

DELEGATED REPORT

Report by Claire Booth	Date of report: 22/06/2026	Ref: 72958/P3JPA
Registration: 27/04/2026	LDFC: 22/05/2026	Expiry Date: 22/06/2026
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: ALSA	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: NREQ

Proposal: Prior approval for proposed change of use from Use Class E (Offices) to Use Class C3 (Dwellinghouse)

Location: 171 Bury New Road, Whitefield, Manchester, M45 6AB

Description

This application relates to a mid terraced property within an allocated District Centre (Whitefield) within the adopted Development Plan, as defined within the adopted Development Plan. The application site is also located within All Saints Conservation Area. The site is raised up from Bury New Road and comprises part of a semi-detached dwelling.

The building was originally built as residential accommodation before being converted to an office, in December 2007 through application 48694.

This application is submitted to establish if a change of use of the existing office accommodation to a single dwelling is lawful. The relative regulation for this type of application is Class MA, Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended), which allows for the conversion of commercial, business and service uses to dwellinghouses, subject to a prior approval process with the Council.

As the basis for the assessment of this application is its compliance with the relevant planning legislation rather than an assessment of the planning merits of the scheme, the policies of the development plan are not relevant in this case.

Relevant Planning History

48694 - CHANGE OF USE FROM RESIDENTIAL (CLASS C3) TO OFFICE (CLASS A2) & ADDITION OF GARAGE DOOR IN REAR WALL - Approved with Conditions 28/12/2007

48695 - CONSERVATION AREA CONSENT FOR PART REMOVAL OF REAR WALL - Approved with Conditions, 28/12/2007

51136 - 2 NON ILLUMINATED ALUMINIUM BOARDS ON POSTS TO FRONT (RETROSPECTIVE) - Deemed Withdrawn, 03/07/2009

Publicity

21 neighbours were consulted by letter. No representations have been received.

Statutory/Non-Statutory Consultations

Traffic Section - No objections.

Environmental Health - Pollution Control - No objections.

Conservation Officer - No objections.

Environmental Health - Contaminated Land - No comments or observations received.

Pre-start Conditions - Not applicable.

Relevant Legislation

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

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.

Assessment of Proposed Development

Class MA – commercial, business and service uses to dwellinghouses

MA.

Assessment

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.

Development is not permitted by Class MA -

MA.1(a)	unless the building has been vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval;	This part of the legislation has been removed from the eligibility requirements in March 2024.
MA.1(b)	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;	Complies - The site has operated as an office for more than two years. The conversion of the offices was allowed in December 2007 and Goggle Maps street view photographs from 2016 shows that the property is being used as an office.
MA.1(c)	if the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres;	This part of the legislation has been removed from the eligibility requirements in March 2024.
MA.1(d)	If land covered by, or within the curtilage of, the building— (i) is or forms part of a site of special scientific interest; (ii) is or forms part of a listed building or land within its curtilage; (iii) is or forms part of a scheduled monument or land within its curtilage; (iv) is or forms part of a safety hazard area; or (v) is or forms part of a military explosives storage area;	N/A
MA.1 (e)	If the building is within— (i)an area of outstanding natural beauty; (ii)an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981; (iii)the Broads; (iv)a National Park; or (v)a World Heritage Site;	N/A
MA.1 (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	N/A
MA.1 (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	N/A

under Class O immediately before 1st August 2021 by virtue of the

2 The classes mentioned in sub-paragraph (1)(b) are the following classes of the Use Classes Order—

MA.2 (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 indoor swimming pool or skating rink;	N/A
MA.2 (b)	On or after 1st September 2020, Class E (commercial, business and service) of Schedule 2.	Complies - The premises comes under Class E (commercial, business and services) and has stayed within this use class for more than 2 years, as outlined within the assessment for MA1. 1 B

Conditions in Para MA.2.2.

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—

MA.2(a)	Transport impacts of the development, particularly to ensure safe site access;	Complies - The building is a two storey semi-detached property with a proposal for 3 bedrooms. This property has one car parking space to its rear accessed off the cobbled road to the rear of the site. The property is located in an adopted District Centre which on the side of the road of the application site contains a mix of residential, offices and uses operating within a Class E use. The property is located in an area of high accessibility, the closest Bus Stop Approx. 190 metres away and the tram station Approx. 660 metres away. The proposed site would not include on-site parking. However before the conversion of the property from a residential dwelling to offices, the property did not have parking provision Similarly, the proposal is unlikely to result in an intensification of use of the property thus would not impose increased parking pressures to the on street parking situation. There would be safe access to the site and the Local Highway Authority has raised no objections. Therefore it is considered that the development accords with the requirement.
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MA.2(b)	Contamination risks in relation to the building;	Complies – Due to the existing use, and those surrounding, it is considered that any risks associated to contamination are low.
MA.2 (c)	Flooding risks in relation to the building	Complies - The site is located outside of Flood Zones 2 and 3, within Flood Zone 1.
MA.2 (d)	Impacts of noise from commercial premises on the intended occupiers of the development;	Complies - The property is located within an adopted District Centre and is sited between a Hair Loss Salon (Hair Solved? and a Psychology Properties across the road are a mixture of commercial/ retail properties. To the rear of the property are neighbouring properties within residential use. The adjoining commercial premises and those on the opposite site of Bury New Road to the application site would not be open late hours and in any event the businesses are not intensive use business with high numbers of deliveries or comings and goings. Noise is not therefore considered to be of a concern for prospective occupants of the development.
MA.2 (e)	Where— (i) the building is located in a conservation area, and (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;	Complies -The site is located within All Saints Conservation Area. The proposed change of use would relate to both floors of the building, therefore the whole of the ground floor. The Council's Conservation Officer has raised no objections to the proposed change of use.
MA.2 (f)	The provision of adequate natural light in all habitable rooms of the dwellinghouses;	Complies - All habitable rooms would have a window serving each room, of a sufficient size to provide adequate levels of natural light so as to not undermine the amenity of prospective occupants.
MA.2 (g)	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;	Complies – the site is not located within an area that is considered important for general or heavy industry, waste management, storage and distribution, or a mix of such uses, employment purposes.
MA.2 (i)	Where the development involves the loss of services provided by— (i) a registered nursery, or (ii) a health centre	N/A

	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	
MA.2(i)	Where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building	N/A As outlined within the interpretations of Class MA “Development meets the fire risk condition referred to in paragraph MA.2(2)(i) if the development relates to a building which will— (a) contain two or more dwellinghouses; and (b) satisfy the height condition in paragraph (3), read with paragraph (7), of article 9A

Conclusion:

The proposed development does not conflict with any of the restrictions in paragraph MA.1 and would not give rise to any harmful effects in relation to the relevant conditions in paragraph MA.2 (2) (a) – (i) when assessed against the provisions of the GPDO and NPPF as set out in Paragraph W of Part 3. Accordingly, while prior approval is required, there is no reason for it not to be granted in this case.

Conditions:

Paragraph W (13) indicates that “the local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval”.

In this case, it is considered expedient to impose conditions relating to: (i) the time limit within which the development must be completed to ensure compliance with the condition in paragraph MA.2 (5); and (ii) specifying the plans that are approved as part of the scheme for the purposes of the provisions in Paragraph W (12) (a).

As a matter of good practice, an informative note will also be attached to draw the applicants attention to the condition in Schedule 2, Part 3, Class MA, Paragraph MA.2 (6) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) which requires that “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.”

Recommendation: Approve with Conditions

Conditions and Reasons:

- 1 The development must be begun not later than three years beginning with the date of this approval.

Reason. To comply with the condition in Schedule 2, Part 3, Class MA, Paragraph MA.2(5) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

- 2 This approval relates to the following plans:

Drawing no. TQRQM26065135304439: Location Plan,

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Drawing no. 502: Existing and Proposed Site Plan,
Drawing no. 0P1: Proposed Plans, and,
Drawing no. 0P2: Proposed Elevations.

The development shall be carried out in complete accordance with the approved drawings, unless the local planning authority and the developer agree otherwise in writing.

Reason. For the avoidance of doubt and to ensure that the development complies with the requirements of Schedule 2, Part 3, Class MA and Paragraph W(12)(a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB	22/06/2026		