

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 02/09/2025	Ref: 72103/FUL
Registration: 23/07/2025	LDfC: 20/08/2025	Expiry Date: 17/09/2025
Site Visit: 08/08/2025	Site Notice: 08/08/2025	Press Date: 07/08/2025
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 from Class E (professional services) to Class F1 (learning and no-residential educational institutions)

Location: First Floor, 18 Bolton Street, Bury, BL9 0LQ

Description

The application relates to the first floor office use of a 3 storey building which is located in Bury Town Centre and the Bury Town Centre Conservation Area. The site is located at the end of a row of other business and commercial properties.

The application seeks the change of use of the office (professional service Class E) to a learning and educational facility (Class F).

There are no proposed changes to the internal arrangements or the externality of the building.

The facility would provide 2 teaching spaces and welfare facilities and would operate from 4pm - 8pm weekdays. There would be a maximum of 9 people at the facility at one time. the facility would be accessed from the side door off Cooper Street.

Relevant Planning History

N/a

Publicity

Letters sent on 30/7/25 to 11 properties.

Site notice posted 8/8/25.

Press advert 7/8/25.

No response received as a result of the publicity.

Statutory/Non-Statutory Consultations

Traffic Section - No comments received.

Conservation Officer - No objection

Environmental Health - Pollution Control - No comments to make

Children's Commissioning Team - No response received.

Pre-start Conditions - Not relevant

Development Plan and Policies

NPPF	National Planning Policy Framework
EN1/2	Townscape and Built Design
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
S1/1	Shopping in Bury Town Centre
EC4/1	Small Businesses

JP-C2	Digital Connectivity
JP-P2	Heritage
JP-S2	Carbon and Energy
TC2/1	Upper Floors

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.

Use

Policy TC2/1 - Upper floors seeks to support proposals which bring underused and vacant space on upper floors into use.

High streets have changed with regards to their function and land use characteristics and the proposal to utilise the upper floor is considered to contribute to the vitality and viability of the centre.

The facility would be open at the late afternoon/early evening with a maximum of 9 students and as such there would not be levels of activity which would cause significant harm to the area.

It is therefore considered that the proposed development would be acceptable and comply with policies EC4/1 and TC2/1.

Heritage

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states: In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

In determining applications, LPA's should require an applicant to describe the significance of any heritage asset affected, including contributing to its setting. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

The applicant has submitted a Conservation Area Appraisal/Statement of Impact (Heritage Statement).

There are no proposed changes to the external elevations or to internal arrangements. The development relates to the change of use only which would utilise an upper floor of a building to continue to contribute to the viability of the conservation area.

As such it is considered the proposed development would preserve the character of the Conservation Area and comply with policies EN2/1 and EN2/2.

Parking

The site is located in the town centre and there are public car parks in the near vicinity and there are also options to travel to the site by public transport.

Given the sustainable location it is considered the proposed development is acceptable and would comply with policy HT2/4 and EC4/1.

Carbon and energy - Policy JP-S2

The applicant aims to implement measures to reduce energy consumption during operational hours.

1. LED lighting – replace traditional lighting with energy efficient LED fixtures that consume less power and have a longer life span.
2. Daylight harvesting – use and maximise natural light, reducing the need for artificial lighting during operation hours.
3. Ensure all equipment and lighting is turned off at the end of each working day.
4. Conduct regular maintenance of equipment and facilities
5. Educate staff and clients about energy saving practises that are used on site and the importance of minimising energy use.

It is therefore considered the policy would accord with JP-S2.

Digital connectivity - Policy JP-C2

The applicant intends to install full fibre broadband to support their needs as a tuition

business and secure provision for future companies.

It is therefore considered the development would accord with Policy JP-C2.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. 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 -

Location plan dated 24 June 2025

Site plan

Proposed ground floor/site plan dwg 200

Proposed first floor plan dwg 201

Proposed second floor plan dwg 202

Proposed front elevation dwg 300

Proposed side elevation dwg 301

Proposed rear elevation dwg 302

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.

<u>Case Officer</u> JT 2/9/25	<u>Date</u>	<u>Sign off Officer</u> DM - 05/09/2025	<u>Date</u>
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