

Prior Approval 52 Bury Old Road

Dear Officer,

On behalf of Sterling Properties Ltd, Eden Planning have prepared this letter to accompany an application for Prior Approval for the change of use at 52 Bury Old Road, Whitefield, Prestwich, M45 6TL [The Site]. The application seeks prior approval under Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) Order 2015 as amended.

The description of development is:

'Change of use of the first floor from commercial use (Use Class E) to 1 no. Flat (Use Class C3)'

Submission

This submission is accompanied by the following documents:

- Application Form PP-13308111 via planning portal
- Site Location Plan (HMLR Title No: GM876624)
- Existing Floor Plan (ref. PBO-KMA-XX-XX-DR-A-7001 Rev P1)
- Proposed Floor Plan (ref. PBO-KMA-XX-XX-DR-A-7002 Rev P2)
- Existing/Proposed Elevations (ref. PBO-KMA-XX-XX-DR-A-7003 Rev P1)

Site

The site is located on the north side of the northern most part of Bury Old Road, Whitefield, and to the west of Derby Road. It is located c.400m east of Junction 17 of the M60 and sits c. 800m north of Prestwich centre (Bury New Road).

The property forms part of a terrace of commercial properties, this part of Bury Old Road forms a local high street which is identified as a 'local shopping centre' in the Bury Unitary Development Plan (Policy S1/4) The properties immediately adjoining 52 Bury Old Road include a takeaway and a salon.

The site is located in a predominantly residential area, with dwellings directly opposite the site on Bury Old Road, the wider setting is also an established residential area.

The site itself is currently vacant. The ground floor unit was previously occupied by an accountancy for over a decade before they vacated in April 2024. As stated, the property is part of a two-storey terrace of five separate



units situated facing the main road. There are two takeaway shops as part of this row which each appear to have residential units directly above, on the first floor. There is an access path to the rear of the terraced row which provides access to small yards associated with each of the units. Many of these have palisade fencing or brick walls surrounding their yard. The rear of 52 Bury Old Road has one door on the ground floor which leads to the rear yard.

The site is in a highly accessible location. Bury Old Road provides connections to Manchester City Centre. There are bus stops opposite the site with services running between Piccadilly Gardens and Bury Interchange. The nearest tram station is Besses O'Th'barn, which is c. 300m to the north of the application site which provides connections between Altrincham and Bury via Manchester.

Proposal

This application seeks to change the use of the first floor from commercial use (Class E) to residential (Class C3).

A new rear access will be created. This will provide a separate and private access from which the residential unit will be accessed from. A new staircase will be created from the ground floor at the rear which will provide access to the proposed first-floor dwelling. This will make use of an existing rear door, which will replace the need for the existing central stairwell, which will subsequently be removed as part of the proposal.

The first floor will feature one bedroom to the front of the property, a living room and kitchen to the rear as well as a bathroom. The proposed dwelling would exceed Nationally Described Space Standards (NDSS); it is proposed to be a 1 bed 1 person apartment and would measure approximately 47 sq.m. The proposal does not involve any alterations to window arrangements, all existing windows are to be retained as part of the change of use.

The proposal includes formalising the layout of the yard to the rear to provide parking for the dwelling which will accommodate two vehicles. This area will also have dedicated space for the storage of bins.

Planning History

No planning applications associated with the site have been identified using the Council's online planning register.



Permitted Development

This following tables assesses the proposals against Schedule 2, Part 3, Class MA.

SCHEDULE 2 Permitted Development Rights			
Part 3 Changes of Use			
Permitted Development Class MA – commercial, business and service uses to dwellinghouses MA. Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order.			
MA.1 - (1) Development is not permitted by Class MA-			
(a)	Revoked		N/A
(b)	<i>unless the use of the building fell within one or more of the classes specified in sub-paragraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;</i>	The proposal is compliant with this limitation. The building has been in Use Class E for in excess of 2 years prior to this application.	✓
(c)	Revoked		N/A
(d)	<i>if land covered by, or within the curtilage of, the building—</i> <i>(i) is or forms part of a site of special scientific interest;</i> <i>(ii) is or forms part of a listed building or land within its curtilage;</i> <i>(iii) is or forms part of a scheduled monument or land within its curtilage;</i> <i>(iv) is or forms part of a safety hazard area; or</i> <i>(v) is or forms part of a military explosives storage area;</i>	None of (i) – (v) relate to the site.	✓
(e)	<i>if the building is within—</i> <i>(i) an area of outstanding natural beauty;</i> <i>(ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981;</i>	None of (i) – (v) relate to the site.	✓



	(iii) the Broads; (iv) a National Park; or (v) a World Heritage Site;		
(f)	if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or	This does not relate to the site as it is not under an agricultural tenancy.	✓
(g)	before 1 August 2022, if— (i) the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and (ii) the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.	This is not applicable to this site and application for prior approval.	✓
(2)	The classes mentioned in subparagraph (1)(b) are the following classes of the Use Classes Order— (a) the following classes of the Schedule as it had effect before 1st September 2020— (i) Class A1 (shops); (ii) Class A2 (financial and professional services); (iii) Class A3 (food and drink); (iv) Class B1 (business); (v) Class D1(a) (non-residential institutions – medical or health services); (vi) Class D1(b) (non-residential institutions – crèche, day nursery or day centre); (vii) Class D2(e) (assembly and leisure – indoor and outdoor sports), other than use as an	The existing use is Class E (formerly A2) and falls within the classes as required to satisfy the requirements of the GPDO.	✓



	<i>indoor swimming pool or skating rink;</i>		
	<i>(b) on or after 1st September 2020, Class E (commercial, business and service) of Schedule 2.</i>		
Conditions MA.2.—(1) Development under Class MA is permitted subject to the following conditions.			
(2)	Before beginning development under Class MA, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—		
(a)	<i>transport impacts of the development, particularly to ensure safe site access;</i>	The property is located in a highly sustainable and accessible location with good connections to public transport. Bus stops are situated almost directly outside the site (c. 50m) and is within a short walking distance to a tram stop. The proposal includes arrangements to ensure two vehicles can be accommodated at the rear yard.	✓
(b)	<i>contamination risks in relation to the building;</i>	There are no operational or engineering works being proposed to the building. The proposed dwelling would be at first floor. There is no expected risk of contamination at the site.	✓
(c)	<i>flooding risks in relation to the building;</i>	The application site is located in Flood Zone One and has low risk of flooding. Prior approval is sought for a first floor dwelling. There would be no flood risk in relation to the building.	✓
(d)	<i>impacts of noise from commercial premises on the intended occupiers of the development;</i>	The property is currently vacant therefore there is no immediate risk of impact from noise to the residential unit proposed. Neighbouring uses include a hair and beauty salon and takeaway. The salon appears to occupy both ground and first floor. The takeaway which appears to be located at ground floor with residential above. The understanding of the first floor use is based on the curtains visible at first floor that are not typical of a commercial use. Should the ground floor be occupied in the future, the unit would be occupied as	✓



		a commercial use, in accordance with the lawful use in class E. The types of uses permitted as Use Class E have a low risk of generating excessive noise which would impact on residential amenity. Other uses would not have amplified sound and are not located directly beneath the proposed dwelling. The takeaway which may generate noise from customers is based at ground floor so does not share an internal wall. The site is located in a mixed-use area. The existing commercial uses exist in harmony with neighbouring residential uses, opposite and to the rear as well as existing first floor residential uses evident in the row. For these reasons, it is not considered the noise impacts from commercial premises would have a detrimental impact on the amenity of the proposed occupiers.	
(e)	<i>where—</i> <i>(i) the building is located in a conservation area, and</i> <i>(ii) the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area;</i>	The site is not located in a conservation area.	✓
(f)	<i>the provision of adequate natural light in all habitable rooms of the dwellinghouses;</i>	The proposal will make use of all existing windows by designing the internal layout to fit the window arrangement. This ensures that each habitable room features at least one window. There are two windows at the front of the property and two to the rear. The largest window has been used to accommodate the master bedroom, while the living room/kitchen and bathroom all have similar sized windows. Adequate lighting and ventilation can therefore be achieved throughout the development.	✓



(g)	<i>the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses;</i>	The location of the application site is not identified as being important for general or heavy industry, waste management, storage and distribution, or a mix of such uses. The site is located in a predominantly residential area. The prevalence of residential uses in the vicinity of the application site establishes that this is an appropriate and suitable location for proposed residential use.	✓
(h)	<i>where the development involves the loss of services provided by— (i) a registered nursery, or (ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006, the impact on the local provision of the type of services lost and (i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building</i>	The proposal does not comprise the loss of the services outlined.	✓
(3)	<i>An application for prior approval for development under Class MA may not be made before 1 August 2021.</i>	The application has been submitted in August 2024.	✓
(4)	The provisions of paragraph W (prior approval) of this Part apply in relation to an application under this paragraph.	2a) This statement contains a written description of the proposed development, which is: <i>'Change of use of the first floor from commercial use (Use Class E) to 1 no. Flat (Use Class C3)'</i> 2b) A plan indicating the site and showing the proposed development, drawing reference GM876624 and PBO-KMA-XX-XX-DR-A-7002 Rev P2 2bb) The proposal will result in the net increase in one dwellinghouse. 2bc) This application is accompanied by a plan outlining the proposed development. The floor plans submitted with this application outline the dimensions of each room within the	✓



		proposed residential unit, the position of all windows, doors and walls, as well as the proposed use of each room. Elevation plans have also been prepared showing the front and rear of the property. There are no alterations proposed to the elevations. 2c and 2d) The developer is Sterling Properties. They can be contacted by Daniel.wright@sterlingproperties.co.uk and their address is Waterfold Business Park, Bury, Lancashire, BL9 7BR. 11) The development will comply by not beginning before receiving approval from the local planning authority that prior approval is not required. 12) The development will also be carried out in accordance with details approved by the local planning authority.	
(5)	<i>Development must be completed within a period of 3 years starting with the prior approval date.</i>	This requirement is noted and therefore can assure that the applicant would comply with this condition.	✓
(6)	<i>Any building permitted to be used as a dwellinghouse by virtue of Class MA is to remain in use as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse.</i>	This requirement is noted and therefore can assure that the applicant would comply with this condition.	✓

Summary

Following assessment of the proposal against Schedule, Class 3, Part MA of the General Permitted Development Order, it is established that prior approval is required for the change of use of first floor of the property from commercial (Class E) to residential use (Class C3). The assessment above demonstrates how the criteria have been satisfied.

We trust this letter provides all the information you require to assess this application and grant prior approval. Should you have any questions, please do not hesitate to contact us.



E D E N

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Rebecca Hilton', with a stylized, cursive script.

Rebecca Hilton MRTPI
ASSOCIATE DIRECTOR



Eden Planning and Development Ltd

Registered address: 1 Market Street, Altrincham, WA14 1QE

Company registered in England and Wales number: 8687533

VAT number: 189652454