



Section 55 Town and Country Planning Act

Planning Statement

Change of use to form 2 dwellings.

5 Porter Street Bury



Site/Project Information

Consultant	Jonathan McDermott
Client	Owen Small
Site Address	5 Porter Street Bury
LA	Bury
Description of Development	Change of use to form 2 dwellings
Pathway (PD/Application/Appeal)	Prior Notification

Constraints Review

Flood Risk Zone	1
Contaminated Land	No
Tree Preservation Order	No
Heritage Assets	No
Noise Abatement Areas	No
Explosive Hazard Areas	No
National Landscape	No
Special Protection Area	No
Site of Special Scientific Interest	No
RAMSAR Convention Site	No
Site of Importance to Nature Conservation	No
Article 4(2) Directions	No



Local Policy Requirements

Local Plan/Core Strategy

Places for Everyone Joint Local Plan
Bury UDP 1997

Effective Policies in Development Control

Not relevant to Prior Approval Matters

SPG/SPD's

Not Relevant

Planning History

None relevant to this prior approval

Report Date

27 November 2024

1. Introduction

1.1. The site, the subject of this application, relates to a short terrace of three properties located on the south side of Porter Street and at the junction with Back Walmersley Road. The property comprises a commercial unit on the ground floor and first floor that has an authorised use as a Laundrette.

Matters Pursuant to the Application

1.2. Prior approval is sought for the change of use of the building to form 2 dwellings under the provision of Class M of Part 3 of Schedule 2 of the General Permitted Development Order 2015 (as amended).

1.3. There are no article 4 directions in place which prevent the change of use proposed under Class M.

Summation of Case

1.4. Having careful regard to the updated GPDO, there is no impediment to the change of use under Class MA.

2. Site Context

2.1. The site forms part of a two-storey terrace contains commercial units on the ground floor and dwellings above. The site has a longstanding history of use as a Laundrette.

2.2. The subject building is not a listed building and not within a Conservation Area. The building sits within an area of primary residential use.

3. Legislative Framework

Class M

3.1. Class MA states:

M. Development consisting of—

(a) a change of use of a building from—

(i) a use falling within one of the following—

(aa) laundrette;

(bb) betting office;

(cc) pay day loan shop;

(dd) hot food takeaway; or

(ii) a mixed use combining use as a dwellinghouse with a use falling within one of the uses mentioned in paragraph (i)(aa), (bb) or (cc) (whether that use was granted permission under Class G of this Part or otherwise);

to a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order; or

(b) development referred to in sub-paragraph (a) together with building operations reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses).]

Development not permitted

M.1 Development is not permitted by Class M if—

(a) the building was not used for one of the uses referred to in Class M(a)—

(i) on 20th March 2013, or

(ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use;

(c) the cumulative floor space of the existing building changing use under Class M exceeds 150 square metres;

(d) the development (together with any previous development under Class M) would result in more than 150 square metres of floor space in the building having changed use under Class M;

(e) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;

(f) the development consists of demolition (other than partial demolition which is reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order); or

(g) the building is—

(i) on article 2(3) land;

(ii) in a site of special scientific interest;

(iii) in a safety hazard area;

(iv) in a military explosives storage area;

(v) a listed building; or

(vi) a scheduled monument.

Conditions

M.2—(1) Where the development proposed is development under Class M(a) together with development under Class M(b), development is permitted 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,

(b) contamination risks in relation to the building,

(c) flooding risks in relation to the building,

(d) whether it is undesirable for the building to change to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order because of the impact of the change of use—

(i) on adequate provision of services of the sort that may be provided by a building falling within article 3(6)(c) (laundrette) of the Use Classes Order, but only where there is a reasonable prospect of the building being used to provide such services,

(e) the design or external appearance of the building

(f) the provision of adequate natural light in all habitable rooms of the dwellinghouses,

and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(2) Where the development proposed is development under Class M(a) only, development is permitted 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 the items referred to in sub-paragraphs (1)(a) to (d) [F9 and (f).]

and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(3) Development under Class M is permitted subject to the condition that—

(a) development under Class M(a), and under Class M(b), if any, must be completed within a period of 3 years starting with the prior approval date;

(b) a building which has changed use under Class M is to be used as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as such a dwellinghouse

(c) where the proposed development includes a change of use of a building from a use falling within Class A1 or Class A2 of the Use Classes Order, the developer must apply for a determination under sub-paragraph (1) or (2) on or before 31 July 2021]

4. Qualification Assessment

4.1. Prior approval applications are split into an assessment as to whether the development qualifies for the permitted development allowance and an assessment of the pre-development criteria.

4.2. In respect of the qualification criteria the applicant states the following.

(a) the building was not used for one of the uses referred to in Class M(a)—

(i) on 20th March 2013, or

(ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use;

4.3. The planning history demonstrates that the use of the building has persisted as a laundrette for a substantial period of time.

(c)the cumulative floor space of the existing building changing use under Class M exceeds 150 square metres;

4.4. The plans confirm that the floor area of the building is less than 150sqm.

(d)the development (together with any previous development under Class M) would result in more than 150 square metres of floor space in the building having changed use under Class M;

4.5. This is the sole Class M Application that effects this building.

(e)the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;

4.6. The proposal does not include any alteration to the external dimensions of the building.

(f)the development consists of demolition (other than partial demolition which is reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order);

4.7. The proposal does not include any demolition.

(g)the building is—

- (i)on article 2(3) land;
- (ii)in a site of special scientific interest;
- (iii)in a safety hazard area;
- (iv)in a military explosives storage area;
- (v)a listed building; or
- (vi)a scheduled monument.

4.8. The site is not a listed building and is not any of the land affected by this clause.

4.9. As such it is concluded that the development complies with the qualification criteria of Class MA.

5. The Pre-Development Conditions

5.1. MA.2. requires that development under Class MA is permitted subject to assessment via a prior approval for the following pre-commencement criteria.

(a) transport impacts of the development, particularly to ensure safe site access;

5.2. This consideration relates to whether the conversion of the building would result in an impact to the safety and convenience of the highway.

5.3. The impact of the development on transport and highways is considered not to be detrimental or harmful due to the existing use of the site when compared to the proposed use as two dwellings.

5.4. Therefore it is highlighted that the proposed change of use will not amount to a substantive impact on the highway network.

(b) contamination risks in relation to the building;

5.5. The building was formerly used as a Laundrette and therefore, it is not considered that there would be any concerns regarding contamination.

5.6. It is therefore concluded that the change of use would not cause any contamination risk to surrounding uses or areas.

(c) flooding risks in relation to the building

5.7. The site falls within Flood Zone 1 (very low flood risk). As such the flood risk requirement is met.

(d) whether it is undesirable for the building to change to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order because of the impact of the change of use—

(i) on adequate provision of services of the sort that may be provided by a building falling within article 3(6)(c) (laundrette) of the Use Classes Order, but only where there is a reasonable prospect of the building being used to provide such services,

5.8. The building has not been in use as a laundrette since the purchase of the site by the applicant. Further there have been multiple previous applications for conversion of the whole of the building indicating that there is no likelihood that the use of the premises as a laundrette would persist were this application to be refused.

(e) the design or external appearance of the building

5.9. No works are proposed to carry out the change of use in this instance.

(f) the provision of adequate natural light in all habitable rooms of the dwellinghouses

5.10. All bedrooms and living spaces within the proposed flats will have access to natural light via the existing windows or other openings within the building which will be retained for this purpose. As such none of the bedrooms and living spaces will be without appropriate levels of natural light.

Application of the National Space Standards in Para 9A

5.11. The net internal floor area of the proposed flats meets or exceeds the national space standards for the proposed dwellings.

6. Conclusion

6.1. As stated above it is considered that the development as now presented represents an opportunity to provide two additional dwellings. Further, this can be done in accordance with the provisions of Class M within the amended GPDO.

6.2. As such, it is requested that prior approval is given in this instance and in the event any alterations are sought, they are requested at the council's earliest opportunity.