

DELEGATED REPORT

Report by Charlotte Orrell	Date of report: 25/02/2026	Ref: 72637/FUL
Registration: 09/01/2026	LDFC: 02/02/2026	Expiry Date: 06/03/2026
Site Visit: 13/01/2026	Site Notice: 13/01/2026	Press Date: 15/01/2026
Objections: 0	Con Area: BURY	Adv Type: CA
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: COUS

Proposal: Change of use of first and second floors from Commercial to Sui Generis (Emergency Short Term Housing - Two Units)

Location: 18 Silver Street, Bury, BL9 0EX

Description

The proposal relates to the first and second floors of a three storey mid-terraced building on the north-western side of Silver Street. The front opens directly onto the pavement with the rear yard bound by high brick walls to both the side and rear boundaries.

The proposal is to change the use of the first and second floors from commercial use (Class E) to emergency short-term housing (Sui Generis). There would be no external changes nor amendments to the existing internal layout of the basement or ground floor.

On the first floor, there would be 1 flat with 2 bedrooms facing to the front (towards Silver Street). The flat on the first floor would be approximately 61.3sqm in size. On the second floor, there would also be 1 flat measuring approximately 67.7sqm in size, also with 2 bedrooms facing the front.

The existing rear yard would remain, with a wider access gate proposed to the rear yard to allow the bins to be moved onto the back street to facilitate bin collection.

The site is located within the Bury Town Centre Conservation Area.

Amendments

Amendments were sought in order to amend the scheme from 4 proposed flats (2 at first floor, 2 at second floor) to one flat at each floor to meet the requirements of the Nationally Described Space Standards (NDSS). An amended proposed site plan was also requested to amend the back access gate to be wider to ensure that bins could be moved out of the back yard for collection.

Relevant Planning History

57510 - Erection of timber structure in front of the current PVC frontage of the Monkey House bar - Withdrawn by Applicant 09/07/2014

57763 - Removal of current PVC frontage and erection of a timber framed frontage of the Monkey House bar, with double glazed and timber panels (Resubmission of 57510). - Approve with Conditions 20/08/2014

13/0616 - New Shopfront - 03/02/2014

56290 - Change of use from financial and professional services (Class A2) to restaurant/cafe (Class A3) - Approve with Conditions 24/06/2013

Publicity

25 neighbouring properties were consulted on 12/01/2026. No comments have been received.

Statutory/Non-Statutory Consultations

Conservation Officer

- No objection

Traffic Section

- No objection subject to Waste Management considering the proposed waste storage acceptable.

Planning Policy Manager

- No comments received

Environmental Health - Pollution Control

- The noise assessment is inline with recommendations, BS4142. From the report all mitigation methods must be implemented into the build.

Waste Management

- No objection subject to the bins being stored off the highway as demonstrated within the approved proposed site plan

Adult Care Services

- No comments received

Housing - Public Protection

- No comments received

Greater Manchester Police - designforsecurity

- Suggested conditions relating to the submission of an operations/management plan for the facility, the installation of secure, flat entrance doors and the location/management of waste. These have been acknowledged within the informatives of the report.

Pre-start Conditions - Not relevant

Development Plan and Policies

SPD6 Supplementary Planning Document 6: Alterations & Extensions

SPD11 Parking Standards in Bury

H2/1 The Form of New Residential Development

H2/2 The Layout of New Residential Development

H2/4 Conversions

EN1/2 Townscape and Built Design

EN2/1 Character of Conservation Areas

EN2/2 Conservation Area Control

PfE Places for Everyone

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.

Visual Amenity and Impact on Conservation Area-

Policies H2/1, H2/2, H2/4, EN1/2, EN 2/1 and EN 2/2 of the UDP and Policies JP-P1 and JP-P2 of PfE seek to protect the visual amenity of areas as well as ensure that developments do not impact on the character of conservation areas.

The proposal seeks to change the use of the first and second floors of the building from commercial units to two flats for emergency short-term housing (one flat on the first floor, one flat on the second floor). There would be no external changes to the building. 20-22 Silver Street, which adjoins the application property, also has short term emergency housing at first and second floor. Given this, it is not considered that the proposal would alter the character of the conservation area nor cause an unacceptable visual impact on the area and therefore this is considered acceptable.

Layout-

Policy JP-H3 of PfE states that a range of dwelling types and sizes should be accounted for and states that where appropriate, specialist housing for vulnerable people should be incorporated. Policies H2/2 and H2/4 of the UDP seek to ensure that new residential development meets acceptable standards.

The proposed flats are to be used as emergency short-term housing for vulnerable people. Originally, the proposal was for 4 flats at first and second floor (2 flats at each floor). Following assessment, it was deemed that due to the size of these flats, with the biggest being 32.7sqm, that these flats did not represent an acceptable level of amenity to the occupants, contrary to Policy H2/4 of the UDP. The flats as proposed initially would have also fallen short of the guidance outlined within the NDSS and therefore would be contrary

to that outlined within Policy JP-P3 of PfE. Despite the proposed not being classed as Class C3 dwellings, being classed as sui generis instead, they would still be considered residential dwellings and so it was deemed that they should still provide an acceptable level of amenity to future occupants.

The proposed was therefore amended to only feature one flat on each of the first and second floors. The proposed flats would each be 1 storey and each feature 2 bedrooms for a maximum capacity of each flat for 3 people. The NDSS states that the minimum standard for 2 bed, 3 person flats over 1 storey should be 61sqm. Given the flats are 61.3sqm and 67.7sqm, they would therefore be considered acceptable.

Furthermore, the habitable rooms in the proposed flats would all have an adequate natural light and ventilation source. Although there is only a rear yard measuring approximately 35sqm as outdoor amenity space, the site is sustainably located as is within Bury Town Centre and is located within walking distance of public amenity space. Furthermore, there is adequate bin provision proposed. The access for the flats is also proposed from the front of the property (directly off Silver Street) ensuring safety.

Given the above, the proposed therefore complies with Policy JP-H3 of PfE and Policies H2/2 and H2/4 of the UDP.

Impact on Residential Amenity-

SPD6 provides guidance on aspect standards between residential properties and would be relevant in this case.

The proposed would introduce habitable room windows at first and second floor. The proposed flats would be sited 13m away from neighbours to the front and 16m from neighbours to the rear. Given the proposals would not be encroaching any further towards neighbours to the front or rear and that the proposed would retain a minimum of 13m, there would be limited further impact on neighbours.

Highways and Traffic-

SPD 11 provides guidance on the requirements for parking for new developments. Policies JP-C5 and JP-C8 of PfE and H2/2 and H2/4 of the UDP also seek to ensure adequate car parking provision for new developments as well as protection of the highway.

The proposed is within Zone 1 with the guidance within SPD 11 stating that 1 car parking space per 10 dwellings being the requirement. Given this, and that the proposed is within walking distance of sustainable transport links such as Bury Metrolink Station and Bury Bus Interchange, the proposed providing no parking provision is considered acceptable.

The Council's Highways Officer was consulted regarding this application who raised no objections subject to Waste Management being satisfied with the bin arrangements proposed so that no more bins are stored on the highway at this location. Waste Management Officers considered the arrangements to be acceptable and therefore there are no highways concerns.

Conclusion

Taking into account the amendments to the scheme, as well as that discussed above, it is considered that the proposed would not have an unacceptable visual impact on the street scene or Conservation Area. The proposed would also provide an acceptable level of amenity for both future occupants and existing residential uses along Silver Street and the Highways and Waste Management concerns have been addressed and therefore are considered acceptable. The application is therefore recommended for approval, subject to conditions.

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The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings numbered 004, 005 (dated 13/02/2026) and 502 (scanned 19/02/2026) and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan and Places for Everyone Joint Development Plan listed.
- 3 The noise assessment submitted is in accordance with Building Regulations Approved Document 4142, and all mitigation methods outlined within the assessment must be implemented into the build.
Reason. To reduce nuisance from noise pursuant to the NPPF and UDP Policy EN7/2 Noise Pollution.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CO	25/02/2026	DM	25.02.2026