



Paul Butler Associates

Planning, Development & Heritage Consultants

Luisa's Cucina Ltd

45 Church Street West, Radcliffe, M26
2SP

Planning Statement

19 October 2021

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1. Introduction

1.1 This Planning Statement has been prepared by Paul Butler Associates on behalf of the applicant, Luisa's Cucina Ltd. The statement has been provided in support of a full planning application for a development at 45 Church Street West, Radcliffe, M26 2SP. The application description of development is 'Change of use of vacant nightclub (Sui Generis) to a licenced pizza restaurant (Class E), and associated external alterations including installation of a flue to the rear elevation'.

1.2 The structure of this statement is as follows:

- A description of the application site and surrounding area including a review of relevant planning history;
- A description of the proposed scheme;
- A review of national and local planning policies of relevance to the scheme;
- An appraisal of the scheme against relevant planning policies and an assessment of the scheme in relation to its immediate and surrounding context; and,
- A conclusion.

1.3 In addition to this statement, the application is also supported by the following information:

- Completed Application Forms and Ownership Certificates
- Planning Drawings prepared by Mark Gordon Associates
- Noise Impact Assessment prepared by SBM Safety solutions
- Extraction Design and Odour Dispersion Details prepared by Swan Projects.

2. The Application Site and Surrounding Area

The Application Site

- 2.1 The application site is located at 45 Church Street West, Radcliffe, M26 2SP (see figure 2.1 below). Above are residential flats (C3 use). The site is bounded by Church Street West to the south, Quarry Street to the north, a pharmacy to the east and a vacant commercial unit to the west.
- 2.2 The ground floor unit was previously in use as 'Taskers Dance Centre' but most recently in use as live music venue / nightclub known as 'Venue 45' (Sui Generis). However, it is understood this venue closed in circa 2012 and the unit has been vacant since. The longstanding vacancy of the premises has a negative impact on the character of the town centre.

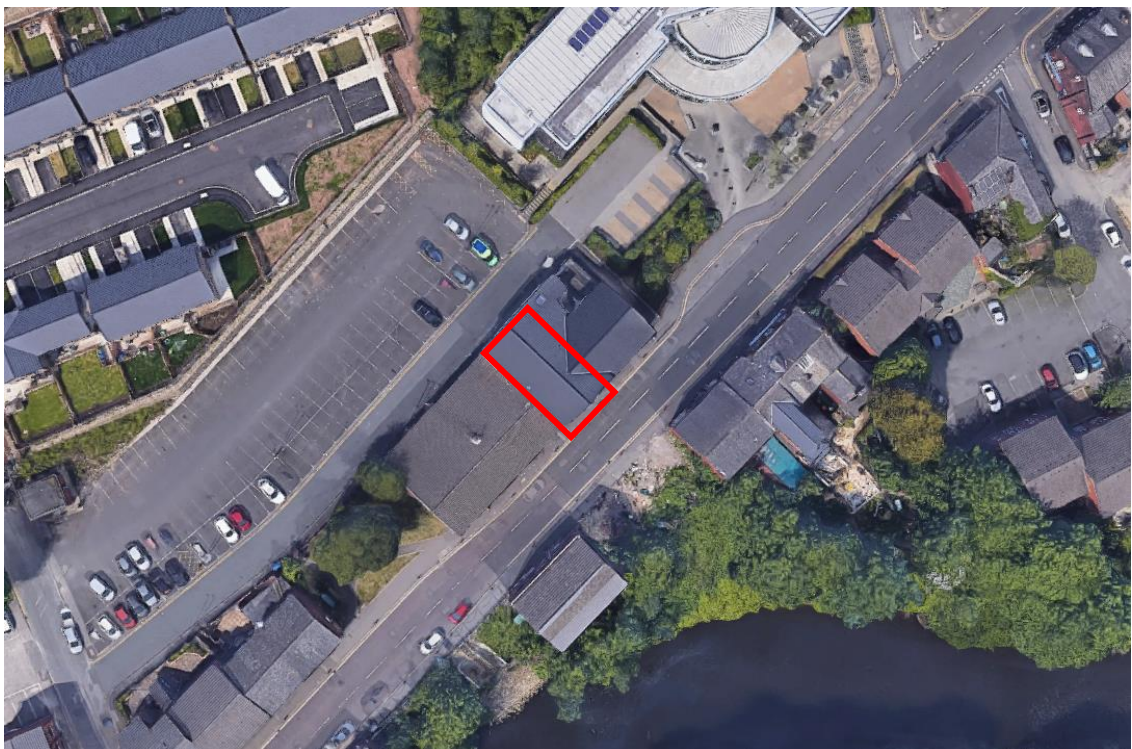


Figure 2.1: Aerial view of the site (outlined in red).

- 2.3 The application property has three storeys, with a pitch roof and is constructed of dark grey brick and render. There is a large glazed shopfront to the front elevation.
- 2.4 The principal access to property is via the entrance on the front (Church Street West) elevation. A secondary exit and internal bin stores enclosed by roller shutters are located on the rear elevation.
- 2.5 The application site is located within flood zone 1 (lowest level of risk) and is approximately 150 square metres in size.
- 2.6 As identified on Bury Council's proposals map, the site is located in a designated 'Secondary Shopping Area', 'Town Centre Policy Area', 'Radcliffe Renewal Area' and 'Main Shopping Area of the Town Centre'.



Figure 2.2: Front elevation of the application building.



Figure 2.3: Rear elevation of commercial block showing servicing area.

The Surrounding Area

- 2.7 The site is situated within Radcliffe Town Centre and therefore the surrounding land uses are mixed in nature including retail, leisure, health care facilities, take-aways, salons and residential.
- 2.8 The site's town centre location renders it highly accessible and sustainable in terms of proximity to an array of local facilities and amenities, as well excellent public transport links. The site is within 550m (7 minutes walk) of the Radcliffe Metrolink tram stop, which provides access to various destinations across Greater Manchester. The site is also within 160m (2 minutes walk) from bus stops providing services to Bolton, Bury, Manchester City Centre, Clifton, Farnworth and Bolton Royal Hospital.
- 2.9 Some vacancy of surrounding commercial units was noted on the site visit (undertaken 02.09.2021), including the unit neighbouring the application site.

- 2.10 A review of the Council's online planning database has been undertaken on 18.10.2021. No planning history of relevance to the proposals was identified, but have been provided below for completeness.

Reference: 53842

Address: 45 Church Street West, Radcliffe, Manchester, M26 2SP

Proposal: Change of use of ground floor from dance studio/club to canine hydrotherapy centre and dog grooming parlour (Sui Generis)

Decision: Approved 17 May 2011

Reference: 54326

Address: 45 and 47 Church Street West, Radcliffe, Manchester, M26 2SP

Proposal: Change of use of first floor and second floor extension to form three flats

Decision: Approved 22 September 2011

Reference: 58363

Address: Change of use of first floor and second floor to form eight flats, external alterations and extension of internal staircase at rear

Proposal: Change of use of first floor and second floor to form eight flats, external alterations and extension of internal staircase at rear

Decision: Approved 22 Apr 2015

3. The Proposed Scheme

- 3.1 The application proposal is for the change of use of a nightclub (Sui Generis) to a licenced pizza restaurant. The proposed use will bring vacant floorspace in the Town Centre back into active, viable use. The unit is to be occupied by Luisa's Cucina, who currently operate from Radcliffe Market. The proposals will therefore also enable an existing small local business to expand in Radcliffe.
- 3.2 Internally only minor adjustments associated with the kitchen fit out are required which would not require planning permission. The ground floor will accommodate the kitchen, dining area and W/Cs. Bin storage is also accommodated internally on the ground floor and accessed from the rear of the building.
- 3.3 External alterations to the property will involve the installation of advertisement signage for the restaurant on a standard fascia board above the ground floor shop front. To the rear, a flue will be installed up the height of the building to terminate above eaves level. A fresh air intake louvre and an exhaust louvre will also be proposed to the rear elevation. This is a requirement for adequate ventilation and dispersion of any cooking smells.
- 3.4 The access and refuse collection arrangements for the site will be from the servicing area to the rear, which is understood to tie in with the existing arrangements.
- 3.5 The application proposes opening hours from noon until 10pm Monday to Saturday, and from noon until 5pm on Sundays and Bank Holidays. These opening hours have been proposed to allow some flexibility, as the applicant intends to remain closed on Sundays and Mondays, and open from 5pm on Tuesday to Thursday.

4. Planning Policy Context

4.1 Planning policy guidance of relevance to the proposed scheme, and which provides the context for its assessment, is set out within the following:

- The National Planning Policy Framework (NPPF); and,
- The Development Plan for Bury.

National Planning Policy Framework

4.2 The revised National Planning Policy Framework (NPPF) was last updated in July 2021 sets out the government's planning policies and how these are expected to be applied. It replaces the Framework published in March 2012 and its subsequent updates, however a presumption in favour of sustainable development continues to be at the heart of the NPPF which ensures that development is pursued in a positive way.

4.3 Development proposals that accord with an up-to-date Development Plan should be approved without delay. Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, permission should be granted unless:

- The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the proposed development; or
- Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

4.4 Paragraph 8 confirms that there are three dimensions to sustainable development; economic, social and environmental. To achieve sustainable development, economic, social and environmental gains should be pursued in mutually supportive ways through the planning system.

Delivering Sustainable Development

- 4.5 The NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. These sustainable objectives should be delivered through the preparation and implementation of plans and the application of the policies in the framework. The NPPF is split into 17 chapters, the chapters of relevance to this development are discussed below.

Building a strong and competitive economy (Chapter 6) - emphasises that the government is committed to ensuring that the planning system should help to support economic growth.

Ensuring the vitality of town centres (Chapter 7) - advises that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. It advises that planning policies should define a network and hierarchy of town centres and promote their long term vitality and viability by allowing them to grow and diversify in a way that responds to changes in retail and leisure industries.

Promoting healthy and safe communities (Chapter 8) - advises that the planning system should aim to achieve healthy, inclusive and safe communities. Planning decisions should aim to achieve places which promote, amongst other things, safe and accessible developments, where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

Promoting sustainable transport (Chapter 9) – advises that to protect and exploit opportunities for the use of sustainable transport modes, development should be located and designed to give priority to pedestrian and cycle movements and have access to high quality public transport facilities.

Paragraph 111 advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or the residual cumulative impacts on the road network would be severe.

Making effective use of land (Chapter 11) – the NPPF recognises the need for the planning system to promote an effective use of land in meeting the need for homes and other uses. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land. Paragraph 120 (c) explains that the planning system should specifically give substantial weight to the value of using suitable brownfield land within settlements for identified needs.

Achieving well-design places (Chapter 12) – states that, amongst other things, planning policies and decisions should ensure that developments will function well not just for the short term but over the life of the development, and create places that are safe, inclusive and accessible which promote health and well-being, with a high standard of amenity for existing and future users.

Meeting the challenge of climate change, flooding and coastal change (Chapter 14) - this chapter emphasises the importance of securing reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change; and, in terms of flooding, states that development should be made safe without increasing flood risk elsewhere.

Decision making – guidance in paragraph 38 states that local planning authorities should approach decisions in a positive and creative way, making use of the full range of planning tools available, and work proactively with applicants. Decision - makers at all levels should seek to approve applications for sustainable development where possible.

The Development Plan for Bury

4.6 Planning law requires that applications for development are determined in accordance with the development plan. The Development Plan for Bury comprises the following documents:

- Saved policies of the Bury Unitary Development Plan; and the
- Bury Local Plan.

Saved Policies of the Bury Unitary Development Plan (Adopted August 1997)

4.7 The Unitary Development Plan (UDP) for Bury was adopted on 29 August 1997 and is the key Development Plan Document against which proposals should be judged. UDP objectives and policies of particular relevance to the proposed scheme are summarised below:

- EC4/1- 'Small Businesses' states that 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.
- Area RD1- 'Blackburn Street /Dale Street /Church Street West' states that the Blackburn Street/Dale Street/Church Street West area of the town centre contains the town's main shopping facilities, and, as such, proposals for retailing, appropriate ancillary town centre uses and environmental improvements will be acceptable. Proposals for the development of new or improved community facilities and for improvements to transport facilities will also be viewed favourably.
- S1/2 - 'Shopping in Other Town Centres' states that the Council will seek to maintain and strengthen the retail roles of Ramsbottom, Radcliffe and Prestwich Town Centres. The Council will support modest increases in shopping floorspace, however, the main emphasis will be on consolidation and enhancement.
- S2/3 - 'Secondary Shopping Areas and Frontages' states that 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 (Class A1) 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 states that 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: the amenity of nearby residents by reason of noise, smell, litter and opening hours; 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; parking and servicing provision associated with the proposed development and its effects in terms of road safety, traffic generation and movement; provision for the storage and disposal of refuse and customer litter; the environmental impact of any ventilation flues and/or ducting.
- HT2/4 - 'Car Parking and New Development' states that the Council will require all applications for development to make adequate provision for their car parking and servicing requirements in accordance with the Council's car parking standards.

- EN1/2 - 'Townscape and Built Design' states that the Council will give favourable consideration to proposal which do not have an unacceptable adverse effect on the particular character and townscape of the Borough's towns, villages and other settlements.

4.8 The detailed assessment of the scheme within the following planning appraisal section confirms that the proposal accords with the above UDP policies.

Bury Local Plan

4.9 Bury Council is currently in the process of preparing a new Local Plan, and once adopted it will replace the existing UDP document. Consultation on the Policy Directions for the Bury Local Plan ended on 30 November 2018 and the Council are taking all comments into account prior to moving onto and consulting on a draft Local Plan. The Plan is not yet adopted, therefore limited weight can be given to policies within it.

5. Planning Appraisal

5.1 Having regard to the relevant planning policy guidance in the previous section, the key material considerations against which the proposed scheme should be considered, and which are discussed in this section, include:

- Principle of Development
- Design Impact
- Impact on Neighbouring Uses
- Accessibility and Servicing

5.2 The application site is located within Radcliffe Town Centre. UDP Policy S1/2 states that the Council will seek to consolidate and enhance this centre, with a key objective being to ensure that the centre remains as attractive as possible, and that the vitality and viability is maintained. The proposed development will allow a vacant unit within the Town Centre to be occupied with an active and viable use. In accordance with Policy S1/2 the proposal will help tackle issues of vacancy, thereby contributing to improving the appearance and vitality of the Town Centre. Footfall associated with the proposed use will also benefit other shops and businesses in Radcliffe Town Centre.

5.3 The site is designated under UDP Policy 'Secondary Shopping Areas and Frontages'. Policy S2/3 provides the key policy test to be undertaken for a proposed change of use within these areas. An assessment of the various considerations is set out below.

- *the design and appearance of the proposed frontage;*

Only limited alterations are proposed to the frontage, including the installation of a fascia sign to advertise the restaurant. The existing shop front will be retained. Overall, the long-vacant unit being brought back into use will have a positive impact on the character of the area.

- *the maintenance or provision of a display window at ground floor level, where appropriate;*

As above, the proposals will retain the existing glazed shop front.

- *access for the mobility impaired, where appropriate and through negotiation with the developer;*

The principal entrance on the front elevation is raised slightly above ground level and therefore does not provide level access.

- *whether the proposal will give rise to disturbance or nuisance;*

The proposed restaurant will not give rise to disturbance or nuisance. It is acknowledged that residential apartments are located above the application floorspace, therefore a Noise Impact Assessment has been prepared by SBM Safety Solutions to consider any potential noise impact from the proposed use upon neighbouring uses. This is discussed further in the amenity appraisal below.

5.4 Policy S2/3 sets out further assessment required where a proposal would lead to more than 40% of any identified secondary shopping frontage being in non-retail use. The application site comprises a commercial unit within a retail frontage on the northern side of Church Street West. At the time of the site visit (02.09.2021) all of the other units were in retail use, albeit one was vacant and to let as a shop. The proposals would not result in more than 40% of the secondary shopping frontage being in non-retail use. In any event, recent reform to the use classes order means that retail uses could convert to non-retail uses without the requirement for planning permission.

5.5 Finally, it is noted that the site is identified as food and beverage use in the indicative proposals map included within the Radcliffe Strategic Regeneration Framework, which suggests the principle of a restaurant here will be supported and meets the objectives of the Council in working to regenerate Radcliffe.

5.6 UDP Policy S2/6 'Food and Drink' states that in considering proposals for restaurants, the Council will have regard to various issues. An assessment of these issues is undertaken below:

- *the amenity of nearby residents by reason of noise, smell, litter and opening hours;*

The application site is located within a secondary retail frontage in the town centre. The closest sensitive use comprises the residential flats located on the first and second floors of the application building. The submitted Noise Impact Assessment considers noise impacts of the development from both entertainment noise and the proposed extraction equipment. The report concludes that the proposed use will have no adverse impact on nearby sensitive uses, subject to the extraction equipment complying specified noise limits.

- *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;*

The proposed development would not result in an over-concentration of restaurants or change the nature of the town centre. There are no restaurants or cafes in proximity to the site. The predominant character of the immediate surroundings is very much a retail function, supplemented by services and some food and drink uses which are typical of town centre locations. The centre as a whole includes a fairly diverse range of uses and whilst it does include other food and drink uses, these are typically take-away restaurants and not considered to be over-concentrated and are not overly-dominant in terms of the character of the centre. The proposed restaurant would be in keeping with the nature of the town centre, and also help to complement the existing retail function of the centre, particularly given the challenges faced by high-streets over recent years. As such, it is not considered the proposals would result in any conflict in this respect.

- *parking and servicing provision associated with the proposed development and its effects in terms of road safety, traffic generation and movement;*

Servicing can safely take place from the rear via Quarry Street, which ties in with the existing arrangements. Should customers or staff require car parking they will be able to use the pay and display facilities available at the Civic Centre East Car Park directly to the rear of the premises. It is not anticipated that the proposals would result in any material change in traffic or vehicle movements above the existing use as a nightclub, and it is expected that most customers would travel by foot and public transport given the highly accessible location of the site. Overall, it is not considered that the proposals

would result in any unacceptable highways impacts and as such highways considerations should not be a reason which would prevent the approval of this application.

- *provision for the storage and disposal of refuse and customer litter; the environmental impact of any ventilation flues and/or ducting*

Waste and recycling bins will be stored internally within the building as shown on the submitted floorplans. Customers will be dining inside the premises and therefore it is not expected that there will be any issues with litter outside of the premises.

The proposed extraction equipment will be visible from the rear elevation, which is not the principal elevation. There are a number of other commercial units which back onto Quarry Street, and as such it is not uncommon for back of house activity / servicing to be visible. This is exemplified in the photos below which show other premises with flues to the rear, as well as bins.

Details of how any cooking smells or fumes will be dispersed have been prepared by Swan Projects and submitted in support of this application. It is proposed to install a silencer to the extraction system. Nonetheless, the noise impact of the flue has been discussed earlier in this statement and is dealt with within the submitted Noise Impact Assessment.



Figure 5.1: Rear elevation of commercial units viewed from Quarry Street.

- 5.7 Overall, the proposed change of use of the application property to a licenced pizza restaurant (Class E) is acceptable, and is compliant with UDP Policies S1/2, S2/3, S2/6, EN1/2, HT2/4, EC4/1, and Area RD1.
- 5.8 Additionally, Chapter 7 of the NPPF discusses that planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. It is well documented that the traditional retail function of high streets has suffered decline, largely in response to changes in shopping habits and consumer behaviour as a result of the increase in online shopping. More recently, this decline has been exacerbated by the impacts of COVID 19. The proposed restaurant would enable this long-term vacant unit to be brought back into an active, viable use which would increase footfall in the centre having an indirect benefit on the centre's vitality, as well as ensuring the future maintenance of the building. As such the proposals are in line with the Chapter 7 of the NPPF by enabling the town centre to diversify and respond to changes in retail behaviour.
- 5.9 The scheme will be associated with a series of positive planning and regeneration benefits including:
- Providing vacant floorspace in Radcliffe Town Centre with an active and viable use, helping to promote town centre vitality and viability.
 - Redevelopment of an existing building and previously developed land which will have a lower environmental impact than new build development.
 - Securing direct investment into the local community through the provision of jobs during the fit-out period and operational phase of the development.
 - The provision of a development with high sustainability credentials that will deliver economic, social and environmental benefits.
 - Helping to encourage further investment in leisure / food and drink uses in the town centre.
- 5.10 It is important to highlight that the proposed scheme is also deliverable on the site for the following reasons:

- **It is Available** – The applicant has an agreement to lease the property and is therefore in a position to implement the proposed use once planning permission is secured.
- **It is Suitable** – The suitability of the site for a restaurant is confirmed throughout this report, by way of its sustainable and accessible location within Radcliffe Town Centre and the compatibility of the proposed use with adjacent uses.
- **It is Achievable** – There are no policy restrictions or development constraints that would impact on the scheme's deliverability.
- **It is Viable** – The proposals are viable and deliverable in the short-term.

6. Conclusion

- 6.1 The proposal accords with national and local planning policy guidance, conforming with the NPPF saved policies of the UDP.
- 6.2 The proposed scheme involves the conversion of a vacant commercial unit within a highly accessible and sustainable town centre location to a pizza restaurant. The proposed use will deliver various planning benefits including the re-use of an existing building. The proposals will allow vacant floorspace to be occupied with a viable and active use, helping to enhance the vitality and viability of Radcliffe Town Centre. The proposals will also allow an existing small local business who currently operates at Radcliffe Market to expand in the local area. The proposed use will complement nearby uses, helping to support existing businesses. The development will provide economic, social and environmental benefits and constitutes sustainable development.
- 6.3 On this basis Paul Butler Associates are pleased to submit this planning application and look forward to working with the council on progressing it through to a positive determination.