

Title	Planning Applications
To:	Planning Control Committee
On:	15 December 2020
By:	Development Manager
Status:	For Publication

Executive Summary

The attached reports present members with a description of various planning applications, the results of consultations, relevant policies, site history and issues involved.

My recommendations in each case are given in the attached reports.

This report has the following implications

Township Forum/ Ward: Identified in each case.

Policy: Identified in each case.

Resources: Not generally applicable.

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, I have 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 Planning Control Committee shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Development Manager

Background Documents

1. The planning application forms and plans submitted therewith.
2. Certificates relating to the ownership.
3. Letters and Documents from objectors or other interested parties.
4. Responses from Consultees.

FOR FURTHER INFORMATION ON THE CONTENTS OF EACH REPORT PLEASE CONTACT INDIVIDUAL CASE OFFICERS IDENTIFIED IN EACH CASE.

- 01 Township Forum - Ward:** Radcliffe - East **App No.** 65015
- Location:** Land at Morris Street, Radcliffe
Proposal: Construction of 25 no. dwellings with associated access, landscaping and ancillary works
Recommendation: Approve with Conditions **Site Visit:** N
-
- 02 Township Forum - Ward:** Bury East - Redvales **App No.** 66066
- Location:** 55A Horne Street, Bury, BL9 9BW
Proposal: Variation of conditions following approval of planning application 45319. Changes to condition 3 to extend opening hours Sunday to Thursday until 22:30 and Friday to Saturday until 23:00
Recommendation: Approve with Conditions **Site Visit:** N
-

Ward: Radcliffe - East

Item 01

Applicant: The Averill Group

Location: Land at Morris Street, Radcliffe

Proposal: Construction of 25 no. dwellings with associated access, landscaping and ancillary works

Application Ref: 65015/Full

Target Date: 28/04/2020

Recommendation: Approve with Conditions

Description

Prior to the commencement of the flood defence works, the site consisted of open land to the south of Morris Street. As part of the flood defence works, an earth bund and a wall have been constructed on the perimeter of the site by the Environment Agency. Currently the site is being used as the compound for the construction of the Radcliffe and Redvales flood defence scheme until the works are completed in June 2021.

There are residential properties to the north, east and west of the site and the River Irwell is located to the south.

The proposed development involves the erection of 25 dwellings. The proposed dwellings would be a mix of semi-detached and detached properties and would be two storeys in height. The proposed development would be constructed from brick with grey concrete tiles. The proposed dwellings would be constructed behind the recently constructed flood defence by the Environment Agency. The access would be taken from Morris Street.

Relevant Planning History

55583 - Erection of 14 no. three-storey dwellings with raised gardens, including extension to Morris Street and associated pedestrian footpaths at land off Morris Street, Radcliffe. Approved with conditions - 30 September 2013.

63559 - A series of sheet piled walls and embankments, on land within Close Park and land to the south of Morris Street, which form part of a wider scheme to improve flood protection along the River Irwell at land to south of Morris Street & land within Close Park, Radcliffe. Approved with conditions - 28 March 2019.

64801 - Redesign of the previously approved flood defence bund to provide sheet piled wall and bund at land at Morris Street, Radcliffe. Withdrawn - 22 July 2000.

65020 - Retention of a construction compound, consisting of site cabins, cycle store and car parking, until completion of flood defence works in June 2021 at land to south of Morris Street, Radcliffe. Approved with conditions - 11 February 2020.

Adjacent sites

63559 - A series of sheet piled walls and embankments, on land within Close Park and land to the south of Morris Street, which form part of a wider scheme to improve flood protection along the River Irwell. - Approve with Conditions 28/03/2019

64788 - Erection of retaining walls & sheet piled walls between 1m & 3m in height to form a flood defence between the metrolink bridge and Warth Bridge at land to south of Warth Industrial Estate, Warth Road, Bury. Approved with conditions - 17 December 2019

64789 - Erection of walls between 1.5m & 3.5m in height to form a flood defence at land to

south of Central Avenue & Keswick Drive, Bury. Approved with conditions - 17 December 2019

64790 - Proposal A - A series of sheet piled walls and concrete walls across 4 sites
Proposal B - Erection of an embankment and retaining wall at land to west of Metrolink line at Warth Road at land to west of Metrolink line at Warth Road; Land to west of Bury Road; Land to east of Whitefield Road; Land to west of Hardy's Gate Bridge and Land to north of York Street, Bury. Split decision - 22 January 2020.

65171 - Various flood defence proposals including sheet piled walls, concrete L-walls and earth embankments, finished in a manner consistent with the local aesthetic at land to west of Metrolink line at Warth Road; Land to west of Bury Road; Land to east of Whitefield Road; Land to west of Hardy's Gate Bridge and Land to north of York Street, Bury. Approved with conditions - 28 July 2020

Publicity

The neighbouring properties were notified by means of a letter on 30 January and a press notice was published on 6 February 2020. Site notices were posted on 3 February 2020.

An e-mail has been received from Councillor Cathcart, which has raised the following issues:

- In 2008 Weetwood Engineering and the Environment Agency highlighted the significant flooding that could happen to Morris Street if the Hardy's Gate Development went ahead. This has proven to be one of the most costly developments to Bury MBC and continues to be a site of significant risk following the river breach in 2020.
- Whilst I do not object to affordable social housing, this site is not appropriate for development.
- No plans were submitted for residents to consider.
- This is an application from a property developer with no experience of developing land and this site should not be a testing ground.
- It is a high risk scheme that will put pressure on an already overloaded water system that regularly causes surface water run off and localised flooding due to inefficient water mains utility infrastructure failing.

13 letters have been received from the occupiers of 2, 9, 12 Morris Street, 168, 172, 200, 206 Dumers Lane, 18, 23 Parkside Close, 37 Dumers Chase, 52 Hawthorn Crescent, 4 Sunningdale Close, Bury, 64 Riverside Drive, Stoneclough, which have raised the following issues:

- As a resident of Morris Street, I strongly object to the proposal.
- After the events of December 2015 and the flooding of my property, I cannot believe that the Council is considering an application for houses on the flood plain.
- The houses that were built on the old halls factory site have been raised above us and subsequently do not flood, but this is at our expense.
- Radcliffe has an influx of housing with no new infrastructure and no schools for high school children. Why keep adding more people to the area?
- Radcliffe and Redvales Flood Action Group which represents over 200 households in Radcliffe would like to express concerns about this development.
- My property flooded in 2015 and I fear that this will add to our current problems and cause more issues.
- In February 2020, the river rose to dangerous levels and the contractors building the flood defences used their equipment to build a makeshift wall to prevent the flow of water onto Morris Street and the surrounding area.
- There are many flood plains in the area which have already been questionably used for property development. It is risky and foolhardy to continue down this path. Residents are scared for their homes, safety, families and wellbeing
- We have lived in the area for a year and regularly see standing water on this land.
- No defences are being built to protect the homes on Riverside Drive, Stoneclough and these properties were flooded again in February 2020. Any development that adds to the risk for any properties downstream should never be approved.

- I have no doubt that the planning department will mark this application as “minded to approve” as this generally appears to be the case for Bury Planning Department. Personally I have serious concerns about this application as it would appear that according to the Government’s own website containing “long term flood-risk information” areas on the proposed development site have a “high risk of flooding from rivers” which is defined as “High risk means that each year this area has a chance of flooding of greater than 3.3%”
- I assume that the argument will be made that with the implementation of the new flood defences currently being funded by the Environment Agency this risk will be reduced to an acceptable level.
- My concerns in relation to this assumption is that the flood defences were not designed to protect this particular area as it is not currently designated as a residential area and secondly the danger with the implementation of any flood defence is that by protecting one area from flood risk you can unintentionally transfer the flood risk back up stream to an area that currently is not designated as high flood risk.
- In relation to the previous development at Hardy’s Gate I note that it would appear none or very few of the recommendations for flood mitigation detailed in the attached report were actually implemented before the development at Hardy’s Gate was built. Instead the Council and developers relied on the claim that the risk of flooding for this site was a one in one hundred year event. This assumption has since been proved to be a ridiculous under estimate of the risk since some residents have been flooded 3 times in five years.
- I would also question why the Council ignored the advice of the Helen Telfer, The Planning Liaison Officer from the Environment Agency when she suggests that “We are not convinced that the level of information in this section strictly follows the principles of the sequential test”
- Are the planning department convinced that the flood defences currently being built are actually designed to reduce this risk to an acceptable level or is it in fact the case that this land is actually designed to act as a flood plain?
- While I am certainly not opposed to the provision of much needed affordable housing in Radcliffe this should not be done at the cost of the stress and trauma of being flooded for other residents.

The neighbouring properties and objectors were notified of revised plans on 19 August 2020.

No further comments were received.

The neighbouring properties and objectors were notified of revised plans on 17 November 2020.

No further comments were received.

Statutory/Non-Statutory Consultations

Traffic Section - Comments to be reported in the Supplementary Report.

Drainage Section - No response.

Environmental Health - Contaminated Land - Require updated desk top study
No objections, subject to the inclusion of conditions relating to contaminated land.

Environmental Health - Air Quality -No objections, subject to the inclusion of condition relating to electric vehicle charging points.

Waste Management - No response.

Environment Agency - No objections, subject to the inclusion of conditions relating to finished floor levels, landscaping and invasive species.

Design for security - No objections, subject to the inclusion of a condition.

United Utilities - No objections, subject to the inclusion of conditions relating to foul and surface water drainage.

The Coal Authority - No objections, subject to the inclusion of conditions relating to coal mining.

GM Ecology Unit - No objections, subject to the inclusion of conditions relating to otters, nesting birds, invasive species, site clearance and landscaping.

Pre-start Conditions - Applicant/Agent has agreed with pre-start conditions

Unitary Development Plan and Policies

EC2/1	Employment Generating Areas
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H4/1	Affordable Housing
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN5/1	New Development and Flood Risk
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
EN7	Pollution Control
EN7/1	Atmospheric Pollution
EN7/2	Noise Pollution
EN7/5	Waste Water Management
OL5/3	Riverside and Canalside Development in Urban Areas
RT1/1	Protection of Recreation Provision in the Urban Area
RT2/2	Recreation Provision in New Housing Development
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
HT6/2	Pedestrian/Vehicular Conflict
SPD1	Open Space, Sport and Recreation Provision
SPD5	DC Policy Guidance Note 5: Affordable Housing
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
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) and 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 Policy 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 (Employment) - Policy EC2/1 states that within Employment Generating Areas (EGA), the Council will only allow development for business (B1), general industrial (B2) and warehousing (B8). Other uses will only be permitted where they constitute limited development or do not substantially detract from an area's value as an EGA.

The wider EGA - development by Bellway and Persimmon reprovided for the employment. This site is now only a small fraction of the EGA. The issue is whether this small amount of development is required to re-provide for employment. Given its scale and location, it would not detract given the amount of development that has been carried out and implemented. Therefore, the proposed development would not substantially detract from the value of the EGA and would be in accordance from Policy EC2/1 of the Bury Unitary Development Plan.

Principle (Residential) - The National Planning Policy Framework should be treated as a material planning consideration and it emphasises the need for local planning authorities to boost the supply of housing to meet local housing targets in both the short and long term. There is a particular emphasis, as in previous national planning guidance, to identify a rolling five year supply of deliverable housing land.

Bury's Strategic Housing Land Availability Assessment sets out the latest housing supply position, which is made up with sites that have an extant planning permission and sites that have potential to obtain planning permission in the future. This shows that there are a number of sites within the Borough with the potential to deliver a significant amount of housing. However, not all of these sites will contribute to the five year supply calculations as many sites will take longer than five years to come forward and be fully developed (e.g. some large sites could take up to ten years to be completed). As such, latest monitoring indicates that the Council is unable to demonstrate a five year supply of deliverable housing land and this needs to be treated as a material factor when determining applications for residential developments.

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 within the urban area and there is residential development to the north east and north west. As such, the proposed development would not conflict with the surrounding land uses. The site was previously in use for vehicle repairs and as such, would be previously developed land. Therefore, the proposed development would be acceptable in principle and would be in accordance with Policy H1/2 and Area RM2 of the Bury Unitary Development Plan and the NPPF.

Design and layout - The proposed development would provide a mixture of detached and semi-detached dwellings and 2 and 3 bed dwellings. The proposed dwellings would be two storeys in height and would be constructed from red brick and grey concrete tile, which would match the surrounding properties. The proposed dwellings would utilise floor to ceiling windows to add visual interest to the elevations. It is considered that the height and scale of the dwellings would be appropriate within the streetscene. Therefore, the scale and design of the proposed dwellings would be appropriate within the context of the area and would comply with UDP Policies H2/1 - The Form of New Residential Development and EN1/2 - Townscape and Built Design.

The proposed development would provide car parking spaces to the front of the proposed dwellings and the proposed layout would offer good natural surveillance. The proposed site plan shows trees would be planted between parking spaces and larger areas of landscaping, such as the area to the rear of plots 10 - 14 and an area of public open space adjacent to the flood defence. As such, the proposed development would not be a prominent feature within the streetscene and would be in accordance with Policies EN1/2, H2/1 and H2/2 of the Bury Unitary Development Plan.

The level of private amenity space for the proposed dwellings would be acceptable and there would be space within the rear garden for bin storage. There would be a 1.8 metre high timber boarded fence between the rear gardens, which would be acceptable. Therefore, the proposed development would not be a prominent feature and would be in accordance with Policies EN1/2, H2/1 and H2/2 of the Bury Unitary Development Plan.

Impact upon residential amenity - SPD6 provides guidance on aspect standards between residential properties and as such, would be relevant in this case. The aspect standards states that there should be a minimum of 20 metres between directly facing habitable windows and 13 metres between a habitable room window and a two storey blank wall.

There would be at least 20.2 metres between plots 1 - 9 and the properties fronting onto Dumers Chase. There would be between 20 and 22 metres between plots 19 - 25 and the properties fronting onto Dumers Lane. Both of these would be in excess of the 20 metre aspect standard.

There would be 15 metres between plot 25 and the rear of the properties fronting onto Morris Street, which would be in excess of the 13 metre aspect standard required.

Therefore, the proposed development would not have a significant adverse impact upon the amenity of the neighbouring properties.

Flood risk - The proposed development is located within flood zone 3 and a Flood Risk Assessment has been submitted as part of the application.

The Environment Agency have completed the construction of phase 1 of the Radcliffe and Redvales flood defence scheme, which covers an area from Morris Street to Close Park. The flood defence at Morris Street consists of a T-shaped bund at the bottom end of Morris Street. The bund is 3 metres in height with a path to connect Morris Street to the existing riverside walkway and 2 metres in height where it runs parallel with the River Irwell. The bund connects to a sheet pile wall, of varying heights between 1 - 3 metres which stretches from Morris Street to the rear of 74 Dumers Lane. The flood defence scheme was designed to protect 873 properties within the Radcliffe area and this includes the properties on Morris Street and Dumers Lane. As such, the proposed development of 25 dwellings would also be protected by the existing flood defences.

The EA have confirmed that a minimum distance of 2 metres would be required between the proposed development and the existing flood defence for inspection and maintenance purposes. The applicant has provided revised plans which confirm that there would be a minimum of 2 metres between the proposed dwellings and the flood defence.

The Environment Agency have no objections, subject to the inclusion of conditions relating to finished floor levels, landscaping and invasive species.

Therefore, the proposed development would not increase flood risk to the site or downstream and would be in accordance with Policy EN5/1 of the Bury Unitary Development Plan and the NPPF.

Ecology

Protected species - The ecological appraisal confirms that no protected species were identified on the site, but is located in close proximity to the wildlife corridor which could have indirect impacts upon bats, otter and kingfisher. No external lighting is proposed along the River Irwell, which is welcomed. The only residual risk is for otters, which could stray onto the site during the construction period. The report confirms that this risk is low and reasonable avoidance measures will be provided. GM Ecology Unit agree with this assessment and have no objections, subject to the inclusion of conditions relating to the reasonable avoidance measures.

Proximity to the River Irwell - The river Irwell is protected under the EU Water Framework Directive, which requires environmental objectives be set for all surface and ground waters to enable them to achieve good status or potential for heavily modified water bodies by a defined date. One objective is to prevent further deterioration which can include changes to flow pattern, width and depth of channel, sediment availability/transport and ecology and biology.

The risks to the ecological potential of the River, resulting from this development primarily relate to pollution and sediment entering the river during construction and post development from drainage. GM Ecology Unit state that given the buffer between the development and the river of several meters, these risk can be managed through the imposition of conditions. Therefore, the proposed development would not have a significant adverse impact upon the ecology of the River Irwell.

Contributing to and enhancing the natural Environment - Section 170 of the NPPF 2018 states that the planning system should contribute to and enhance the natural and local environment. The site is currently of only very low ecological value and ecological enhancement measures are proposed in the form of bird boxes, bat boxes and native tree planting. GM Ecology Unit has no objections, subject to the inclusion of conditions relating

to landscaping.

Therefore, the proposed development would not be detrimental to protected species and the ecology of the area and would be in accordance with Policies EN6, EN6/3 and EN6/4 of the Bury Unitary Development Plan and the NPPF.

Highways issues - The site would be accessed from Dumers Lane via Morris Street. Appropriate visibility splays would be provided. The existing turning head at the end of Morris Street would be amended and appropriate turning facilities would be provided here and at the end of the access road. Comments from the Traffic Section will be reported in the Supplementary Report.

Parking - SPD11 states that the maximum parking standards for a residential development are as follows:

- 1.5 spaces per 2 bed dwelling
- 2 spaces per 3 bed dwelling

This equates to 43 parking spaces.

The proposed development would provide 43 spaces, which would comply with the maximum parking standards. The site has good access to public transport and would be located in a sustainable location. As such, the level of parking provision would be acceptable. Therefore, the proposed development would be in accordance with Policy HT2/4 of the Bury Unitary Development Plan and SPD11.

Planning obligations - The scheme as proposed would normally include a commuted sum of £66,673.30 for recreation as required by SPD1 and 6 affordable units.

The proposed development would provide 25 affordable units, which would be in excess of the 6 required and would provide an area of public open space, which would be adjacent to plot 9.

The applicant has submitted a viability appraisal where a case has been presented that any commuted sum would render the development unviable. The viability case has been assessed and accepted. Given that the development is less than 50 dwellings - no on-site provision is actually required. The proposed development is providing incidental provision. There is a consideration that 100% provision is seen on balance to be of a higher necessity given the scale of the development.

The scheme will deliver 100% much needed affordable housing in the Borough which is a clear benefit of the proposal. The affordable housing provision would be secured through a condition.

Response to objectors

- The issues relating to flood risk have been addressed in the report above.
- The proposed development would not increase the risk of flooding downstream as it would be constructed behind the Radcliffe and Redvales flood defences.
- The flood risk information on the government's website has assessed the site without the recently approved flood defence measures. As these are in place, the proposed dwellings would be protected from flooding in the same way as the existing properties on Morris Street.
- The impact of the flood defences on raising flood risk in other areas was fully assessed as part of applications 63559, 64788, 64789, 64790 and 65171 and the flood defence scheme would not increase the risk of flooding elsewhere.

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 decision relates to drawings numbered LP1902-3-001 X, LP1902-3-003, LP1902-3-006 J, LP1902-3-200, LP1902-3-300 - Sheet 1, LP1902-3-300 - Sheet 2, LP1902-3-301 - Sheet 1, LP1902-3-301 - Sheet 2, LP1902-3-302, LP1902-3-304 - Sheet 1, LP1902-3-305, LP1902-3-400, LP1902-3-410, LP1902-3-412 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 listed.
3. The development hereby approved shall only be developed by or on behalf of the applicant as an affordable housing scheme and each and every residential dwelling constructed as part of the scheme shall subsequently be occupied only and at all times as affordable housing, as defined in Supplementary Planning Document 5 - Affordable Housing Provision in New Residential Developments.
Reason - The proposed development has been granted given the particular circumstances of the applicant following a funding package from the Homes England which provides an opportunity to promote increased affordable housing, but as a result a recreational contribution pursuant to Supplementary Planning Document 1 (Open Space, Sport and Recreation Provision in New Housing Development) will not be provided. This condition is thereby to ensure that in order to make the development acceptable in planning terms, as a result of not making a recreational contribution the whole development shall instead contribute to satisfying the need for affordable housing provision.
4. Details/Samples of the (materials/bricks) to be used in the external elevations, together with details of their manufacturer, type/colour and size, shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Only the approved materials/bricks shall be used for the construction of the development.
Reason. No material samples have been submitted and are required in the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/1 Visual Amenity.
5. No development shall commence unless and until:-
 - A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
 - Where actual/potential contamination and/or ground gas/landfill gas risks have been identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;
 - Where remediation/protection measures is/are required, a detailed

Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason. The scheme does not provide full details of the actual contamination and subsequent remediation, which is required to secure the satisfactory development of the site in terms of human health, controlled waters, ground gas and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

6. Following the provisions of Condition 5 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

7. No development shall commence unless and until:-

- Intrusive site investigations have been carried out on site to establish the exact situation in respect of coal mining legacy features and the findings of the intrusive site investigations have been submitted to and approved in writing by the Local Planning Authority. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance;
- Where the findings of the intrusive site investigations identify that coal mining legacy on the site poses a risk to surface stability, a detailed remediation scheme to protect the development from the effects of such land instability shall be submitted and approved in writing by the Local Planning Authority for consideration and approval in writing

Reason. The scheme does not provide full details of the actual contamination and subsequent remediation, which is required to secure the satisfactory development of the site in terms of human health, controlled waters, ground gas and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

8. Following the provisions of Condition 7 of this planning permission, where remediation is required in relation to coal mining, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority; and

A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development hereby approved

Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

9. Prior to the commencement of the development hereby approved (excluding site clearance, demolition, or works relating to site investigation, remediation or ground works), a scheme for the provision of electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to occupation of the building hereby approved.

Reason. In accordance with paragraph 35 and 124 of the NPPF, to encourage the uptake of ultra-low emission vehicles and ensure the development is sustainable. To safeguard residential amenity, public health and quality of life.

10. Prior to the commencement of any earthworks, a reasonable avoidance measures method statement for otters shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved method statement.
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 - Conservation of the Natural Environment and EN6/3 - Features of Ecological Value of the Bury Unitary Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
11. No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance.
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 - Conservation of the Natural Environment and EN6/3 - Features of Ecological Value of the Bury Unitary Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
12. No development shall commence until full details of a scheme for the eradication and/or control of Japanese Knotweed (*Fallonia Japonica*, *Rosa Deceana*, *Polygonum Cuspidatum*) and Himalayan Balsam (*Impatiens Glandulifera*), Giant Hogweed and Monbretia is submitted to and approved in writing by the Local Planning Authority. The approved management plan shall include a timetable for implementation. Should a delay of more than one year occur between the date of approval of the management scheme and either the date of implementation of the management scheme or the date of development commencing, a further site survey must be undertaken and submitted to the Local Planning Authority.
Reason. The scheme does not provide full details of the actual extent of Japanese Knotweed and Himalayan Balsam in the interest of UDP Policy EN9 - Landscape and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.
13. No development, site clearance, earth moving shall take place, or material or machinery brought on site until a method statement to protect the River Irwell from accidental spillages, dust and debris has been submitted to and approved in writing by the Local Planning Authority. All measures will be implemented and maintained for the duration of the construction period in accordance with the approved details.
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 - Conservation of the Natural Environment and EN6/3 - Features of Ecological Value of the Bury Unitary Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
14. No development shall take place until details to show that the proposed development would not impact negatively upon the ecological potential of the River Irwell resulting from the disposal of foul water and surface water post-development has been submitted to and approved in writing by the Local Planning Authority. The details, as approved, shall be implemented in full in accordance with a timetable which has first been agreed in writing by the Local Planning Authority.
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 - Conservation of the Natural Environment and EN6/3 - Features of Ecological Value of the Bury Unitary Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
15. A landscaping scheme shall be submitted to, and approved by the Local Planning

Authority prior to the commencement of the development. The contents of the plan should include native tree and shrub planting and the provision of bat bricks/tubes within the new development and bat and bird boxes. The scheme shall avoid trees or shrubs within 5 metres of the landward toe of the existing flood defences. The approved scheme shall thereafter be implemented not later than 12 months from the date the building(s) is first occupied or within the first available tree planting season; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted.

Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policies H2/2 - The Layout of New Residential Development, EN1/2 - Townscape and Built Design and EN8/2 - Woodland and Tree Planting of the Bury Unitary Development Plan and chapter 15 - Conserving and enhancing the natural environment of the NPPF.

16. No development approved by this permission shall be commenced until details of the finished floor levels and external levels has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved details.

Reason. To ensure the structural integrity of the flood defences, thereby reducing risk from flooding and to reduce the risk of flooding to the proposed development and future users pursuant to Policy EN5/1 - New Development and Flood Risk of the Bury Unitary Development Plan and the NPPF.

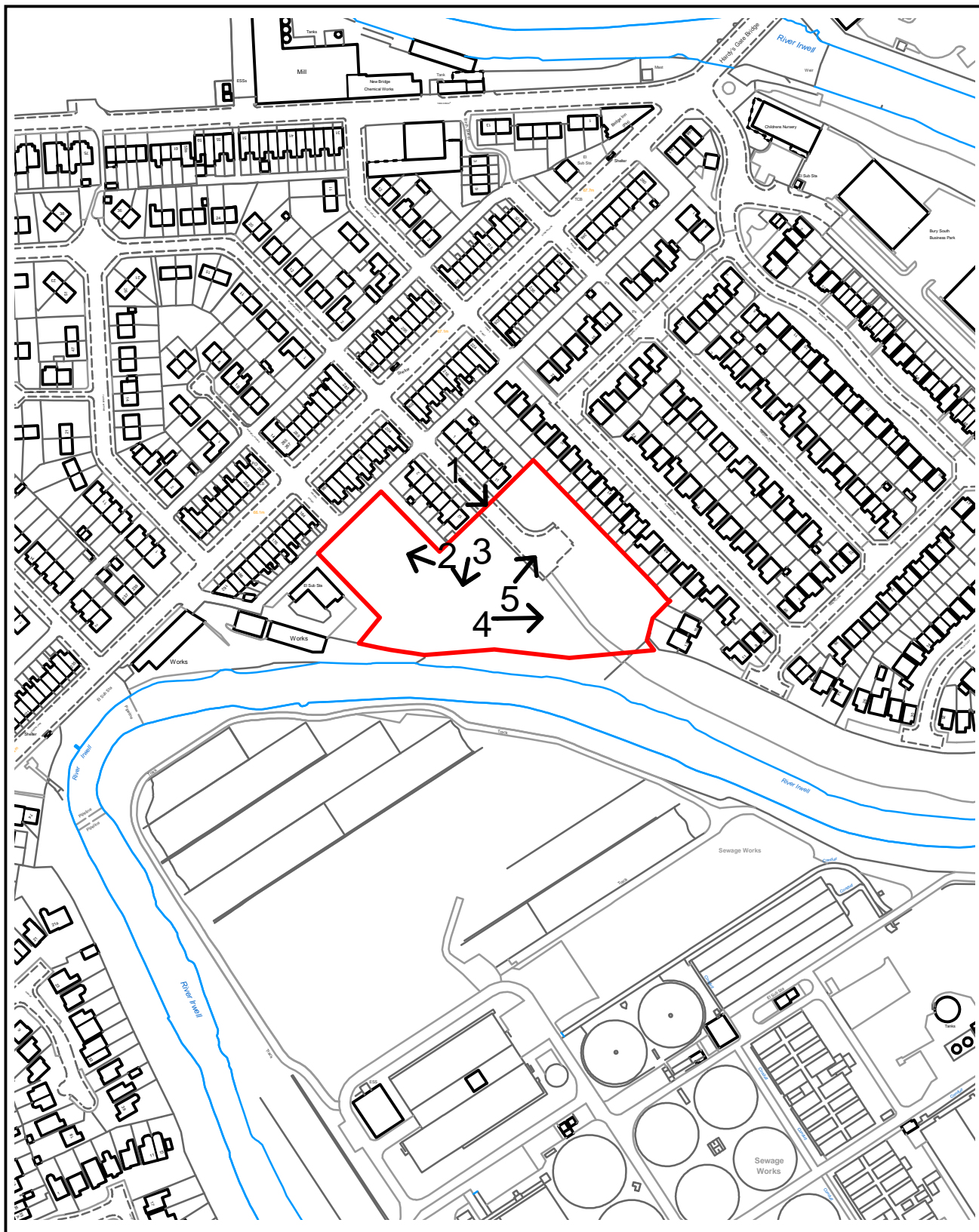
17. No development shall commence unless or until a landscape and ecological management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to and approved in writing by, the local planning authority. The landscape and ecological management plan shall be carried out in accordance with the approved details prior to first occupation of the dwellings hereby approved. The scheme shall include the following elements:

- details of maintenance regimes
- details of any new soft landscaping including planting schedule largely based on native species, for retained semi-natural areas.
- details of mitigation and enhancement measures outlined in EIA (section4/5, Enzygo, Aug 2020)
- details of treatment of site boundaries; including alongside new Agency Flood embankment.
- details of management responsibilities

Reason. To secure the satisfactory development of the site in the interests of visual amenity and to ensure the protection of wildlife and supporting habitat pursuant to Policies H2/2 - The Layout of New Residential Development, EN1/2 - Townscape and Built Design, EN6/3 - Features of Ecological Value and EN8/2 - Woodland and Tree Planting of the Bury Unitary Development Plan and chapter 15 - Conserving and enhancing the natural environment of the NPPF.

For further information on the application please contact **Helen Leach** on **0161 253 5322**

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 65015

ADDRESS: Land at Morris Street
Radcliffe

Planning, Environmental and Regulatory Services

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Bury
COUNCIL

65015

Photo 1



Photo 2



Photo 3



Photo 4



Photo 5



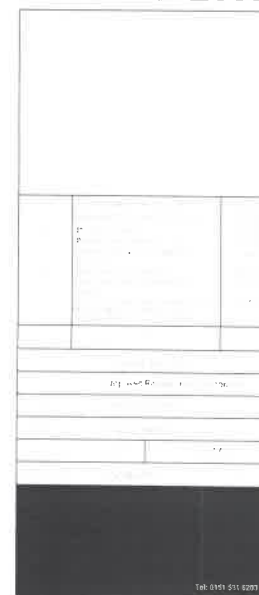


ACCOMMODATION SCHEDULE

TOTAL H-TYPE A 15
TOTAL H-TYPE C 10

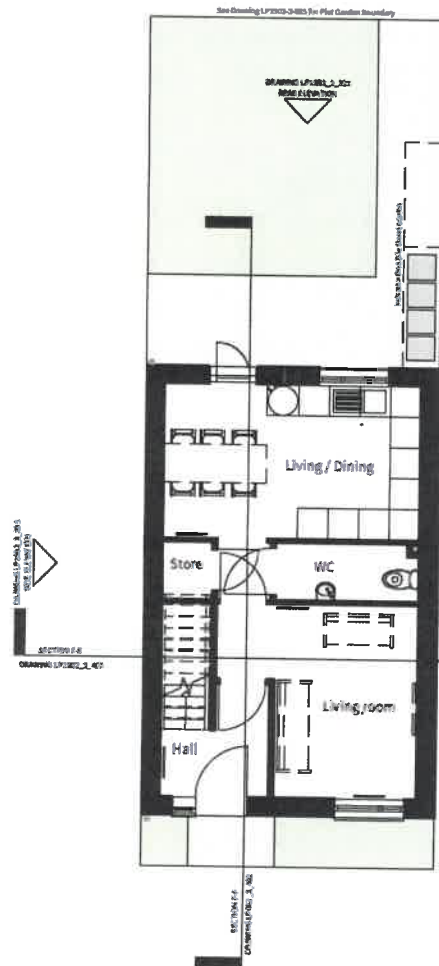
Total: 25

PLANNING SITE PLAN

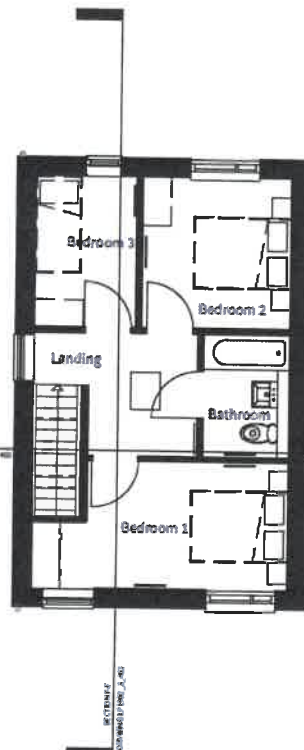


HOUSE TYPE C

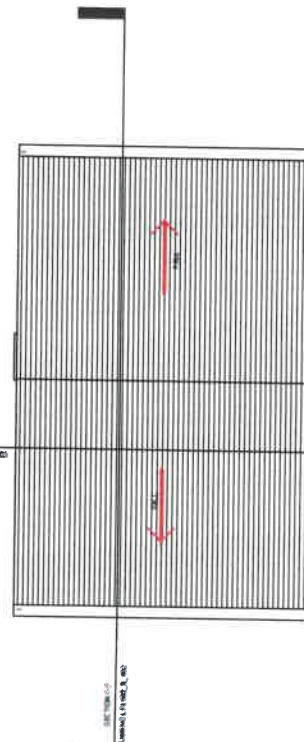
SEE PLOT PLAN FOR HOUSE TYPE C LOCATIONS



Ground Floor Plan 1:100 @ A3
Ground Floor Gross Internal Area: 40.30m²/433.78sqft
(All wall lines and fittings are indicated and have been shown to indicate typical layout)



First Floor Plan 1:100 @ A3
First Floor Gross Internal Area: 40.30m²/433.78sqft
(All wall lines and fittings are indicated and have been shown to indicate typical layout)



Roof Plan 1:100 @ A3



PLANNING

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Do not scale dimensions. All dimensions are indicated on the drawing. The client is responsible for ensuring that the drawing is used for the intended purpose. The client is responsible for ensuring that the drawing is used for the intended purpose. The client is responsible for ensuring that the drawing is used for the intended purpose.

REV	DESCRIPTION	DATE
1	Client	The Aerial Group Ltd
2	Project	Proposed Residential Development
3	Address	Morris Street, Bury
4	Drawing Title	3 Bed Type C Layout
5	Scale @ A3	1:100
6	Date	10/12/19
7	Drawing No.	1/1000 3 BED
8	Rev	

3B 5P - 3 BED TYPE C

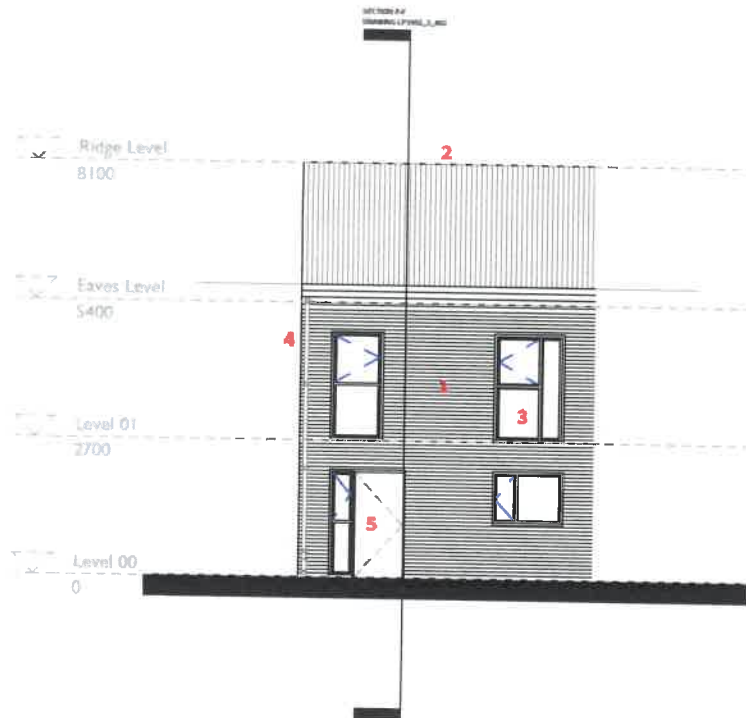
3B 5P - 3 BED TYPE C

MSA

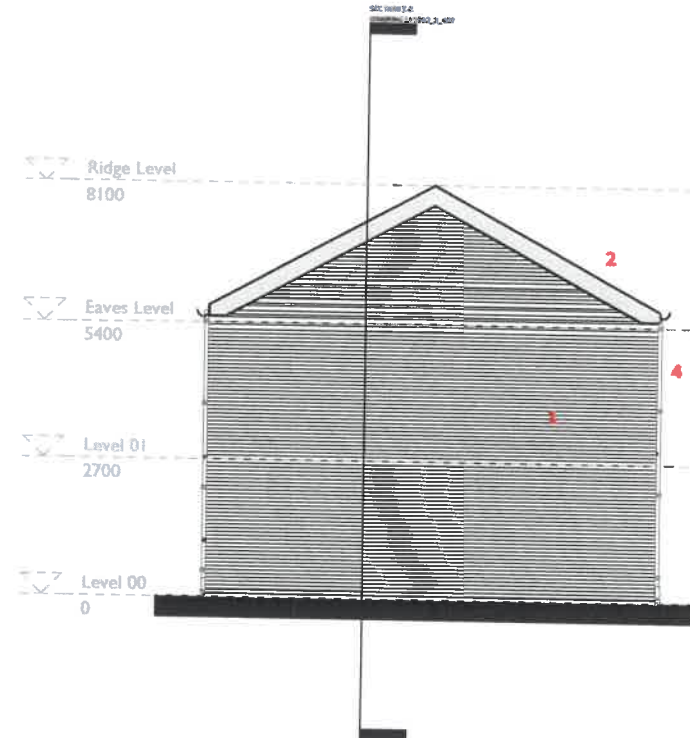
Tel: 01252 881 000

HOUSE TYPE C

SEE PLOT PLAN FOR HOUSE TYPE C LOCATIONS



House Type C
Front Elevation 1:100 @ A3



House Type C
Side Elevation 1:100 @ A3

MATERIAL LEGEND:

1. Red brickwork
2. Concrete interlocking tile
3. Recycled dark grey UPVC framed glazed window
4. Recycled black UPVC rainwater pipes/gutters
5. GRP Entrance Doors (with laminated timber door frame)
6. Recycled dark grey UPVC framed glazed door
7. As point 3, side window(s) only on end house(s)
8. Recycled dark grey UPVC framed glazed double doors

PLANNING

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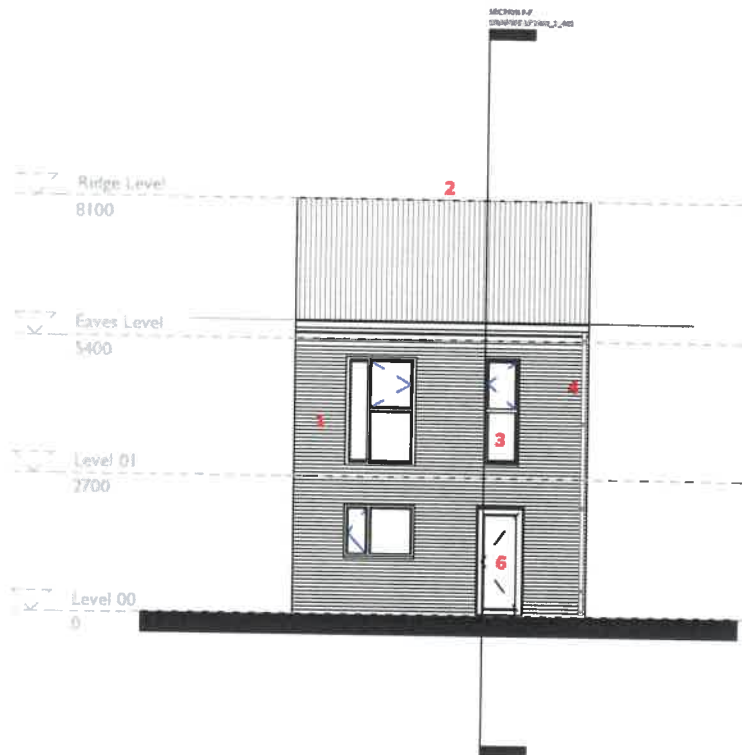
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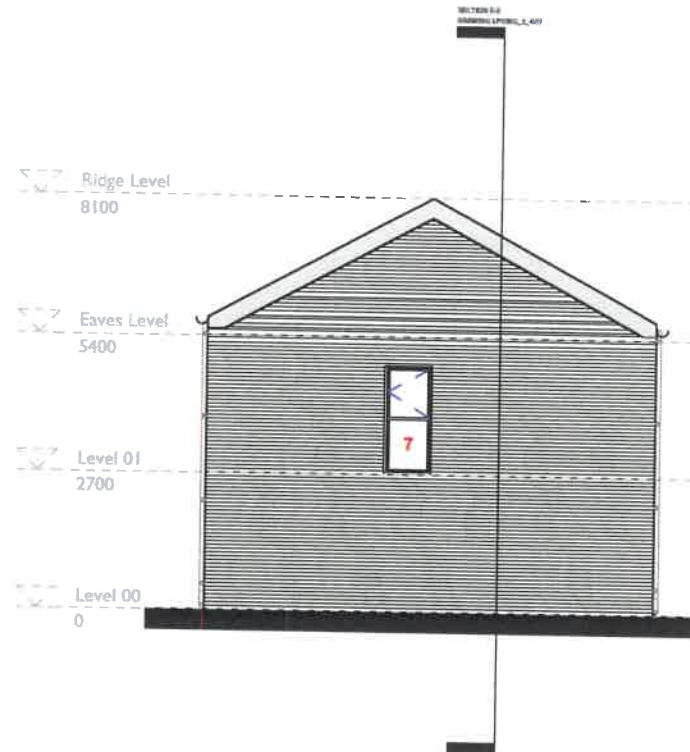
REV	DESCRIPTION	DATE
CLIENT	The Avenel Group Ltd	
PROJECT	Proposed Residential Developments	
ADDRESS	Marine Street, Bury	
DRAWING TITLE	2 Bed Type C Prop Elevation - Sheet 1	
SCALE @ A3	As Indicated	DATE: 10/12/19
DRAWING NO.	L17000_3_400	REV
MSA		
The Avenel Group Ltd		

HOUSE TYPE C

SEE PLOT PLAN FOR HOUSE TYPE C LOCATIONS



House Type C
Rear Elevation 1:100 @ A3



House Type C
Side Elevation 1:100 @ A3

MATERIAL LEGEND:

1. Red brickwork
2. Concrete interlocking tile
3. Recycled dark grey UPVC framed glazed window
4. Recycled black UPVC rainwater pipes/gutters
5. GRP Entrance Doors (with laminated timber door frame)
6. Recycled dark grey UPVC framed glazed door
7. As point 3, side window only on end house(s)
8. Recycled dark grey UPVC framed glazed double doors

PLANNING

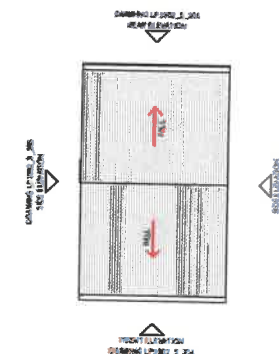
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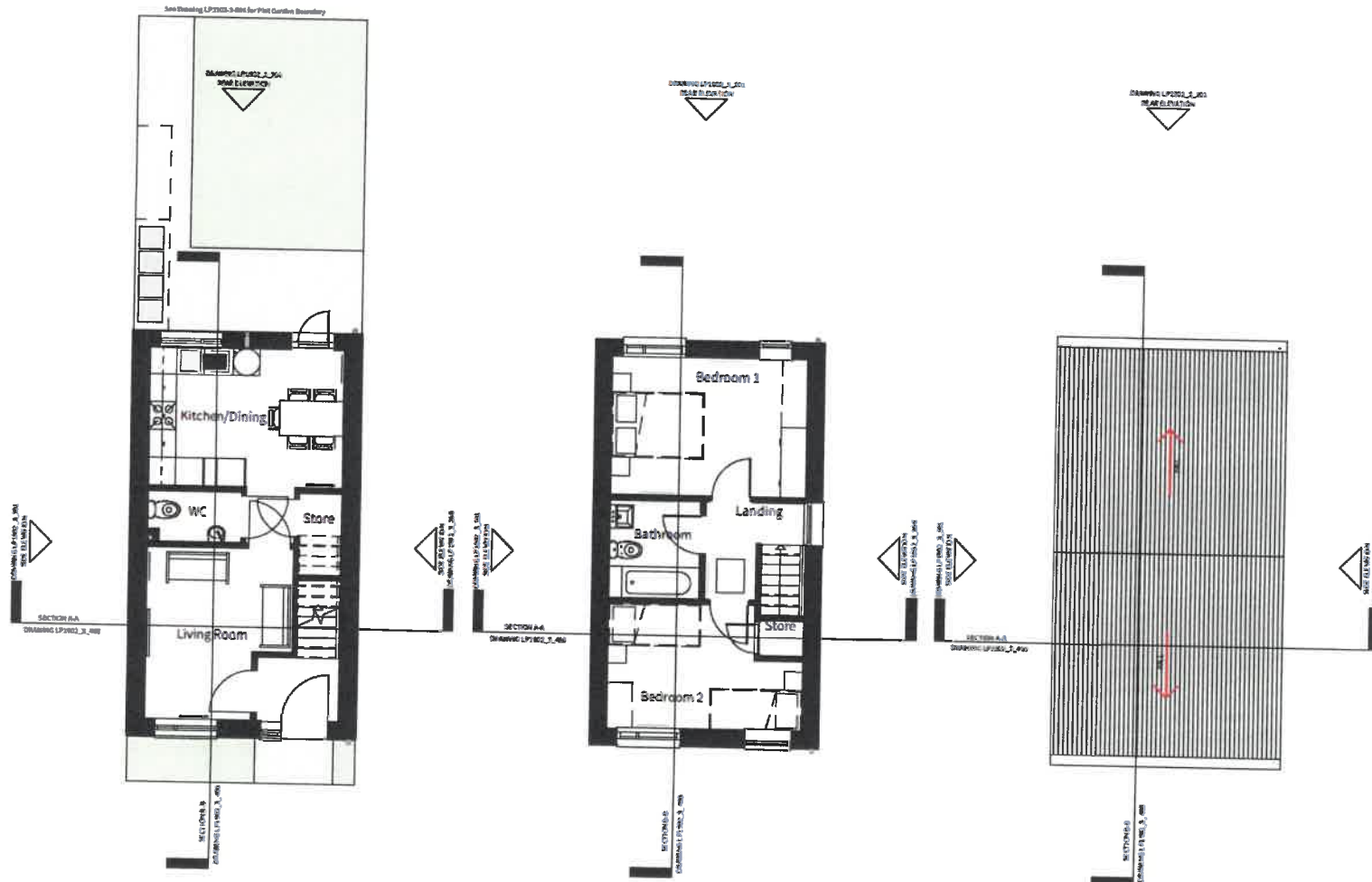
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REV	DESCRIPTION	DATE
CLIENT	The Aerial Group Ltd	
PROJECT	Proposed Residential Development	
ADDRESS	Heath Street, Bury	
DRAWING TITLE	3 Bed Type C Prop Elevation Sheet 2	
SCALE @ A3	As indicated	DATE 10/12/19
DRAWING NO.	190101-1-001	REV
MSA		
Tel: 0161 621 8819		



HOUSE TYPE A

SEE PLOT PLAN FOR HOUSE TYPE A LOCATIONS



Ground Floor Plan 1:100 @ A3

Ground Floor Gross Internal Area: 34m²/365.97sqft

(All Appliances and Fixings are Indicated and have been chosen to indicate ideal locations)

First Floor Plan 1:100 @ A3

First Floor Gross Internal Area: 34m²/365.97sqft

(All Appliances and Fixings are Indicated and have been chosen to indicate ideal locations)

Roof Plan 1:100 @ A3

PLANNING

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DO NOT SCALE from drawings. Measurements should be taken from the original drawings. Measurements should be taken from the original drawings. Measurements should be taken from the original drawings. Measurements should be taken from the original drawings.

REV	DESCRIPTION	DATE
CLIENT	The Architect Group Ltd	
PROJECT	Proposed Residential Development	
ADDRESS	North Street, Bury	
DRAWING TITLE	2 Bed / Type A Layout	
SCALE @ A3	1:100	DATE 10/12/19
DRAWING NO.	LP1002_3_001	REV

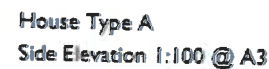
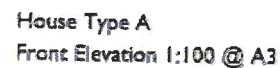
2B 4P - 2 BED TYPE A

THE ARCHITECT GROUP LTD

MSA

THE ARCHITECT GROUP LTD

SEE PLOT PLAN FOR HOUSE TYPE A LOCATIONS



1. Red brickwork
2. Concrete interlocking tile
3. Recycled dark grey UPVC framed glazed window
4. Recycled black UPVC rainwater pipes/gutters
5. GRP Entrance Doors (with laminated timber door frame)
6. Recycled dark grey UPVC framed glazed door
7. As point 3, side window only on end house(s)
8. Recycled dark grey UPVC framed glazed double doors

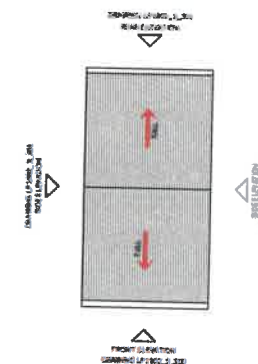
IMPORTANT NOTE:

Five dining-in restaurants and a bar for the town of 4000 in the historic
Architects (University No. 12021) for education and recreation
program and any other suitable and convenient
to the residents.

Any person, as the inventor, drafter, engineer or modification of a utility invention, is liable for making, using and causing others not to use the invention within the legal use limitations of the company. Use of this or any other design rights reserved by any person can result in liability to the company and/or third parties. (See Note 1) This and with other terms are contractual terms to be accepted and not waived prior to the design work to be used for the project listed below only and are not to be waived without agreement. These drawings are to be used in conjunction with any document. Since both Engineer's drawings, the highly designed elements may be highly detailed drawings.

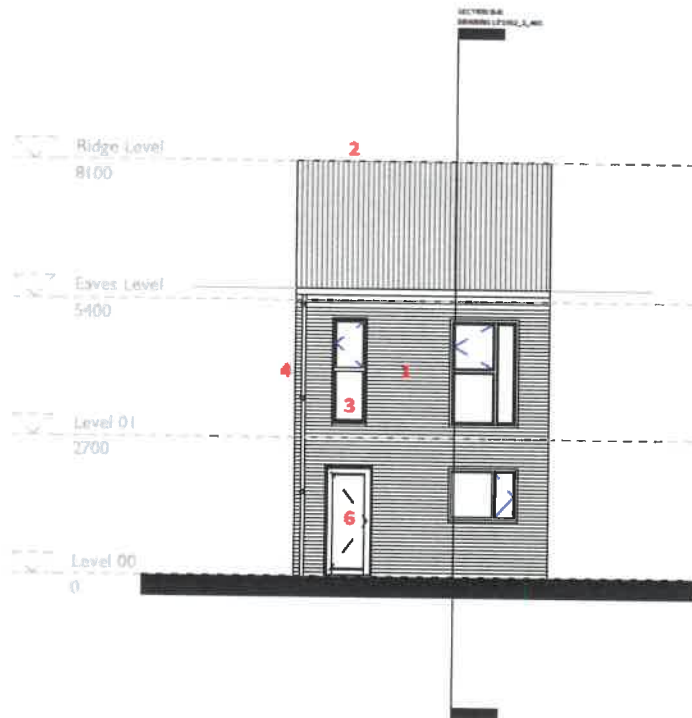
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REV	DESCRIPTION	DATE
CLIENT	The Averill Group Ltd.	
PROJECT	Proposed Residential Development	
ADDRESS	Main Street, Burlington	
DRAWING TITLE	2 Bed Type A Prop Elevation - Sheet 1	
SCALE @ A3	As indicated	DATE 30/12/19
DRAWING NO.	C:\Users\J.Ross\Desktop\Averill\Drawings\2 Bed Type A Prop Elevation - Sheet 1.dwg	REV

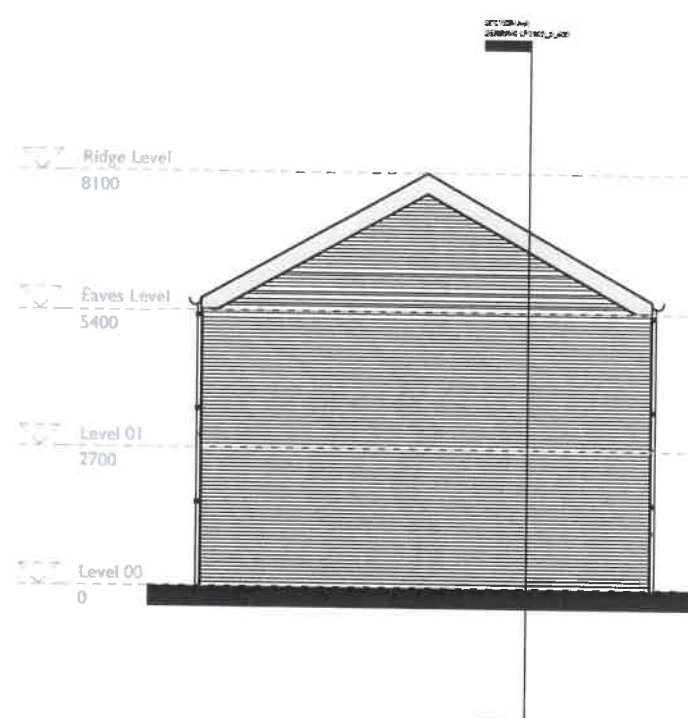


HOUSE TYPE A

SEE PLOT PLAN FOR HOUSE TYPE A LOCATIONS



House Type A
Rear Elevation 1:100 @ A3



House Type A
Side Elevation 1:100 @ A3

MATERIAL LEGEND:

1. Red brickwork
2. Concrete interlocking tile
3. Recycled dark grey UPVC framed glazed window
4. Recycled black UPVC rainwater pipes/gutters
5. GRP Entrance Doors (with laminated timber door frame)
6. Recycled dark grey UPVC framed glazed door
7. As point 3, side window only on end house(s)
8. Recycled dark grey UPVC framed glazed double doors

PLANNING

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REV	DESCRIPTION	DATE
CLIENT	The Arent Group Ltd	
PROJECT	Proposed Residential Development	
ADDRESS	1000 Street, Bury	
DRAWING TITLE	2 Bed Type A Prop Elevation - Sheet 2	
SCALE @ A3	As indicated	DATE 10/12/19
DRAWING NO.	UP1802_2_00	REV
MSA		
Tel: 0161 551 4000		

Ward: Bury East - Redvales

Item 02

Applicant: Mr Ullah

Location: 55A Horne Street, Bury, BL9 9BW

Proposal: Variation of conditions following approval of planning application 45319. Changes to condition 3 to extend opening hours Sunday to Thursday until 22:30 and Friday to Saturday until 23:00

Application Ref: 66066/Full

Target Date: 09/12/2020

Recommendation: Approve with Conditions

Description

The application relates to an end terraced property located on Horne Street. The property is sub-divided into two units, with a residential unit at first floor and a Use Class E unit at ground floor. The proposal relates to the ground floor unit that has previously been granted planning permission for retail use, with opening hours until 22:00 hours.

Planning permission is sought to vary condition 3 of application 45319 to extend opening hours until 22:30hrs Sunday - Thursday and until 23:00 hrs Friday to Saturday.

Relevant Planning History

45319 - Change of use to retail (A1) on ground floor and ancillary residential accommodation on first floor - Approve with Conditions 16/11/2005

Publicity

Neighbour letters sent 20/10/2020. 4 objections received from the residents of 47 Horne Street, 42 Horne Street, 26 Horne Street, 29 Horne Street in relation to:

- Currently a quiet residential street especially outside of daytime trading hours.
- Effective parking permit measures means there is minimal traffic noise.
- Extended opening hours will increase traffic and noise pollution.
- Residents rely on uninterrupted sleep for work. Noise interruptions after 8pm are extremely inconvenient.
- Evidence shows continued sleep deprivation to be one of the biggest causes of stress which starts a chain reaction of negative health implications from heart disease to depression.
- Moved to street because it is a residential street with no night time trade.
- No issues with daytime cafe open but if it had been trading later i would not have moved here.
- Unclear what intended extended hours are for - cafe, cornershop, pool room?
- Large number of takeaways in the area and shops that cater to the community.
- Could create a large amount of litter and noise.
- Residential street and do not feel a business of any sort should be open until 23:30.
- Lack of details is concerning as current use is unclear.
- Haven't actually seen these premises open for several years.
- Impact on house prices negatively.
- Will result in more people leaving the area and research shows that homeownership leads to greater residential stability which in turn leads to better civil engagement.
- Easily inferred that areas comprised solely of renters leads to social decline overtime.
- Decrease in home ownership leads to increased social crime.
- Each anti-social behaviour costs society between £5 - £6.7K, and each violent crime

between £5 - £13,300K.

- This area is already within a wider network that is trying to fight against the intrusion of drug gangs, and indeed the police are aware of many reports
- This links back to an earlier comment about the strange opening times of this establishment, as well as observations of the customer profile, which makes it a place that does nothing to benefit the local community.
- The only current impact of the business is negative – litter problems. Such an issue will only increase with night-time trade, and again this will further accelerate the environmental decline.
- Financially, it does little to support the local community. It provides no stable or well-paid jobs that allow anyone to sustain a living, and the new proposed opening times may at best open one or two further part-time roles at minimum wage – that's if it even trades on a daily basis.
- Any business should contribute something to the community it is part of. This business never reaches out to residents; actually, it is quite the opposite.
- This business contributes to social exclusion not inclusion and integration.
- I do question the need to sell coffee and sandwiches later, and thus wonder what else will be traded.
- I can understand that night cafes are more popular with some cultures and do not object to Bury Council providing such business opportunities. However, please, offer premises within the town centre, or if in Fishpool then on a section of road that is not residential but populated by several businesses already, some of which operate later.
- There is a large retired and pensioner community here too, several with associated health issues, and the last thing they need is anything that could contribute to worsening conditions.

Following an amendment to the description to reduce the proposed opening hours further neighbour letters sent 16/11/2020. Objections received from No. 42 Horne Street, 26 Horne Street, 29 Horne Street and 30 Devon Street in relation to:

- I am appalled that the initial application was approved. This will have an extremely negative impact on my and other residents' health and mental well-being, and the local environment. The fact that the original proposal includes plans to extend the hospitality area to a second floor, and this has been approved too, is disturbing to discover.
- I do not want a potential late bar/cafe/club on my doorstep. As I stated previously, there are many factors to consider - I cannot see that these have been considered and addressed at all. What evidence do you have to prove that this will not have a potentially adverse effect on my sleep pattern, and consequently for my physical and mental health?
- The variation proposes an insignificant minor adjustment of closing time by 30 minutes on Sun-Thurs. This makes no difference - it is still on a RESIDENTIAL street, surrounded by residents on all sides and directions. No hospitality business provides a silent and clear external environment as soon as the closing time hits. The after effects of customers finishing, paying, leaving, saying goodbye and chatting outside, driving away etc, as well as the business closing up, cleaning, discarding of waste, and employees leaving etc, all contributes to a much later end time when residents' night activity returns to its normal quietness. So, we are still talking about the impact being felt well-over 11pm.
- Also, what will it be like upto this time? There will be increased traffic, noise, and pollution during the whole don time I have after normal working hours - so I will never be able to just chill-out at home, distress, and unwind as there will constantly be a distraction opposite. This is not fair! Again, this is a residential street!
- I have no objection to the proposals of this business if it were in a more social spot that doesn't impact residents - as I suggested before, offer the owner alternative premises in town where other cafes are etc.
- There are many empty properties in Bury commercial centre that would benefit from occupancy and would create wider business opportunities and growth. The town centre needs as much help as possible to survive the COVID-19 impact. It makes no sense to have this type of proposed business at the proposed opening times on a residential

street. Can you please provide me with a comparative impact analysis that proves it is best placed where it is?

- Late night opening in a residential area would create more noise and there would be a parking issue which is already a problem in the area.
- If takeaway is available, issues with the current littering problem would be compounded.
- Please note that rats have been seen in the back street nearby which a food establishment would create an even bigger attraction to these pests.
- Still do not feel the variation proposed (a 2230 closing Sunday to Thursday and 2300 closing Friday and Saturday) addresses the concerns raised by a number of residents.
- This is a residential street that many of us have chosen specifically because is quiet and away from the mess, noise and traffic that is generated by all of the takeaways just around the corner on Parkhills road.
- This café has barely been open in the past year and I do not see how granting an license to open later has any merit from a business or social point of view.
- Fly tipping and litter have been a big issue due to the proximity of takeaways and college students and resident shave took it upon themselves on a number of occasions to organise street cleaning and community clean ups to combat this; all of which could be unpicked by a late night venue especially one serving fast food (if that is the proposed business).
- Residents continue to oppose this and nothing has been done by the owner to consult our views.
- Operation of late licensed premises on Horne street bury would cause problems with noise on a quiet residential street
- Parking is limited and residents already have to pay to park on this street
- Haven't seen these premises open at all for past couple of years

Statutory/Non-Statutory Consultations

Environmental Health - Pollution Control - received no previous complaints in relation to noise. Would like to know what mitigating features they are likely to use to prevent noise nuisance. Would welcome a noise report to determine what form if any mitigation may be required. This could include for example sound proofing the party wall, as there is residential property on the other side.

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

S1/5	Neighbourhood Centres and Local Shops
S2/5	New Local Shopping Provision
EN7/2	Noise Pollution
EC4/1	Small Businesses

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) and 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 Policy 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.

Use

Application 45319 changed the use of the ground floor of the premises to retail. This is considered to be the currently lawful use for the ground floor of the building. From the 1st September retail uses fall within Class E of the Use Classes order. Class E also includes:

- Display or retail sale of goods, other than hot food;

- Sale of food and drink for consumption (mostly) on the premises
- Provision of:
 - Financial services,
 - Professional services (other than health or medical services), or
 - Other appropriate services in a commercial, business or service locality
- Indoor sport, recreation or fitness (not involving motorised vehicles or firearms)
- Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)
- Creche, day nursery or day centre (not including a residential use)
- Uses which can be carried out in a residential area without detriment to its amenity:
 - Offices to carry out any operational or administrative functions,
 - Research and development of products or processes
 - Industrial processes

The applicants have confirmed that they wish to use the unit for a cafe/restaurant which is listed within the lawful uses above however, the applicant can use this unit for any of the uses above as specified within Class E of the Use Class Order provided they do not open past 2200hrs as set out within condition 3 application 45319. This application is not to determine the use of the unit the application seeks to vary condition 3 of permission 45319 to extend opening hours and this is what needs to be duly assessed.

Residential Amenity

S2/5 – New Local Shopping Provision Outside Recognised Shopping Centres assesses the suitability of proposals for new local shops. Whilst the use is not under scrutiny within this application Policy S2/5 requires applications to be assessed in relation to the potential nuisance that would be created for neighbouring residents. UDP Policy EC4/1- Small Businesses is also applicable. Proposals for small businesses will be acceptable when the scale of development is appropriate to, and the use is environmentally compatible with, the surrounding area in which it is to be located, and where they do not conflict with other policies and proposals of the Plan. In addition UDP Policy EN7/2 - Noise Pollution does not permit development which could lead to an unacceptable noise nuisance to nearby occupiers and/or amenity users.

There are residential properties to the side, rear and front of the site and as such the extension of the opening hours has potential to impact on these neighbouring residents. The unit can already trade until 2200hours. Whilst previous occupants may not have traded until this time, and the unit may not currently be in use, this has already been established. The application seeks to extend the trading hours by 30 minutes on a Sunday - Thursday, and by an additional hour on a Friday and Saturday night.

Whilst the proposal is located within a predominantly residential area, there are a mix of commercial uses within the immediate vicinity including nearby Parkhills Road which is a busy thoroughfare and the site already has an established Class E use. As such it is considered that there would be an existing amount of noise and disturbance associated with the site already. Taking into consideration the fall back position that the applicant could utilise the entire ground floor for Class E use until 2200 hours in any event, it is considered that the limited floor space, the location of the unit and the amended opening hours are not so protracted to create any additional harm or impact and the proposal is therefore considered to be acceptable.

In addition to this, as the use is considered to be permitted development the seeking of additional noise insulation would not be a reasonable consideration due to the nature of the application. The application has been submitted in relation to a variation of condition and the opening hours could be utilised for any of the Class E uses listed. If noise and disturbance issues do arise there are existing controls under environmental health legislation and licensing that can be utilised.

Response to Neighbours

The use of the unit is not under review within this planning application. The applicant can utilise the unit for any of the uses as set out within the main body of the report provided it falls within Class E. Use Classes have been set by central government and the uses set out within Class E are outside of the control of the LPA. The last lawful use for this unit was retail, even though the unit may not have been occupied more recently.

The original application was approved in 2005 and Environmental Health have confirmed they have had no complaints in relation to noise and this venue in the last 15 years. The first floor was retained as separate residential unit. Having reviewed the original planning application it would appear there were no objections raised from residents in relation to the original change of use or proposed opening hours.

Whilst Environmental Health have asked for a noise report, and mitigation as stated previously the use of the unit is not under scrutiny, it is the opening hours that are being reviewed and by between 30 mins to 1 hour. The applicant has the fall back position of being able to open until 2200 hrs in any event without providing any mitigation.

The surrounding roads are currently restricted by permit parking. As such any visitors to the site would be limited in their ability to park. The proposal unit is small in scale and it is considered that an additional 30 minutes - 1 hour opening times outside of what is already permitted would not lead to a significant increase in traffic.

There have been no contamination or waste management issues raised by the Councils' environmental health and waste management sections.

The licensing of the premises is dealt under the Licensing Act 2003 which is separate to the planning application.

The LPA can not restrict who operates out of the unit and matters in relation to noise and anti-social behaviour are dealt with by legislations outside of the planning process. The LPA can not ask the applicant to move to another unit to conduct their business, as the unit has a lawful established class E use.

Impact on property values is a non-material planning consideration not relevant to the decision.

The impact of the proposal in terms of residential amenity have been set out above.

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.

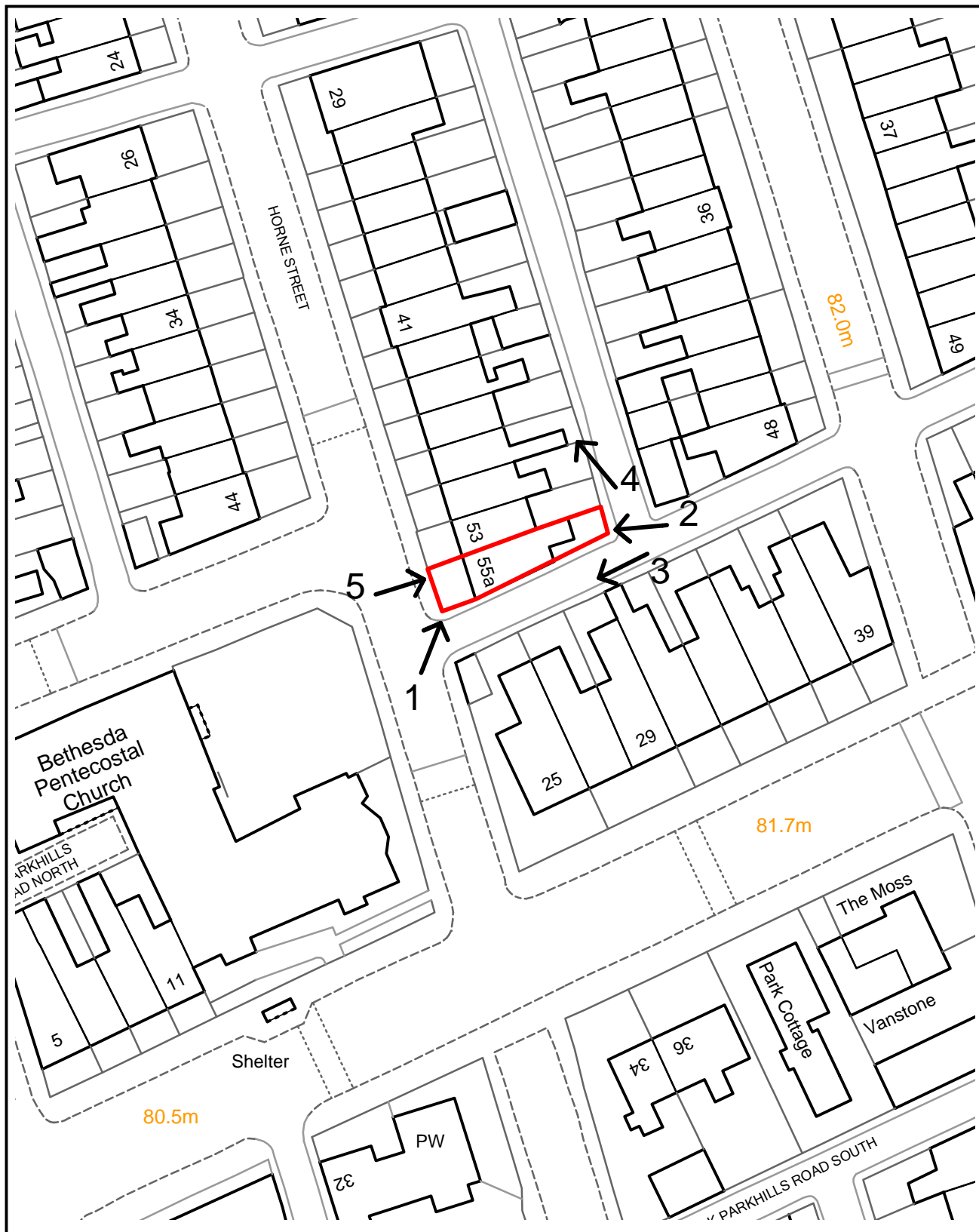
Recommendation: Approve with Conditions

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 decision relates to drawings numbered 1HSB05/1 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 policies of the Bury Unitary Development Plan listed below.
3. The ground floor unit shall not be open outside Sunday to Thursday 0900 hrs until 2230hrs and Friday to Saturday 0900 hrs until 2300 hrs
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies S2/5 – New Local Shopping Provision Outside Recognised Shopping Centres, EC4/1- Small Businesses and EN7/2 - Noise Pollution

For further information on the application please contact **Helen Goldsbrough** on **0161 253 5277**

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 66066

**ADDRESS: 55A Horne Street
Bury**



Bury
COUNCIL

Planning, Environmental and Regulatory Services

(C) Crown Copyright and database right (2015). Ordnance Survey 100023063.

66066

Photo 1



Photo 2



Photo 3



Photo 4

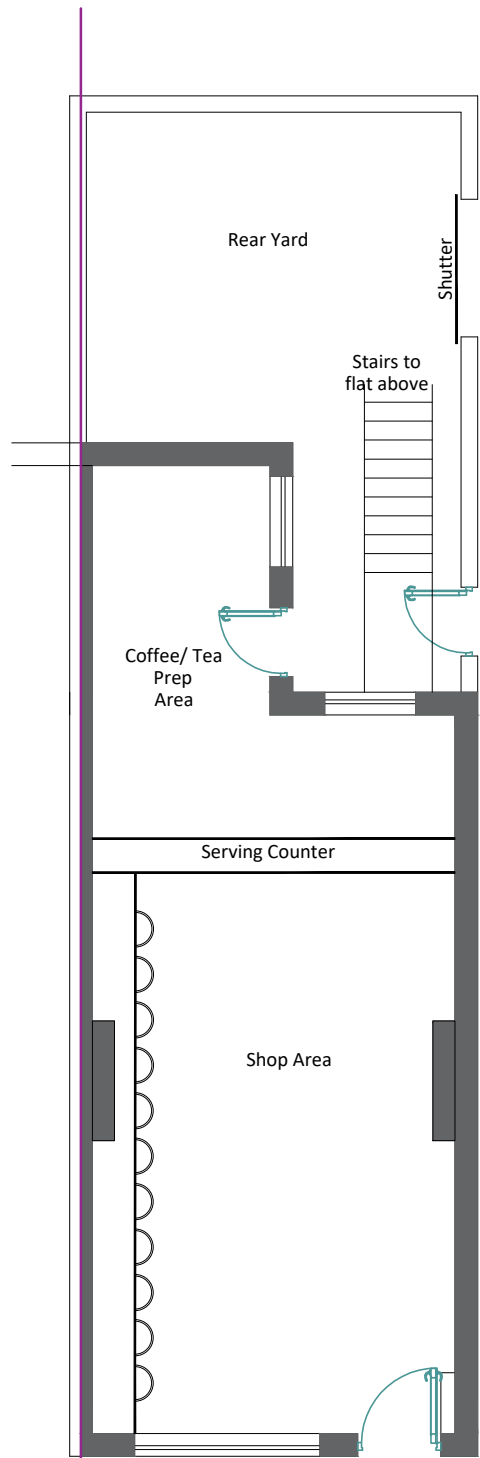


Photo 5

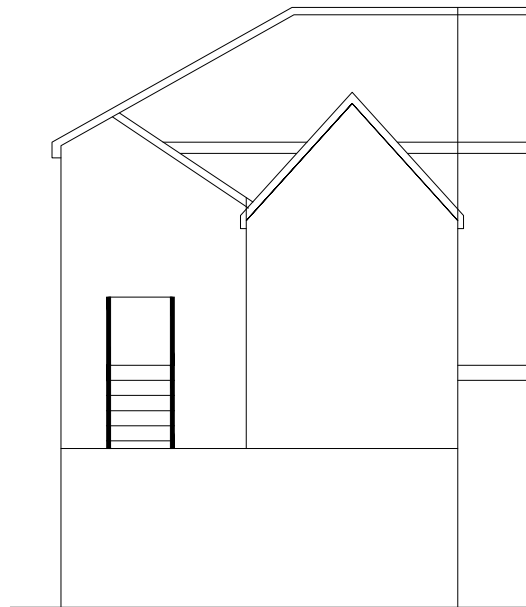


Photo 6

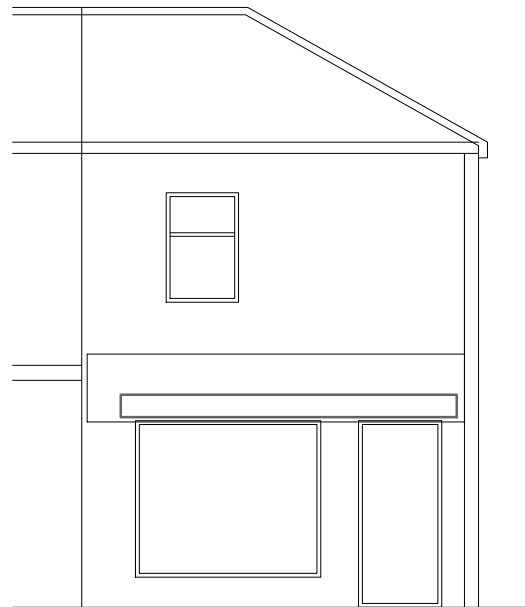




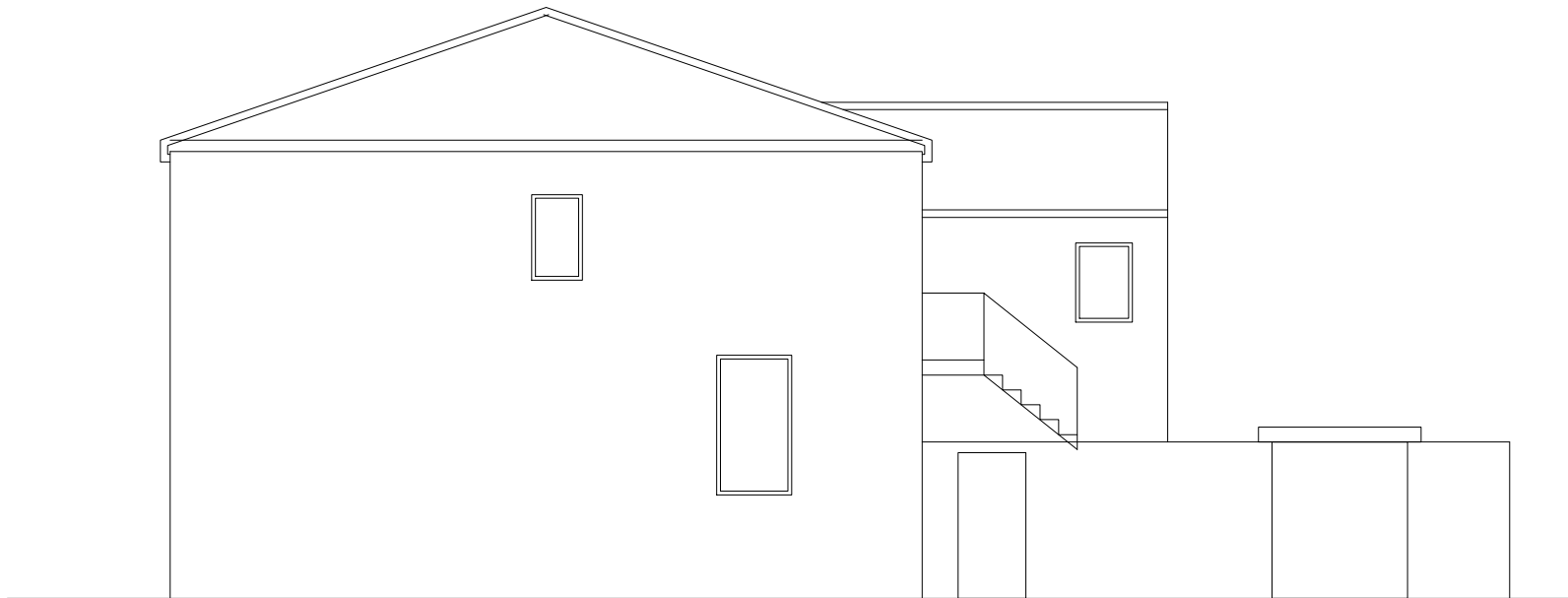
EXISTING FLOOR PLAN



EXISTING REAR ELEVATION

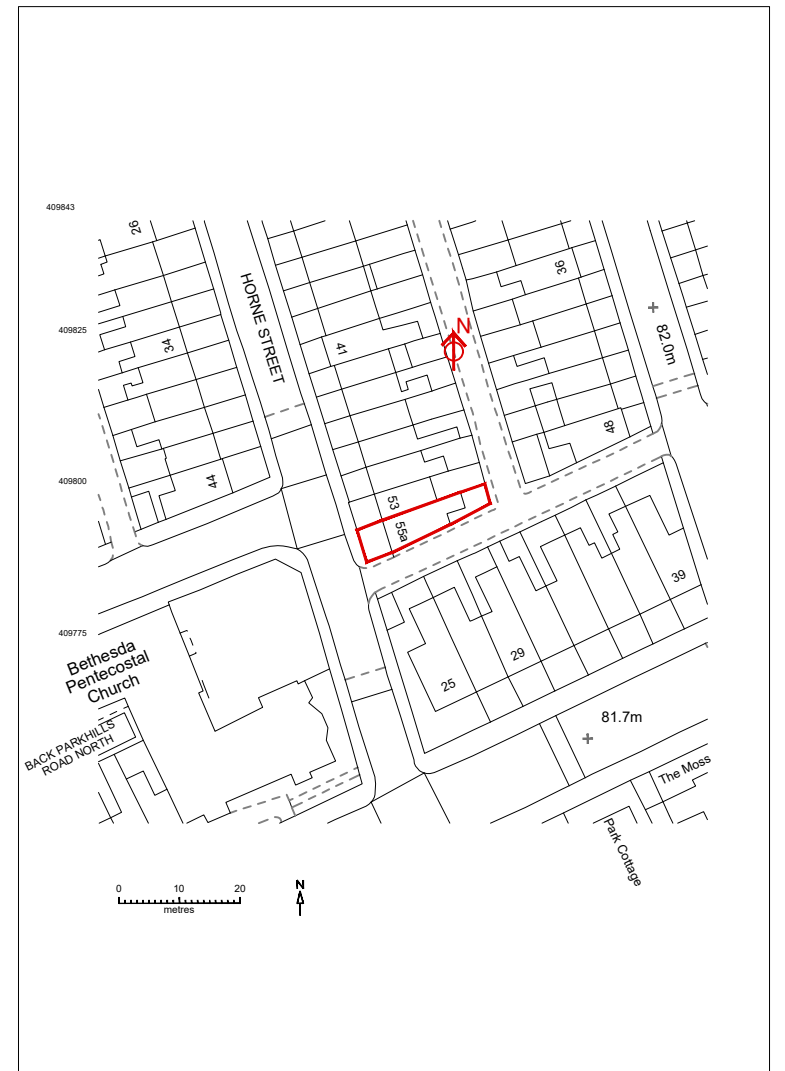


EXISTING FRONT ELEVATION



EXISTING SIDE ELEVATION

SITE AREA = 106m²
SHOP FLOOR AREA = 54m²



LOCATION PLAN
SCALE 1:1250

NOTES

This drawing is subject to a detailed building and site survey, therefore no guarantee of its accuracy can be given.
This drawing has been draughted in accordance with the clients design requirements.
All areas are approximate and are subject to a detailed building and site survey and further design development.
All dimensions should be checked prior to commencement of construction on site. Measurements should not be taken off the drawing.

Rev	Revision		Date
JOB VARIATION OF CONDITION TO ALLOW EXTENDED OPERATION HOURS			
ADDRESS 55a HORNE STREET BURY BL9 9BW			
DATE	SCALE	SHEET	
30/08/2020	1:100 / 1:1250	1@A3	