

DELEGATED REPORT

Report by Helen Pressley	Date of report: 06/01/2025	Ref: 71304/FUL
Registration: 03/12/2024	LDFC: 03/01/2025	Expiry Date: 28/01/2025
Site Visit: 09/12/2024	Site Notice: 09/12/2024	Press Date: N/A
Objections: 0	Con Area:	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: COUS

Proposal: Change of Use from Class E (Commercial, Business and Service) to Class E (Commercial, Business and Service) and Sui Generis (car showroom) to facilitate the creation of floorspace for car showroom.

Location: 30-32 The Haymarket, Bury, BL9 0BX

Description

The application relates to a ground floor unit located within the Mill Gate Shopping Centre, within the town centre. The unit is an end unit that is currently utilised for a Class E Use.

Planning permission is sought for the change of use of the unit to a mixed use Class E (Commercial, Business and Service) and Sui Generis (car showroom) to facilitate the creation of floorspace for car showroom. No external alterations are indicated on the proposed plans. The application is retrospective, as the change of use has been implemented prior to determination of the Planning Application.

Relevant Planning History

47147 - New shop fronts and associated external alterations - Approve with Conditions
09/01/2007

Publicity

Site Notice 09/12/2024
Neighbour letters 06/12/2024

No representations received

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant

Development Plan and Policies

S2/2	Prime Shopping Areas and Frontages
S1/1	Shopping in Bury Town Centre
JP-P4	New Retail and Leisure Uses in Town Centres
JP-Strat1	Main Town Centres
2	
JP-S2	Carbon and Energy
JP-C2	Digital Connectivity
JP-P1	Sustainable Places
EN1/2	Townscape and Built Design

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 (Use)

The site is located within an existing shopping centre as identified under UDP Policy S1/1. This Policy requires the Council to protect, maintain and enhance the role of Bury Town Centre as a sub-regional shopping centre and promote the centre as a focal point for further development. This includes the provision of speciality shopping. This is further supported by UDP Policy S2/2 that seeks to maintain retailing as the predominant land use at ground floor level.

PfE Policy JP-Strat12 confirms that the role of the main town centres as local economic drivers will continue to be developed. PfE Policy JP-P4 seeks to ensure that leisure and retail uses will be maintained and enhanced within identified town centres.

Paragraph 90 of the NPPF confirms that Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

The proposal would lead to the loss of a traditional retail unit, however shopping areas today have changed with regard to their function and land use characteristics, with alternative uses becoming an ever increasing feature in many shopping areas. The proposal would allow for the adaptation of this particular unit, in accordance with the NPPF, whilst still maintaining the overall retail use of the Mill Gate Shopping Centre maintaining the character of the locality. Furthermore, the premises was vacant and as such bringing the unit back into use is considered favourably in relation to retention of a vacant unit that may impact on the vitality of the town centre.

It is therefore considered that a complimentary land use would help to preserve the vitality and viability of changing high streets it is considered that the proposal complies with the Policies set out above.

Design and Layout

UDP Policy EN1/2 - Townscape and Built Design seeks to protect the character and townscape of the boroughs towns. PfE Policy JP-P1 Sustainable Places aims to promote a series of beautiful, healthy and varied places.

No external changes are indicated on the proposed plans, or application form. The proposal would maintain the existing shop frontage that makes up part of the wider Mill Gate Shopping Centre.

Carbon and Energy

PfE Policy JP-S2 - Carbon and Energy sets out the steps required to achieve net zero carbon emissions.

The unit is located within the wider Mill Gate Shopping Centre. The applicant considers that the carrying out retrofitting works to the unit to enhance energy performance would represent a piecemeal approach that would result in significant additional costs, whilst being disproportionate with the minor nature of the proposed change of use.

The cost of retrofitting the unit would not be a material planning consideration, however given that the proposal is located within a much larger covered shopping centre complex, and requires no external alterations it is considered that the introduction of additional steps to make this particular unit meet the considerations of Policy JP-S2 would be disproportionate to the scale of the development proposed and these needs would be better met through a masterplan scheme for the whole shopping centre.

Digital Connectivity

JP-C2 - Digital Connectivity - this policy requires 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. Full fibre can be provided at the site in accordance with the requirements of Policy JP-C2.

Biodiversity Net Gain

While every grant of planning permission in England is deemed to have been granted subject to the biodiversity gain condition, commencement and transitional arrangements, as well as exemptions, mean that certain permissions are not subject to biodiversity net gain.

DELEGATED REPORT

The proposed change of use would occupy an existing building and therefore the de-minimis exemption applies.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. 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 This decision relates to drawings numbered PP4667-01, PP4667-02, LSHB-ASA-XX-GF-DR-A-3200 Rev P09 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP 06/01/2024		DM 06/01/25	