

Change of use of part of car showrooms to general retailing plus an office, Performance House, Heywood Street, Bury BL9 7DZ

Planning statement



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Prepared by Hartley Planning and Development Associates Ltd

Performance House is a former car showrooms.

On 26 August 2022, planning approval was granted under application ref 68430, subject to conditions, for the change of use of part of it for a café with an office on the mezzanine above. The application is extant.

It has not proved possible to let or sell the remaining part of the building (separated from the extant approval by a solid party wall) for car sales.

In 2023 planning approval was sought (ref:70202) for the change of use and extension of the remainder of the building from car sales (sui generis) to general retail shops and a separate office to the rear (Classes E(a) and E(g)(i) of the Town and Country Planning Use Classes Order (2020).

On 24 January 2024 under application 70461, a second application was submitted for the same development but was refused on 3 April 2024 for the following reasons: -

1 The proposed servicing and car parking arrangements/provision is inadequate and is likely to lead to vehicles parking and carrying out manoeuvres on the highway on the surrounding streets and in close proximity to the Heywood Street/Mason Street junction, to the detriment of the free flow of traffic and road safety contrary to Bury Unitary Development Plan Policies EN1/2, HT2/4, HT6/1 and HT6/2 and Supplementary Planning Document 11.

2 The application and submitted plans and supporting statements contain insufficient information to enable the local planning authority to assess whether the proposal would maximize reductions in carbon emissions, as required by Policy JP-S2 of the Places for Everyone Joint Development Plan.

3 The application and submitted plans and supporting statements contain insufficient information to demonstrate that the proposal would comprise high quality digital infrastructure, as required by Policy JP-C2 of the Places for Everyone Joint Development Plan.

The above application is currently at appeal.

The current application is for the same proposed development while at the same time

addressing the reason for refusal. Information is provided regarding reasons for refusal 2 (carbon reduction) and 3 (broadband digital infrastructure) while alternative associated car parking is submitted.

The proposed development is for the following:-

	M2
Two No. proposed retail unit (combined)	
Existing space to be converted to 2 units	170
Extension for existing space to provide 2	54
Total retail space for 2 units	224
Resulting size of each retail unit	112
Proposed office	
Existing space to be converted	58
Extension for office space	56
Total office space	114

Each of the two retail units would have an internal floor area of some 112m² and the separate office some 114m².

The proposed development would include 228m² of existing floor space and 110m² of new space to be constructed.

Each shop would have a floor area of 17m by 8.45m, while the proposed office would be 17m by 6.7m.

The officer report for refused application 70202 raised no objections with regard to the land use principle of the proposed development, or with regard to the design or to any impact upon living conditions of the occupants of adjoining premises.

The Main Issue

In view of the previous decision, the main issues are (i) proposed parking, servicing and access arrangements; (ii) reductions in carbon emissions and (iii) provision for high quality digital infrastructure.

Parking provision and servicing

While, when considering application ref 68430 for the change of use of part of the existing showroom to a café and office, the highways officer objected to it on grounds of servicing and car parking provision. The LPA took a pragmatic view of these matters, bearing in mind that the building already exists and also taking into account its relatively central position.

The officer report concludes that ‘ *the site, whilst at the periphery, falls within the defined boundary of Bury town centre. There are small areas of public parking at the northern end of Heywood Street and there is a town centre multi-storey public car park within 500m walking distance and bus stops on Rochdale Road within 100m. There are areas on the surrounding streets with unrestricted on-street parking.*

Supplementary Planning Document 6 sets a maximum parking standard of 18 spaces for the two uses combined. There is no minimum overall standard. The site falls within a high accessibility area.

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

Whilst it would be preferable that the proposal included provision for servicing, the test has

to be whether the lack of such and customer parking would result in highway safety impacts of such severity that the proposal should be refused.

It is not uncommon for town centre commercial businesses located in traditional properties to lack parking and servicing and often where they are located in a more restricted environment (e.g. to the north on Rochdale Road). As noted, there are locations on the surrounding highways to the site that have unrestricted parking options, that could enable servicing. Customers could also potentially utilise immediate streets, but also public parking areas serving the wider town centre that are within easy walking distance. It is also possible that customers would be drawn from nearby residential areas. Given such circumstances, and whilst the Highway Officer objects to the proposal, it is not considered that a refusal of planning permission on the basis of a lack of off-street parking and servicing would be reasonable, justifiable and sustainable'.

The current application includes 12 parking spaces, a number previously required by the LPA during negotiations. Each space measures 2.6m by 5m with adequate space for manoeuvring.

Previous applications have included such spaces on the adjoining land, currently occupied, without the benefit of planning permission, as a car wash. The LPA has objected to such provision as it is considered that it would conflict with the unauthorised use of the land as a car wash.

The current application removes any such conflict with the unauthorised use by providing parking for associated 12 spaces for the application proposal on adjacent land, in the ownership and control of the applicant.(11 spaces as laid out plus a twelfth next to the bin storage area)

There is an existing access to it from Mason Street. The land is enclosed and does not provide required car parking in association with any adjoining commercial or other premises. Vehicles currently parking on the land have no legal right to do so.

The land currently used for the car wash and its access onto/from Heywood Street would not be used or needed at all, and as such, the current proposal removes any vehicular conflict with the car wash.

In addition, there is other publicly available parking in the immediate vicinity, as shown on a submitted plan.

Therefore, the proposed development would accord with Bury Unitary Development Plan Policies EN1/2, HT2/4, HT6/1 and HT6/2 and Supplementary Planning Document 11 which are all concerned to ensure the free flow of traffic and road safety.

Reductions in carbon emissions

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

The proposed development would also provide two electric charging points and this can be secured by way of an appropriately worded planning condition.

We consider that the above is sufficient to satisfy Policy JP-S2 of the Places for Everyone, Joint Development Plan for Greater Manchester 2024(JDP). It is anticipated that new standards will be introduced in 2025 and the Ministerial Statement on 13 December 2023 makes clear that planning policy requirements in the interim should not go above and beyond building regulations requirements.

Digital infrastructure

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

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

Therefore, the proposal would accord with policy JP-C2 of the JDP

Other Matters

Biodiversity Net Gain(BNG)

The proposal includes existing building and land which is entirely hard surfaced. It is our understanding that in such circumstances the existing baseline matrix is that of the macadam surface, and also that any form of biodiversity improvement would amount to at least a 10% BNG improvement.

The application site is an extremely urbanised one.

The number of house sparrows has declined markedly in towns and cities. One reason being given is because of a lack of nesting sites as buildings are renovated.

Three sparrow boxes would be attached to the proposed buildings at eaves height prior to the first occupation of the buildings which are the subject of the application.

Sparrow box by Premium Avian Haven: -

