

DELEGATED REPORT

Report by Tom Beirne	Date of report: 04/09/2025	Ref: 72169/P3JPA
Registration: 29/07/2025	LDfC: 21/08/2025	Expiry Date: 23/09/2025
Site Visit: 02/09/2025	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: BURY	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: NREQ

Proposal: Prior approval for proposed change of use from first floor office (Class E) to 1 no. flat (Class C3)

Location: First floor, 60 Bolton Street, Bury, BL9 0LL

Description

The application relates to the first floor of a two storey commercial property on the north side of Bolton Street. The property (90sqm), has offices at ground floor and first floor and is situated within a Secondary Shopping Area and Frontage of Bury Town Centre. The site is also within the Town Centre Conservation Area

Castlecroft Mews, a block of flats situated around a courtyard is situated to the rear and accessed from a side road next to the site. The attached unit on the west side, is a bathroom shop whilst to the east, across the access road into Castlecroft Mews is a shop. Across Bolton Street is Castlecroft Leisure Centre. There are 'pay & display' parking bays on Bolton Street outside the premises with bus stops nearby on both sides of the road.

The applications seeks prior approval for the change of use of the offices on the first floor to of a one bed flat.

Relevant Planning History

60806 - Change of use from solicitors office (Class A2) to private hire taxi booking office (Sui Generis) - Refused 12/01/2017
61300 - Change of use from solicitors office (Class A2) to private hire taxi booking office (Sui Generis) - Approve with Conditions 24/05/2017
65381 - Change of use from Sui Generis to A2 Office - Approve with Conditions 26/05/2020
65509 - 1 no. non illuminated fascia sign - Approve with Conditions 09/07/2020
17/0025 - Change of use from solicitors office (class A2) to private hire taxi booking office (Sui generis) - 18/01/2017

Publicity

Immediate neighbours notified by letter dated 30/07/2025. No objections received.

Statutory/Non-Statutory Consultations

Traffic Section - No comment
Environmental Health - Pollution Control - No objection subject to the implementation of a soundproofing scheme between properties.
Planning Policy Manager - No comment.
Conservation Officer - No comment.
Property & Technical Services - No comment.

Pre-start Conditions - N/A

Development Plan and Policies

EN2/2	Conservation Area Control
S2/3	Secondary Shopping Areas and Frontages
TC1	Town Centres

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.

Legislative Framework - Class MA 3.1 of the GDPO states:

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.

MA.1.—(1) Development is not permitted by Class MA—

(a) deleted

(b) 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.

(c) deleted

(d) 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) it forms part of a safety hazard area; or
- (v) it forms part of a military explosives storage area.
- (e) 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(a); (iii) the Broads;
 - (iv) a National Park; or
 - (v) a World Heritage Site;

(f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained.

(g) 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.

(2) The classes mentioned in sub-paragraph (1)(b) are the following classes of the Use Classes Order –

(a) the following classes of the Schedule as it had effect before 1st September 2020 –

- (i) Class A1 (shops);
- (ii) Class A2 (financial and professional services);
- (iii) Class A3 (food and drink);
- (iv) Class B1 (business);
- (v) Class D1(a) (non-residential institutions – medical or health services); (vi) Class D1(b) (non-residential institutions – crèche, day nursery or day centre);
- (vii) Class D2(e) (assembly and leisure – indoor and outdoor sports), other than use as an indoor swimming pool or skating rink;

(b) on or after 1st September 2020, Class E (commercial, business and service) of Schedule 2.

Conditions

MA.2.—(1) Development under Class MA is permitted subject to the following conditions.

(2) Before beginning development under Class MA, 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 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(a), the impact on the local provision of the type of services lost.
- (i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.

Assessment

The qualification criteria within the legislation and the relevance to this prior approval are set out below:

- (a) - Deleted from legislation.
- (b) The property has persisted within Class E for a substantial period, exceeding the 2-year limit set by the GDPO.
- (c) Deleted from legislation.
- (d) The site is not a listed building and is not any of the land affected by this clause.

Noise - Although a noise survey has not been carried out at the premises, the properties below and to the side are not noise generating and the agent has stated that the premises would be insulated in accordance with current building regulations. Given the nature of the proposal, its scale and siting, this is considered to be acceptable.

Parking - The site is within Bury Town Centre with public parking and bus and metro within walking distances. The site is highly sustainable and as such it is considered that there is no requirement for dedicated parking.

National Space standards - The apartment would comply with National Space Standards.

Recommendation: Prior Approval Required and Granted

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	04/09/2025	DM -	08/09/2025