

Ward: Prestwich - Holyrood

Item 04

Applicant: Hello Property Group

Location: 263 Bury Old Road, Prestwich, Manchester, M25 1JA

Proposal: Change of use from hot-food takeaway (Use Class Sui Generis) to part ground floor office (Use Class E) and part ground floor and all first floor 3 bedroom (single occupancy) House in Multiple Occupation (HMO) (Use Class C4)

Application Ref: 72327/Full

Target Date: 07/11/2025

Recommendation: Approve with Conditions

Description

The application site comprises a vacant corner semi-detached property located on Bury Old Road at the junction of Newtown Street. The property was formerly in use as a Hot-Food Take-away.

Immediate neighbours include a hairdresser, attached, with a flat above, accessed from the rear of the application site via an external street staircase, social housing opposite on Newtown Street; Heaton Park opposite across Bury Old Road; and a carpet warehouse to the rear.

Access to the rear of the property and the rest of the terrace is via a narrow passageway between the rear of the terrace and the boundary of the site with the building occupied by 'Carpet Warehouse'.

Permission is sought for a change of use of the building from a Chinese/ hot-food take-away (Use Class Sui Generis) to a mixed use, comprising a ground floor office (Use Class E) within the front half of the ground floor of the property and to use the rear part of the ground floor and all of the first floor of the property as a 4 bedroom (single occupancy) House in Multiple Occupation (HMO) (Use Class C4).

The proposed office would occupy the front ground floor room of the property (17.3 sq.m). The office would have a single W.C. The proposed HMO use would occupy the rear half of the ground floor of the property which is proposed to be a 21.2 sq.m Kitchen-Diner/ Living Area. At first floor level, three ensuite bedrooms are proposed.

Within an existing single storey rendered rear extension it is proposed to utilise the space to store refuse storage bins to serve both proposed uses, and at least 4 bicycles. It would be accessed from Newtown Street by a roller shutter door being inserted into the south facing, Newtown Street elevation of the building. The submitted plans indicate that the render is to be removed from this element of the building and the brick walling revealed.

The application site is located approximately 45m north of the northern edge of the allocated Whittaker Lane/ Bury Old Road Local Shopping Centre, and approximately 85m from Heaton Park Tram Stop, which is located on the corner of Bury Old Road and Whittaker Lane.

Relevant Planning History

58157 - Lawful Development Certificate for the existing use of the ground floor as a hot food

take-away (Class A5). - Lawful Development, 19/12/2014

70844 - Change of use of existing ground floor take-away (Sui Generis) to commercial (Class E) and HMO with new glazed shopfront and elevational treatment at side; First floor rear extension; Loft conversion with rear dormer - Withdrawn - Invalid, 26/07/2024

Publicity

35 nearby neighbours have been notified by letter.

3 representations have been received which raise the following concerns:

- Unsuitable location for a HMO.

- Adverse impact on on-street car parking provision

Asserting there is a lack of car parking in the local vicinity as it is and that there is no parking available for this property which would force multiple residents from the HMO to park down Newtown Street. Asserting it is already very difficult for residents of Newtown Street to park on their own road.

It is across from a block of 18 council flats where the car park only accommodates 6 cars, leaving many residents relying on on-street parking. The area is already strained with many visitors to Heaton Park using residential roads for parking, especially when there are events on.

- Insufficient space to provide the bins required to support the proposed uses/ occupation
- As this property has no outside space, this is not a suitable location in terms of waste disposal. It would not be appropriate for enough waste and recycling bins to serve 4 people to be stored on a public footpath which is already narrow.

Statutory/Non-Statutory Consultations

Traffic Section - No objections, subject to a condition ensuring opening

Waste Management - No comments or observations received

Adult Care Services - No comments or observations received

Housing - Public Protection (HMO Licensing) - No objections.

Environmental Health - Pollution Control - No comments or observations received

Greater Manchester Police - designforsecurity - Raised the following concerns to the proposals as initially submitted:

1. The access to the first floor HMO is recessed and taken from the rear where it is obscured from view, and this will potentially leave residents/visitors vulnerable as they cannot view any potential treats when arriving/leaving. It will also allow an offender to conceal themselves from view, affording them additional time to force entry.
2. One shared toilet/bathroom will likely be a source of conflict between residents which can easily escalate into more serious issues.

Prestwich Village Neighbourhood Forum - Raises objections for the following reasons:

3. The proposed accommodation is a complete over-development of a relatively small building, with minuscule bedrooms, just one small bathroom / WC and limited shared

space. There is no outside amenity space or off street parking provided. The proposals plan (the only plan provided) indicates a bike store - that would struggle to accommodate more than one bike and would necessitate bringing the bike into the single shared space for all kitchen / dining / living. This would impact on the quality of that space for residents low quality accommodation is only likely to attract very transient groups who will have no commitment to the local community.

4. The building is located at the junction of Bury Old Road with Newtown Street and the lack of off street parking means that visitors to the property or residents having a car is likely to increase on street parking, making this junction more dangerous.
5. The plans for the conversion of the building are inadequate and there is an almost total lack of information regarding any alterations to the external alteration of the building which need to take place for any residential conversion of this property and which should be in line with PVNF's Design Code
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, particularly those of such low quality
7. Whilst the existing building is vacant this does not justify its conversion for such low quality development. The building would be better re-used for retail / food & drink use at ground floor with possibly the conversion of the upper floor for a single flat, 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.

The application has been amended throughout the course of the application to address most of the concerns raised above in the following ways:

- Removing the existing rear door of the property that is accessed between the rear of the property and the shared boundary of Carpet Warehouse and which is hidden around a concealed rear corner. Access for future occupiers of the HMO would therefore be via the proposed new door opening on the gable elevation of the property.
- The number of proposed bedrooms, at first floor level, have been reduced from four to three.
- As a result of the above, the proposed bedrooms have been increased in size and each bedroom would now have an en-suite bathroom, rather than sharing a bathroom as initially proposed.
- The storage of bikes would no longer be via the narrow rear access and through the existing rear door, nor would it be through the shared kitchen area. The proposed combined bin and bike store would now be accessed from a roller shutter doorway on Newtown Street that would be inserted into the side elevation of the existing single storey rear extension
- A combined kitchen with a table for 4 people and living area has also been provided.
- The proposed new door onto Newtown Street would have brick arch detailing over the

opening, so that it would reflect the architectural features of this property.

Pre-start Conditions - Not applicable.

Development Plan and Policies

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
JP-P1	Sustainable Places
JP-S1	Sustainable Development
SPD11	Parking Standards in Bury
SPD13	Conversion of Buildings to Houses in Multiple Occupation
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.

Principle of Development

The application site is located approximately 45m to the north of the Whittaker Lane/ Bury Old Road allocated Local Shopping Centre, but it forms part of a group of properties in commercial use and which includes both The Commercial Public House, Heaton Park Methodist Church and the former Parkside Hotel site, in use as L'Aquila Italian Restaurant.

The present use is a hot food takeaway and proposes to introduce a mix of uses including Office (Class E) within part of the ground floor with HMO in the rear part of the ground floor and the floor above. The former HFTA use to Class C3 use (up to 150m² and prior approval process) and Class E (commercial, business and service) is permitted development.

The proposal would introduce Class E floorspace within part of the ground floor of the property and of a very conservative size of 17sqm. Retaining the ground floor commercial use, preserves the active commercial frontage of this group of properties and supports the

mixed-use character of Bury Old Road. There is no loss of a local/ town-centre function and thus no adverse impact on the local high street as the commercial element remains in situ.

In relation to the proposed HMO use within the rear part of the ground floor of the property, the property is located in walking distance of both the allocated Local Centre and Prestwich Tram Stop. Bury Old Road is also a key Bus route and bus stops exist within 160m to both the north and south of the application site. The site is therefore considered to be in an accessible location.

Taking all of the above into account, the proposal is sustainably located and acceptable in principle.

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 no weight at this stage as the survey has not been subject to any formal public consultation and has not been adopted by the Council as part of the Local Plan. 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 and concentration of flats and HMOs

Whilst there is no specific policy in relation to HMOs within the UDP, Policy H2/4 - Conversions takes into consideration the concentration of building conversions for multiple occupancy and the impact this can have to the character of an area. The justification for this policy makes it clear that it is necessary to ensure that dwelling standards are maintained and to ensure that, generally, an over provision of building conversions does not adversely affect the need to maintain a good mix of housing types or adversely affects the character and amenity of residential areas.

Officers have obtained information from the Council's HMO Officer as to where existing licensed HMOs are located in relation to the existing application site. According to the Council's records, with the exception of a 5 bedroom HMO property on Robert Street (within a 100m of the application site), there are no other HMO within a 100m radius, therefore, over concentration is not a concern for this site.

It is therefore considered that this proposal would not cause an over concentration of HMO or flat/ apartment development in this location and thus the proposal is considered to accord

with the relevant criteria within UDP Policy H2/4.

Impact on neighbouring businesses

Paragraph 200 of the NPPF states existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established and suitable mitigation before the development has been completed should be provided.

The application site is attached to a health and beauty business, 'Skulpt' and the Carpet Warehouse business exists to the rear of the application site.

Given the occupation of the property would intensify as a result of the proposed mix use proposal and a communal Kitchen-Living-Dining area is to be located against a shared wall with the hairdressers it would be reasonable to secure soundproofing along the party wall by planning condition. This protection would work both ways insofar as maintaining a level of control from surrounding commercial uses and potentially reducing the likelihood of noise complaints from new residents.

Access, parking & movement

The site sits on a highly accessible corridor with frequent buses on Bury Old Road and in close proximity to Heaton Park Metrolink Station. Bus Stops exist within 60 metres of the application site. Day-to-day trips can be made by public transport, walking and cycling to both the boroughs Town Centres and Manchester City Centre. The accessible location of this proposed development accords with the locational requirements of PfE Policy JP-C1. Whilst no car parking supports this proposal, given its highly accessible location and the fact that only three occupants would live in the proposed HMO, occupants would not need a car to live here.

Given the site is within walking distance of the Bury Old Road/ Whittaker Lane Local Centre, combined with the proposal to provide a secure and enclosed/ covered on-site cycle store within the existing single storey extension, which would support active travel, the proposal also accords with PfE Policy Jo-C6: 'Walking and Cycling' and the cycle parking provision required by SPD11.

The proposal seeks to introduce a 3 bedroom HMO use at first floor and within part of the ground floor. Separate access is provided for each use, with access to the proposed office/ commercial use remaining at the front of the property and access to the proposed HMO use being by a new door proposed to be located on the gable elevation of the property. The two separate accesses would ensure clear operation and good natural surveillance. This is consistent with UDP H2/4 (Conversions) and townscape aims in EN1/2 and the NPPF.

Refuse & Servicing

The existing single storey rear extension to the property would accommodate sufficient refuse storage within it. This would be accessed both internally and externally. A roller shutter door would be fitted to the Newtown Street access. A condition is recommended to be imposed to ensure that this roller shutter door has no external shutter box and that it is coloured black.

The insertion of the new doorway onto Newtown Street would allow refuse bins to be easily put in and out, and for bicycles to be taken in and out easily. In the interests of highway safety/ the safety of pedestrians, the Local Highway Authority has recommended a condition securing no doors open outwards onto the adopted highway. Subject to this condition, the proposal thus complies with the relevant aspects of PfE Policy JP-C8 and SPD11.

Design and Visual Amenity

UDP Policy EN1/2 seeks to ensure proposals would not have an unacceptable adverse effect on the particular character and townscape of the boroughs towns, villages and settlements.

The main external changes proposed are on the Gable elevation of the property. It is proposed to insert a new doorway to create a separate access for the proposed HMO use and to insert a door opening within the single storey addition to the building.

During the course of the application, amendments have been secured amendments to both openings. In respect of the main access doorway, this has been amended to provide the brick arch detailing over the head of the door to reflect this architectural feature that is present over the existing windows of the property. Regarding the new doorway within the rear single storey extension; this was initially proposed as a standard door. Due to concerns that this door would both open outwards onto the pavement thereby causing an obstruction and that two doors in close proximity would have looked out of keeping with the existing property, this opening is to be fitted with a roller shutter door. Provided no roller shutter box is fitted externally and provided the roller shutter door is black in colour, which can be secured by planning condition, the proposed external changes are considered to be acceptable and in compliance with UDP Policy EN1/1.

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, and indeed not adopted, it can only be given very limited weight in this decision. Notwithstanding this, as demonstrated above, subject to this condition being imposed, the proposal is considered to have an acceptable impact on the visual amenity of the streetscene. The proposals therefore comply with UDP Policy EN2/1 and the design requirements of the NPPF.

Residential Amenity

UDP Policy H2/4 requires applications for conversion 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.

Directly opposite the gable end of the property, which would be used to access both the proposed HMO accommodation and the combined bike and bin store, are Council flats at Newtown Court. Some of these flats have windows facing onto Newtown Street and the gable of the application site. Given only three occupants are proposed to live at the property, their comings and goings would not cause demonstrable harm to the amenity of these closest residents. The proposal therefore accords with UDP Policy H2/4.

Amenity of future occupants

Communal activity is focused at ground floor and three single ensuite bedrooms sit at first floor with simple circulation. Room sizes meet Bury's HMO amenity expectations, and shared facilities meet small-HMO ratios, consistent with the Councils HMO Guidance & Amenity Standards. The proposed en-suite bedrooms themselves accord with the Nationally prescribed Space Standards.

During the course of this application has been amended to move the entrance for the HMO element of the proposals from the recessed rear of the rear of the property to the side elevation on Newtown Street. This will result in better sight lines/ visibility, lighting and surveillance within the street to resolve the security point raised by GMP. Finally, the initial proposal to access the proposed bike storage area from the proposed kitchen area. This was considered to be unacceptable from both a practical point of view given the existing rear door to the property is via the very narrow access to the rear and around a recessed

corner and from an amenity perspective. Alternative arrangements now provide covered storage accessed from within the yard area and separate to the internal space.

For these reasons, the amended arrangement accords with UDP Policies H2/1 (Form) and H2/4 (Conversions).

HMO management, Licensing & Safety

At 3 occupants, the scheme does not require a licence; however, all HMOs are subject to the Management Regulations, including duties for fire safety, maintenance of common parts, and provision/management of waste. Compliance would be secured through Building Regulations approval.

Carbon and Energy

A statement accompanies this application advising that the proposed HMO will minimise energy demand through new roof insulation, internal wall insulation and upgraded high-performance double glazing. LED lighting with PIR sensors, efficient heating and hot water systems, and water-saving sanitary fittings will be installed, that will further reduce energy and resource use. A SAP calculation will be provided at Building Control stage. This approach follows the energy hierarchy and supports Greater Manchester's target of carbon neutrality by 2038. The proposal therefore accords with the requirements of PfE Policy JP-S2: Carbon and Energy.

Digital Connectivity

A supporting statement advises the property will be fitted with full fibre to the premises connections and ducting and cabling will be installed to current standards and to allow for future upgrades, ensuring reliable high-speed broadband and compliance with PfE Policy JP-C2: Digital Connectivity.

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. A1.1 Rev. PL1: Existing Plans; and,
Drawing no. A1.2 Rev. PL7: Proposed Plans.

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 Fylde Borough Local Plan and the National Planning Policy Framework.

3. The sound insulation of both party walls of the property shall be improved in accordance with Building Regulations Approved Document E (or similar method), the details of which shall be submitted to and approved by the Local Planning Authority and implemented to and approved in writing by the Local Planning Authority prior to the HMO use commencing.

Reason. To reduce nuisance from noise to the occupiers of the adjoining dwellings pursuant to Policy EN7/2: 'Noise Pollution' and H2/4: 'Conversions' of the Bury Unitary Development Plan and the National Planning Policy Framework.

4. The bin store/ bike store indicated on approved plan A1.2 Revision PL7 shall be fitted with a roller shutter door or a similar approved type which does not project outwards at any time during or after operation to the satisfaction of the Local Planning Authority and shall thereafter be maintained.

Reason. To enable a vehicle to stand clear of the highway whilst the garage door is opened and to allow adequate space to maintain a vehicle clear of the highway in the interests of road safety.

5. The roller shutter door to serve the bin store/ bike store indicated on approved plan A1.2 Revision PL7 shall be painted black in colour. No external roller shutter box shall be fitted on the building.

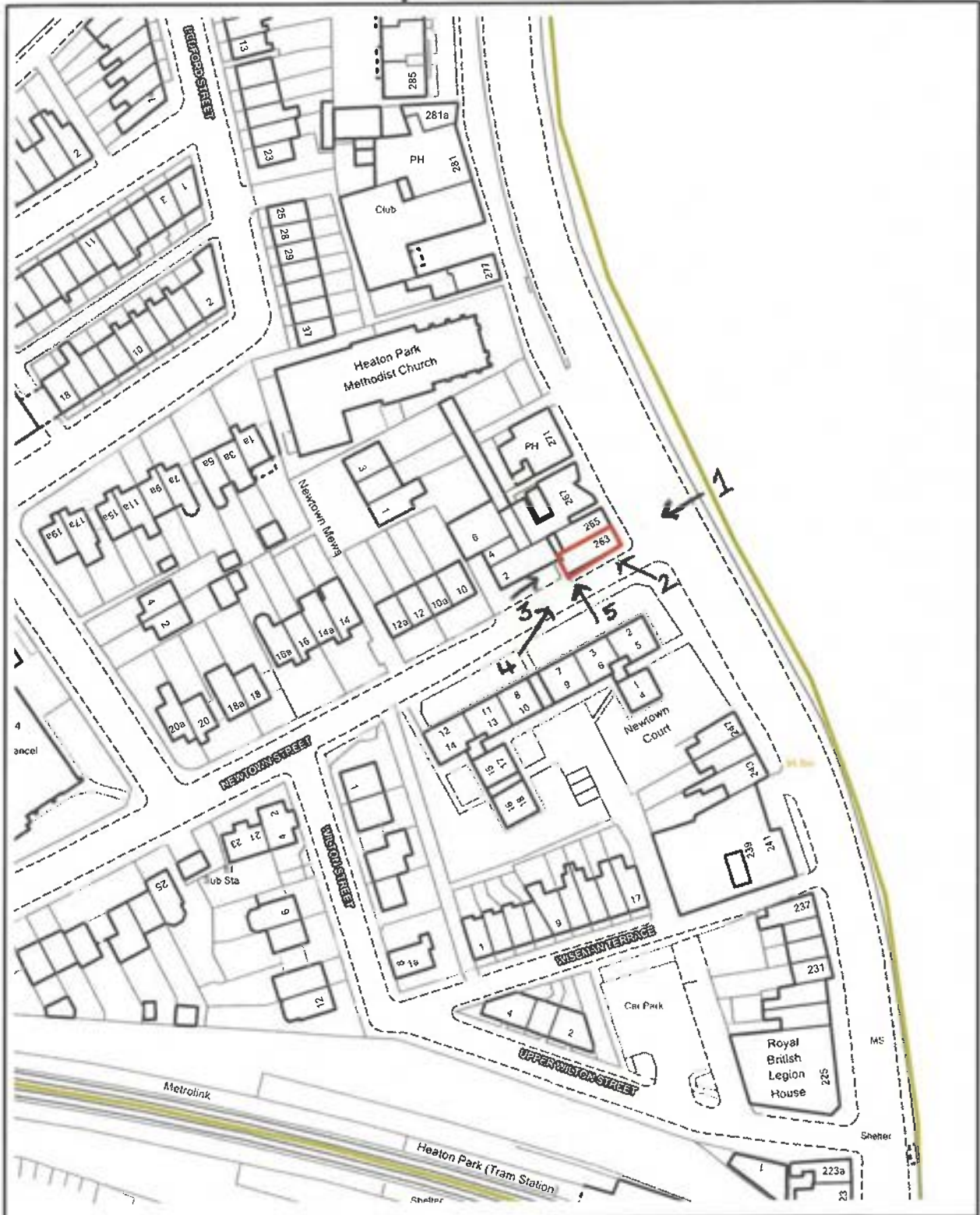
Reason. In the interests of visual amenity and securing good design, in accordance with Policy EN1/2: Townscape and Built Design of the Bury Unitary Development Plan and the National Planning Policy Framework.

6. The refuse storage facilities and covered and secure cycle storage provision indicated on the approved plans 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, and sufficient cycle storage provision is secured, in the interests of amenity and to promote modal shift and encourage travel to the site by more sustainable modes of transport in accordance with Policies JP-C6: 'Walking and Cycling' and JP-C8: Transport Requirements of New Development of the Places for Everyone Development Plan.

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

Viewpoints - 72327



ADDRESS: 263 Bury Old Road Prestwich



Bury
Council

Planning, Environmental and Regulatory Services

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72327

Photo 1

Front Elevation



Photo 2

Gable Elevation facing Newton Street



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Photo 3

Rear Elevation



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Photo 4

Street View of Rear Elevation

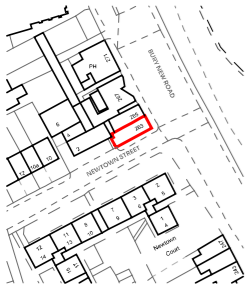


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Photo 5

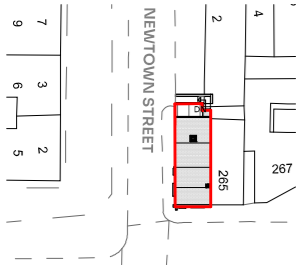
Staircase to rear elevation leading to first floor flat on adjoining property – Carpet Warehouse to the left.



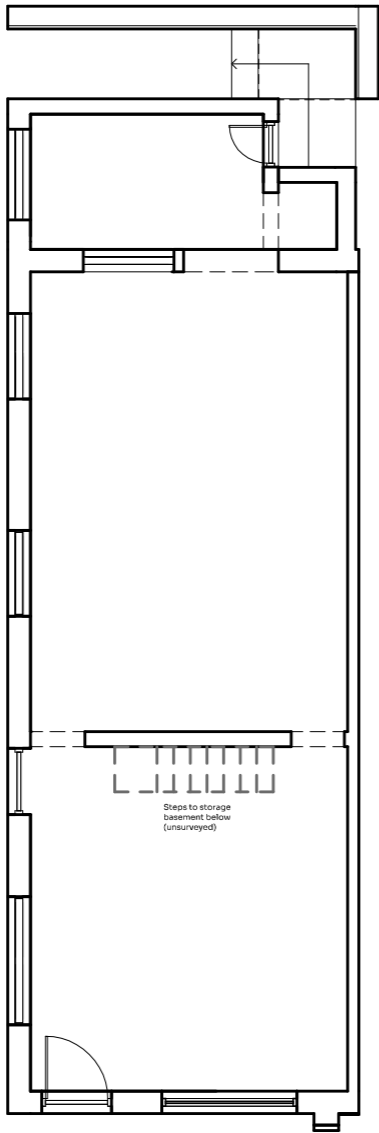


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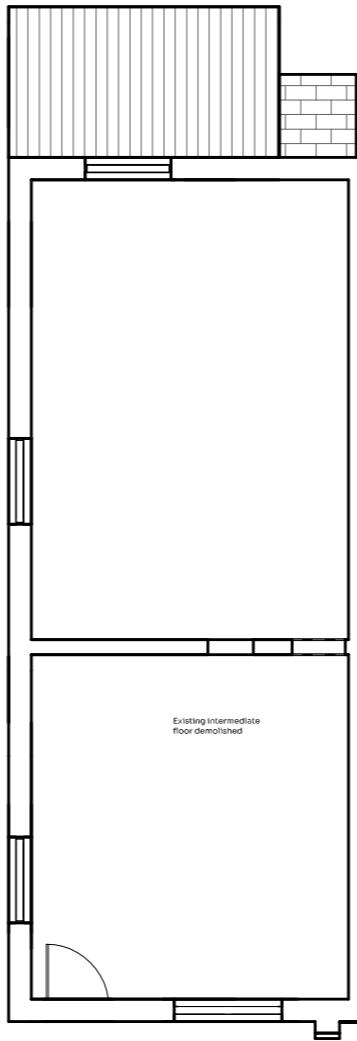
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and database rights 2024 Ordnance
Survey 100035207
Redline denotes property boundary



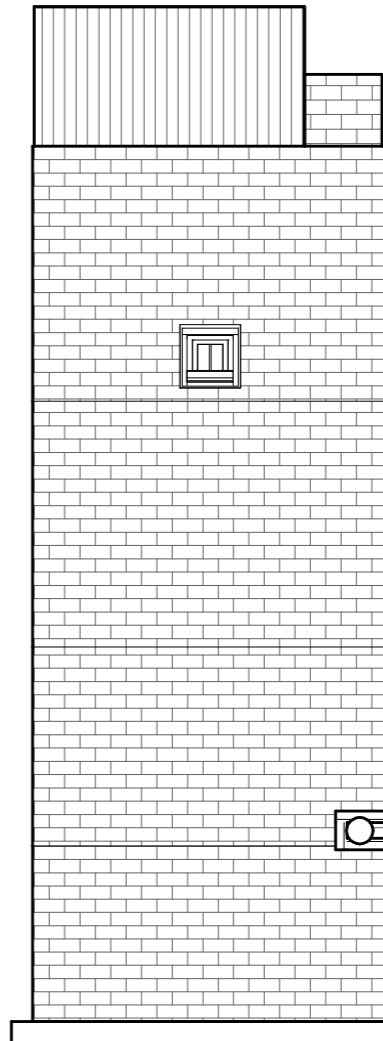
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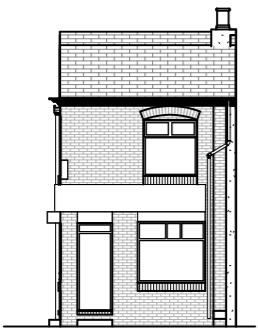
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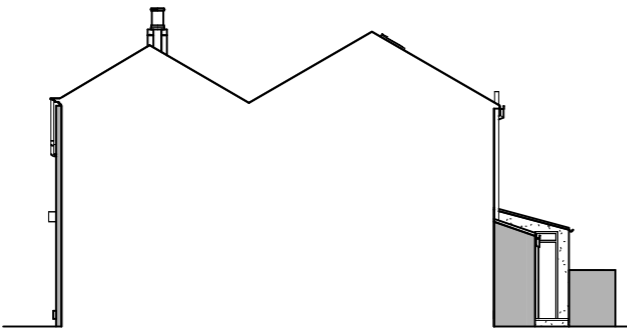
4 First Floor Plan
1: 50



5 Roof Plan
1: 50



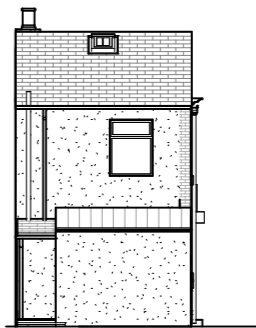
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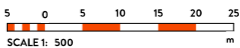
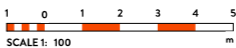
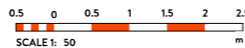
7 North Elevation
1: 100



8 South Elevation
1: 100



9 West Elevation
1: 100



PL1 Issued to IPA J.C. 26.08.25

REV	Details	By	Date
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Stamp: ISSUED FOR PLANNING

Project No: JC238

Project: 263 BURY OLD RD

Drawing No: A1.1 Revision: PL1

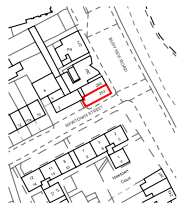
Title: EXISTING PLANS

Project Address: 263 Bury Old Rd, Prestwich, Manchester M25 1JA

Scale on A1: As indicated Drawn by: J.C. Checked by: J.C.

Architecture Planning CIAT

To be read with JCD specification and all relevant documents. Check all dimensions on site report discrepancies before starting work. No liability accepted for unauthorised changes or works. This drawing is confidential. Do not copy or share without written permission. Property of JCD Design Group Ltd, return on request. © JCD Design Group Ltd

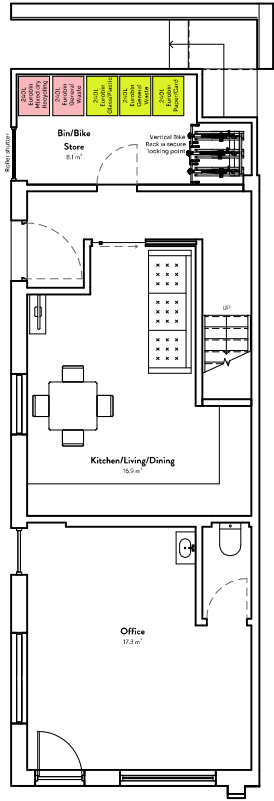


1 Location Plan
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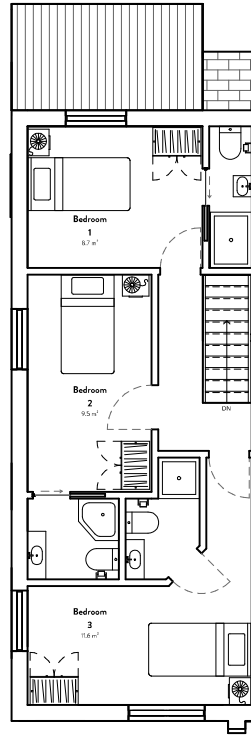
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Survey 100035207
Redline denotes property boundary



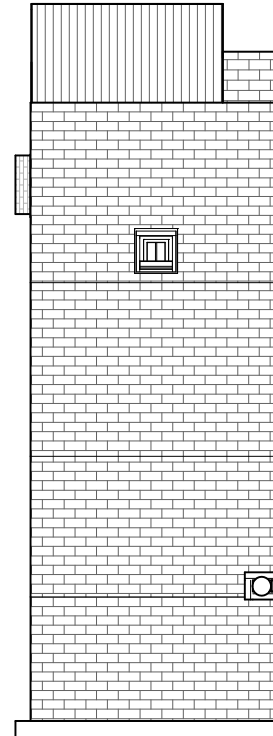
2 Site Plan
1:900



3 Ground Floor Plan
1:50



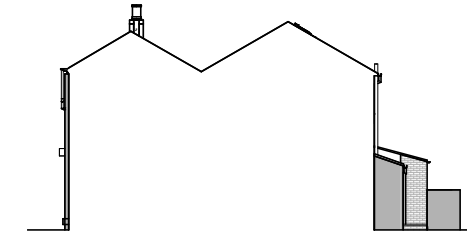
4 First Floor Plan
1:50



5 Roof Plan
1:50



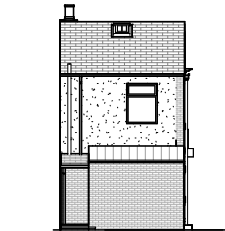
6 East Elevation
1:100



7 North Elevation
1:100





8 South Elevation
1:100



9 West Elevation
1:100



REV	Issued to IPA	JC	25/08/23
R2	Issued to IPA	JC	09/11/23
R3	Issued to IPA	JC	07/11/23
R4	Issued to IPA	JC	10/11/23
R5	Issued to IPA	JC	01/12/23
R6	Issued to IPA	JC	02/12/23

REV	Details	By	Date
Stamp:			
ISSUED FOR PLANNING			
Project No:			
JC238			
Project:			
263 BURY OLD RD			
Drawing No:	Revision:		
A1.2	PL6		
Title:			
PROPOSED PLANS			
Project Address:			
263 Bury Old Rd, Peckham, Manchester M25 1JA			
Scale as A1:	Drawn by:	Checked by:	
As indicated	JC	JC	
<div><div></div><div></div></div>			
To be used with A20 specifications and all relevant documents. Check all information on this report for accuracy and ensure it is correct. Not for building.			
Drawing No: A1.2			
Drawing Title: PROPOSED PLANS			
Drawing Date: 02/12/23			
Drawing Author: JC			
Drawing Checker: JC			
Drawing Approver: JC			
Drawing Status: Issued for Planning			