

**Ward:** Prestwich - Sedgley

**Item** 01

**Applicant:** RGJB Whittaker Ltd

**Location:** 12A Whittaker Lane, Prestwich, Manchester, M25 1FX

**Proposal:** Change of use from restaurant (Use Class E) to 13 bed (single occupancy) House of Multiple Occupation (HMO) (Sui-Generis), excavations to part of rear yard area and installation of steps, insertion of a window and door on rear elevation at Basement level change of rear ground floor doorway to a window, and enlargement of a first-floor window on the side elevation

**Application Ref:** 71330/Full

**Target Date:** 29/01/2025

**Recommendation:** Approve with Conditions

**Description**

The application relates to a substantial two storey property located on the corner of Stores Street and Whittaker Lane, Prestwich, opposite the junction of Infant Street and the Royal Oak Public House. The application site is attached to residential dwellings on Stores Street. On the opposite junction of Stores Street to the application site is a convenience store which has a flat above. Adjacent to the side elevation of the building is a unit serving a furniture upholstery business, which is currently vacant, going through probate, and residential flats present on Whittaker Lane.

The application property is bound by two single width cobbled streets; Stores Street, which serves the application property and nos. 1-3 Stores Street (residential dwellings) and a narrow cobbled street which provides access.

The application property has a rear yard area which is accessed externally from the narrow cobbled lane.

The property is currently vacant but has recently been in use as an Indian Restaurant.

Refuse bins belonging to the residential properties and the former re-upholstery business on Whittaker Lane are currently being stored on the narrow cobbled lane that runs along the back of part of Whittaker Lane, adjacent to the application site, primarily on the corner of the vacant unit, close to the front door of the application building.

The site is located within the Whittaker Lane/ Bury Old Road Local Shopping Centre, as defined by the Unitary Development Plan.

Planning permission is sought for the change of use of the building from a restaurant to a 13 bed (single occupancy) House of Multiple Occupation (HMO), for alterations to the external fenestration of the building and to make amendments to the boundary wall surrounding the rear yard area to form a new gated opening. The external alterations proposed include:

- Excavation of part of the rear yard area to enable bi-folding doors to be installed in the rear elevation of the property at Basement Level to serve a proposed kitchen dining area and for a set of steps up to ground level
- Change the ground floor door positioned centrally on the rear elevation to a window.

- Enlargement of a first floor window on the side elevation
- Removal of the existing yard gate and creation of a wider opening further along the side boundary wall of the rear yard area.

The internal layout proposed is as follows:

**Basement Level** - A kitchen containing 3 hobs and ovens and two sinks, a combined living room and dining area seating for 12, a Study, a Utility Room, a W.C, a room containing water tanks, and a staircase up to the ground floor. Within the rear elevation a set of a bi-folding doors is proposed to serve the proposed external patio area.

**Ground Floor Level** - Access from street level will remain from the front corner of the building which would open onto an entry corridor and 6 ensuite bedrooms are proposed.

**First Floor Level** - 7 ensuite bedrooms are proposed at first floor level, all of which would be served off a shared landing area.

Within the rear yard area, a secure and covered cycle store is proposed as well as 5 x 1100 litre refuse bins. The application initially only provided 3 refuse bins.

During the course of the application, the applicant has amended the proposed layout to the Basement of the building, rearranged the layout of the rear yard area to accommodate two additional 1100 litre bins from the three bins initially proposed and to ensure refuse bins were not sited adjacent to the proposed basement patio area, a set of patio doors has been added to serve the kitchen area and has sought to retain the existing frontage of the building.

### **Relevant Planning History**

49893 - SINGLE STOREY KITCHEN EXTENSION TO REAR - Withdrawn by Applicant  
05/06/2008

66348 - Change of use of the first floor only to form a 4 bedroom/4 person house in multiple occupation (HMO) (Use Class C4) - Approved with Conditions, 11/03/2021

### **Publicity**

The application proposals as submitted was advertised by Site Notice and also 13 close neighbouring properties were notified by letter.

Due to the description of development initially being vague over the external alterations proposed, Officers expanded the description and re-consulted neighbours on the 29/01/25. Due to the applicant submitting amended plans showing a different fenestration opening

37 representations have been received raising the following objections:

### Impact on Local Centre

- Asserts the significant loss of a valued commercial use that has historically contributed to the vibrancy of Whittaker Lane. The commercial frontage, the existing use acts as a social and economic anchor, fostering footfall, interaction, and community engagement and asserts its removal diminishes the vitality of this prominent location, undermining the area's appeal and function as a mixed-use hub. States this risks setting a precedent for similar conversions, leading to a gradual erosion of the identity and vibrancy of Whittaker Lane's streetscape.
- Concerns about setting a precedent for similar conversions and thus a gradual erosion

of the identity and vibrancy of Whittaker Lane's streetscape.

- There's been a positive revival with independent businesses creating a thriving hub and states converting a key commercial property into a low-quality HMO undermines this progress. Also states the ground floor should remain for retail or food and drink use to support local regeneration.
- The ground floor should remain for retail or commercial use
- Should maintain a good offering of retail and hospitality spaces. It would make sense for the ground floor to remain a retail space and any upper floors to be 2/3 bedroom flats which is more in line with the type of housing required in Prestwich.

#### Whether there is a need for a HMO development

- Asserts that the HMO is not needed - The area is in need of smaller affordable properties for people to live in and become involved in the community long term.

States there is a Housing Need mismatch advising Prestwich's recent Housing Needs Assessment highlights a demand for two- and four-bedroom homes. There is very little need for single-occupancy units.

#### Amenity of nearby residents

- Noise and disturbance - residential amenity and the character of the historic residential area (Stores Street).
- The high number of occupants in the proposed HMO, combined with the transient nature of tenants, is likely to generate elevated levels of noise, including late-night disturbances.
- Despite the submitted management plan, it is difficult to guarantee that noise levels from the property, both internally and in external communal spaces, will not disrupt the quiet enjoyment of nearby residential properties. This issue is exacerbated by the building's proximity to family homes, where uninterrupted peace and quiet are critical to maintaining residential amenity.
- The properties along Stores Street, including the proposed HMO site, are historically significant structures with single-brick partition walls. This inherently poor sound insulation means that noise generated by a high-occupancy HMO will transfer easily between buildings to the detriment of amenity.
- Families with young children and residents with pets in adjoining properties will face significant disruption to their quiet enjoyment of their homes. This is particularly unacceptable in a street where current residents already experience noise from nearby businesses and foot traffic to Heaton Park Metrolink.
- The scale of the proposed HMO, is disproportionate to the site and its surroundings.
- Biding doesn't appear capable of supporting 13 tenants without creating cramped and substandard living conditions. Overcrowding would reduce the quality of life for tenants but will also impose undue strain on local services and infrastructure.
- The foundations of buildings in the immediate area are already under strain, as evidenced by the vibrations residents feel from daily activities. For example, the multiple

deliveries & loading of goods into the shop here on the corner, the opening and closing of shutters, bass line music from The Goods Inn, the stacking of chairs at The Prachee restaurant at closing time can also be felt by residents. The proposed inclusion of a theatre room and other communal facilities in the cellar of the HMO raises significant concerns about further vibrations and structural impacts. The use of such a facility, particularly during late hours, is likely to exacerbate these issues, causing further disturbance to neighbouring properties.

- Acoustic sensitivity, combined with the noticeable tremors from local activities, highlights the delicate balance of the area's residential character. Adding a high-density HMO with features like a basement theatre room and communal spaces will amplify these disturbances, fundamentally altering the living environment for existing residents.
- Neighbouring residents feel the barrels being lowered from the pub deliveries so 13 people in such a small space especially with a cinema room would be awful. The neighbours state they feel the chairs being cleared in the restaurant, cutlery, people, music & air con through the whole house at all hours and they can hear people in the houses near the chemist if their windows are open, warm weather with noise and rubbish would be unbearable.
- No consideration seems to have been made for the residents on the 4/5 houses at the side of the Pranchee

#### Refuse Storage

- Insufficient refuse storage proposed for 13 residents
- Overflowing bins and improper waste storage will attract pests, creating health hazards for residents and their pets. The current layout does not appear to accommodate sufficient space for the additional bins required, making it impractical to store and collect waste in a way that does not adversely impact the neighbourhood.

#### Highway Safety Matters

- The area surrounding Whittaker Lane already faces significant parking pressure due to its proximity to Heaton Park Metrolink Station and existing parking restrictions. The proposal lacks adequate off-street parking, which will intensify demand for scarce on-street spaces and the small adjacent car park, negatively impacting residents and businesses that depend on this limited availability.
- Stores Street, an unadopted cobbled road with minimal parking capacity and no council maintenance, will be particularly affected. Residents rely on clear access for vehicles and deliveries, which the influx of 13 tenants and associated service vehicles would disrupt. This will likely result in congestion and conflicts over access and egress.
- Stores Street has a distinctly residential character, marked by a close-knit community of just a few homes and residents.
- If any of the 13 occupants have a vehicle, there will be nowhere for them to park nearby.
- Close to a Primary School. Traffic here is already horrific at drop-off and pick-up times (8:50 AM and 3:30 PM). Adding more residents and vehicles will worsen congestion,

increase parking pressure, and create safety hazards for children.

- The scheme clearly does not meet parking standards set out by the council, despite it's so-called sustainable location, it is a given that some residents will have cars and no car parking options.

#### Drainage

- The drainage on 12A is in disrepair and water gushes from the pipes at the front and back, more water works would make this worse.

#### General Amenity

- The building has architectural value and should be restored sympathetically.
- Stores Street doesn't get cleaned and it is littered, this many more people could cause health & safety issues with vermin due to the number of bins and amount of rubbish already around.
- The scheme offers little in amenity value for the street scene or for potential residents.
- Already a lack of capacity with local doctor and taking my child to the Doctor's when ill. The proposal would make access to doctors worse.

#### Amenity of future occupants

- Asserts cramming 13 small rooms into limited space with little amenity would attract transient tenants and offer substandard living conditions.
- The proposed Laundry room and Kitchen facilities are inadequate for 13 residents.
- The scheme does not have a robust management plan connected to it as it pertains to tenancy management and due to the proximity of the primary school this is a concern.

#### Procedural Matters

- Asserting there is incomplete Plans.

These objections include representation from Ward Councillors; Cllr Alan Quinn and Cllr Richard Gold who object to the proposals and support local residents in their opposition to the proposal.

#### **Statutory/Non-Statutory Consultations**

**Traffic Section** - Raises concerns that 13 occupants with no dedicated car parking provision would lead to parking on street to the detriment of highway safety but recognises that the premises has a lawful commercial use that equally has no dedicated parking.

**Waste Management** - Verbally advised that each occupant should each have sufficient refuse provision and it should be stored within the rear yard area of the property.

**Housing - Public Protection** - No comments or observations received.

**Adult Care Services** - No comments or observations received.

**Greater Manchester Police - designforsecurity** - No objections

**Greater Manchester Ecology Unit** - Recommends enhancements for biodiversity.

**Prestwich Village Neighbourhood Forum (PVNF)** - Raises objections on the following grounds:

1. Located in a commercial allocated frontage, the loss of the commercial use would undermine the centre's vitality and vibrancy.
2. The conversion of the property into low quality accommodation would undermine the regeneration of not just the centre itself but the amenity of the surrounding residential area including the vacant site to the rear (former Printworks).
3. Overdevelopment incorporating tiny rooms and very limited shared internal or outside amenity space. Only likely to attract very transient groups who will have no commitment to the local community.
4. Building is located at a very cramped location. Stores street is a cul-de-sac and any vehicles accessing or wishing to park at the property would create a traffic hazard at this location and place further pressure on local residential streets which already have limited parking.
5. The plans for the conversion of the building are completely inadequate and plans showing the proposed elevation treatment to the building seem to be incomplete. The building itself has some quality but has suffered from some unsympathetic alterations in the past with the removal of the original attractive shop windows. It could be sympathetically renovated, in line with the Design Code, that PVNF have recently commissioned, and which will form a major part of our Neighbourhood Plan.
6. PVNF also recently commissioned a Housing Needs Assessment for the Neighbourhood area, and it clearly shows that the need within the area is for two and four bedroom properties, with least need (or demand) for small and one bedroom properties.
7. The applicant's agent has attempted to justify the proposed conversion by reference to the PFE and NPPF because it makes full use of existing buildings. We do not disagree with the aims of these plans in making the best use of brownfield land and existing buildings, but it is disingenuous to attempt to use these broad objectives to support low quality and inappropriate development. The building would be better re-used for retail / food & drink use at ground floor with the conversion of the upper floors for two bedroom accommodation and ensuring that the elevational treatment of the building is improved. A conversion on this basis would not just make effective use of the building but would support the many other policies within the PFE and the NPPF, including those of good design, regeneration of local centres, the development and regeneration of sustainable neighbourhoods and the development of good quality housing in line with local needs

**Pre-start Conditions** - Agreed with pre-start conditions

#### **Development Plan and Policies**

S1/4	Local Shopping Centres
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H2/4	Conversions
EN1/2	Townscape and Built Design

EN7/2	Noise Pollution
HT2/4	Car Parking and New Development
EN7/2	Noise Pollution
H1/2	Further Housing Development
JP-C1	Our Integrated Network
JP-C2	Digital Connectivity
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-C8	Transport Requirements of New Development
JP-H3	Type, Size and Design of New Housing
JP-H4	Density of New Housing
JP-S2	Carbon and Energy
SPD11	Parking Standards in Bury
JP-S1	Sustainable Development
SPD13	Conversion of Buildings to Houses in Multiple Occupation
JP-P1	Sustainable Places
NPPF	National Planning Policy Framework

## **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.

## **ISSUES**

### **Principle of Development**

The National Planning Policy Framework (NPPF) sets out the government's objective of significantly boosting the supply of homes in all kinds of sizes and tenures.

With regard to HMOs, the conversion of properties into flats or bedsits can make an important contribution to the local housing stock and can utilise vacant or underused space more efficiently.

At paragraph 11, the NPPF is clear that decisions should be in favour of sustainable development and at para. 61 states that the overall aim should be to meet an area's identified housing need, including with an appropriate mix of housing types for the local community.

UDP Policy H1/2 states that the Council will have regard to various factors when assessing a proposal for residential development, including whether the proposal is within the urban area, the availability of infrastructure and the suitability of the site, with regard to amenity, the nature of the local environment and the surrounding land uses.

The site is located in an urban area, within a Local Centre, and is attached to the residential properties on Stores Street, which is characterised by residential dwellings. The majority of the adjacent housing stock is 2 storey terraced types and as such the proposal for a

residential use is considered acceptable in this locality and would make a contribution to local housing needs in the area.

The area is urban in character and being positioned within the adopted Local Centre is within walking distance of local shops and amenities, Heaton Park Tram Station and several bus routes and is therefore considered to be in a sustainable area.

NPPF paragraph 125c also gives "substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused".

The proposed development would therefore be acceptable in principle and in accordance with Policy H1/2, H2/4 and the principles of sustainable development in the Places for Everyone Joint Development Plan (JP-P1) and the principles of the NPPF.

### Housing Needs

Paragraph 63 of the NPPF confirms that "size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) those who require affordable housing (including Social Rent); families with children; looked after children; older people (including those who require retirement housing, housing-with-care and care homes); students; people with disabilities; service families; travellers; people who rent their homes and people wishing to commission or build their own homes" however no direct reference is made to HMOs or buildings of multiple occupation.

Prestwich Village Neighbourhoods comments relating to the Housing Needs Assessment they are preparing which the Council has not been involved in preparing can be given very little weight at this stage as the survey has not been subject to any formal public consultation and has not been adopted by the Council. The Assessment will not carry any weight in planning decisions until the Neighbourhood Plan has been examined.

The Bury Housing Needs and Demand Assessment does not specifically identify the need for HMOs. It does however show that Prestwich has the highest level of need for 1-bed affordable properties. Whilst HMOs are not affordable housing as defined by the NPPF, they do contribute to meeting needs by providing a lower cost housing option and play important role in the housing market, particularly for people who have limited housing choices or are looking for short stay accommodation. This is therefore the adopted position of the Local Planning Authority and not that which is asserted by the Prestwich Village Neighbourhood Forum.

### Character of the area - concentration of HMOs

Whilst there is no specific policy in relation to HMOs within the adopted UDP, UDP Policy H2/4 - 'Conversions' takes into consideration the concentration of conversions for multiple occupation and the impact this can have on the character of an area.

According to the current Bury Council register of licensed HMO's, there are no licensed HMOs within 100 metres of the property. Not all HMO's require a license if occupation does not exceed 5 occupants, or planning permission if the property is a dwellinghouse with no more than 6 occupants. The LPA does not have access to records in relation to smaller HMOs that either do not require a licence, or do not need planning permission. However, based on the evidence available, there is no evidence to suggest that this proposal would result in an over concentration of HMOs in this locality.

### Loss of the commercial use of the building

The application site is a vacant restaurant building which became vacant in December



2024.

The application site is located within the Whittaker Lane/Bury Old Road Local Centre, as defined within the adopted Development Plan, and, as such, the proposal should be considered against UDP Policy S1/4: 'Local Centres'.

Policy S1/4 states that the Council will seek to maintain and enhance local shopping centres. The main emphasis of policy S1/4 is on consolidation and enhancement of existing retail provision, uses which formally were considered A1 but are now considered to fall under Use Class E(a).

The authorised use of this building is Class E(b), formally Use Class A3 and therefore the proposal would not conflict with UDP Policy S1/4, which relates to existing retail provision.

The NPPF includes local centres within its definition of Town Centres. The NPPF includes retail, restaurant and residential within the definition of main town centre uses. Paragraph 90 of the NPPF states that planning 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 provision of an additional small scale housing development in this Local Centre would align with this approach.

The NPPF seeks to focus on the management of change within Town Centres. Given the current vacancy of the building, although the property has only been vacant since December 2024, the application site adjoins existing residential properties, and that the proposal would result in the addition of additional residential occupancy into a Local Centre where residents can use the facilities within the Local Centre as well as being in close proximity to sustainable modes of transport.

To conclude, there are no local planning policies to resist the loss of the commercial space at ground and basement floor levels within the Whittaker Lane/ Bury Old Road Local Centre and it is evident that the proposal does not directly conflict with local or national planning policies. The NPPF seeks to focus on the management of change within Town Centres. Whilst the property has only been vacant since December 2024, it does adjoin existing residential properties and would result in additional residential occupancy in the Local Centre. Residents can use the facilities within the Local Centre as well as benefit from being in close proximity to sustainable modes of transport, the principle of development is therefore acceptable.

### **Highway Safety**

There are no specific car parking standards for HMO's in SPD 11: 'Parking Standards in Bury'. SPD 13: 'The Conversion of Buildings to Houses in Multiple Occupation' gives some general advice. It states that parking and road safety issues will be important considerations when assessing a planning application and any proposal that is considered to have a detrimental impact on highway safety or harm to amenity will not be permitted.

HMO's are best located in sustainable areas well served by public transport and close to amenities, services and facilities, which can reduce the demand of parking.

The site is located in a prominent position within the street scene and Whittaker Lane/ Bury Old Road Local Centre, and is in close proximity of Heaton Park Tram Station and within . The proposal is considered to be in a highly accessible location due to its proximity to both the Tram and Bus Services present in close proximity to the site.

The property has no dedicated off-street parking provision. However, neither does the current lawful use of the property.

The concerns raised by residents about more cars parking on streets in close proximity to the application site are noted, as to are the representations received raising concerns that future occupiers will park on Stores Street, blocking access and egress for existing residents and that existing residents are fearful that the proposed intensification would adversely affect the amenity of existing occupiers.

The property has an authorised use as a restaurant and had a number of staff, as well as customers which included large parties, and this is a fall-back position that is a material consideration in favour of supporting the proposed use. It is noted however, that the restaurant was primarily open in the evenings and visitors only stayed whilst they visited the restaurant. Nevertheless, the restaurant use could re-commence at any time and more than 13 customers could visit the restaurant at any one time, and come/go with significant frequency. Moreover, PfE Policy JP-C1: An Integrated Network deliver an accessible, low carbon Greater Manchester by delivering a pattern of development that minimises both the need to travel and the distance travelled by unsustainable modes to jobs, housing and other key services, including healthcare, education, retail, recreation and leisure facilities, green space and green infrastructure and Locating and designing development, to deliver a significant increase in the proportion of trips that can be made by walking, cycling and public transport.

This property is located circa 50 metres from the Heaton Park Tram Station and a number of buses run along Bury Old Road. Accordingly, the property is in a highly accessible location and is suitable for this type of proposal. Therefore, whilst it is not unreasonable to consider that some or all of the future occupiers may have a car, given the permitted fallback use of the property as a restaurant in this location it is highly unlikely that a refusal of the application on lack of car parking provision and highway safety could be justified, more so as the Council has no substantiated evidence that on-street car parking in the vicinity is over subscribed.

### **Residential Amenity**

UDP Policy H2/4 'Conversions' requires applications for conversions to have regard to the effect on the amenity of the neighbouring properties through noise, visual intrusion, the position of entrances, impact of parking areas, extensions and fire escapes.

#### Neighbouring occupiers

The existing property adjoins terraced residential properties, nos.1-3 Stores Street. Residents' objections about noise pollution occurring through the walls have been taken on board by the applicant who have made several changes to the basement layout in response. Notably, they have removed both the games room and cinema rooms initially proposed, as these had the potential to generate significant noise.

In addition, they have relocated the dining area out of the kitchen area to the side of the property opposite the shared party wall.

Crucially, the living areas (lounge and dining room) have been repositioned to the opposite side of the Basement, meaning that the noisier spaces are no longer proposed adjacent to the party wall. Instead, quieter areas-including a study, store, utility room, and boiler room-are now situated along the shared wall. The size of the utility room has also been increased in size, creating a more functional and spacious area for appliances and storage. The applicants have also taken on board Officers requests regarding soundproofing and propose to soundproof the full length of the party wall on all floors of the building to further protect neighbours from potential noise. These changes have been reflected in the plans being considered by Members.

As a result of the amended layout at Basement level proposed, and subject to the party wall being sound proofed along its whole length, as shown on the submitted amended plans being installed prior to occupation of the building for the proposed use. This can be secured by planning condition, and a suitably worded condition is subsequently recommended.

The proposal seeks to create a sunken patio area extending from the proposed kitchen area. This is of a size where not all future occupants are likely to be able to occupy the area at one time. This would therefore not cause harm to neighbouring occupiers.

The proposed enlargement of the first floor window on the rear elevation closest to the shared boundary with no.1 this was approved under a previous application to use the upper floors of the building for HMO accommodation purposes - application 66348 in 2021- and therefore it would be unreasonable to recommend that the new half of the window be obscure glazed.

To conclude, subject to the recommended planning condition securing the proposed soundproofing at all levels along the party wall with no.1 Stores Street, the proposal accords with UDP Policy H2/4: Conversions.

### **Amenity of Future Occupiers**

The application has been amended to provide an improved layout of communal space within the Basement of the property in the form of the proposed dedicated communal floor within the Basement of the building. The improved layout includes an enlarged kitchen area by relocating the dining area out of the kitchen area to enable a large central island to be proposed within the kitchen area to provide improved storage provision and more worktop space within the kitchen area for future occupiers. The application has also been amended to provide the kitchen to be illuminated via a set of bi-folding doors.

The Basement area also provides a combined dining area and lounge, a study room and In terms of the 13 bedrooms proposed, each bedroom includes their own bathroom facilities. All bedrooms would also accord with the National minimum Space Standards, as required by PfE Policy JP-H3: Type, Size and Design of New Housing.

Externally, a sunken rear patio area is proposed with an outside seating area and for a set of steps up to the rear yard area where a secure and covered bike storage rack would be located, and a satisfactory level of bin storage provision would be located to the rear of the yard area. There would be sufficient space left for any occupants wishing to dry clothes outside, or for its use as incidental recreation and sitting out areas.

Overall, the internal and external layout of the development is considered to provide satisfactory living accommodation for future occupiers of the site. The proposal is therefore considered to accord with the requirements set out in UDP Policies H2/4 - Conversions and H2/1 - The Form of New Residential Development.

### **Visual Amenity and Streetscape**

The proposal seeks to make some minor alterations to the side and rear elevations of the building.

The first floor window on the side elevation of the building is proposed to be made wider, as is a first floor window on the rear elevation of the building. These alterations would have a minimal impact on the visual amenity of the street scene.

The alterations proposed to the rear elevation of the building, include widening a first floor window located near to the boundary of 1 Stores Street, changing the rear door at ground

floor level to a window, the excavation of part of the existing yard area to create a sunken patio area and the insertion of bi-folding doors are all considered to have an acceptable impact visually. The proposal also propose to close up the existing yard gate and to create a larger opening within the brick boundary wall.

The existing/ proposed brick boundary wall along the boundary of the site with the cobbled track would screen the changes proposed to the building at ground and basement levels from the street scene. Similarly, the boundary wall would also screen the proposed refuse bins and covered and secure cycle store from public view. A condition is therefore recommended to ensure the changes proposed to the boundary wall are undertaken in a satisfactory manner to ensure a satisfactory relationship with the character of surrounding buildings and the street scene

The applicants also advise the property will be given a general facelift during the proposed conversion works.

Whilst Prestwich Village Neighbourhood Forum (PVNF) has stated the property should be altered in line with the Design Code they have commissioned and which will form a part of their Neighbourhood Plan, given the PVNF Design Code has not been subject to formal consultation, it can only be given very limited weight in this decision.

Notwithstanding the above, it is considered that subject to the recommended planning condition, the proposal is considered to be acceptable and complies with UDP Policy and guidance in relation to HMOs, Policy H2/1 - 'The Form of New Residential Development' of the Bury Unitary Development Plan and Section 12 (Securing well-designed development) of the National Planning Policy Framework.

### **Carbon and Energy**

The applicant has submitted a statement to demonstrate how the proposal would comply with PfE Policy JP-S2: Carbon and Energy.

The design of the proposed development would follow key sustainable energy practices:

- Exceed minimum Building Regulations in terms of thermal insulation, ensuring a high level of energy efficiency and reducing heating demands
- Incorporating energy efficient lighting
- Utilise effective heating systems and minimise reliance on mechanical cooling
- Prioritise the use of natural light and reduce reliance on artificial lighting

It is therefore considered the proposal would comply with PfE Policy JP-S2.

### **Digital Connectivity**

The applicant has submitted a statement to demonstrate how the proposal would meet the requirements of Policy JP-C2: Carbon and Energy:

- Provide high speed fibre optic broadband
- Future proof infrastructure
- Incorporate smart technologies to promote digital literacy and enhance educational outcomes.

The proposed development would therefore comply with PfE Policy JP-C2.

### **Design for security**

The Design for Security Team have been consulted and have made comment that it is advised the development to be compliant with secure by design measures which would

include sensors on the light fixtures, installation of an intercom system, a secure mail delivery system and secured cycle store. The advice would be included as an informative to the applicant.

### **Response to objections**

Many of the points raised have been responded to within the main report. In relation to the character of the character and building, the building is in a good state of repair and presents itself appropriately to the street. In respect of the issues relating to lack of off-street parking provision, this has been explained within the Highway Safety section of this report. In terms of the type of persons who would potentially occupy the building, this is not a planning consideration.

### **Conclusion**

The property is located within the designated Whittaker Lane/ Bury Old Road Local Centre and has an authorised use as a restaurant. There are no local or national planning policies to restrict the loss of the authorised restaurant, a town centre use, within the building.

The property is in a highly accessible location and is in close proximity of both Heaton Park Metrolink Station and the bus network which runs along Bury Old Road. The proposal to accommodate residents in this location is therefore compliant with JP-C1: An Integrated Network.

The concerns relating to the impact of future occupiers cars on on-street car parking provision in the locality, are noted, however, due to the lack of formal evidence that on-street car parking provision is over capacity in the area, the Council could not defend refusal of the application on this ground.

The external alterations proposed to the property would have minimal impact on the street scene. The property would also be refurbished as a result of these proposals, so the appearance of the building would improve.

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

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/ 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 permission relates to the following plans:

Drawing no. 12WL-199-PL: Site Location Plan

Drawing no. 12WL-203-PL Rev. P4 Proposed Plan Layouts

Drawing no. 12WL-204-PL Rev. P2: Proposed Elevations

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

**Reason:** For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Bury Unitary Development Plan and the National Planning Policy Framework.

3. The sound insulation of the party wall with no. 1 Stores Street shall be improved in accordance with the details shown on drawing no. 12WL-203-PL Rev.P4 prior to occupation of the development hereby approved. The soundproofing shall remain in situ in perpetuity.

**Reason.** To reduce nuisance from noise and disturbance to the occupiers of the adjoining dwelling pursuant to Policy EN7/2 Noise Pollution of Bury Unitary Development Plan and the National Planning Policy Framework.

4. The refuse storage facilities indicated on the approved plans, drawing no. 12WL-204-PL Rev.4 shall be implemented and made available for use to the written satisfaction of the Local Planning Authority prior to the development hereby approved becoming first occupied and shall thereafter remain available at all times.

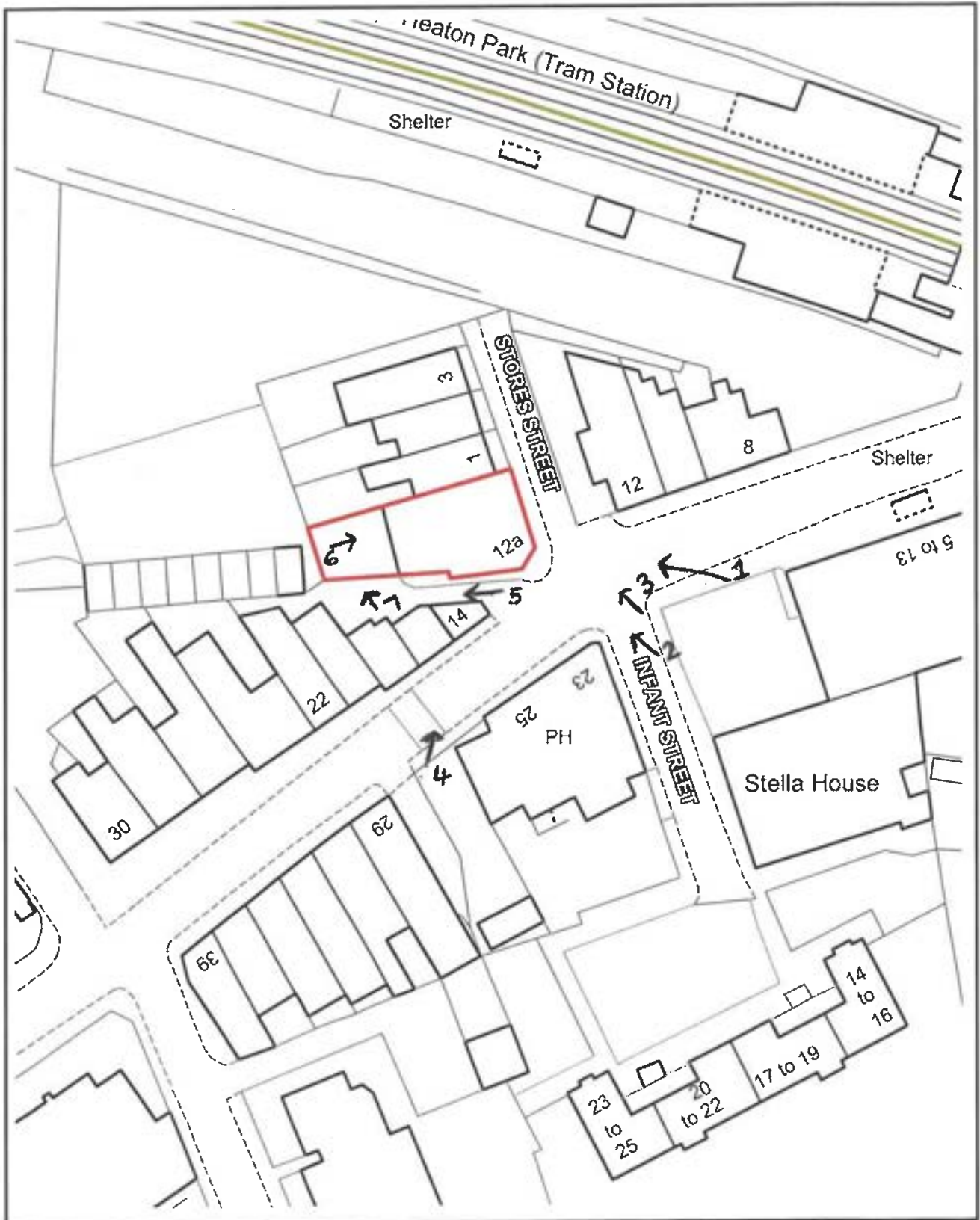
**Reason.** In order to ensure that the development would maintain adequate facilities for the storage of domestic waste, including recycling containers, in the interests of amenity and pursuant to Policy JP-C8: Transport Requirements of New Development of the Places for Everyone Development Plan.

5. Notwithstanding any details shown on the approved plans and the requirements of condition no.2 [approved plans] of this permission, within 3 months of development first taking place full details of the alterations proposed to the boundary wall of the rear yard area shall be submitted to and approved in writing by the Local Planning Authority. The details shall include, the materials being used to infill the existing yard gate opening and the siting, height, design, materials and finish of the boundary treatment for the new enlarged opening. The duly approved boundary treatments shall be constructed in full accordance with the approved details before the use is occupied, and shall be retained as such thereafter.

**Reason.** To ensure a satisfactory relationship with the character of surrounding buildings and the street scene in accordance with Policies EN1/2: Townscape and Built Design and H2/2: The Layout of New Residential Development and the National Planning Policy Framework.

For further information on the application please contact **Claire Booth** on **0161 253 5396**

# VIEWPOINTS



## PLANNING APPLICATION LOCATION PLAN

APPLICATION NO: 71330

ADDRESS: 12A Whittaker Lane, Prestwich



**Bury**  
Council

Planning, Environmental and Regulatory Services

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71330

Photo 1



Photo 2





71330

Photo 3



Photo 4



71330

Photo 5



Photo 6

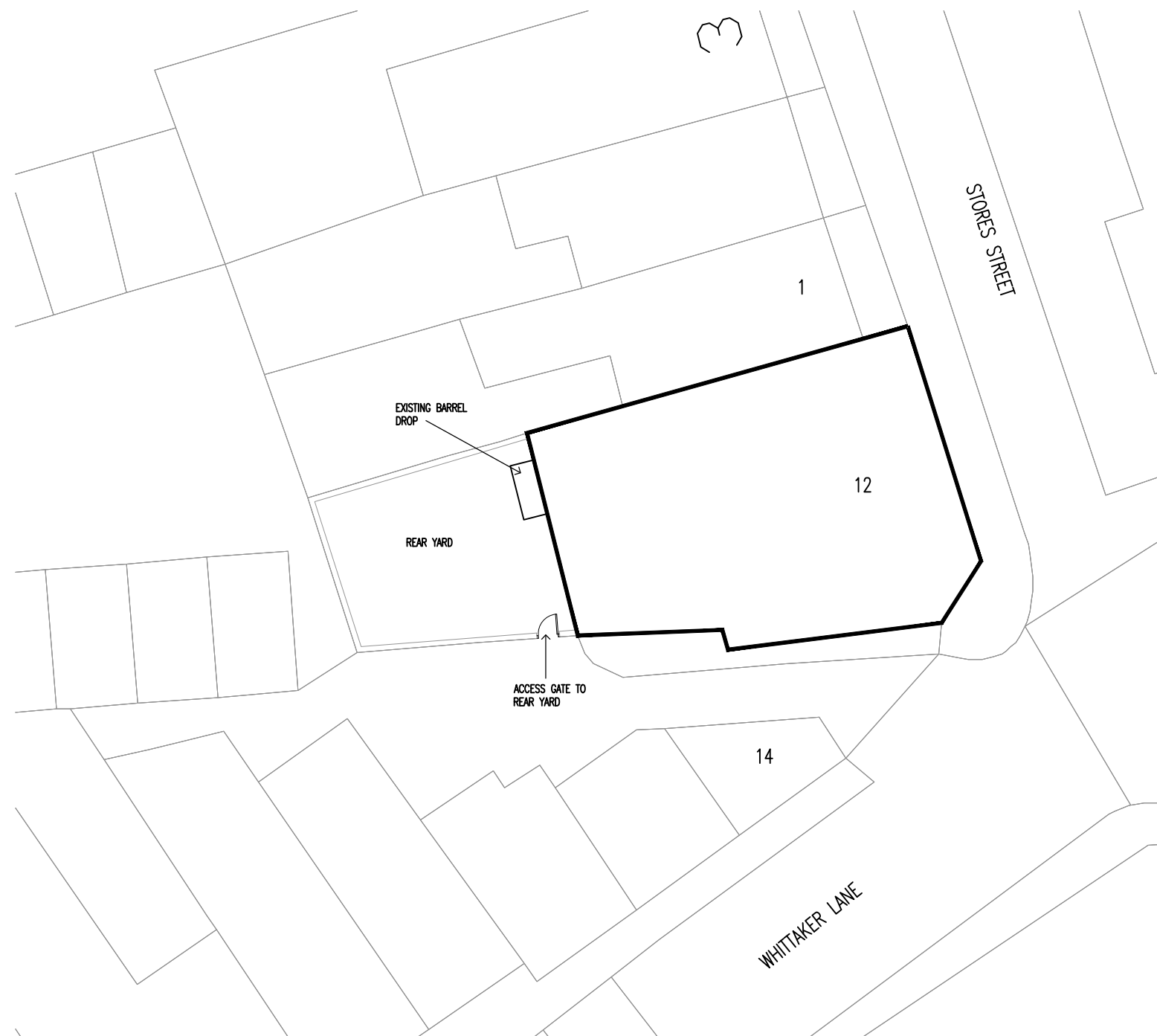


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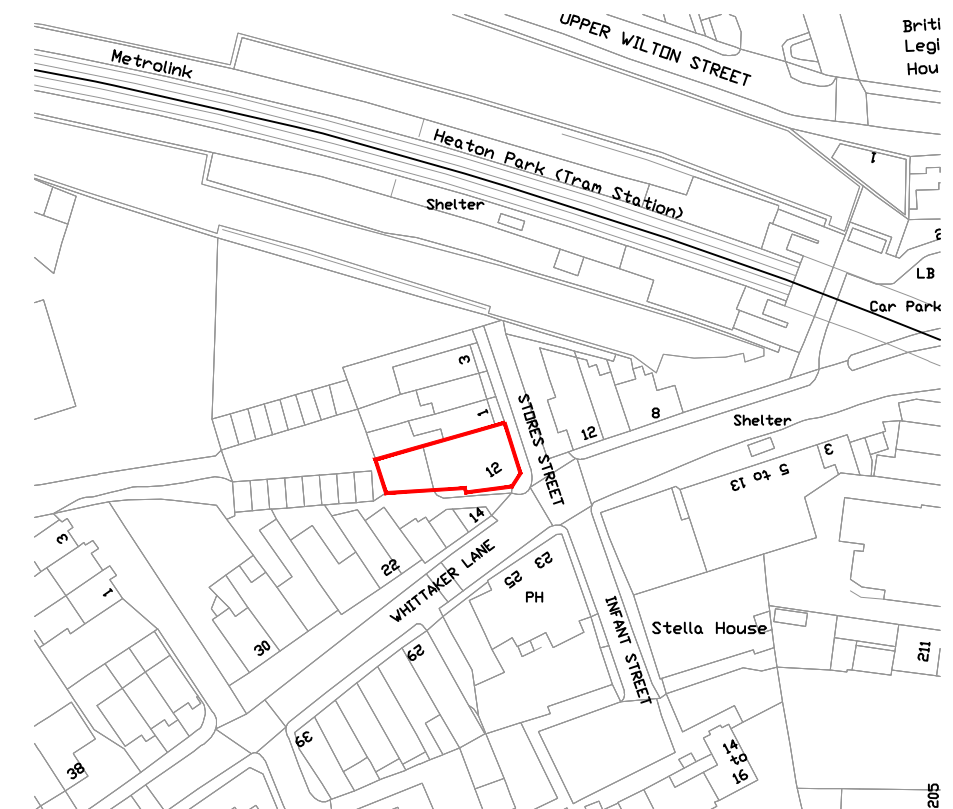
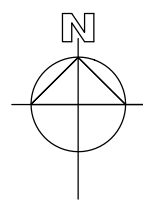
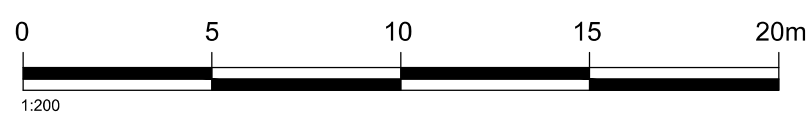
Photo 7





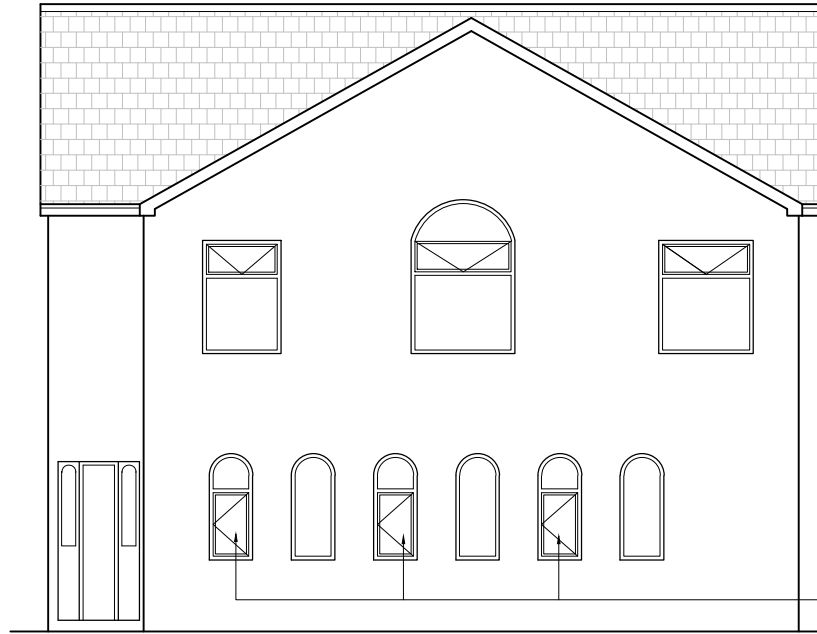


EXISTING BLOCK SITE PLAN  
1:200@A3

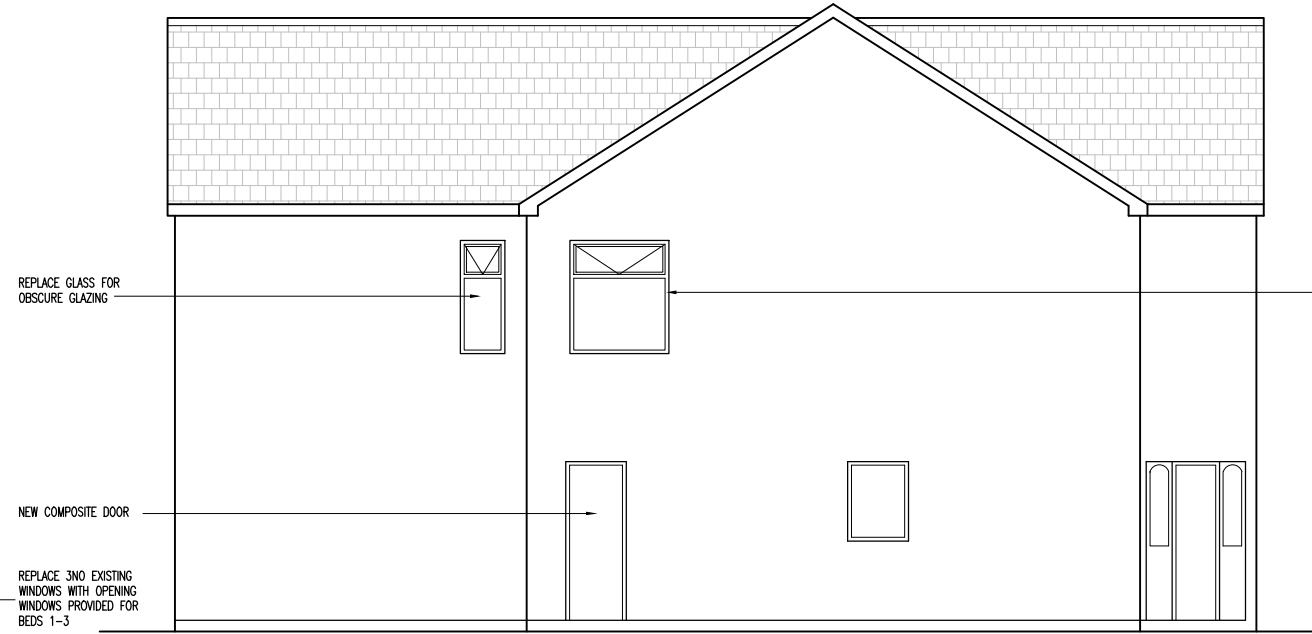


SITE LOCATION PLAN (184sqm)  
1:1250@A3

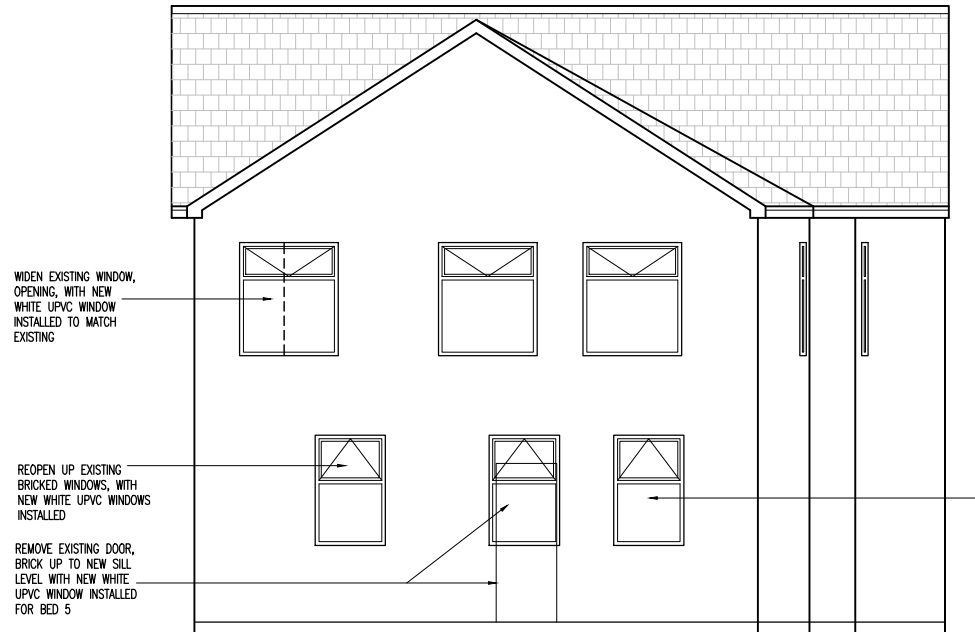
Rev	Amendments	Date	Ints
			
<b>Project</b> THE PRACHEE, 12 WHITTAKER LANE PRESTWICH, M25 1FX			
<b>Drawing Title</b> SITE LOCATION PLAN AND PROPOSED SITE PLAN			
Drawn	MG	Checked	—
Date	SEP 2024	Scale@A3	1 : 100
Drawing No.	12WL/199/PL	Rev.	



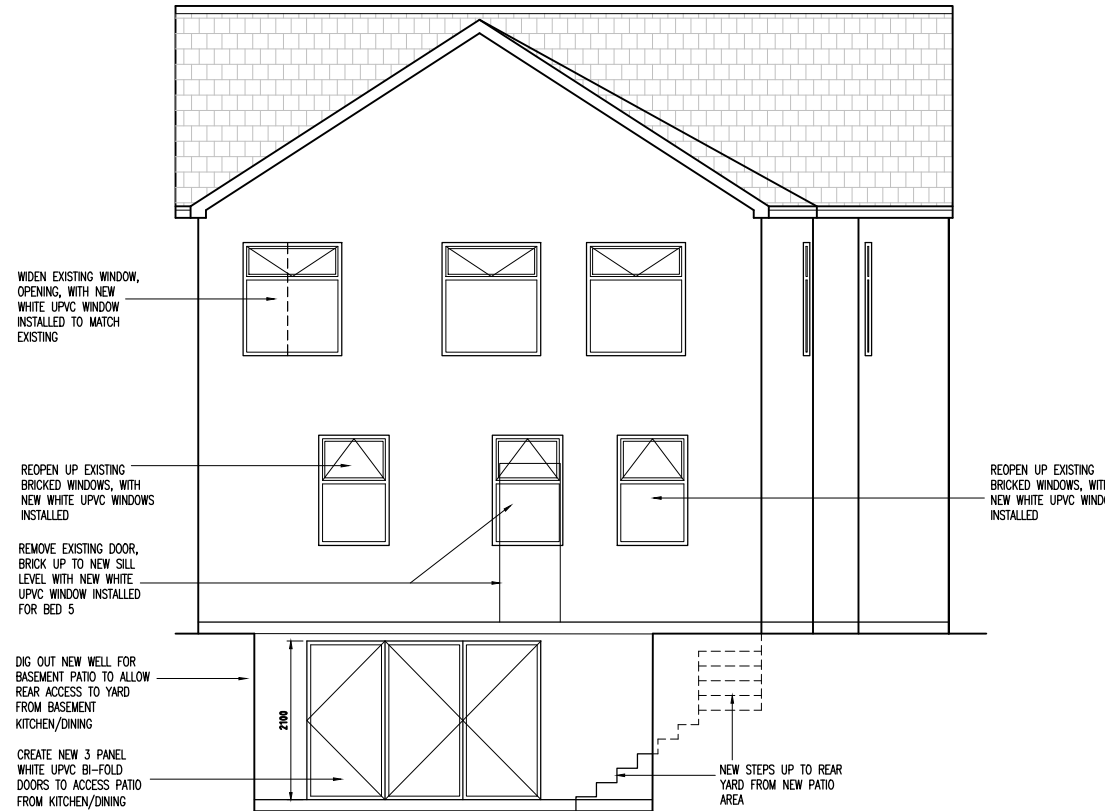
EXISTING FRONT ELEVATION  
1:100 @ A3



EXISTING SIDE ELEVATION  
1:100 @ A3



PROPOSED REAR ELEVATION  
1:100 @ A3



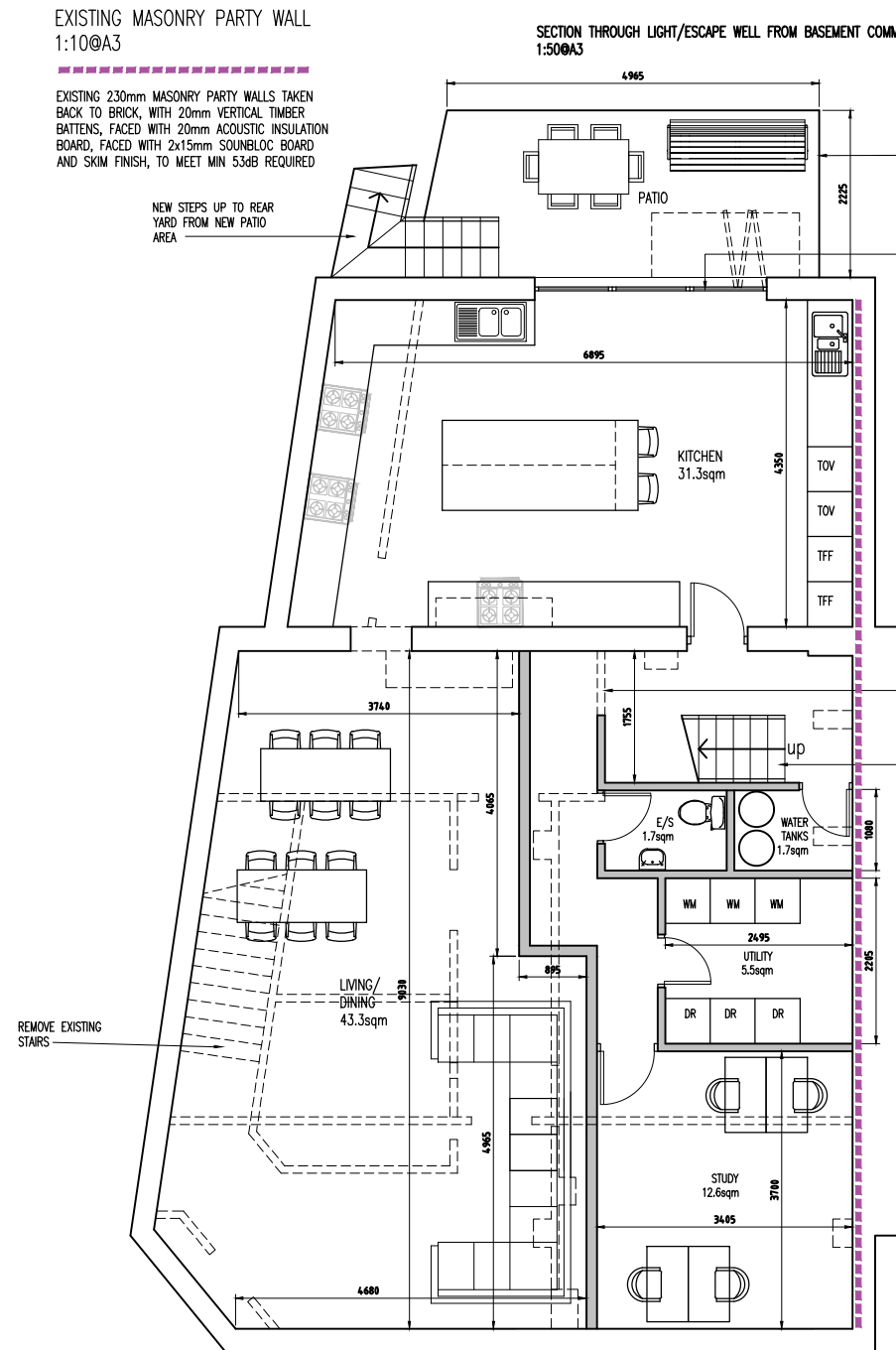
PROPOSED REAR ELEVATION  
1:100 @ A3



P2	Amendments to basement window to form 3 panel bi-fold doors	17.03.25	MG
P1	Amendments to front ground floor windows	22.02.25	MG
Rev	Amendments	Date	Ints
<b>Mark Gordon</b> Design + Associates			
Project			
THE PRACHEE, 12 WHITAKER LANE PRESTWICH, M25 1FX			
Drawing Title			
PROPOSED ELEVATIONS			
Drawn	MG	Checked	—
Date	SEP 2024	Scale	A3 1 : 100
Drawing No.	12WL/204/PL	Rev	P2

EXISTING MASONRY PARTY WALL  
1:10@A3

EXISTING 230mm MASONRY PARTY WALLS TAKEN BACK TO BRICK, WITH 20mm VERTICAL TIMBER BATTENS, FACED WITH 20mm ACOUSTIC INSULATION BOARD, FACED WITH 2x15mm SOUNBLOC BOARD AND SKIM FINISH, TO MEET MIN 53dB REQUIRED



PROPOSED GROUND FLOOR PLAN  
1:100 @ A3



TIMBER TWO TIER BIKE SHELTER FOR MIN 6NO CYCLES. WOODEN CLADDING WITH A POWDER COATED GALVANISED STEEL FRAME, WITH ROOF OVER AND SECURE DOUBLE GATES. LOCKING HOPP PROVIDED FOR VERTICAL BIKE STORAGE, WITH RACKS BEING STAGGERED



P5	Amendments after planning comments	10.05.25	MG
P4	Acoustic treatment shown to party wall to no. 1 Stores Street	06.05.25	MG
P3	Amendments to basement window to form 3 panel bi-fold doors	17.03.25	MG
P2	Amendments to front ground floor windows	22.02.25	MG
P1	Amendments to recycling bins	30.01.25	MG
Rev	Amendments	Date	Ints



Project			
THE PRACHEE, 12 WHITAKER LANE PRESTWICH, M25 1FX			
Drawing Title			
PROPOSED PLAN LAYOUTS			
Drawn	MG	Checked	—
Date	SEP 2024	Scale	1 : 100
Drawing No.	12WL/203/PL	Rev	P5