

DELEGATED REPORT

Report by Helen Pressley	Date of report: 01/11/2024	Ref: 70898/FUL
Registration: 12/09/2024	LDFC: 31/10/2024	Expiry Date: 07/11/2024
Site Visit: 25/09/2024	Site Notice: 25/09/2024	Press Date: 19/09/2024
Objections: 0	Con Area: MARY	Adv Type: CA
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: COUS

Proposal: Change of use to Holistic Therapy centre (Class E(e))

Location: Unit 1, 371 Bury New Road, Prestwich, Manchester, M25 1AW

Description

The application relates to the ground floor of a terraced property that fronts Bury New Road. The site is located within St Mary's, Prestwich Conservation Area. The site is also located within a Shopping Area as identified under UDP Policies S2/3 and S1/2. The sites last use was as an Estate Agents (Class E(c) (ii)).

Planning Permission is sought for a change of use from Class E(c)(ii) - professional services (other than health or medical services) (Estate Agents) to Use Class E(e) -for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner (Holistic Therapy Centre). No external changes are proposed. The application is retrospective.

Relevant Planning History

None

Publicity

Neighbour letters 13/09/2024
Site notice posted 25/09/2024
Press notice within the Bury Times 19/09/2024

No representations received.

Statutory/Non-Statutory Consultations

Conservation Officer - No objections
Traffic Section Do not wish to restrict the grant of planning permission
Environmental Health - Commercial Section - No response
Waste Management - No response
Planning Policy Manager - No response
Building Control - No response
Prestwich Neighbourhood Forum - Support

Pre-start Conditions - Not relevant

Development Plan and Policies

S2/3	Secondary Shopping Areas and Frontages
S1/2	Shopping in Other Town Centres
Area	Church Lane/Bury New Road/Clark's Hill

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.

Principle (Use)

UDP Policy S1/2 - Shopping in Other Town Centres confirms that the Council will seek to maintain and strengthen the role of Prestwich Town Centre. This is further supported

by UDP Policy S2/3 - Secondary Shopping Areas and Frontages that seeks to maintain retailing (Class E) as the predominant land use at ground floor level.

Permitted Development is a material consideration in the use of this site. The application site was previously in use as an Estate Agents, Under Use Class E (c) (ii).

The Town and Country Planning (Use Classes) Order 1987 has been amended by the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 which came into force on the 1st September 2020. It created a new use class, Class E - Commercial, Business and Service use. The permitted change of use from an Estate Agent Use Class E(c)(ii) to the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner (Holistic Therapy Centre) Use Class E(e) would be lawful as both the uses fall within the same use class and as such would not constitute development within the meaning of Section 55 of The Town and Country Planning Act 1990.

No objections are therefore raised to the change of use proposed.

Layout, Design and Heritage

UDP Policy EN1/2 seeks to ensure that development proposals would not have a detrimental effect on the visual amenity and character of a particular area. PfE Policy JP-P1 Sustainable Places aims to promote a series of beautiful, healthy and varied places. UDP Policy S2/3 seeks to maintain a provision of a display window at ground floor level where appropriate.

As the site is located within St Mary's, Prestwich Conservation Area it is necessary to consider the proposal in terms of UDP Policies EN2/1 - Character of Conservation Areas and EN2/2 - Conservation Area Control that seek to preserve and enhance the special character or appearance of an area. Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to give special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

No external changes have been shown on the submitted elevations. A display window is proposed to be maintained at front ground floor. Internal changes are shown on the submitted floor plans however these would not impact on the external character of the property. As set out above the change of use is lawful and would not require planning permission.

It is therefore considered that the proposal would preserve the character of the Conservation Area.

Highways

Policy EN1/2 requires the consideration of the design and appearance of access, parking and service provision. PfE Policies JP-C5 and JP-C6 require streets to be well designed and managed to make a significant positive contribution to the quality of place and support high levels of walking, cycling and public transport.

The site is located within an identified town centre location. The use is considered lawful. No objections have been raised by the Local Highway Authority to the proposal.

Biodiversity Net Gain

While every grant of planning permission in England is deemed to have been granted subject to the biodiversity gain condition, commencement and transitional arrangements, as well as exemptions, mean that certain permissions are not subject to biodiversity net gain.

Biodiversity net gain does not apply to retrospective applications made under section 73A of the town and country planning act as a pre-commencement condition cannot be applied

to an application that has already commenced. The Planning practice guidance on biodiversity net gain also confirms that it would be inappropriate for decision makers to continue to give weight to aspects of existing local policies related to biodiversity gains which are inconsistent with the statutory framework for biodiversity net gain.

Carbon and Energy

Policy JP-S2 sets out the steps required to achieve net zero carbon emissions. Buildings in conservation areas are not exempt from complying with building regulations.

An Energy Statement has been provided by the applicant. A copy of the Energy Performance Certificate (EPC) for the overall property which shows that its energy rating is already grade B. The applicant also proposes a carbon energy strategy, and identifies that the large area of display window glazing will limit reliance on artificial lighting and demand for heating.

Any internal alterations that require building regulations will need to meet the requirements of Part L. The proposal is therefore considered to comply with this policy.

Digital Connectivity

Policy JP-C2 requires all new development to have full fibre to premises connections unless technically infeasible and / or unviable.

Given the location of the site it is considered that full fibre will be available if required for the proposed use.

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 This decision relates to the drawingsLocation Plan received on the 1st July 2024 and Existing Ground Floor Plan, Proposed Ground Floor Plan, Existing rear (west) elevation, Existing front (east) elevation received on the 12th September 2024 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>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP 01/11/2024		HL - 04/11/2024	