

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

Planning statement

Resubmission

Ref:HK250124



January 2024

Prepared by Hartley Planning and Development Associates Ltd

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 2003 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).

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.

The current application is for the same proposed development while at the same time addressing the reason for refusal.

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 space	56
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 officer report for refused application 70202 raised no objections with regard to the land use principle of the proposed development, or with regard to the design or to any impact upon living conditions of the occupants of adjoining premises.

The Main Issue

In view of the previous decision, the main issue is the proposed parking, servicing and access arrangements.

Parking provision and servicing

While, 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 exists 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 current application includes 12 parking spaces, a number previously required by the LPA during negotiations. Each space measures 2.6m by 5m with adequate space for manoeuvring.

The rest of the site is currently occupied, without the benefit of planning permission, as a car wash.

The LPA has insisted that this use is shown on the proposed site plan – which it now is. However, the use of the land as a car wash will be the subject of a separate planning application. While we see no conflict in terms of parking, servicing and manoeuvring, the car wash would be dealt with on its separate merits, and if not thought to be acceptable, would be refused.

It cannot be appropriate to take into account an unlawful use of other land, where the LPA has enforcement powers, when determining the application currently before it.

The current access already exists.

Conclusion

Accordingly, the proposed development would accord with policies EN1/2, HT2/4, HT6/1 and HT6/2 of the Bury Unitary development plan 1997 which require development to provide adequate access, parking and servicing, in accordance with the Council's parking standards, while also avoiding conflict with pedestrians and cyclists.