

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 13/11/2025	Ref: 72231/FUL
Registration: 18/08/2025	LDFC: 10/09/2025	Expiry Date: 13/10/2025
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: COUS

Proposal: Change of use of part car showroom (Sui Generis) to retail (Class E(a)); Two storey extension for ground floor retail & office and first floor office use; External alterations

Location: Performance House, Heywood Street, Bury, BL9 7DZ

Description

The proposal relates to a part single storey/part two storey commercial building most recently used for car sales adjacent to the junction between Heywood Street and Mason Street. Part of the building has been approved for a use as a cafe at ground floor with office at first floor under ref 68430.

The south of the building is the associated yard for the storage of cars and parking. This area of the site had also been subject of an unauthorised car wash.

The site falls within Area BY10 of Bury town centre, as defined by the Unitary Development Plan. The secondary retailing area of the town centre falls to the north of Mason Street.

Planning permission was granted in October 2024 for the change of use of part of the showroom (sui generis) to retail (Class E(a)) and office (Class E(g)(i)), a single storey extension and external alterations.

The retail element comprised 3 no units of 1 no. 112 sqm and 2 no. 56 sqm units (following the extension), and 114 sqm of office space.

Parking for 12 cars was provided within the yard area to the south set in two separate rows to the Heywood Street and Parker Street boundaries.

Bins would be stored at the side of the building.

The change of use to retail to part of the building has been carried out.

An application to vary the approved plans to extend the building by 4.25m to the side towards the yard and parking area to provide 3 no additional parking spaces was approved 21/5/25.

This application seeks a full consent for change of use of part of the car showroom to retail, two storey extension for ground floor retail and office and first floor office use.

The proposed extension would extend 8m along the frontage of Heywood Street and extend rearwards to create a rectangular footprint.

The existing access from Heywood Street would be utilised and parking and servicing would be located in the remaining part of the site to the south of the building and would provide 16 parking spaces including 1 accessible space, a bin store and cycle store for 6 cycles. A cycle store for 4 bikes would also be located adjacent to the north of the building.

Elevations would comprise large window openings with cladding along the upper parts and

a cladded roof to match the existing.

Internally, there would be 2 offices and 3 separate shop units. Each shop unit would be accessed at the front on Heywood Street with side doors to access the two offices.

Ground floor retail area: 359.4m²

Ground floor service corridor: 19.8m²

Ground floor office: 107.25m²

First floor office: 400.56m²

Relevant Planning History

66130: Change of use from vacant car sales showroom to retail warehouse - Refused
24/03/2021

68430 - Change of use for part of car showroom (Sui Generis) to cafeteria (Class E) and use of mezzanine area as an office with external staircase - Approved 26/08/2022.

70202 - Change of use of part of car showroom (Sui Generis) to retail (Class E(a)) and office (Class E(g)(i)), single storey extension and external alterations - Refused 09/01/2024.

70461 - Change of use of part of car showroom (Sui Generis) to retail (Class E(a)) and office (Class E(g)(i)), single storey extension and external alterations. Refused 03/04/2024 and allowed on appeal 12/09/2024.

70710 - Change of use of part car showroom (Sui Generis) to retail (Class E(a)) and office (Class E(g)(i)) single storey extension and external alterations. Refused 19/06/2024. Dismissed at appeal 30/10/24

70977 - Change of use of part car showroom (Sui Generis) to retail (Class E(a))and office (Class E(g)(i)) single storey extension and external alterations - Approve with Conditions 28/10/2024

71615 - Variation of condition no. 2 (approved plans) following approval of planning permission 70977 - to extend the building by 4.25 metres to the side towards the associated car park - Approve with Conditions 21/05/2025

Publicity

Letters sent to 22 properties on 20/8/25.

No responses received.

Statutory/Non-Statutory Consultations

Environmental Health - Contaminated Land - No objection subject to condition.

Traffic Section - No objection subject to conditions

Waste Management - No response received

United Utilities (Water and waste) - No response received

Pre-start Conditions - Applicant/Agent has agreed with pre-start conditions

Development Plan and Policies

NPPF National Planning Policy Framework

EC4/1 Small Businesses

EC5/1 Office Development in Bury Town Centre

EC4/1 Small Businesses

EN1/2 Townscape and Built Design

EN7/2 Noise Pollution

HT2/4 Car Parking and New Development

S2/6 Food and Drink

TC2/2	Mixed Use Development
TC3	Bury Town Centre
Area	Rochdale Road/Lord Street/York Street
BY10	
JP-S2	Carbon and Energy
JP-S5	Clean Air
JP-C2	Digital Connectivity
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-C8	Transport Requirements of New Development
JP-P1	Sustainable Places
SPD11	Parking Standards in Bury
EN7/2	Noise Pollution

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

The principle of a development to extend and change the use of the building has been accepted by the grant of planning permission 70977 and 71615.

However, as this application has been submitted as a full application, it needs to be assessed on its own merits

The site falls at the periphery of, but within the defined boundary of Bury town centre. The proposed uses of the unit are defined as main town centre uses in the NPPF. UDP policies TC2/2 and BY10 states that the Council will encourage and support compatible mixed use development within the town centres, including uses that now fall within the group umbrella of Class E.

Therefore, the principle of development is acceptable, subject to consideration of the following matters.

Layout

The extension would project from the south elevation and extend 8m along the site frontage and would extend rearwards and return to connect to the existing rear elevation. the footprint would cover part of the existing car park and servicing area. However, some of the hardstanding was used as a car wash business (unlawful) which would be removed and as such there would still be an area for a servicing vehicle to enter, turn and leave the site in a forward gear and to provide 16 parking spaces, bin and cycle store. Apart from the increase in the footprint of the building the layout would not be dissimilar to the schemes previously approved.

As such, it is considered the proposed development would be acceptable and comply with policies EC4/1 and EN1/2.

Design and appearance

The existing building is fairly utilitarian in appearance, the frontage being mostly glazed with cladding along the upper part.

The proposed extension would project 8m along the frontage which would be an additional 3.75m more than the previously approved scheme. However, given the size of the site and its setting within the town centre and given there are large commercial and industrial buildings in the surrounding area it is considered the scale of the extension would not be harmful to the street scene.

The design of the extension would similarly reflect the existing fenestrations and as such the development is considered to assimilate appropriately within the streetscape.

It is therefore considered the proposed development would comply with policies EN1/2 and EC4/1.

Highway issues

Policy JP-P1 states that development should be socially inclusive, safe, functional and convenient and legible, being easy to understand and navigate. JP-C5 seeks to secure a significant increase in the proportion of trips made by walking, cycling and public transport and JP-C8 requires new development to be located and designed to enable and encourage walking, cycling and public transport use, to reduce the negative effects of car dependency, and help deliver high quality, attractive, livable and sustainable environments.

UDP policies EN1/2 gives consideration to the design and appearance of access, parking and service provision. seeks to ensure that pedestrians and cyclists are able to move safely and conveniently.

For the mixed use development, SPD11 would require 8.66 spaces (rounded up to 9 spaces) and 1 accessible space.

A total of 16 spaces would be provided which would more than satisfy SPD11 requirements. given this location where parking can be at a premium it is considered the proposed parking would be acceptable.

The development would also provide an enclosed cycle store for 6 bikes and bin store area.

As such, the proposed development would be acceptable and in accordance with planing policies.

Impacts on residential amenity

There are residential neighbours on the opposing side of Heywood Street. The main sources of noise would be from deliveries and cars visiting the site. The lawful car sales use has no time limiting conditions in relation to operating hours and given the town centre location and the commercial character of the area, there is already a level of activity, noise and disturbance in the area.

It is therefore considered that the proposed development would not have any unacceptable impacts on nearest sensitive receptors and the proposed development would not conflict with policies EN7/2 and S2/6 of the Bury Unitary Development Plan.

Drainage

United Utilities (UU) have been consulted on the proposals but have not responded.

In the previous application ref 71615, UU had no objection in principle and advised the applicant consider their drainage plans in accordance with the drainage hierarchy.

UU also identified that a large diameter trunk main located in the vicinity of the site and require an access strip.

UU have also identified that a public sewer crosses the site and will not permit building over it.

An informative would be included in this application to advise the applicant to contact UU prior to the commencement of development.

Policy JP-S2 (Carbon and Energy)

The proposed development would satisfy Part L of the Buildings Regulations 2022 in terms of energy requirements.

The proposed development would also provide an electric charging point(s) for the proposed development as required under the Building Regulations.

It is considered the proposed development would comply with policy JP-S2

Policy JP-C2 (Digital Connectivity)

Internet connections will be operational and immediately accessible to network providers upon occupation of the building.

Provision will be made during construction to permit full fibre connectivity.

It is considered the proposed development would comply with policy JP-C2.

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 -

Existing

ground floor plan 100/001 rev -2

roof plan 100/002 rev -2

elevations 100/003 rev -2

Proposed

ground floor plan 100/04 rev -3

proposed first floor plan 100/005 rev -3

proposed roof plan 100/006 rev -2

proposed elevations 100/007 rev -2

existing and proposed block plan 100/200 revf -2

site location plan

proposed section A-A 300/001 rev -2

proposed section B-B 300/002 rev -2

wall and floor details 300/003 rev -2

details 300/004 rev -2

swept path analysis using a 9.86m large refuge vehicle 3196-001 rev A

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 development hereby approved within any approved phase shall not be brought into use until written confirmation is provided to the Local Planning Authority that unexpected or previously unidentified contamination was not encountered during the course of development works.

If, during development, unexpected contamination is found to be present on the site, no further works shall be carried out at the affected location until the following are submitted to the Local Planning Authority for approval:

I. Risk Assessment (GQRA or DQRA);

II. Remediation Strategy & Verification Plan;

If remediation is required, it shall be carried out in accordance with the approved Remediation Strategy. Upon completion of remediation works, a Verification Report shall be submitted for approval. The Verification Report must include information validating all remediation works carried out; details of imported materials (source/quantity/suitability); details of exported materials; and details of any unexpected contamination.

Reason. To prevent unacceptable risk to Human Health and Controlled Waters and to prevent pollution of the environment in accordance with the aims and Paragraphs 187(f), 196 and 197 of the National Planning Policy Framework (December 2024).

4 Prior to occupation the applicant shall provide:

- "A minimum of 1 no. electric vehicle (EV) charging point (minimum 7kW*) and at least one in every five remaining parking spaces must be provided with cable routes.

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).

5 Notwithstanding the details indicated on approved plans, no development shall commence unless and until full details of the following, have been submitted to and agreed in writing by the Local Authority:

1. Submission of a photographic dilapidation survey of the existing adopted highway that abuts the site and the proposed development areas in the event that subsequent remedial works are required as a result of the construction of the proposed development;
2. Proposed alterations to the existing site access onto Heywood Street, incorporating a replacement sliding gate and all associated highway remedial works;
3. Proposed extension foundations confirming no encroachment under the adjacent adopted highway;
4. Extent of boundary wall alterations and replacement railings, demarcation of the limits of the adopted highway and all associated highway remedial works;
5. Works to remove the existing car wash operation and all associated redundant structures, hardstandings and drainage arrangements.

The details and any required highway remedial works subsequently approved shall be implemented to an agreed programme and prior to the extension of the building hereby approved being brought into use.

Reason. To ensure good highway design and to maintain the integrity of the adopted highway, in the interests of highway safety pursuant to Policies En1/2, EC4/1, JP-C5 and JP-C8.

6 The turning facilities indicated on approved plan references 100/004 Revision - 3 and 3196-001 Revision A, facilitated by the removal of the existing car wash operation and bounded by the proposed parking spaces, shall be provided before the development hereby approved is 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 in the interests of road safety pursuant to Policies EN1/2, EC4/1, JP-C5 and JP-C8.

- 7 The car parking indicated on approved plan references 100/004 Revision - 3 and 3196-001 Revision A shall be surfaced, demarcated and made available for use prior to the development hereby approved being brought into use and thereafter maintained at all times.

Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

- 8 The refuse storage and access arrangements to be provided within the curtilage of the site indicated on approved plan references 100/004 Revision - 3 and 3196-001 Revision A shall be made available for use prior to the development hereby approved being brought into use and thereafter maintained at all times.

Reason. To ensure that adequate bin storage arrangements are provided within the curtilage of the site, clear of the adopted highway pursuant to Policies EN1/2, EC4/1 and JP-C8.

- 9 The development hereby approved shall not be commenced unless and until facilities for the storage of construction materials have been provided within the curtilage of the site to the satisfaction of the Local Planning Authority. 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 Policies EN1/2, EC4/1 and JP-C8.

- 10 The development hereby approved shall be carried out in accordance with the Digital Connectivity statement submitted for planning permission ref 70977 and the measures implemented prior to first occupation and thereafter maintained.

Reason. To ensure that the development is fully serviced for full fibre digital connectivity, pursuant to Places for Everyone Joint Development Plan Document Policy JP-C2.

- 11 The development hereby approved shall be carried out in accordance with the Carbon and energy statement submitted for planing reference 70977 a.

Reason. To ensure that the development minimises regulated operational carbon emissions, pursuant to Places for Everyone Joint Development Plan Document Policy JP-S2.

- 12 The external finishing materials for the proposal hereby approved shall match those of the existing building.

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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	13/11/25	HL	14/11/25