

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 28/09/2026	Ref: 73452/FUL
Registration: 06/08/2026	LDfC: 27/08/2026	Expiry Date: 01/10/2026
Site Visit: 11/08/2026	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: COUS

Proposal: Change of Use on First floor from Residential (Class C3) to Commercial (Class E)

Location: 61A Harvey Street, Bury, BL8 1NL

Description

The application relates to an end terraced property which has a use as a tattoo/beauty salon at the ground floor comprising two studio rooms and a self-contained 2 bed residential flat above. There is a yard where bins are stored and a detached garage at the rear which is accessed off Robert Street at the side.

The area has a mix of uses, comprising residential terraced properties and commercial businesses including an electrical retailers shop, car repair workshop and restaurant.

The application seeks a change of use of the first floor from residential flat to provide two additional studio rooms in association with the ground floor use. there would also be a store room and kitchen/wc facilities. The total floor would be 61.5sqm. The separate entrance would be retained to the upper floor but an internal room at the ground floor would be removed to provide an access from the ground to upper floor.

The rear yard would continue to be used for bin storage.

There are currently 2 staff working from the existing ground floor studios and 2 additional staff are proposed for the 2 new first floor studios.

Relevant Planning History

50664 - Change of use of ground floor from cafe (use class A3) to cafe (class A3) with hot food takeaway (use class A5) - Refused 18/12/2008

51295 - VARIation of condition no.2 of planning permissions 31911 and 34162 to read the cafe shall not be open outside the hours of Monday to Saturday 0730 hours to 1830 hours, Sunday 0900 hours to 1300 hours and 0730 to 1400 hours on bank holidays - Approved 22/7/2009.

Publicity

Letters sent to 4 properties on 6/8/26.

No responses received.

Statutory/Non-Statutory Consultations

Traffic Section - No objection

Environmental Health - Pollution Control - No response received.

Pre-start Conditions - Not relevant

Development Plan and Policies

NPPF	National Planning Policy Framework
EC4/1	Small Businesses

EN1/2	Townscape and Built Design
HT2/4	Car Parking and New Development
JP-C8	Transport Requirements of New Development
JP-P1	Sustainable Places
JP-S2	Carbon and Energy
JP-C2	Digital Connectivity

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 and use

The property has an existing business use at ground floor and is set within an area of mixed uses and as such it is considered the additional studios and loss of 2 bed residential flat would not be significantly harmful to the character of the area or result in significant loss of housing in the area.

The proposed development is therefore considered acceptable in principle.

Impact on residential amenity

Whilst there would be an increase in the business use of the property, it is considered the proposal for 2 additional studios at first floor would not be of such significant to cause harm to the residential amenity of adjacent and nearby occupants comparative to a 2 bed flat and the comings and goings associated with these uses. The use would be open during daytime working hours and as such any activity would cease by the evening.

As such it is considered the proposed development would be acceptable and comply with EC4/1 and EN1/2.

Parking

The site is located in an area allocated as Zone 3 in SPD11 - Parking Standards in Bury.

For a 2 bed flat, 1.5 spaces would be required and for a proposed class E use of 61sqm just under 2 spaces are required.

The property has access to a single garage located at the rear of the property.

The site is located in an area where there is limited on street parking but is within walking distance to bus stops. It is considered that the proposed use would not put significant demands on parking in the area compared to what could be a 3 bed roomed terraced dwelling.

The Highway team have raised no objection subject to a condition the development provide bin store facilities as shown on the approved plans.

As such, the proposed development is therefore considered acceptable.

JP-C2 - Digital Connectivity

Policy JP-C2 states this development to have full fibre to premises connections unless infeasible or unviable, with multiple-ducting. The policy supports the provision of free, secure, high-speed public wi-fi connections, particularly in the most frequented areas.

The area/local properties currently has fibre broadband as such the property would have access to wi-fi connections.

The proposal would comply with Policy JP-C2.

JP-S2 - Carbon and Energy

The proposed use would adopt a 'fabric first' approach to energy efficiency following the principle that the demand for energy should first be minimised. The building fabrics will be highly insulated and the target air tightness is high performing yet achievable. This would mean that energy efficiency will be embedded within the building.

The proposal would comply with Policy JP-S2.

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The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. 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 The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings -

Location plan TDS-25-196-00
Existing site plan TDS-25-196-01
Revised existing and proposed floor plans TDS-25-296-02 rev A
Existing and proposed elevations TDS-25-196-04

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.
- 3 The bin storage facilities indicated on the approved plans shall be made available prior to the use hereby approved commencing and maintained thereafter.
Reason. To ensure adequate provision for the storage and disposal of refuse within the curtilage of the site, clear of the adopted highway pursuant to policies EC4/1 and JP-C8.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	28/9/26	DM	29/9/26