

DELEGATED REPORT

Report by Helen Pressley	Date of report: 22/07/2025	Ref: 71515/FUL
Registration: 06/03/2025	LDfC: 16/04/2025	Expiry Date: 01/05/2025
Site Visit: 26/03/2025	Site Notice: 26/03/2025	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIDW

Proposal: Erection of attached property comprising of commercial (Class E) at ground floor and 2 no. bed flat at first floor (Class C3)

Location: 174-176 Bury New Road, Whitefield, Manchester, M45 6QF

Description

The application relates to a vacant plot of land located on Bury New Road. The site is located between two terraces with a mixture of commercial uses located at the ground floor, and some residential properties located at first floor. The site is located within a shopping district centre as allocated under UDP Policy S1/3.

The site can be accessed on foot from Bury New Road, or by vehicle from Nuttall Avenue.

Planning permission is sought for the erection of attached property comprising of commercial (Class E) at ground floor and 2 no. bed flat at first floor (Class C3). 4no. parking spaces are proposed to the rear of the site.

Relevant Planning History

03019/E - Two storey new build. Option 1 - all commercial. - Enquiry completed 08/11/2024

Publicity

Neighbour letters 06/03/2025 and 24/03/2025
Site notice 26/03/2025

No representations received

Statutory/Non-Statutory Consultations

Traffic Section - no objections to the proposal subject to conditions requiring appropriate provision of parking, waste storage and storage of construction materials.

Borough Engineer - Drainage Section - No response

Environmental Health - Contaminated Land - No comment in relation to Contaminated Land. 1no. EV chargepoint per dwelling/parking space is required.

Environmental Health - Pollution Control - No response

Waste Management - No response

United Utilities (Water and waste) - The applicant should consider their drainage plans in accordance with the drainage hierarchy.

Greater Manchester Ecology Unit - The Small Sites Metric has been completed for this

site, which shows that there will be an overall loss of Biodiversity (100% loss or -0.1302 units). To achieve a 10% net gain it is necessary of the scheme to provide 0.1432units. If this can't be delivered on site off-site units will need to be purchased.

Ecological enhancement measures for species (such as provision of bat and bird boxes within the development) will also be recommended.

Pre-start Conditions - Not relevant

Development Plan and Policies

S1/3	Shopping in District Centres
S2/6	Food and Drink
EC4/1	Small Businesses
EN1/2	Townscape and Built Design
EN1/8	Shop Fronts
EN6/3	Features of Ecological Value
EN7/2	Noise Pollution
EN7/5	Waste Water Management
EN8/2	Woodland and Tree Planting
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
HT2/4	Car Parking and New Development
JP-H1	Scale of New Housing Development
JP-H3	Type, Size and Design of New Housing
JP-H4	Density of New Housing
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
JP-P1	Sustainable Places
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
JP-S4	Flood Risk and the Water Environment
JP-S1	Sustainable Development
JP-S5	Clean Air
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
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 (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 an established urban area. The occupation of the upper floor in residential use would help the long term economic viability of the town centre. Given the sustainable town centre location and the fact that a ground floor retail/commercial use would be retained the proposal is considered to be acceptable in principle.

Principle (Commercial Use)

The site is located within a Shopping District Centre as defined under UDP Policy S1/3. This Policy states that the Council will support proposed for new shopping development provided that it is of a size, scale, function and character appropriate to serve the needs of the local area.

UDP Policy S2/6 - Food and Drink may also be applicable, depending on the proposed end use of the site. The Council in considering all proposals which involve restaurants, hot food takeaways, cafes, snack bars, wine bars and public houses, together with any other uses contained within former Class A3, will have regard to the following factors:

- a) the amenity of nearby residents by reason of noise, smell, litter and opening hours;
- b) whether or not the proposal would result in an over concentration of Class A3 uses, which could adversely change the nature or character of a centre as a whole;
- c) parking and servicing provision associated with the proposed development and its effects

in terms of road safety, traffic generation and movement;
d) provision for the storage and disposal of refuse and customer litter;
e) the environmental impact of any ventilation flues and/or ducting.

EC4/1- Small Businesses. Proposals for small businesses will be acceptable when the scale of development is appropriate to, and the use is environmentally compatible with, the surrounding area in which it is to be located, and where they do not conflict with other policies and proposals of the Plan.

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 site is currently vacant and as such would bring a site into use that may improve the vitality of the district centre. The proposed commercial use is therefore considered to be acceptable in terms of the row within which it is located.

It is therefore considered that a complimentary land use would help to preserve the vitality and viability of changing high streets and as such it is considered that a new commercial use would comply with Policies EC4/1 and S1/3.

Layout and Design

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 70 dwellings per hectare at this site. The application form states that the site is 109 square metres or 0.0109 hectares, which based on a total of 1 dwellings would result in a density of 91 dwellings per hectare. The proposal would therefore make efficient use of land.

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 should seek to incorporate a range of dwelling types and sizes, including for self-build.

Within the existing streetscape, the site does not have a particularly high amenity value within Whitefield Town Centre and at the rear, the area is rather untidy. The proposed unit would be attached to no. 176-174, which is also under the control of the applicant. The proposed building would retain the ridge and eaves height of the attached property. The proposed windows, and ground floor front shop window/door are considered to be suitably aligned. The proposed building is therefore considered to be acceptable within the row of properties.

To the rear the proposed building includes first floor, and ground floor projections. There are a number of additions, and extensions to the existing buildings within the terraces to the north and south of the site and as such these features are considered to be acceptable. The proposal allows for off road storage of bins for both uses, and parking provision to the rear for both uses.

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.

The first floor flat would be a 2 bed, 3 person 1 storey dwelling. The dwelling would meet spaces standards for gross internal area. The submitted space standards table confirms that the overall floor area proposed for the flat would be 62 square metres complying with space standards. One double occupancy, and 1 single occupancy room is proposed. These would comply with minimum areas and widths.

M4(2) compliance can be secured by condition.

Amenity

There are no adopted aspect standards for new build commercial properties however, Supplementary Planning Document 6 provides guidance on aspect standards between residential properties and overbearing relationships and as such, would be a reasonable guide in this case given the proximity to residential properties.

There do not appear to be any residential uses at first floor for the attached property. No. 178 does appear to have residential uses at first floor.

The proposed first floor rear extension would not project more than 3 metres beyond the first floor of No. 178. The proposed ground floor extension would be sited adjacent to ground floor commercial uses and as such the projection of this element would not have a detrimental impact on the amenity of the neighbouring residential uses.

The proposed rear first floor bedroom windows would be located approximately 16 metres from the rear boundary of the properties on Nuttall Mews exceeding the 7 metres required by SPD 6. The proposed rear ground floor windows would be screened by the existing boundary treatments and would be separated from these property by the service access/yard/parking area.

The proposed first floor side window would relate to a non-habitable room (kitchen) as such aspects not applied. The proposed ground floor side window would be high level.

The proposed front windows would be separated from the directly facing park area by a main road (Bury New Road) and as such no loss of privacy from these windows is foreseen.

Traffic and Parking

UDP Policy EN1/2 requires the consideration of the design and appearance of access, parking and service provision. 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.

PfE Policy JP-C1 requires developments to be located and designed to deliver a significant increase in the proportion of trips that can be made by walking, cycling and public transport. Developments should prioritise pedestrians, cyclists and public transport users. Policy JP-C8 requires new development to be located and designed to enable and encourage walking, cycling and public transport use and to reduce the negative effects of car dependency.

Vehicular access to the site would be via the existing access from Nuttall Avenue/Nuttall Mews. Four parking spaces would be laid out at the rear of the property with space for turning. These spaces would be shared between the apartment and the ground floor use. SPD 11 would require between 3 - 4 spaces for the proposed first floor and ground floor uses. The backland area to the rear of the site is a service area for the commercial businesses along this part of Bury New Road and there are currently no formal parking spaces provided for these existing uses. It is considered that the four car parking spaces with space for turning, formed at the rear, would not be out of keeping and would not be detrimental to the use of the area in terms of highway safety.

The site is in an extremely sustainable location, on a main throughroute used by buses and close to Whitefield metrolink station. Given the sustainable location, availability of some parking the proposal should not have a significant impact in terms of new traffic generated. The traffic team have no objections to the proposal subject to conditions requiring appropriate provision of parking, waste storage and storage of construction materials.

Ecology and Biodiversity Net Gain

PfE 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. UDP Policy EN8/2 supports and encourages new woodland and tree planting within the borough. This is further supported by PfE Policy JP-G7 that aims to significantly increase tree cover and requires 2no. replacement trees for each tree lost or other measures that would also result in a net enhancement in the character and quality of the treescape and biodiversity value in the local area.

A mature ash tree covered in ivy was removed from the site prior to submission of the application. The loss of this tree has been included within the statutory metric.

The Small Sites Metric has been completed for this site, which shows that there will be an overall loss of Biodiversity (100% loss or -0.1302 units). To achieve a 10% net gain it is necessary of the scheme to provide 0.1432units. If this can't be delivered on site off-site units will need to be purchased. The applicant has confirmed that they intend to purchase off site credits.

An informative will be included to direct the applicant to the requirement to discharge the statutory BNG condition prior to commencement of development.

Ecological enhancement measures for species (such as provision of bat and bird boxes within the development) will also be recommended.

Carbon and Energy

Policy JP-S2 sets out the steps required to achieve net zero carbon emissions.

The applicant has submitted an energy statement in support of their application. The Statement outlines an overall commitment to reducing energy consumption under occupancy through the adoption of enhanced insulation standards and improved HVAC & lighting efficiencies, together with the installation of low carbon and renewable technologies. The proposal seeks improve the energy performance of the proposed building in accordance with Approved Document L 2021 of the Building Regulations complying with the above policy.

Digital Connectivity

Policy JP-C2 requires all new development to have full fibre to premises connections unless technically infeasible and / or unviable.

The applicant has confirmed that the site would have access to full fibre.

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 decision relates to drawings numbered Location Plan, 2877_WHI_02_Planning_Rev_E 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 external finishing materials for the proposal hereby approved shall match those of the existing building at No. 174 - 176 Bury New Road.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
- 4 The allocated car parking, bin storage and turning facilities indicated on approved plan reference 2877_WHI_02_Planning_Rev_E shall be provided prior to the use hereby approved commencing and thereafter maintained at all times.
Reason. To ensure adequate off street car parking provision and bin storage arrangements for the two uses of the building, and to minimise the standing and turning movements of vehicles on the shared rear access, in the interests of road safety pursuant to UDP Policy HT2/4 Car Parking and New Development.
- 5 Prior to commencement of development, an area for the adequate storage of construction materials shall be provided within the curtilage of the site. The facilities shall be retained for the intended purpose and the area identified shall not be used for any other purposes other than the storage of construction materials for the duration of the construction period.
Reason. To maintain the integrity of the adopted highway and ensure adequate off highway materials storage arrangements are provided for the duration of the construction period, in the interests of highway safety pursuant to Development Plan Policy JP-C8 - Transport Requirements of New Development.
- 6 The development hereby approved shall be carried out in accordance with a Sustainable Drainage Scheme based on the hierarchy of drainage options in the National Planning Practice Guidance and be designed in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015). The Scheme shall be implemented prior to first occupation and thereafter maintained.
Reason. To promote sustainable development and reduce flood risk pursuant to Development Plan Policies JP-S4 - Flood Risk and the Water Environment, EN7/3 - Water Pollution and EN7/5 - Waste Water Management and chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.
- 7 Prior to occupation of the development hereby approved the applicant shall install bat boxes or bird boxes within the proposed building.
Reason. To secure the satisfactory development of the site and ensure enhancements and net gains for biodiversity pursuant to policies JP-G8: A Net

Enhancement of Biodiversity and Geodiversity and EN6/3 - Features of Ecological Value of the Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 8 The dwelling 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.

- 9 Prior to occupation the applicant shall provide:

{Residential less than 10 parking spaces}

- 1 no. electric vehicle (EV) charging point (minimum 7kW*) per dwelling/parking space.

Certification and photographic evidence of the installation of the agreed electric vehicle charge points shall be submitted to Local Planning Authority for approval prior to the development being brought into use. The infrastructure shall be maintained and operational in perpetuity.

*Mode 3, 7kW (32A) single phase, or 22kW (32A) three phase, and for 50kW Mode 4 rapid charging may be required. British Standard BS EN 61851-1:2019 to be used. Further information regarding minimum standards can be found at <https://www.gov.uk/transport/low-emission-and-electric-vehicles>.

Reason. To encourage the uptake of ultra-low emission vehicles and ensure the development is sustainable and to safeguard residential amenity, public health and quality of life with respect to Local Air Quality, in accordance with paragraphs 112e, 117e, 187e and 199 of the National Planning Policy Framework (December 2024) and Places for Everyone Policy JP-S5 (Clean Air).

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP 22/07/2025			