

Title	Planning Applications
To:	Planning Control Committee
On:	25 January 2022
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:	Prestwich - Holyrood	App No.	67431
	Location:	Land off Poppythorn Lane, Prestwich		
	Proposal:	Residential development comprising 6 no. single storey apartments and 12 no. duplex apartments in part-two and three storey linked buildings with landscaped grounds, car parking and a new access road from Poppythorn Lane serving the development		
	Recommendation:	Minded to Approve	Site Visit:	Y

02	Township Forum - Ward:	Whitefield + Unsworth - Pilkington Park	App No.	67789
	Location:	275 Bury New Road, Whitefield, Manchester, M45 8QP		
	Proposal:	Change of use of ground floor from retail (Class E) to public house (Sui Generis) with replacement of existing glazed frontage and new entrance/ramped access		
	Recommendation:	Approve with Conditions	Site Visit:	N

Ward: Prestwich - Holyrood

Item 01

Applicant: Square One Homes (NW) Ltd

Location: Land off Poppythorn Lane, Prestwich

Proposal: Residential development comprising 6 no. single storey apartments and 12 no. duplex apartments in part-two and three storey linked buildings with landscaped grounds, car parking and a new access road from Poppythorn Lane serving the development

Application Ref: 67431/Full

Target Date: 14/12/2021

Recommendation: Minded to Approve

This application was deferred for a site visit at the meeting of the Planning Control Committee in December 2021.

It is recommended that this application is Minded to Approve subject to the signing and completion of a Section 106 agreement for recreation provision in accordance with Policy RT2/2 of the adopted Unitary Development Plan and SPD1 and for 2 no. affordable dwellings in accordance with Policy H4/1 of the UDP and SPD5. If the agreement is not signed within a reasonable timeframe, then delegated authority is sought by the Development Manager to determine the application.

Description

The application site is a triangular piece of land, containing a number of garages and commercial buildings, which are in a state of disrepair. The Metrolink line and Prestwich station are located to the southeast of the site and the land rises quite steeply from the garage site to the line. There are residential dwellings, of two storeys, to the north and east of the application site, with the rear gardens facing the site. There is a single track access road, leading to Prestwich Cricket ground, which is located between the residential properties and the application site. There is also a pedestrian access to the town centre, which passes under the Metrolink line.

The application site is located within Prestwich town centre and is allocated within the UDP as a potential park and ride scheme for the Metrolink.

Permission has been granted twice for residential development in 2010 and 2012. Both these applications were in outline and both permissions have lapsed.

The proposed development involves the erection of 18 dwellings in a single 'linked' building. The proposed buildings would be part two storey and part three storeys in height and would be linked by the external, sheltered staircase. The proposed development would be accessed from Poppythorn Lane, which would link through to the existing cricket club. Access to the rear of the dwellings on Heys Road would be maintained. 18 parking spaces would be provided off the new access road to the front of the site and private amenity space would be provided to the rear of the building.

Relevant Planning History

42744 - Demolition of existing garages, proposed 15 apartments and associated parking (outline) at land to rear of 12 - 28 Heys Road, Prestwich. Withdrawn - 15 July 2004

43478 - Residential development - Demolition of existing garages and erection of 15 apartments and associated parking (outline) at land off Heys Road, adjacent the Metrolink Station, Prestwich. Refused - 15 December 2004

49236 - Demolition of existing garages and erection of 12 no. dwellings at land off Poppythorn Lane, Prestwich. Refused - 10 April 2008.

50140 - Demolition of existing garages and erection of 12 dwellings (resubmission) at land off Poppythorn Lane, Prestwich. Withdrawn - 1 September 2008

52820 - Outline - Demolition of existing buildings and erection of 12 no. dwellings and associated access and car parking at land off Poppythorn Lane, Prestwich. Approved with conditions - 1 October 2010.

53963 - Outline - Demolition of existing buildings and erection of 9 dwellings and associated access and car parking at land off Poppythorn Lane, Prestwich. Withdrawn - 29 June 2011

54722 - Outline - Demolition of existing buildings and erection of 9 no. dwellings and associated access and car parking (Resubmission of 53963) at land off Poppythorn Lane, Prestwich. Approved with conditions - 2 March 2012.

02479/E - Erection of 20 no. dwellings with new access road at former coal yard, land south of Poppythorn Lane, Prestwich. Enquiry completed - 30 June 2021.

Publicity

The neighbouring properties were notified by means of a letter on 21 September 2021 and a press notice was published in the Bury Times on 14 October 2021. Site notices were posted on 5 October 2021.

1 letter in support has been received from the occupiers of 4 The Heys, which has raised the following issues:

- Developing the site will enhance the environment and improve security. The current site is an eyesore with dilapidated garage units.
- The new plan includes a new access road to the cricket club, which will be an improvement, doing away with the current dirt track road, which generates a lot of dust in dry weather and is challenging for large delivery vehicles to access the cricket club.
- There is demand for new housing in the Bury area. The location is a brownfield site and as such should be favoured for development ahead of building on green belt.
- My support is caveated with a need to address the drainage issue as the development site is at a higher elevation than The Heys cul-de-sac so there is may be an increased risk of flooding in The Heys following development.
- Also, The Heys shares a postcode with the cricket club so it's important that contractor traffic is aware to arrive at the correction location to avoid lots of avoidable turning around in the cul-de-sac where children play.

21 letters have been received from the occupiers of 6, 8, 10, 15 The Heys, 8, 12, 18, 19, 20, 22, 24, 26, 28, 32, 68, Heys Road, 16 Heaton Road, 23 Thick Hollins, which have raised the following issues:

- Where are the detailed plans for this development?
- The housing is not in keeping with the properties in the surrounding area
- Two storey properties may be acceptable but three storeys would be too high, especially as the properties on The Heys are 5 feet below the ground level for this development.
- Flooding issues. Will additional drainage be provided?
- Increase in traffic and lack of parking.
- The proposed building would tower over the existing dwellings.
- 19 units would be too many for the size of the plot, making it overdeveloped.
- Impact upon wildlife and surrounding trees
- The developer has prioritised maximising profit with a high density living scheme.
- Loss of privacy
- Residents will need to maintain access to the rear of their properties.
- Most residents will have more than 1 car. Where will the second car park?
- The proposed design is bland and will not bring any architectural merit to the area

- The site is not large enough to accommodate the number of dwellings proposed.
- If permission is granted, I need assurance that the access is maintained to my driveway and that the road would be of sufficient width to ensure I can back onto my drive.
- Concern about how construction work would affect my property.

The objectors have been notified of the Planning Control Committee meeting.

Statutory/Non-Statutory Consultations

Traffic Section - No objections, subject to the inclusion of conditions relating to access improvements, construction traffic management plan, car parking, turning facilities and bin storage.

Drainage Section - Any comments shall be provided within the Supplementary Report.

Environmental Health - Contaminated Land - 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.

Environmental Health - Pollution Control - Any comments shall be provided within the Supplementary Report.

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

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

Transport for GM - No objections, subject to the inclusion of conditions relating to cycle parking, travel plan, a construction management plan, earthworks stability, boundary treatments, drainage, noise and tree protection.

Designforsecurity - Any comments shall be provided within the Supplementary Report.

Waste Management - Any comments shall be provided within the Supplementary Report.

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

Unitary Development Plan and Policies

EC2/2	Employment Land and Premises
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H2/6	Garden and Backland 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
EN8	Woodland and Trees
RT1/1	Protection of Recreation Provision in the Urban Area
RT1/2	Improvement of Recreation Facilities
RT2/2	Recreation Provision in New Housing Development
HT2/3	Improvements to Other Roads
HT2/4	Car Parking and New Development
HT3/4	Schemes to Assist Metrolink
HT4	New Development
HT5/1	Access For Those with Special Needs
HT6/2	Pedestrian/Vehicular Conflict
TC2/3	Vacant and Cleared Sites
Area	The Longfield Centre/Bury New Road

PR1	
SPD1	Open Space, Sport and Recreation Provision
SPD2	DC Policy Guidance Note 2: Wildlife Links & Corridors
SPD5	DC Policy Guidance Note 5: Affordable Housing
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
SPD14	Employment Land and Premises
SPD16	Design and Layout of New Development 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 (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.

There are residential developments to the north and east of the site and the proposed residential land use would not conflict with the surrounding land uses. There would be adequate infrastructure available in terms of connections to the utilities and access to the site. The site is currently occupied by garages and various buildings and would be previously developed land. Therefore, residential development would be acceptable in principle and would be in accordance with Policy H1/2 of the adopted Unitary Development Plan and the NPPF.

Principle (Park and Ride scheme) - The site is allocated as a park and ride scheme in association with the adjacent Metrolink station. Policy HT3/4 states that the Council will support the provision of new or improved stations and car parks on the Metrolink system.

Transport for Greater Manchester (TFGM) confirmed during the last application on this site in 2012, that they had identified an alternative site for the proposed car park for the Metrolink, which would be located on the embankment to the south east of the station and within their own land. This site would also allow for level access to the station and platform to be achieved.

The proposed site plan includes an access that could be provided, should TfGM decide to go ahead with the park and ride scheme in this location. TfGM have no objections to the scheme, subject to the inclusion of conditions relating to cycle parking, travel plan, a construction management plan, earthworks stability, boundary treatments, drainage, noise and tree protection. Therefore, the proposed development would be in accordance with Policy HT3/4 of the Bury Unitary Development Plan.

Design and layout - Policy H2/1 states that all new residential development should make a positive contribution to the surrounding area and should have regard to the heights and roof types of adjacent buildings, the position and proximity of neighbouring dwellings and the density and character of the surrounding area.

Policy H2/2 states that the new residential development should demonstrate acceptable standards of layout including adequate parking available, suitable landscaping and open space.

The proposed development would provide three buildings, which would be connected by sheltered external staircases. The proposed development would provide 6 apartments and 12 duplex apartments with 1 and 2 bedrooms. The middle section would be three storeys in height and the other two sections would be a mix of two and three storey buildings. Whilst the proposed building would be a storey higher than the existing dwellings, the finished floor levels for the proposed building would be significantly lower. As such, the proposed building would be the same height as the existing dwellings on Heys Road.

The existing dwellings on The Heys are lower than the application site. However, the proposed building would be two storeys at the closest point, which would be 25.5 metres from the existing dwellings. Given the distance involved, which creates a visual gap, the proposed development would assimilate into the streetscene appropriately.

The proposed windows would be suitably aligned and the use of vertical glazing and Juliette balconies would add visual interest to the elevations. The proposed building would be constructed from red and beige brick with a tile roof, which would be appropriate to the locality.

The development would replace a collection of dilapidated structures and contaminated land from this immediate area. Therefore whilst the proposed development is essentially a piece of backland and is not positioned within the main streetscene it would regenerate a piece of brownfield land in a positive way and would be in accordance with Policies EN1/2, H2/1 and H2/2 of the Bury Unitary Development Plan.

Impact upon surrounding area - The proposed site plan indicates that a reasonable amount of private amenity space would be provided to the north east of the proposed building, which would be acceptable in size. The proposed bin stores would be located at either end of the access road and would be of an acceptable size. The proposed boundary treatments would be a 1.8 metre high mesh fence and a 0.4 metre high knee rail, which would be acceptable in a residential area. Therefore, the proposed development would be in accordance with Policies EN1/2, H2/1 and H2/2 of the Bury Unitary Development Plan.

Impact upon residential amenity - SPD 6 provides guidance on aspect standards for residential properties and would be relevant in this case.

There are three blocks and these are referred to as Block 1, which contains units 1 - 5, Block 2, which contains units 6 - 13 and Block 3, which contains units 14 - 18.

There would be 22.4 metres between the rear elevation of unit 2 in block 1 and the rear elevation of 22 Heys Road, which would be in excess of the 20 metre aspect standard.

There would be between 23.75 and 31.6 metres between the rear elevation of blocks 1 and

2 and the rear elevation of the existing properties on Heys Road. This would be in excess of the 23 metre aspect standard.

Block 3 would be located to the rear of No. 8 The Heys, which is at a lower level than the application site. There would be 15.85 metres between the gable wall of the proposed building and the rear extension of No. 8. While this would be 15 cm below the aspect standard, this would not be sufficient to warrant refusal of the scheme.

There would be 11 metres between the front elevation of the proposed building and the boundary of the site, which would be in excess of the 10 metre aspect standard.

Therefore, the proposed development would be appropriate in terms of aspect standards sought by policy and would not have a significant adverse impact upon the amenity of the neighbouring properties.

Noise - A noise assessment was submitted with the application, due to the proximity of the site to the Metrolink line and station. There would be 35 metres between the habitable room windows in the proposed development and the Metrolink station. The noise assessment confirms that with the use of double glazed units and trickle vents, the noise in the proposed apartments would be 25dB and 31dB, which would be an acceptable level. Therefore, the proposed development would not have an adverse impact upon the amenity of the future occupiers in terms of noise and would be in accordance with Policy EN7/2 of the Bury Unitary Development Plan.

Ecology - An ecological survey and assessment, including a bat survey was submitted as part of the application. The report states that the site contains common and widespread plant species and none of the habitats within the site are of significant interest from an ecological perspective.

The buildings are assessed to be of negligible suitability for use by roosting bats and no trees support any features suitable for use by roosting bats. As such, the presence of roosting bats can be discounted at the site. The habitats are assessed to be of 'low' suitability for use by foraging and commuting bats.

GM Ecology Unit has no objections, subject to the inclusion of conditions relating to lighting, nesting birds, invasive species and landscaping. Therefore, the proposed development would not cause harm to a protected species and would be in accordance with Policies EN6 and EN6/3 of the Bury Unitary Development Plan.

Highways issues - Access would be taken from Heys Road. The existing geometry of the access road includes a 90 degree bend and the proposed development would create a direct access along the longer section to the site and the sports club facility.

Appropriate visibility splays and turning facilities would be provided.

The proposed development would be accessed from the existing single track access, which would be widened to 5.4 metres and a 2.2 metre footpath would be provided. The improved access would continue to serve the parking area for Prestwich Cricket Club. The existing access would continue to serve the garages of the properties which front onto Heys Road.

Indicative access to the Metrolink car park is shown on the proposed site plan, which would ensure access to a park and ride scheme could be provided and maintained.

Comments from the Traffic Section will be reported in the Supplementary Report. However, there are no objections to the principle of the highway layout.

Parking - SPD 11 states that the maximum parking standards for a 1 bed dwelling is 1 space and 1.5 spaces for a 2 bed unit in a high access area. This equates to a maximum of 24 spaces.

The proposed development would provide 18 spaces for the proposed development, which would be 1 per unit. The site is located in a highly sustainable location, adjacent to the Metrolink station and is within walking distance of Prestwich town centre. As such, the level of car parking is acceptable and would be in accordance with Policy HT2/4 of the Bury Unitary Development Plan and SPD 11.

Planning obligations - The following planning obligations would be required:

- A contribution of £28,115.10 would be required towards recreation in accordance with Policy RT2/2 of the Bury Unitary Development Plan and SPD1.
- 2 affordable units would be required in accordance with the NPPF and Policy H4/1 of the Bury Unitary Development Plan and SPD5.

These would be secured via a Section 106 agreement.

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 pre-application discussions 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: Minded to Approve

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 DR-A-A100 B, DR-A-A101 F, DR-A-A102 D, DR-A-A103 B, DR-A-A104 E, DR-A-A105 E, DR-A-A107 A, DR-A-A101 G, P183-655-02 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. 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.
4. Following the provisions of Condition 3 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.

5. 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

6. Prior to occupation the applicant shall provide one EV charging point (minimum 7kW*) per unit (dwelling with dedicated parking) or a minimum 20% EV chargepoints (minimum 7kW*) (for unallocated parking).
*Mode 3, 7kW (32A) single phase, or 22kW (32A) three phase, and for 50kW Mode 4 rapid charging may be required. British Standard BS EN 61851-1:2011 to be used (note this version is due to be replaced by BS EN 61851-1:2019 on 5 July 2022).

Reason: In accordance with 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.

7. No development shall commence unless and until surface water drainage proposals have been submitted to and approved in writing by the Local Planning Authority. The scheme should be in accordance with the submitted Surface Water Sustainable Drainage Assessment and must be based on the hierarchy of drainage options in the National Planning Practice Guidance and be designed in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015). This must include assessment of potential SuDS options for surface water drainage with appropriate calculations and test results to support the chosen solution. Details of proposed maintenance arrangements should also be provided. The approved scheme only shall be implemented prior to first occupation and thereafter maintained.

Reason. The current application contains insufficient information regarding the proposed drainage scheme to fully assess the impact. To promote sustainable development and reduce flood risk pursuant to Unitary Development Plan Policies EN5/1- New Development and Flood Risk , EN7/3 - Water Pollution and EN7/5 - Waste Water Management and chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.

8. Foul and surface water shall be drained on separate systems.

Reason. To secure proper drainage, to promote sustainable development and reduce flood risk pursuant to Unitary Development Plan Policies EN5/1- New Development and Flood Risk and EN7/5 - Waste Water Management and chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.

9. No development shall take place until a Construction Management Plan (CMP) with detailed method statements of construction and risk assessments, has been submitted to, and approved in writing by the Local Planning Authority. The approved CMP shall include agreed safe methods of working adjacent to the

Metrolink Hazard Zone and shall be adhered to throughout the construction period. The CMP shall provide for: -

- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- construction methods to be used; including the use of cranes (which must not oversail the tramway);
- measures to control the emission of dust and dirt during construction.

Reason: To ensure that the developer complies with all the necessary system clearances and agrees safe methods of working to meet the safety requirements of working above and adjacent to the Metrolink system pursuant to the following Policies of the Bury Unitary Development Plan:

Policy H2/1 - The Form of New Residential Development

Policy H2/2 - The Layout of New Residential Development

Policy EN1/2 - Townscape and Built Design.

10. No development shall take place until a geotechnical report to confirm that the works will not adversely affect the stability of the Metrolink embankment has been submitted to and approved in writing by the Local Planning Authority. Developer to pay for slope monitoring during works to ensure that construction works do not adversely affect the stability of the Metrolink embankment.
Reason: To protect the integrity of Metrolink infrastructure pursuant to the following Policies of the Bury Unitary Development Plan:
Policy H2/1 - The Form of New Residential Development
Policy H2/2 - The Layout of New Residential Development
Policy EN1/2 - Townscape and Built Design.
11. No development shall take place until full details of the boundary treatment between the development site and Metrolink land have been submitted to, and approved in writing by the Local Planning Authority. The approved details only shall be implemented prior to first occupation of the building hereby approved.
Reason: To ensure that an appropriate boundary treatment is installed on the boundary of the Metrolink tramway pursuant to the following Policies of the Bury Unitary Development Plan:
Policy H2/1 - The Form of New Residential Development
Policy H2/2 - The Layout of New Residential Development
Policy EN1/2 - Townscape and Built Design
12. No development shall take place, until the detailed design for the drainage of the development, particularly the new highway, has been submitted to and approved in writing by the Local Planning Authority. Only the approved scheme shall be implemented in full prior to the first occupation of the building hereby approved.
Reason: To manage the risks associated with water run-off onto Metrolink land and infrastructure pursuant to the following Policies of the Bury Unitary Development Plan:
Policy H2/1 - The Form of New Residential Development
Policy H2/2 - The Layout of New Residential Development
Policy EN1/2 - Townscape and Built Design.
13. Prior to the commencement of the development a scheme for acoustically insulating the proposed development against noise and vibration from the adjacent Metrolink line shall be submitted to and approved in writing by the Local Planning Authority. The approved noise insulation scheme shall be completed before the use of the development commences.
Reason: To secure a reduction in noise from Metrolink in order to protect future residents from noise nuisance pursuant to the following Policies of the Bury Unitary Development Plan:
Policy H2/1 - The Form of New Residential Development
Policy H2/2 - The Layout of New Residential Development
Policy EN1/2 - Townscape and Built Design.

14. No development shall take place until full details of the tree protection to the trees located within the Metrolink boundary have been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented in full prior to the commencement of the development and maintained for the duration of the construction period.
Reason: To protect trees against root damage and to maintain the status quo with regards the stability of the embankment pursuant to the following Policies of the Bury Unitary Development Plan:
Policy H2/1 - The Form of New Residential Development
Policy H2/2 - The Layout of New Residential Development
Policy EN1/2 - Townscape and Built Design.
15. The car parking indicated on approved plan reference 3889 ABW DR-A-A101 Revision H, shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the development hereby approved being occupied and thereafter maintained at all times.
Reason: To ensure adequate off street car parking provision in the interests of road safety pursuant to Policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
16. The development hereby approved shall be carried out in accordance with the lighting scheme (plan reference P183-655-02) which shall be implemented before the building hereby approved is first occupied.
Reason: To ensure the lighting causes no harm to the wildlife corridor 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.
17. 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.
18. No development shall commence until full details of a scheme for the eradication and/or control of Virginia Creeper and Wall Cotoneaster 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.
19. 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 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.

20. Notwithstanding the details indicated on approved plan references 3889 ABW DR-A-A101 Revision H & 2951-F01 Revision H, no development shall commence unless and until full details of the following have been submitted on a topographical survey of the site and adjacent adopted highways to and approved in writing by the Local Planning Authority:
- Formation of the proposed site access onto the Poppythorn Lane/Heys Road junction and private access road, incorporating accommodation/remedial works on the existing adopted highway to a scope and specification to be agreed;
 - Scheme of surface water drainage works/access road materials to ensure that surface water will not be discharged from the site onto the adjacent adopted highway;
 - Provision of 1.8m (minimum) wide segregated pedestrian facilities between the Poppythorn Lane/Heys Road junction and the 'Existing Cricket Club Parking Area', incorporating measures to ensure access is maintained to any affected accesses, garages and the parking area;
 - Demarcation of the limits of the adopted highway;
 - Scheme of surfacing works on the access to be retained at the rear of No.'s 8-28 Heys Road, position and operation of the proposed gates to the rear of No.28 and provision of visibility splays in accordance with the guidance in Manual for Streets at the junction created;
 - Scheme of traffic calming and associated markings, signage and surfacing materials shown indicatively on submitted plan reference 2951-F01 Revision H;
 - Provision of a street lighting assessment of Poppythorn Lane/Heys Road junction and private access road, and, if required, subsequent scheme of improvements to existing street lighting on the adopted highway;
 - Review of the existing and need for the provision of new waiting/loading restrictions on the private access road/turning head to ensure that the proposed access arrangements can be safely implemented from the adopted highway, including details of the measures proposed, all necessary modifications to road markings and signage and a timetable for implementation.

The details subsequently approved shall be implemented to an agreed programme and to the written satisfaction of the Local Planning Authority with all highway works completed prior to the development hereby approved being occupied.

Reason. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design and maintain the integrity of the adopted highway, in the interests of highway safety pursuant to the following Policies of the Bury Unitary Development Plan:

Policy EN1/2 - Townscape and Built Design

Policy H2/1 - The Form of New Residential Development

Policy H2/2 - The Layout of New Residential Development

21. No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and approved by the Local Planning Authority and shall confirm/provide the following:
- Photographic dilapidation survey of the footways and carriageways leading to and abutting the site in the event that subsequent remedial works are required following construction of the development and as a result of statutory

- undertakers connections to the site;
- Access point(s) for demolition and construction traffic and all temporary works required to facilitate access for ground works/construction vehicles;
- Hours of operation and number of vehicle movements;
- A scheme of appropriate warning/construction traffic speed signage in the vicinity of the site and its access;
- Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site, including any requisite phasing of the development to accommodate this;
- Parking on site or on land within the applicant's control of operatives' and demolition/construction vehicles together with storage on site of demolition/construction materials, including any requisite phasing of the development to accommodate this;
- If proposed, site hoarding/gate positions, including the provision, where necessary, of temporary pedestrian facilities/protection measures on any retained route(s) to Prestwich Cricket Club;
- Measures to ensure that all mud and other loose materials are not spread onto the adjacent private access road and adopted highways as a result of the groundworks operations or carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations.

The approved plan shall be adhered to throughout the demolition/construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the demolition and construction periods. The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of demolition/construction materials.

Reason. Information not submitted at application stage. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent residential streets, and ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction period and that the adopted highways are kept free of deposited material from the ground works operations, in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and HT6/2 - Pedestrian/Vehicular Conflict.

22. The turning facilities indicated on approved plan reference 3889 ABW DR-A-A101 Revision H shall be provided before the development is first occupied and the areas used for the manoeuvring of vehicles shall subsequently be maintained free of obstruction at all times.

Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of road safety pursuant to the following Policies of the Bury Unitary Development Plan:

Policy EN1/2 - Townscape and Built Design

Policy H2/1 - The Form of New Residential Development

Policy H2/2 - The Layout of New Residential Development

23. The bin storage arrangements indicated on the approved plans shall be implemented before the development hereby approved is first occupied and thereafter be maintained available for use at all times.

Reason. To ensure adequate off-highway bin storage arrangements are provided within the curtilage of the site, in the interests of highway safety pursuant to the following Policies of the Bury Unitary Development Plan:

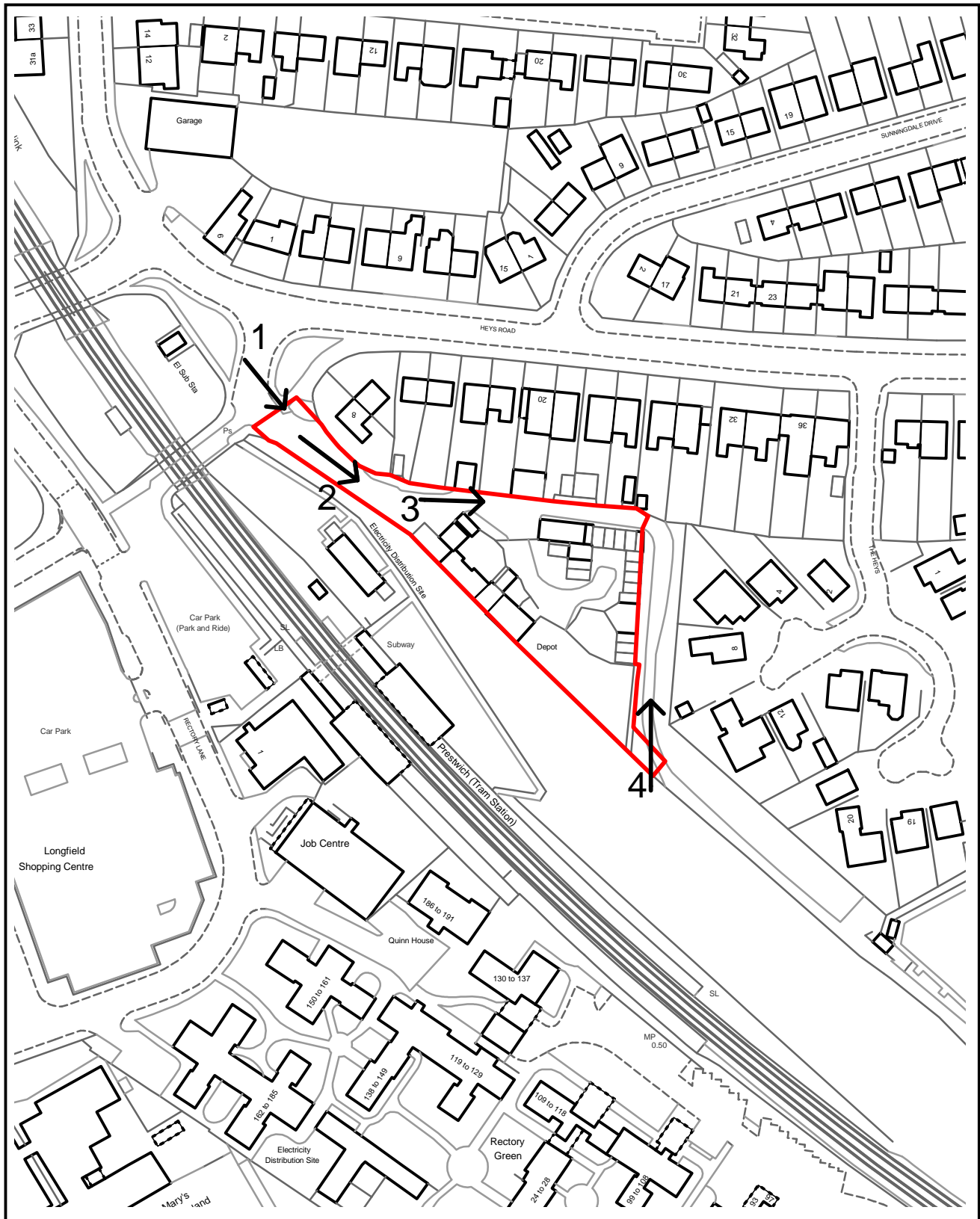
Policy EN1/2 - Townscape and Built Design

Policy H2/1 - The Form of New Residential Development

Policy H2/2 - The Layout of New Residential Development.

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

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 67431

**ADDRESS: Land off Poppythorn Lane
Prestwich**

Planning, Environmental and Regulatory Services

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Bury
COUNCIL

67431

Photo 1



Photo 2



67431

Photo 3



Photo 4



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A	Layout updated.	15.07.21
B	Layout updated.	29.07.21
C	Turning area adjusted.	02.08.21
D	Red line boundary and bin stores updated.	10.08.21

Rev	Description	Date
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Square One Prestwich
Heys Road,
Bury,
Prestwich

Proposed Site Plan Rendered

DRAWING NUMBER

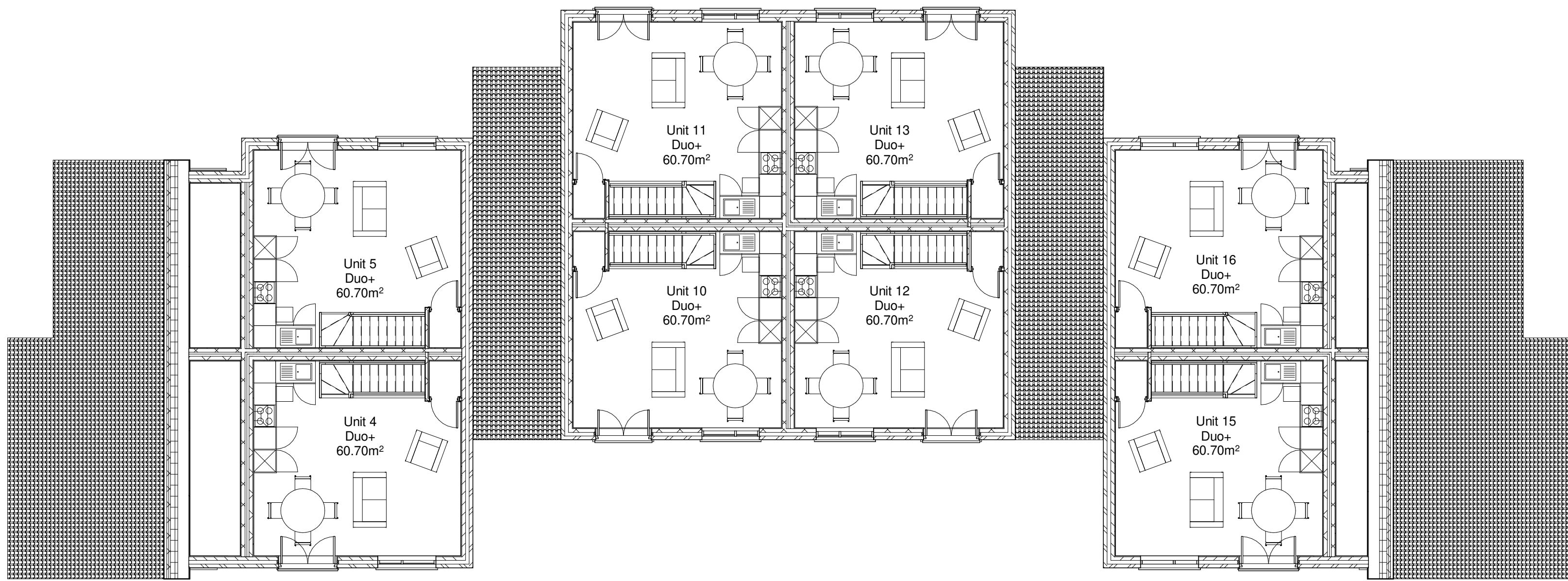
3889 ABW- DR-A-A102

DATE 06/30/21 REVISION STATUS

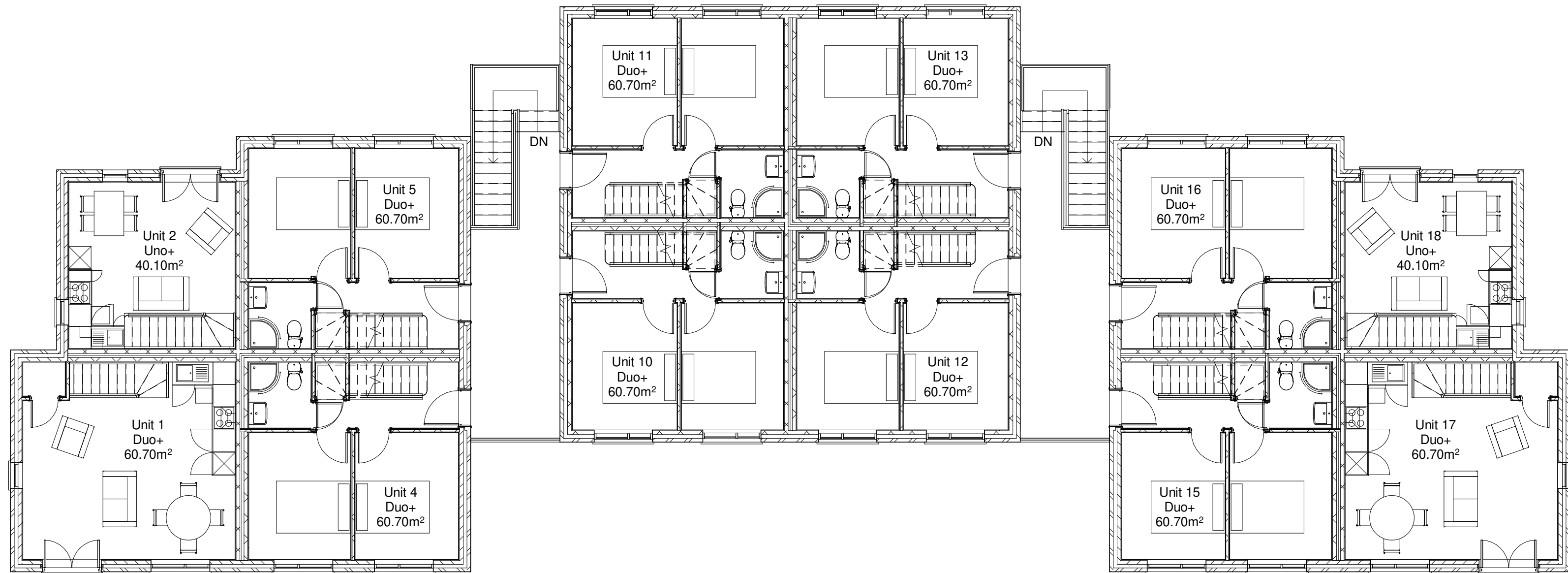
SCALE 1 : 200 D PURPOSE OF ISSUE

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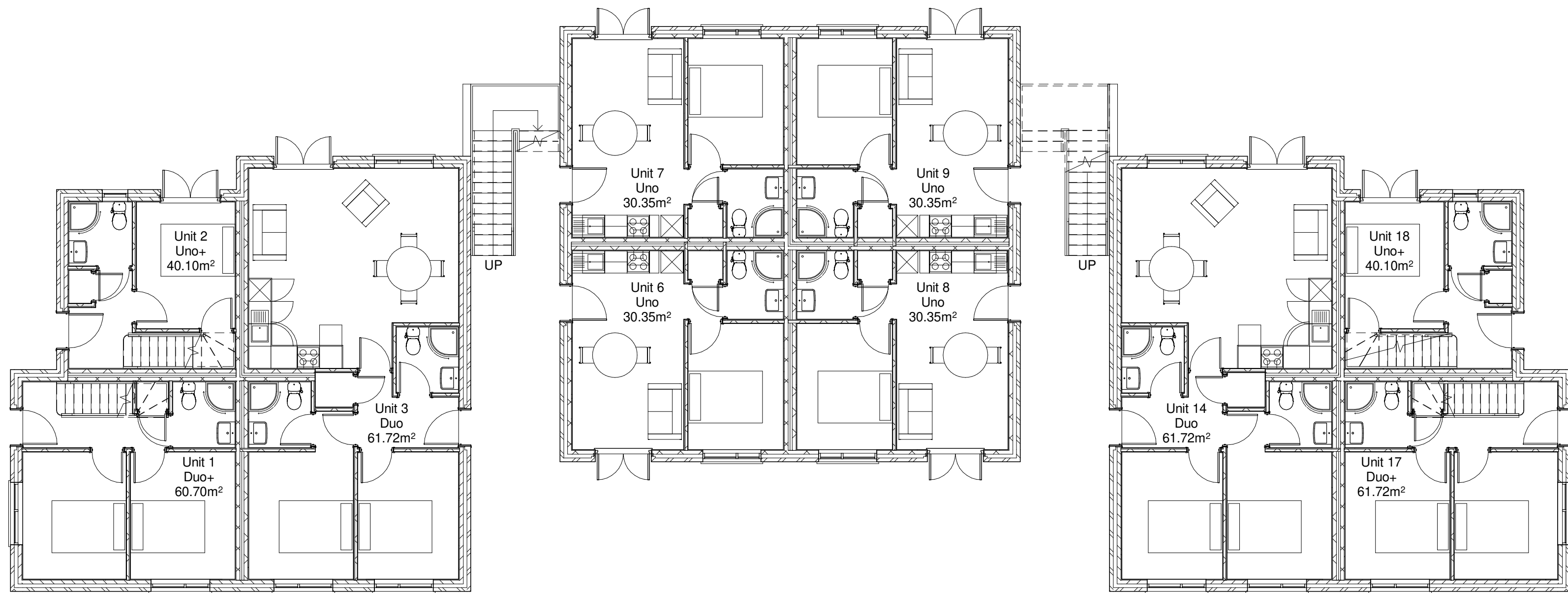
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3 Proposed Second Floor Plan
1 : 100



2 Proposed First Floor Plan
1 : 100



1 Proposed Ground Floor Plan
1 : 100

- NOTE:
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A Block sizes increased; area updated; communal staircase changed. 08.07.21

B Alteration to front windows in unit 1, 17. 15.07.21

Rev	Description	Date
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Square One Prestwich
Heys Road,
Bury,
Prestwich

Proposed Internal Unit Floor Plans

DRAWING NUMBER
3889 ABW- DR-A- A103

DATE	REVISION	STATUS
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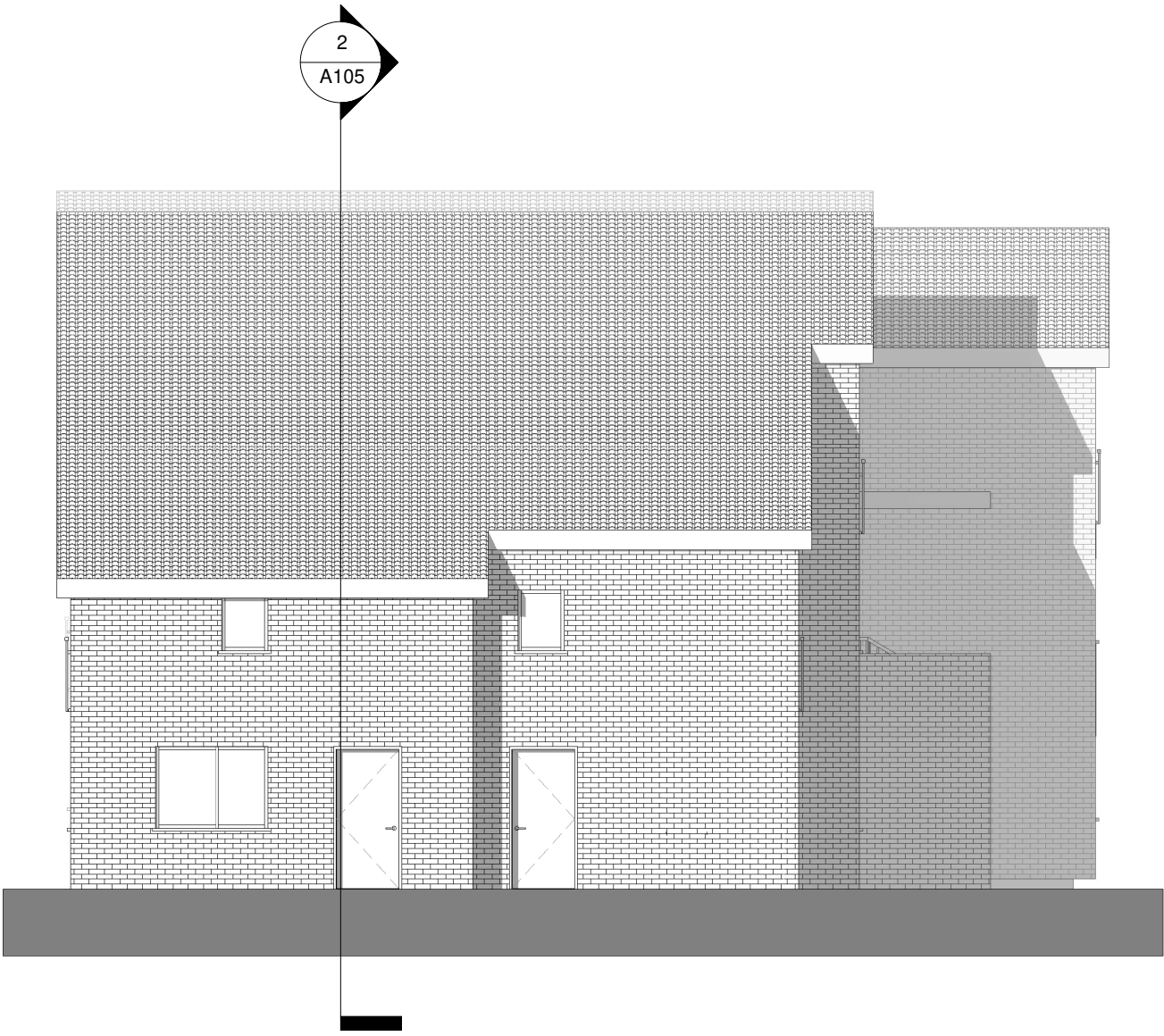
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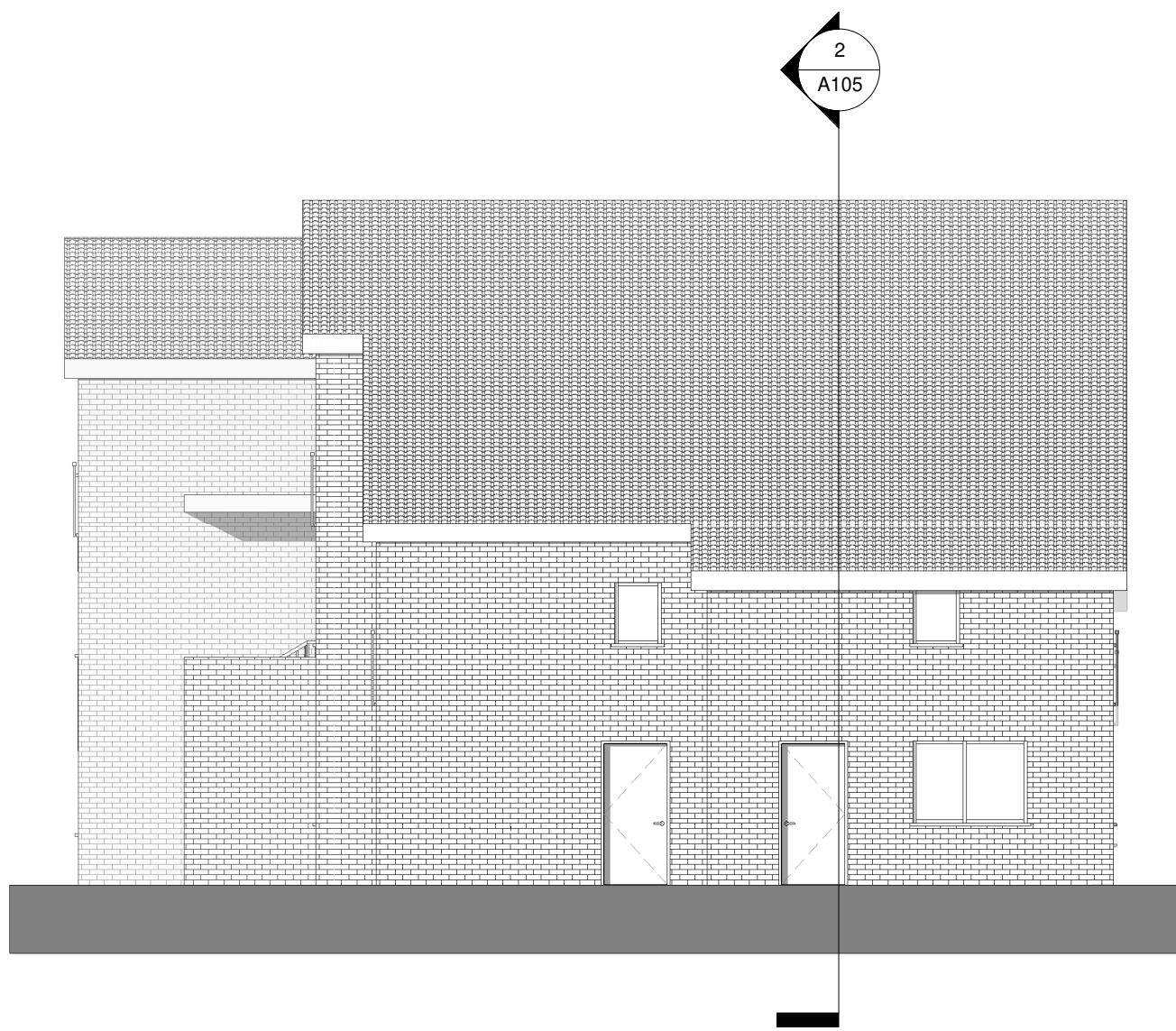
1 Proposed East Elevation
1 : 100



2 Proposed North Elevation
1 : 100



4 Proposed South Elevation
1 : 100



3 Proposed West Elevation
1 : 100

EXTERNAL FINISHES

- Roof: Concrete inter-locking tiles
- Walls: Facing brickwork (mixture of red/brown and brown/buff)
- Windows: uPVC (mid grey)
- Front doors: Pre-finished / painted composite timber
- Balustrades: Pre-finished / painted metal
- Fascias and soffits: uPVC (mid/dark grey)
- Gutters and downpipes: (mid/dark grey)

A	Communal staircase flight updated; roof pitch above stairs flattened.	08.07.21
B	Paler brickwork strip added; windows updated; block positions shifted.	15.07.21
C	Brickwork updated; juliet balconies.	29.07.21
D	Juliet balconies updated.	04.08.21
E	External finishes list added.	10.08.21

Rev	Description	Date
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Square One Prestwich
Heys Road,
Bury,
Prestwich

Proposed Elevations

DRAWING NUMBER

3889 ABW- DR-A- A104

DATE	REVISION	STATUS
06/23/21	E	

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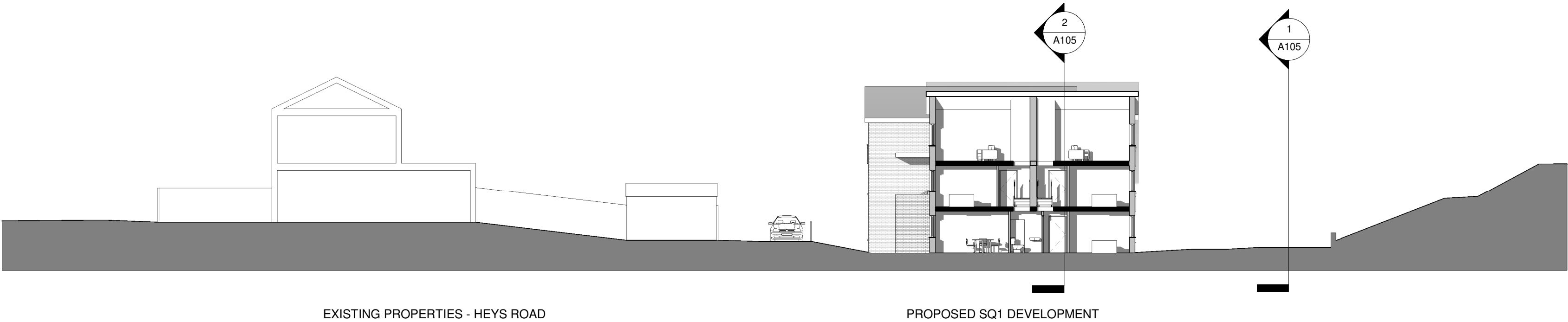
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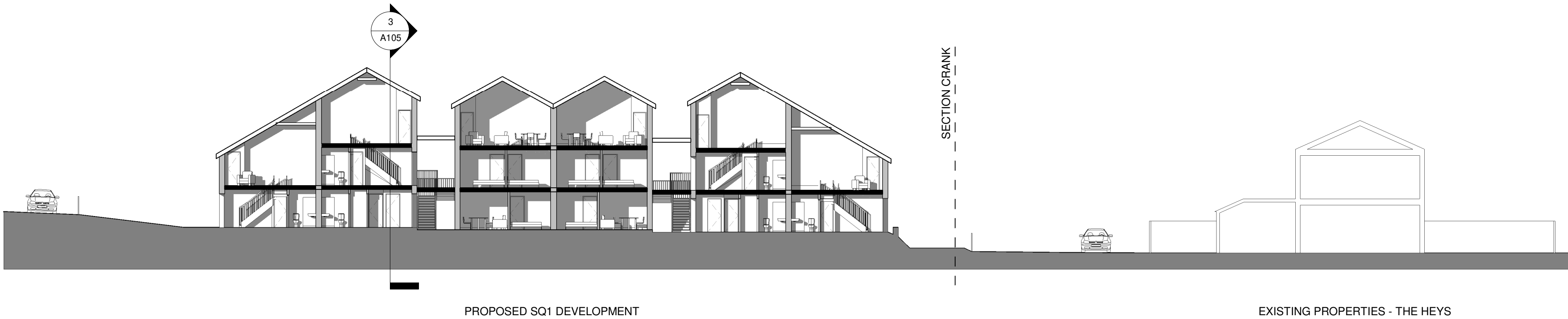
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1 Proposed Section AA
1 : 200



3 Proposed Section BB
1 : 200



2 Proposed Section CC
1 : 200

A	Block positioning updated.	15.07.21
B	Brickwork to the elevation updated.	29.07.21
C	Juliet balconies updated.	04.08.21
D	Labelling updated.	10.08.21

Rev	Description	Date
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Square One Prestwich
Heys Road,
Bury,
Prestwich

Proposed Site Sections

DRAWING NUMBER		
3889	ABW-	DR-A- A105
DATE	REVISION	STATUS
06/23/21		
SCALE	PURPOSE OF ISSUE	
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Ward: Whitefield + Unsworth - Pilkington Park

Item 02

Applicant: Robert Peel Limited

Location: 275 Bury New Road, Whitefield, Manchester, M45 8QP

Proposal: Change of use of ground floor from retail (Class E) to public house (Sui Generis) with replacement of existing glazed frontage and new entrance/ramped access

Application Ref: 67789/Full

Target Date: 07/01/2022

Recommendation: Approve with Conditions

Description

The site relates to a former retail shop unit which is located on the west side of Bury New Road close to the junction with Radcliffe New Road and within Whitefield District Centre and a shopping area.

The premises forms part of a row of other shops and businesses in a mix of uses and is serviced at the rear within a yard area. The yard is shared with an auto repair garage to the rear and the adjacent carpet shop which has its showroom opposite the site at Elms Square. Beyond the site to the west is Devon Mews which are residential flats and across Devon Avenue to the south is a public house and associated car park.

The application premises is 2 storey, the ground floor being a retail shop which has been vacant since 2018 and the upper floors which are used as offices.

The application seeks the change of use of the ground floor from retail (Class E) to public house (Sui generis) with a new glazed frontage and ramped entrance door.

The new frontage would comprise large full height glazed openings, in between which would be grey cladded walls. The entrance would be relocated more or less centrally with a ramp to facilitate level access. The existing roller shutter would be removed and it is proposed to erect a new fascia and signage.

The premises would continue to be serviced at the rear within the existing yard and the bins stored in this area.

In terms of parking, there is currently no dedicated on-site provision. The applicant proposes to share the use of the car park associated with their other business (the Northern Crafthouse), which is located opposite Devon Avenue

Internally, the floor area would generally remain open plan, with separate food preparation areas, bathrooms and storage facilities.

Hours are proposed as midday to 1am daily.

The upper floors would remain in office use and are accessed from a separate entrance.

Relevant Planning History

02583/E - Change of use of ground floor premises to public house, internal alterations and a new glazed frontage - Enquiry completed 28/05/2021

Publicity

Letters sent on 18/11/21 to 39 properties on Bury New Road, Devon Avenue, Radcliffe New Road, Bank Street, Devon Mews and Elm Square

Three letters of objection received as follows -

15 Lower Croft,

- Noise Assessment - The sound was measured from the lane behind the premises. In front of the residential flats . As a tenant of the property neighbouring property-flat 277A Bury New Road, I would be interested to know the sound levels measured from my flat . I would also say that the noise measured does not measure people stood outside the premises at 2 am talking, shouting and smoking
- I would also suggest that this type of public house will bring anti social behaviour and crime which is conflicting to the bury UDP policies . This has been proven by both the goats gate pub and northern craft house. Both of which have problems with fighting and unruly behaviour.

5 Devon Mews

- The late opening times on seven nights per week are excessive.
- Our main objection is due to the lack of extra parking space in the proposals. The current situation is extremely bad. Devon Avenue is usually congested plus vehicles double parked to the rear of Mezza Luna and Forts of India can lead to parking on Devon Mews land blocking access to private garages. Bank Street is a public right of way and parking there obstructs emergency vehicle and others. This application, if granted, would exacerbate the situation.

1 Devon Avenue

- Don't have an issue with the new business, good luck to them, just the parking situation on Devon Ave. There are a few businesses already and double yellow lines. People park on the double yellows all day and evenings. Double parked at the entrance to the street making it difficult to drive in. I hope something can be done about this parking as it's only a small street and wouldn't like to see it get worse.

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to conditions.

Environmental Health - Commercial Section - No response received

Environmental Health - Pollution Control - No objection subject to the implementation of the recommendations in the Noise Impact Assessment.

Waste Management - No response received

Greater Manchester Police - designforsecurity - No response received

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

Unitary Development Plan and Policies

NPPF	National Planning Policy Framework
EC4/1	Small Businesses
EN1/2	Townscape and Built Design
EN7/2	Noise Pollution
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
HT6/2	Pedestrian/Vehicular Conflict
S1/3	Shopping in District Centres
S2/3	Secondary Shopping Areas and Frontages
S2/6	Food and Drink
SPD11	Parking Standards in Bury

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.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Policies

Chapter 7 - Ensuring the vitality of town centres of the NPPF states planning policy decisions should support the role that town centres play by taking a positive approach to their growth, management and adaptation. The NPPF seeks to promote the long term vitality and viability of town centres by allowing them to grow and diversify in a way to adapt to changes in the retail and leisure industries and allows for a suitable mix of uses to reflect their distinctive characters.

UDP Policy EC4/1 - Small Businesses supports new development when the scale is appropriate to and the use environmentally compatible with the surrounding area in which it is to be located.

Policy S1/3 - Shopping in District Centres seeks to support proposals for new shopping development provided it is of a size, scale, function and character appropriate to serve the needs of the local area.

S2/3 - Secondary Shopping Areas and Frontages -Within secondary shopping areas identified in the Borough's town centres, and in the main shopping areas of district centres, the Council will seek to maintain retailing (Class A1) as the predominant land use at ground floor level. Proposals for change of use or redevelopment within these areas will be assessed on their merits and by taking into account the following factors:

- a) the design and appearance of the proposed frontage;
- b) the maintenance or provision of a display window at ground floor level, where appropriate;
- c) access for the mobility impaired, where appropriate and through negotiation with the developer;
- d) whether the proposals will give rise to disturbance or nuisance;

In addition, where a proposal would lead to more than 40% of any identified secondary shopping frontage being in non-retail use, the Council will also take into account the following factors:

- e) the location and prominence of the proposal within the secondary shopping frontage;
- f) the number, distribution, and proximity of other premises in non-retail (Class A1) use or with planning permission for such uses;
- g) the particular nature and character of the use proposed, including the level of activity associated with it.

S2/6 - Food and Drink. The Council in considering all proposals which involve restaurants, hot food takeaways, cafes, snack bars, wine bars and public houses, together with any other uses contained within Class A3, will have regard to the following factors:

- a) the amenity of nearby residents by reason of noise, smell, litter and opening hours;
- b) whether or not the proposal would result in an over concentration of Class A3 uses, which could adversely change the nature or character of a centre as a whole;
- c) parking and servicing provision associated with the proposed development and its effects in terms of road safety, traffic generation and movement;
- d) provision for the storage and disposal of refuse and customer litter;
- e) the environmental impact of any ventilation flues and/or ducting.

Principle - Use - The existing premises are currently vacant, last in use in 2018 as a retail shop.

The premises are located within a town centre and busy shopping area where there are a variety of different businesses and services on offer. The face of shopping centres has changed in more recent years with a more diverse range and choice of different services, facilities and amenities available to those living, working or visiting towns and as such the proposed use is considered to be compatible within the centre .

Furthermore, there premises are currently vacant and therefore bringing the unit back into use would assist to draw footfall to the shopping centre and support the vitality and viability of the centre.

In addition, having been vacant for a number of years, the premises have fallen into some state of disrepair. The proposed development would incorporate a comprehensive programme of works and refurbishments, which would considerably improve this building and the shopping frontage.

What should also be noted is the fall back position for development which is permitted without the need for planning permission. In this case, planning permission would not be required for the change of use from retail to restaurant, which is not that dissimilar to a public house, being a drinking/eating establishment.

As such, it is considered the proposed use would help to contribute to the vitality and

viability of the high street and shopping centre and as such the proposed development would comply with UDP Policies EC4/1, S1/3, S2/3 and the principles of the NPPF.

Impact on residential amenity

In terms of noise, the proposed public house would be in a town centre location which fronts a main road and busy thoroughroute. The area is predominantly characterised by shops and commercial businesses with few residential properties located close by, although there are some residential properties to the rear and it is understood there are first floor flats above the premises which are adjacent to the site.

However, the property is located within a district shopping area and on a main road where there is already activity from the comings and goings of those who live, work or are visiting the area and at all times of the day and evening, as well as a regular flow of traffic along this route. Whilst the proposed use for a public house would likely draw footfall to the property and at later times of the day and at night than the retail shop, the majority of the noise would be contained within the building where measures can also be put in place to control noise such as soundproofing, double glazing and limiting noise from external machinery. The planning process is separate to the Licensing considerations which will have a significant bearing on how the premises would operate and be run.

A noise survey has been submitted with the application which recommends sound reduction elements such as double glazed frontages and that any mechanical equipment not exceed the cumulative plant noise level limit of 35 dBA.

Hours proposed are midday to 1am daily which would be considerably later than the existing retail shop. Although there is the Northern Crafthouse and a couple of restaurants nearby, it is considered the proposed opening hours would not cumulatively intensify activity and associated noise and disturbances to a significant degree to cause nuisance in the area, especially in a town centre location where it would be expected to find a public house and other such uses.

The Pollution Control Section have raised no subject to a recommendation for the implementation of the measures outlined in the Noise Impact Assessment. This would be conditioned.

It is also recommended amplified music be kept at background noise levels at all times and windows and doors kept closed in the evening to prevent noise breakout. Again, these would be subject to licensing controls.

It is therefore considered that the proposed development would therefore not have a detrimental impact on nearby residential occupiers and would comply with EC4/1, EN1/2, S2/3 and S2/6.

Design and appearance - Having been left unoccupied and vacant for over the years, the current state of the building is one which has declined over the last few years, and is in a shabby and dilapidated state, with a shuttered frontage which is closed most of the time and which presents an uninviting and unwelcoming impression.

The application proposes to revamp the frontage and provide full height glazing interspersed with grey cladding. Double entrance doors would be formed centrally within the elevation with new fascia and signage above, details to be confirmed at a later date which would be subject to a separate advert consent.

The roller shutter would be removed and if in the future a new one is required, a separate application would need to be made.

The proposed alterations would much improve the external appearance of the building and would open up the front of the property to assist in the general enhancement of this row of premises on a primary thoroughroute.

As such, it is considered the proposed development would be acceptable and comply with policies EC4/1, EN1/2, S2/3 and S2/6.

Highways issues

Some of the objections relate to the congestion from parking which already occurs and that the proposed use would exacerbate these issues further.

The premises are within Whitefield Town Centre and a highly sustainable location in terms of transportation links and accessibility. The previous use as a retail shop had no off-street parking provision and there is no opportunity within the site itself to provide dedicated parking for the proposed use.

The applicant does however, own the Northern Craffhouse which is directly opposite on the other side of Devon Avenue, and to the rear of this is the associated car park. This car park is not always utilised to its maximum and there will be crossover periods when one premises may be busier at time when the other is not. The applicant therefore intends to make available the car park for both businesses.

Whilst arguably this could change in the event of a change in ownership of either premises, it is also reasonable to assume that as a public house, a number of customers would access the premises by taxi and there are strong links to public transport by either the metrolink or bus services which run frequently all in very close proximity. It is also likely that a percentage of customers would live close by and be within walking distance, and there are other public car parks in the area including Lily Hill Street which is just over 100m away to the north.

The site is in a highly sustainable and town centre location, and even without reliance on the shared car park use, it is considered that dedicated parking for the proposed development would not be necessary, especially when considering the benefits of bringing a redundant premises back into use, the highly sustainable location, links to public transport and location of public car parks.

The Highway Section have raised no objection but have highlighted the outstanding works which have not been carried out in front of the Northern Craffhouse when permission was granted for this site which included the formation of a covered front seating area. These works included altering and extending the footway in front of the property to improve pedestrian access and highway safety along Bury New Road and Devon Avenue. These works remain outstanding.

Whilst the applicant was not the owner at the time of the application, it now falls as their responsibility to ensure these works are completed. The applicant has agreed to complete the works which will better the access along this route and the corner of Devon Avenue and thereby prevent unlawful parking which appears to occur in this particular area, which in turn would reduce congestion.

In view of the above, together with the benefits of regenerating the site for a use within a town centre location it is considered the proposed development would be acceptable and would comply with policies EC4/1, EN1/2, HT2/4, HT6/2, S2/6 and the principles of the NPPF.

Bin storage and servicing - The premises is currently serviced from Devon Avenue within the existing yard area at the back of the property where servicing and deliveries are shared with the Auto Repairs business and Camilla Carpets, whose main showroom is at the Elms Square complex opposite the site. These two businesses and the application unit have operated alongside one another for many years.

The applicant states that they would expect to require 4 deliveries per week in total and plan these would coincide with their existing business, Northern Craffhouse. Even if ownerships of these 2 businesses were to change, it is considered that the proposed use as

a separate business would not generate significantly more demand for servicing than currently exists.

The other consideration is the fall back position where the premises could open as a restaurant without the need for planning permission and would likely generate similar requirements for deliveries and servicing as the proposed use for a public house.

The bin storage area would also be located in the yard area and collected at the same time as the Northern Crafthouse. Again, as a weekly collection only, the servicing of the proposed unit would not generate additional trips than currently exists.

It is therefore considered that the proposed development would be acceptable and comply with policies EN1/2, EC4/1, S2/3 and S2/6.

Response to objectors

- In terms of noise, the Noise Assessment has not highlighted any significant concerns, recommending mitigation measures are put in place which have been included as a condition.
- Whilst anti-social behaviour can be associated with uses such as pubs and drinking establishments, it cannot be assumed that the proposed use would generate such behaviours. In the event of such behaviour occurring this would be a matter for the police.
- The issues of parking and access have been covered in the above report.

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

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions/ 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 - 21/1262/100 Location plan; 21/1262/101 - Existing site plan; 21/1262/201 - Proposed site plan; 21/1262/102 - Existing ground floor plan; 21/1262/202 - Proposed ground floor plan; 21/1262/103 - Existing elevations; 21/1262/203 - Proposed elevations; Noise Impact Assessment by Nova Acoustics dated 25/8/21 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 be carried out in accordance with the recommendations and mitigation in section 3.3 of the Noise Impact Assessment Report by Nova Acoustics dated 25/8/21. The mitigation measures shall thereafter be retained.
Reason. In the interests of residential amenity pursuant to Bury Unitary Development Plan Policies EC4/1 - Small Businesses, EN1/2 - Townscape and Built Design, EN7/2 - Noise Pollution and S2/3 - Secondary Shopping Areas and Frontages.

4. Prior to the first occupation/use of the development hereby approved, works to soundproof the floor/ceiling between the ground floor and the first floor, which shall be in accordance with standards of construction specified in current Building Regulations, shall be implemented and such works shall be completed before the development is brought into use.
Reason. To protect the residential amenities of the occupiers of the flat pursuant to UDP Policy EN7/2 Noise Pollution.
5. The use hereby permitted shall not be open to customers outside the following times: midday to 1am daily.
Reason. To ensure reasonable business operation times within the location pursuant to Policies EC4/1 - Small Businesses, EN1/2 - Townscape and Built Design, EN7/2 - Noise Pollution and S2/3 - Secondary Shopping Areas and Frontages.
6. No development shall commence unless and until full details of the following have been submitted on a topographical survey of the site and adjacent adopted highways to, and agreed with, the Local Planning Authority:
- A scheme of footway improvements on Bury New Road outside the former Bulls head public house (Northern Crafthouse) and at the junction with Devon Avenue to a scope and specification to be agreed, incorporating the reinstatement to adjacent footway levels of all redundant accesses, resurfacing of existing areas of footway affected by illegally parked vehicles, tactile paved crossing points and all necessary highway remedial works;
 - In association with the above, a scheme of bollards, to a scope and specification to be agreed, to prevent the illegal parking of vehicles on and resultant obstruction of the existing footway on Devon Avenue and new areas of footway to be created;
 - Review of the existing and need for the provision of new waiting/loading restrictions on Bury New Road/Devon Avenue in the vicinity of the proposed highway works to ensure that the pedestrian improvements can be safely utilised, including details of the measures proposed, all necessary modifications to road markings and signage and a timetable for implementation.

The details subsequently approved shall be implemented to an agreed programme and to the written satisfaction of the Local Planning Authority with all highway works completed prior to the use hereby approved commencing.

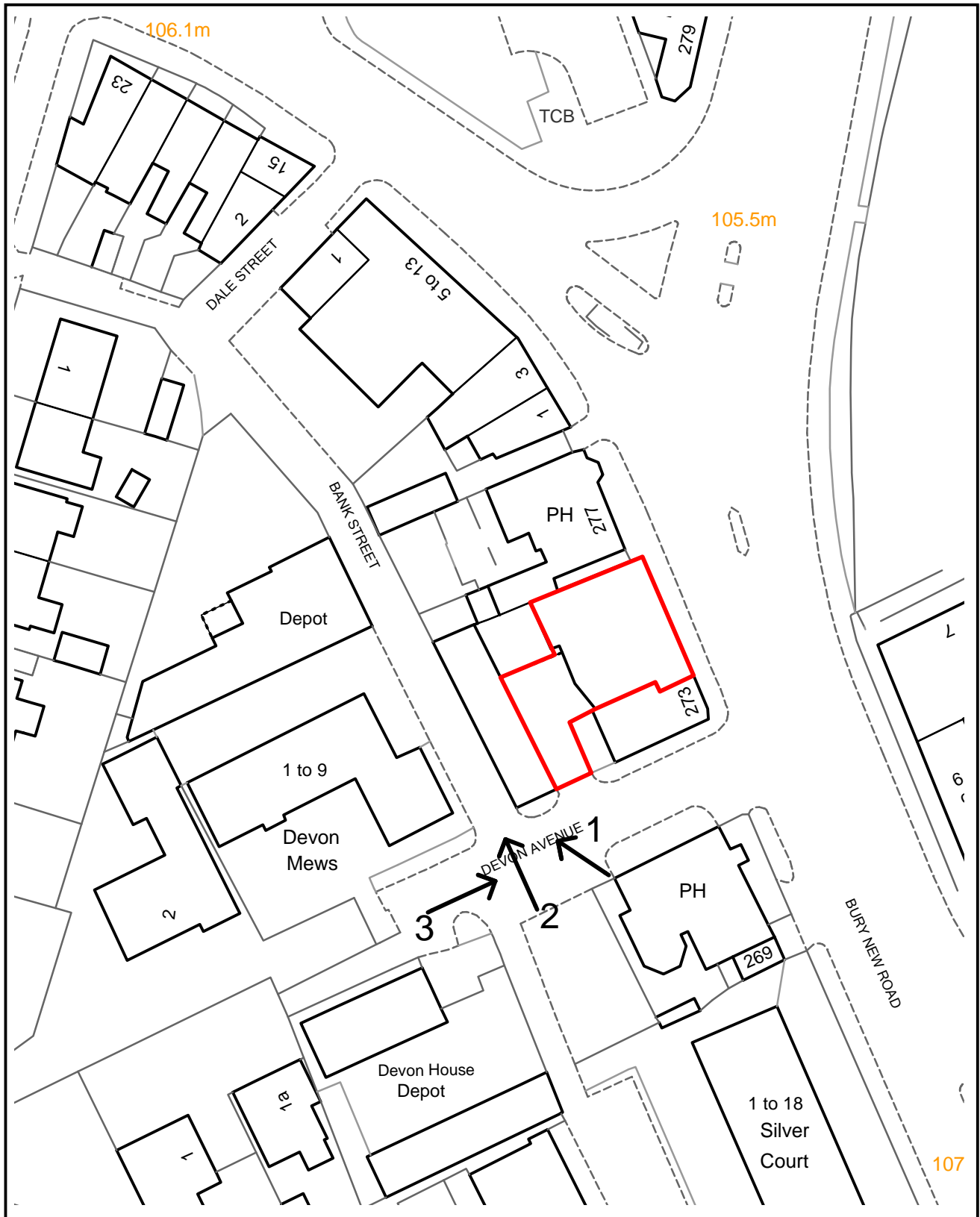
Reason. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design and maintain the integrity of the adopted highway, in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EC4/1 - Small Businesses, EN1/2 - Townscape and Built Design, HT2/4 - Car parking and New Development and HT6/2 - Pedestrian/Vehicular Conflict.

7. The car parking at the former Bulls head public house (Northern Crafthouse) indicated on the approved location plan, shall be surfaced, demarcated and made available for use to the written satisfaction of the Local Planning Authority prior to the use hereby approved commencing and thereafter maintained for use by these premises at all times.
Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to Bury Unitary Development Plan Policies EC4/1 - Small Businesses, EN1/2 - Townscape and Built Design, HT2/4 - Car parking and New Development and HT6/2 - Pedestrian/Vehicular Conflict.
8. The servicing and bin storage arrangements indicated on the approved plans shall be implemented before the use hereby approved commences and thereafter be maintained available for use at all times.

Reason. To ensure adequate off-highway servicing and bin storage arrangements are provided within the curtilage of the site, in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EC4/1 - Small Businesses, and EN1/2 - Townscape and Built Design.

For further information on the application please contact **Jennie Townsend** on **0161 253-5320**

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 67789

**ADDRESS: 275 Bury New Road
Whitefield**

Planning, Environmental and Regulatory Services

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Bury
COUNCIL

67789

Photo 1



Photo 2



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Photo 3



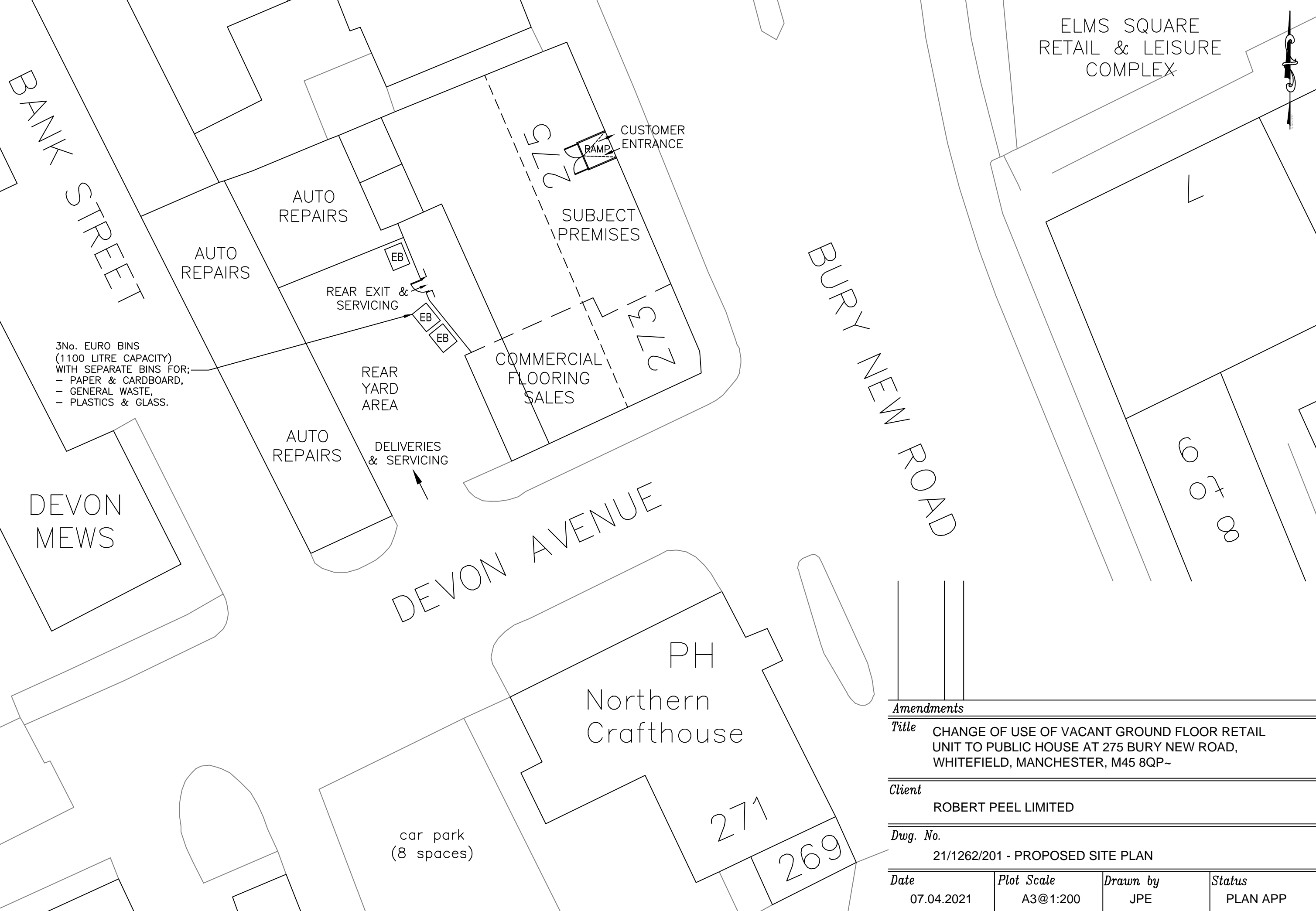
Photo 4



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Photo 5

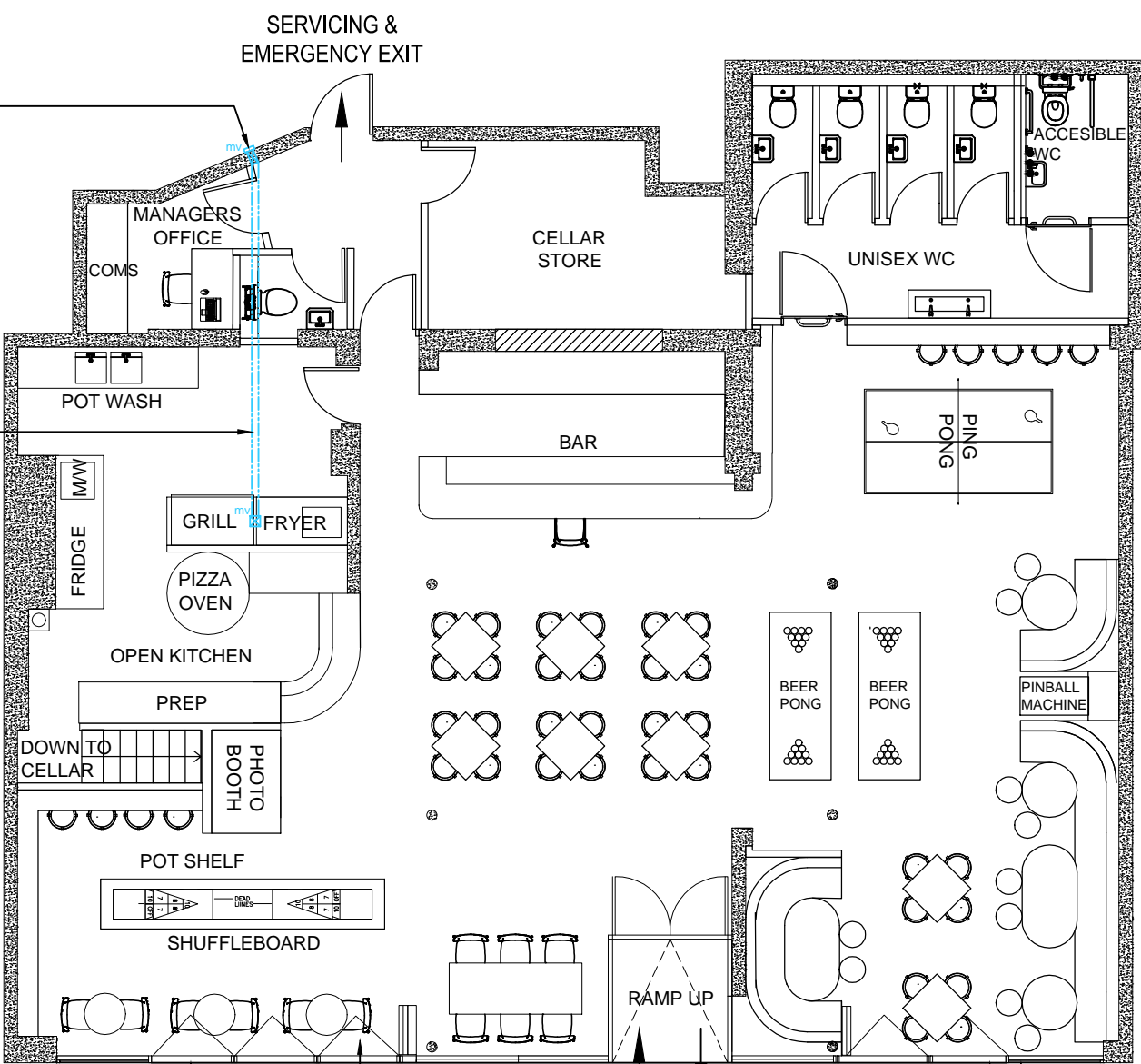




Amendments			
Title			
CHANGE OF USE OF VACANT GROUND FLOOR RETAIL UNIT TO PUBLIC HOUSE AT 275 BURY NEW ROAD, WHITEFIELD, MANCHESTER, M45 8QP~			
Client			
ROBERT PEEL LIMITED			
Dwg. No.			
21/1262/201 - PROPOSED SITE PLAN			
Date	Plot Scale	Drawn by	Status
07.04.2021	A3@1:200	JPE	PLAN APP

MECHANICAL EXTRACT
VENTILATION TO KITCHEN
EQUIPMENT COMPRISING AXIAL
FLOW FAN WITH SILENCERS
THROUGH REAR EXTERNAL WALL.

MECHANICAL EXTRACT VENTILATION TO
KITCHEN EQUIPMENT. MECHANICAL
PLANT SHOULD NOT EXCEED THE
CUMULATIVE PLANT NOISE LIMIT OF
35dBA AT THE CLOSEST NOISE
SENSITIVE RECEPTOR.



NEW GLAZED FRONTAGE WITH PVC-U
FRAMES (ANTHRACITE GREY), AND
DOUBLE GLAZED UNITS TO BE ACOUSTIC
LAMENATED GLASS PILKINGTON'S
OPTIPHON RANGE WITH 4mm
GLASS/16mm CAVITY/5mm GLASS.

RELOCATION OF
MAIN ENTRANCE

NEW GLAZED FRONTAGE WITH PVC-U
FRAMES (ANTHRACITE GREY), AND
DOUBLE GLAZED UNITS TO BE ACOUSTIC
LAMENATED GLASS PILKINGTON'S
OPTIPHON RANGE WITH 4mm
GLASS/16mm CAVITY/5mm GLASS.

PROPOSED GROUND FLOOR PLAN
SCALE 1:100

Amendments		
Title	CHANGE OF USE OF VACANT GROUND FLOOR RETAIL UNIT TO PUBLIC HOUSE AT 275 BURY NEW ROAD, WHITEFIELD, MANCHESTER, M45 8QP~	
Client	ROBERT PEEL LIMITED	
Dwg. No.	21/1262/202 - PROPOSED GROUND FLOOR PLAN	
Date	Plot Scale	Drawn by
07.04.2021	A3@1:100	JPE
Status		
PLAN APP		

JPE CONSULTANCY LIMITED
ARCHITECTURAL DESIGN & PLANNING
9 Woodend Drive, Stalybridge, Cheshire, SK15 2SF
Telephone 07875 627 988 jim@jpeconsultancy.co.uk



PROPOSED FRONT ELEVATION (1:100)



PROPOSED REAR ELEVATION (1:100)

- NOTES~
- DESIGN/MATERIALS TO NEW FRONTAGE
1. NEW ENTRANCE DOORS (RAMPED ACCESS TO LEVEL THRESHOLD).
 2. NEW GLAZED FRONTAGE INCORPORATING BI-FOLD WINDOWS WITH PVC-u FRAMES (ANTHRACITE GREY), AND DOUBLE GLAZED UNITS TO BE ACOUSTIC LAMENATED GLASS PILKINGTON'S OPTIPHON RANGE WITH 4mm GLASS/16mm CAVITY/5mm GLASS.
 3. METAL CLADDING TO SOLID WALL PANELS AND FACADE (ANTHRACITE GREY).
 4. SIGNAGE TO FACIA BOARD (DETAILS TBC)

Amendments		
Title	CHANGE OF USE OF VACANT GROUND FLOOR RETAIL UNIT TO PUBLIC HOUSE AT 275 BURY NEW ROAD, WHITEFIELD, MANCHESTER, M45 8QP~	
Client	ROBERT PEEL LIMITED	
Dwg. No.	21/1262/203 - PROPOSED ELEVATIONS	
Date	07.04.2021	Plot Scale A3@1:100
		Drawn by JPE
		Status PLAN APP