



Groves Town Planning LTD

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Warrington, 28th Feb 2025

Planning application 71405 - 8 Tenterden Street, Bury, BL9 0EG

Proposed change of use from office (Class E) to 8 bed (single occupancy) HMO (sui generis), with 2 no velux rooflights at front and 2 no velux rooflights at rear, with new rear boundary fencing to form enclosed rear yard

1. Groves Town Planning has been requested to provide supplementary comment relating to the application described above. This in part reflects concern raised in respect of the consistency of the proposed change of use with policies within the Bury UDP – adopted 1997 and reviewed 2007.
2. GTP is advised that the main issue with the application rests with policy EC2/2. This policy notes that

EC2/2 - Employment Land and Premises Outside the Employment Generating Areas

The Council will seek the retention of existing employment land and premises outside the Employment Generating Areas except where it can be clearly demonstrated that an existing employment site or premises is no longer suited in land use terms to continued employment use. In such circumstances consideration will be given to alternative development providing it does not conflict with the character of the surrounding area and other policies and proposals of the Plan.

Justification

As well as the Employment Generating Areas defined in Policy EC2/1 there are a number of isolated pockets of industry in the Borough. These provide valuable sources of local employment, often in the more deprived areas of the Borough. As such the Council will seek to protect them where it can be shown that, in land use terms, continued use of the site or premises for employment use would not have a detrimental effect on the surrounding area.

However, the Council recognises that in some instances this will no longer be possible. In some cases sites that have become vacant may no longer, for a variety of reasons, be suitable for continued employment use. In these cases, the Council will assess development proposals in relation to other policies and proposals of the Plan.

3. In addition to being nearly 30 years old and consequently not having a true reflection of market conditions, the policy does not overtly reference the protection of existing office uses through this policy. It is nevertheless understood that in other similar cases to that being considered here, the need to justify the loss of commercial accommodation to residential use has been a requirement of the Council when balancing planning considerations in the determination of planning applications. It has been suggested that there have been ad hoc requirements for the demonstration that premises have been marketed for commercial use for a period of 6 - 12 months. It is noted that there is no specific policy provision to support this position.
4. In this context it is considered appropriate to provide additional comment to inform the determination of the application. This takes the form of a review of policy and its current relevance; consideration of the scope to change the use of the premises without the need for planning permission and finally detailed consideration of specific circumstances of the application premises.

Policy

5. As noted the development plan is dated and whilst the principle of many policies remain of some relevance, policy which purportedly seeks to protect office space on the edge of the Town Centre suffers from the massive scale of change in the way town centres and office accommodation now operates. Whilst such change was in progress the pandemic has accelerated the way in which town centre and office markets operate. Changes in working practices include an increasing prevalence for remote working and the removal of any need for office workspace and public facing activity. Economic challenges have increased the likelihood that small businesses will reduce accommodation costs in order to meet those

challenges. As policy EC2/2 anticipated properties may well have become vacant as they are no longer suited to previous use and become attractive for other use.

6. As noted there is suggestion that the lack of scope for continued office use might be demonstrated through a period of marketing.
7. In this case correspondence is attached from the vendors' agent who is very active and familiar with the commercial property market in Bury, noting the limited expectation that once presented to the market there would be limited expectation that another office user would be attracted. Competition for the acquisition of such premises would appear to be exclusively potential purchasers who would seek to change the use of the property although in this case no alternative offers were received and the property was sold significantly below the asking price.
8. The vendors' letter explains the reasons behind the sale pointing towards the high maintenance costs, repair, running costs, access and general upgrade improvements.
9. Further submissions from current agent illustrate the applicants' consideration of alternative uses for the property, effectively resulting in the presentation of the premises to the commercial market since September 2024. The agent explains why he considers that there was no response to that exercise.
10. Given that the sale process has started in August 2024, the property has been on the market for almost 7 months in total and despite being marketed by 2 agents for most of the time it generated no commercial interest.
11. More recent policy in the form of Places for Everyone is presented at a highly strategic level and unsurprisingly expects each of the constituent authorities to provide relevant policy at a local, district level.
12. Whilst as yet not incorporated into formal development plan policy – the Bury Town Centre Masterplan from 2022, has been able to consider the changing circumstances which post-date the UDP. In this way the masterplan is supportive of increasing the diversity of uses across the centre, including housing of differing forms and tenures.

Housing

A range of housing typologies and tenures are proposed to be accommodated within Bury town centre, providing much needed new homes for families, young professionals, first time buyers, students and older people. This will help to meet local housing need as well as bolster the vibrancy of the town centre.

It is also in line with planning policy at local, sub-regional and national levels, which seeks to diversify town centres and include a suitable mix of uses (including housing).

New residential development will also play an important role in bringing more people into the town centre and increasing footfall at all times of day and into the evening which in turn, ensures the vitality and vibrancy of centres.

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Scope for change of use without the need for planning permission

13. It is understood that submissions have already highlighted the need to take account of the scope to change the use of the premises without the need for planning permission.
14. The existing, lawful use of the property falls within Class E – commercial, business and service – as defined within the Use Classes Order. This would allow for a range of uses to take place without the scope for any form of planning control.
15. There is also scope to convert an existing office into residential use under the provisions of Class O of the General Permitted Development Order.
16. It is also the case the GDPO allows for the change of use from any use within Class E to residential use within C3. There is then subsequent scope to use premises as an HMO for up to 6 occupants.
17. The principle for taking the scope for the changes of use noted above into account in the determination of a planning application is apparent in a similar case where planning permission has been granted for the change of use from offices (Use Class E) to 8 no. bedroom 8 person HMO (Sui Generis) with 2 no. front velux rooflights, and 2 no. rear velux rooflights to be installed; Erection of 1.8m high boundary fence and gated access to rear.

18. Application 69826 saw the Council grant planning permission for the development described above at 45 Knowsley Street, Bury, BL9 0ST, in identical circumstances to those considered in this current case.

19. The officer report noted that

Principle

The applicant states that the last use of the site was for offices, use Class E. Under Part 3 Class MA of the General Permitted Development Order a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order can change use to residential subject to certain restrictions.

Given that the property could be potentially utilised as a dwelling house under permitted development rights, and subsequently a 6 bed HMO the change of use to an HMO would be acceptable in principle.

The conversion of houses to HMO's can often make an important contribution to local housing stock. However, it is recognised that such conversions can put pressures on the amount of accommodation provided, put demands on parking and have an adverse effect on residential amenity and the character of an area. As such the main issue is what impact the additional accommodation, above the 6 people that could be accommodated at the site under permitted development rights, would have in planning terms and in relation to the suitability of the site and location, impacts on amenity, nature of the local environment, surrounding land uses and highway issues.

20. On the basis of this position, it did not appear that extensive consideration of marketing or the scope to retain office use was undertaken.

21. Planning permission was granted on 23 August 2023.

22. Planning permission has also been granted to change the use of 27 Knowsley Street – application ref 70173.

Site specific issues

23. The application site in this case bears direct comparison to the sites on Knowsley Street, in terms of the scale of development proposed and the nature of the historic use.

Conclusion

24. It is concluded on this basis that whilst policy seeks to protect the commercial use this position has been overtaken by circumstances where the economics of the town centre and office uses have changed, where this has been recognised by changes in national policy and the provision of rights which encourage residential use of commercial premises. Further it is clear that the proposed use will bring scope for the viable occupation of the property which is advantageous in general terms and in terms of enhancing the heritage asset of the Town Centre Conservation Area.

25. On this basis it is considered that planning permission should be granted.

I trust that above clarifies this matter in a sufficient manner but please do not hesitate to contact me if you require further information.

Yours sincerely

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