

12th December 2024



Bury MBC
Knowsley Place
Knowsley Street
Bury
BL9 0SW

Dear Planning Team

Re: Application for determination as to whether prior approval of the Council is required under Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) Order 2021 (as amended) for the proposed change of use from Commercial Retail and Car Servicing (Class E) to Dwellinghouses (C3) at Albion Mill and Albion House, Albion Street, Bury BL8 2AD.

Background

We enclose an application for determination as to whether the prior approval of Bury Metropolitan Borough Council is required for the following development:

- The proposed change of use of commercial retail floorspace (Use Class E) and car servicing (Class E) situated across part of ground floor, first, second and third floor level of Albion Mill to residential use falling within Use Class C3 consisting of 2 x 1b/1p apartments, 2 x 1b/2p apartments and 11 x 2b/3p apartments, and
- The proposed change of use of commercial retail floorspace (Use Class E) situated across ground and first floor level of Albion House to residential use falling within Use Class C3 consisting of 2 x 1b/2p apartments 3 x 2b/3p apartments.

The existing Class E floorspace is shown on the enclosed floorplans.

This represents a revised re-submission of application Ref 70789 (which was withdrawn by the applicant in July 2024 and related solely to Albion Mill). It has been reduced in scale from 42 to 20 apartments to positively respond to the previous concerns/objections of the Council and is accompanied by the following documentation:

- Drawings Package (prepared by Goldsketch);
- Noise Impact Assessment (prepared by ADT);
- Transport Statement (prepared by TTHC), and
- Land Contamination Assessment (prepared by Zig Zag Environmental).

Application Site

The site comprises Albion Mill and Albion Mill rear, which is rectangular four storey building (including basement) with a chimney feature to the south elevation. It has been previously extended to the western side and displays a single storey addition to the northern elevation.

The mill building is constructed of red brick and displays symmetrical timber fenestration with stone heads and cills. It represents an early example of a brick industrial building with important detailing and is identified as a draft locally listed building.

Albion House was constructed later in the early 20th Century. It is of partial 3 storey accommodation to the north end, with the remainder of the building single storey with mezzanine level. Albion House is of slate over brick with steel roof construction and the southern bay has been rebuilt in recent years. It forms part of the overall locally listed Mill complex.

The site is located to the west of Bury Town Centre and forms part of Bury Bridge/Daisyfield Employment Generating Area on the adopted Proposals Map. The immediate surrounding area comprises similar mill type buildings, commercial/industrial units and workshops.

Relevant Planning History

- **Ref 70789** – This prior approval application sought consent for the proposed change of use of the first, second and third floor of Albion Mill to form 42 residential appartements.

The application was withdrawn by the applicant in July 2024 on the basis that the Council required additional information in respect of the following:

- I. **Transport** – Additional justification was requested in relation to parking provision and ensuring that the development would have no unacceptable impact in regard to highways safety;
- II. **Noise** – It was requested that the applicant submit a noise impact assessment to demonstrate that future occupiers would not be subject to any unacceptable noise impacts arising from commercial floorspace within the building or nearby, and
- III. **Contamination** – The Council requested additional supporting information to provide reassurance that there were no contamination risks relating to the site.

Accordingly, this application has been revised to comprehensively address the Council's comments, as explored in detail below.

Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2021 (as amended)

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.

Development is not permitted by Class MA —

- A. 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;
- B. 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;

- C. 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;
 - iii. The Broads;
 - iv. A National Park; or
 - v. A World Heritage Site;
- D. If the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or
- E. 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.

Conditions

Development is permitted by Class MA subject to the condition that before beginning the development, 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 and highways 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(2),

The impact on the local provision of the type of services lost.

Request for Confirmation that Prior Approval is Not Required

In accordance with the above provisions, the following details are confirmed in respect of the proposed change of use:

- The site is not, and does not form part of the curtilage of –
 - a) A site of special scientific interest;
 - b) A listed building;
 - c) A scheduled monument;
 - d) A safety hazard area;
 - e) A military explosives storage area;
 - f) An area of outstanding natural beauty;
 - g) An area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981;
 - h) The Broads;
 - i) A National Park; or
 - j) A World Heritage Site.
- The site is not occupied under an agricultural tenancy.

As set out above, development under Class MA is permitted subject to the condition that the developer seek confirmation from the local planning authority prior to starting development as to whether prior approval of the authority will be required in relation to transportation and highways impacts, contamination risks in relation to the building, flood risk on site, the impact of noise from commercial premises on the intended occupiers of the development, and the provision of adequate natural light in all habitable rooms of the dwellinghouses.

Accordingly, the application is accompanied by supporting documentation that confirms these considerations can be satisfactorily addressed. Confirmation that prior approval is not required is therefore sought.

In accordance with the requirements of Class MA, the following information has been prepared in support of this request for confirmation that prior approval is not required for the proposed change of use.

1. Transport and Highways

The Council's Highways Officer assessed the previously consented prior approval application and recommended its refusal on the following grounds:

- I. The proposal would result in the significant intensification of the use of a site with inadequate off-street parking facilities within the curtilage of the site for the proposed residential and retained existing industrial uses, which is highly likely to lead to vehicles parking and carrying out manoeuvres on the surrounding adopted highways where on-street parking facilities are at a premium at all times of day, would have a significant detrimental impact on access to the adjacent industrial uses served by Albion Street and would be detrimental to the free flow of traffic and highway safety.
- II. The proposal would result in the loss of existing off-highway servicing and parking facilities within the curtilage of the site for the existing industrial use, which would have a significant detrimental impact on highway safety, access to the adjacent industrial uses served by Albion Street and be detrimental to the free flow of traffic.
- III. The application and submitted plans contain insufficient information to ensure that access to and provision of adequate off-highway bin storage arrangements and facilities can be provided for the proposed residential use within the curtilage of the site in order to ensure that the adjacent adopted highways are not used for refuse collection purposes or the storage of communal bins.

Accordingly, the applicant has instructed TTHC to prepare a Transport Statement in support of the revised application.

The Statement demonstrates that the site's location provides an excellent opportunity for travel by sustainable modes. Furthermore, the proposed redevelopment of the site would result in a net reduction of trips on the highway network.

It is proposed to re-arrange the existing parking area located to the south of the Mill to provide a total of 21 car parking spaces to serve the 20 proposed residential properties.

These spaces will consist of:

- 12 standard bays;
- 2 accessible bays; and,
- 7 EVC bays.

Furthermore, secure cycle stores providing a total of 20 cycle spaces will be provided within Albion House and Albion Mill Rear, respectively.

The plans also demonstrate that provision will be made for secure and accessible internal refuse stores within Albion House and Albion Mill Rear.

Accordingly, the proposed redevelopment would not result in an unacceptable impact on highway safety nor would the cumulative residual impact on the road network be severe.

Paragraph 115 NPPF confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts upon the road network would be severe.

It is therefore concluded that there are no highway or transport related issues which would prevent granting of planning permission for the proposed residential development.

2. Contamination Risks

The proposal would not involve any ground breaking operations and the wider site is not subject to any known contamination risks.

Notwithstanding this, the revised application is supported by a Phase 1 Contamination Assessment (prepared by Zig Zag Environmental).

Accordingly, the proposal is considered acceptable in relation to contamination.

3. Flood Risk

The site is located within Flood Zone 1 and the proposed change of use will not increase flood risk elsewhere given that it relates to an existing building.

Therefore, the proposal is considered to be acceptable in terms of flood risk (as confirmed by the Council in its assessment of the previous application).

Irrespective of this, a Flood Risk Assessment (prepared by Goldsketch) is provided in support of the application.

4. Noise

The application includes a Noise Assessment prepared by ADT which concludes that the proposed development will result in no unacceptable adverse impacts of noise from commercial premises on the intended occupiers of the development.

5. Provision of adequate natural light in all habitable rooms of the dwellinghouses

As demonstrated on the plans, all new flats will benefit from good levels of natural light within all habitable rooms (in accordance with the Council's assessment of the previous application).

6. Fire Risk

Sub-section (a), paragraph (7) of Article (9A) of the Town and Country Planning (Development Management Procedure) Order states that when considering whether a development meets the fire risk condition, the height of a building is to be measured from ground level to the top floor surface of the top storey of the building.

The drawings package demonstrates that the site does not meet the fire risk condition of extending to 7 stories or 18 metres in height.

7. 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

As cross referred to above, the Noise Assessment confirms that future occupiers will not be subject to any unacceptable noise impacts arising from nearby commercial properties within the Bury Bridge/Daisyfield Employment Generating Area.

Furthermore, (as examined in detail above) the Transport Statement demonstrates that acceptable parking, servicing and refuse storage can be provided on site without being impacted in an unacceptable manner by virtue of the site's location within a wider employment area.

Accordingly, the Council can be satisfied that there will be no unacceptable impacts on future residents arising as a result of the wider Bury Bridge/Daisyfield Employment Generating Area.

8. The impact on the local provision of the type of services lost

This is not relevant to the application as it does not relate to the change of use of a registered nursery or health centre.