

**Change of use of part of car showrooms to general retailing plus an office, Performance
House, Heywood Street, Bury BL9 7DZ
Planning statement
Ref:HK210724**



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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 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). (as amended)

The planning application **ref:70202** was refused on 9 January 2024 for the following reason.

- 1 The application and submitted plans contain insufficient detailed information to enable a proper assessment of the parking, servicing and access impacts of the proposal and existing adjacent use. The proposed development would therefore be contrary to Bury Unitary Development Plan Policies EN1/2, HT2/4, HT6/1 and HT6/2.

A second application **ref: 70461** for the same development but with a different access and parking arrangements 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 appeal decision against the above refusal is pending. (APP/T4210/W/24/3341939)

A third application for the same development but with alternative arrangements for parking and servicing and to address the issues of digital connectivity and carbon emissions (**ref:70710**) was refused on 19 June 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 and Places for Everyone Joint Development Plan Document policies JP-C6 and JP-P1.

2 The remote location of the proposed car parking is sub-standard in terms of accessibility for the pedestrians/customers likely to be generated by the proposed development, especially those with mobility impairments and in view of the need to load goods from the retail use to a parked car or access the office, which 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 pedestrian and road safety, contrary to Bury Unitary Development Plan Policies EN1/2, HT2/4, HT6/1 and HT6/2 and Supplementary Planning Document 11 and Places for Everyone Joint ApplicationNo:70710 Development Plan Document policies JP-C6 and JP-P1.

3 The application and submitted plans contain insufficient information to enable the proposed refuse collection arrangements within the curtilage of the site to be properly assessed in relation to Waste Management's 'Guide to Refuse Collection Requirements & Storage Methods for New Developments', as required by Policy EN1/2 of the Bury Unitary Development Plan and Policy JP-C6 of the Places for Everyone Joint Development Plan Document.

The appeal decision against the above refusal is pending. (APP/T4210/W/24/3346847)

The proposed development

So far as the proposed change of use and extension to the actual building is concerned (and where the LPA has not previously raised any objections in terms of design or the proposed uses), this remains as for the previous applications referred to above: -

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	56

space	
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 Main Issue

The main issue relates to parking and servicing provision.

All of the above applications, apart from the first and relating to the approval for change of use of part of the car showrooms, have been for the same development ie the change of use and extension of the remaining part of the showrooms.

The main issue giving rise to the refusals is that of the location of parking and servicing – though there has been no dispute that 12 parking spaces are required.

Adjoining the former car showrooms and part of it, is a large parking area, formerly used for the display of cars for sale and for customer parking. The first of the applications for the change of use and extension of the building proposed 12 parking spaces on the said land. However, at the time of the application, the said land was also being used, unlawfully for a car wash. The local planning authority (LPA) insisted that the unlawful use should be shown on the proposed plans and then determined the application on the basis that the unlawful use, together with the proposed development, should be determined on the basis of the presence of both uses. The LPA did not accept our argument that it was unreasonable to determine the application on the basis of an unlawful use that might be temporary and where, in any event, it had enforcement powers available to it to require the removal of the unlawful use. Neither did it accept our argument that in any case, both

uses did not create an adverse impact upon highway safety.

The position has now changed in that the car wash no longer occupies part of the site. Therefore, there would be no such conflict between the use of the associated land for parking for the proposed development and a separate unlawful use. It is all available for the 12 parking spaces and servicing as required by the LPA.

Thus , we have revisited the reason for the first refusal (ref: 70202) which was: -

- 1 The application and submitted plans contain insufficient detailed information to enable a proper assessment of the parking, servicing and access impacts of the proposal and existing adjacent use. The proposed development would therefore be contrary to Bury Unitary Development Plan Policies EN1/2, HT2/4, HT6/1 and HT6/2.

The submitted proposed site plan shows the associated land to the former car sales building being available for 12 parking spaces, bin storage and servicing. The location of secure cycle storage is as shown on applications made subsequent to the first refusal .

It is noteworthy that 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 existed 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 same could be said for the current proposal

NB. The above approval for the change of use of part of the showroom did not require any off street parking.

So far as bin storage and refuse collection is concerned, the proposed development would comply with the Council's advisory report ' Guide to Refuse Collection Requirements & Storage Methods For New Developments.(undated). The bin waggon would have direct access to the proposed storage area and there is ample room for the driver to enter and leave the site in forward gear.

The current access already exists.

Other Matters

We have submitted a statement regarding digital connectivity and also carbon reduction.