Insufficient recreation space for the scale, size and number of occupants.
- Impact on major thoroughfare from Metrolink to Town Centre.
- External Councils will use the accommodation to house homeless, Domestic Violence victims etc and attempt to discharge their ' Duty of care ' as they do now to local services

### **Statutory/Non-Statutory Consultations**

Traffic Section - No objection subject to conditions.

Waste Management - No comments received.

Environmental Health - No objection.

Adult Care Services - No comment received.

Greater Manchester Police - No comment received.

Housing - Public Protection - No comment received.

### **Pre-start Conditions -**

#### **Development Plan and Policies**

|       |                                           |
|-------|-------------------------------------------|
| NPPF  | National Planning Policy Framework        |
| JP-H3 | Type, Size and Design of New Housing      |
| JP-H4 | Density of New Housing                    |
| JP-P1 | Sustainable Places                        |
| JP-C2 | Digital Connectivity                      |
| JP-C5 | Streets For All                           |
| JP-C6 | Walking and Cycling                       |
| H1/2  | Further Housing Development               |
| H2/2  | The Layout of New Residential Development |
| HT2/4 | Car Parking and New Development           |
| SPD11 | Parking Standards in Bury                 |

### **Issues and Analysis**

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within the

adopted Bury Unitary Development Plan (UDP), together with other relevant material planning considerations.

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

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

The elimination of discrimination, harassment and victimisation;

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

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

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

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

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

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

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

**Legislation** - Class MA 3.1 of the GDPO states:

Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order.

MA.1.—(1) Development is not permitted by Class MA—

(a) deleted

(b) unless the use of the building fell within one or more of the classes specified in sub-paragraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval.

- (c) deleted
- (d) if land covered by, or within the curtilage of, the building—
  - (i) is or forms part of a site of special scientific interest;
  - (ii) is or forms part of a listed building or land within its curtilage;
  - (iii) is or forms part of a scheduled monument or land within its curtilage; (iv) it forms part of a safety hazard area; or
  - (v) it forms part of a military explosives storage area.
- (e) if the building is within –
  - (i) an area of outstanding natural beauty; (ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981(a); (iii) the Broads;
  - (iv) a National Park; or
  - (v) a World Heritage Site;
- (f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained.
- (g) before 1 August 2022, if—
  - (i) the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and
  - (ii) the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.

(2) The classes mentioned in sub-paragraph (1)(b) are the following classes of the Use Classes Order –

(a) the following classes of the Schedule as it had effect before 1st September 2020 –

- (i) Class A1 (shops);
- (ii) Class A2 (financial and professional services);
- (iii) Class A3 (food and drink);
- (iv) Class B1 (business);
- (v) Class D1(a) (non-residential institutions – medical or health services); (vi) Class D1(b) (non-residential institutions – crèche, day nursery or day centre);
- (vii) Class D2(e) (assembly and leisure – indoor and outdoor sports), other than use as an indoor swimming pool or skating rink;

(b) on or after 1st September 2020, Class E (commercial, business and service) of Schedule 2.

#### Conditions

MA.2.—(1) Development under Class MA is permitted subject to the following conditions.

(2) Before beginning development under Class MA, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to –

- (a) transport impacts of the development, particularly to ensure safe site access;
- (b) contamination risks in relation to the building;
- (c) flooding risks in relation to the building;
- (d) impacts of noise from commercial premises on the intended occupiers of the development;
- (e) where –
  - (i) the building is located in a conservation area, and
  - (ii) the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area;
- (f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;
- (g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses; and
- (h) where the development involves the loss of services provided by –
  - (i) a registered nursery, or
  - (ii) a health centre maintained under section 2 or 3 of the National Health Service Act

2006(a), the impact on the local provision of the type of services lost.  
(i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.

### **Assessment -**

Each of the legislative criteria in terms of suitability are addressed below

(a) - Deleted from legislation.

*(b) unless the use of the building fell within one or more of the classes specified in sub-paragraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;*

The building in question has persisted within Class E for a substantial period, exceeding the 2-year limit set by the GDPO.

(c) Deleted from legislation.

*(d) if land covered by, or within the curtilage of, the building—  
(i) is or forms part of a site of special scientific interest;  
(ii) is or forms part of a listed building or land within its curtilage;  
(iii) is or forms part of a scheduled monument or land within its curtilage;  
(iv) is or forms part of a safety hazard area; or  
(v) is or forms part of a military explosives storage area;*

The site is not a listed building and is not any of the land affected by this clause.

*(e) if the building is within –  
(i) an area of outstanding natural beauty; (ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981(a); (iii) the Broads;  
(iv) a National Park; or  
(v) a World Heritage Site.*

The site is not within any land affected by this clause.

*(f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained.*

The site does not relate to agricultural land and there is no agricultural tenancy in place.

*(g) before 1 August 2022, if -  
(i) the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and  
(ii) the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.*

Criterion (g) is no longer relevant to Class MA applications as the dates within the parts g(i) and g(ii) have passed. As such it is concluded that the development complies with the qualification criteria of Class MA.

### **The Pre-Development Conditions**

MA.2. requires that development under Class MA is permitted subject to assessment via a prior approval for the following pre-commencement criteria.

*(a) transport impacts of the development, particularly to ensure safe site access.*

This consideration relates to whether the conversion of the building would result in an

impact to the safety and convenience of the highway.

The impact of the proposed development on highways, following revisions to the layout of the parking area and access at the rear, is considered not to be significantly detrimental or harmful, in particular in light of the potential impact of the existing use of the site when compared to the proposed use as apartments.

The site is located in a very sustainable location, close to Radcliffe Town Centre and Radcliffe Metrolink station. Frequent bus services also run past the site, along Church Street West.

Parking for 10 cars is proposed within the courtyard to the rear with use of the existing access onto Glenvale Close. Three additional spaces are proposed on the south west side of the building, on the unadopted road between the site and No.76 Church Street West. Although the use of these spaces for parking by residents could be beneficial, it is not totally clear the land in question is fully controlled by the applicant and therefore these three spaces have not been given substantial weight. Notwithstanding this, it is considered that the proposed change of use with 10 dedicated spaces within the site would not amount to a substantive and detrimental impact on the highway network given the sustainable nature of the site. The highways authority have recommended two conditions regarding the completion of the parking and maintenance of the turning area be attached to any decision and this is considered reasonable.

*(b) contamination risks in relation to the building.*

Most recently the building has been in commercial use, occupied by a fitted furniture design and installation company.

A preliminary Risk Assessment has been submitted with the application (Worms Eye dated 15/07/2025). The report concluded a very low risk of contamination, but that there was a possibility of hydrocarbon vapours and landfill gas affecting the building. The site is not affected by radon or within 250m of a known landfill site. Whilst it is not considered that there would be any serious concerns regarding contamination, it is considered reasonable to attach informatives with regard to the need for an asbestos survey and further investigation with regard to the development.

It is concluded that the change of use would not cause any contamination risk to surrounding uses or areas.

The Council is unable to assess and apply where necessary air quality mitigation measures to this type of permitted change of use. It is noted that car parking is proposed so the provision of electric vehicle charging facilities would be encouraged. An informative would be attached in this regard.

*(c) flooding risks in relation to the building*

The site falls within Flood Zone 1 (very low flood risk). As such the flood risk requirement is met.

*(d) impacts of noise from commercial premises on the intended occupiers of the development.*

A noise report supports this application. The assessment considers the potential impact of noise from nearby commercial premises on the future occupiers of the development. A noise survey has been undertaken at the site and daytime and night-time noise levels have been determined. The noise impact from commercial and industrial noise sources has been found to be low.

Based on the results of the noise survey, the noise levels at the site have been assessed with reference to relevant British Standards and guidance documents and are low impact. Recommendations for glazing and ventilation to the new residences have been provided.

By following the recommendations in this report, the building can provide suitable levels of protection from commercial and industrial noise sources for the occupants of the new dwellings.

*(e) where— (i) the building is located in a conservation area, and (ii) the development involves a change of use of the whole or part of the ground Floor, the impact of that change of use on the character or sustainability of the conservation area.*

The building is not located in a conservation area and therefore this clause does not apply in this case.

*(f) the provision of adequate natural light in all habitable rooms of the dwellinghouses.*

The GPDO defines a habitable room as any rooms used or intended to be used for sleeping or living which are not solely used for cooking purposes, but does not include bath or toilet facilities, service rooms, corridors, laundry rooms, hallways or utility rooms.

All habitable spaces within the proposed flats will have access to natural light via the existing windows as shown on the floor plans. As such none of the bedrooms and living spaces will be without appropriate levels of natural light.

*(g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses*

The site is not within a designated area and as such this clause has no effect.

*(h) where the development involves the loss of services provided by— (i) a registered nursery, or (ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006(a), the impact on the local provision of the type of services lost.*

The development does not affect the uses named above.

*(i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building*

The building does not exceed the fire risk condition threshold. The development does not exceed seven storeys in height. A fire risk assessment is not required.

*Application of the National Space Standards in Para 9A.*

The floor space for each unit would exceed the 37 square metres required under the national housing standards. This is demonstrated on the accompanying floor plans. There is no longer a limit of space to be converted under the permitted development right (previously 1,500 sq.m in the GPDO).

### **Objections/ public comments**

Many of the comments/objections put forward cannot be considered or afforded weight given the legislative background and what the Local Planning Authority can take into consideration within the Prior Approval.

Many of the points of objection relate to houses in multiple occupation (HMO's). It is noted that this proposal does not involve HMO's but small apartments. Traffic and parking issues have been addressed in the report and unit numbers have been reduced in response to initial concerns. Any conversion to a HMO would require planning permission.

### **Conclusion**

It is considered that the development would be acceptable in this location and can be carried out in accordance with the provisions of Class MA within the amended GPDO. As such, it is recommended that prior approval is given with a condition attached requiring works to the proposed parking and access to be completed to the satisfaction of the Local Planning Authority prior to first occupation.

**Recommendation:** Prior Approval Required and Granted

**Conditions and Reasons:**

- 1 The car parking spaces numbered 1 - 10 and cycle/bin store areas indicated on approved plan reference 25007 - 13 Revision F shall be surfaced/provided, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the use hereby approved commencing and thereafter maintained at all times.  
Reason -To ensure adequate off street car and cycle parking provision and bin storage/refuse collection arrangements clear of the adopted highway, in the interests of road safety.
- 2 The turning facilities indicated on the approved plans shall be provided before the areas of the development to which they relate are brought into use and the areas used for the manoeuvring of vehicles shall subsequently be maintained free of obstruction at all times.  
Reason - To minimise the standing and turning movements of vehicles on the highway/new access road, in the interests of road safety.

| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
|---------------------|-------------|-------------------------|-------------|
| Tom Beirne          | 21/10/2025  | HL -                    | 22/10/2025  |