

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 06/06/2025	Ref: 71783/FUL
Registration: 17/04/2025	LDfC: 16/05/2025	Expiry Date: 12/06/2025
Site Visit: 22/04/2025	Site Notice: 29/04/2025	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: COUS

Proposal: Change of use from shop (Class E(a)) to wine shop/bar (Sui Generis); External alterations to front elevation to include repositioning of front entrance door and new access door to existing first floor balcony

Location: 427 Bury New Road, Prestwich, Manchester, M25 1AF

Description

The application relates to a vacant retail shop premises on a main shopping street in Prestwich Town centre. Access to the rear of this row of shops is from Albion Place, a short dead end street located between Nos 431 and 433 Bury New Road, and is where other shops on this row store their bins.

The application seeks the change of use from retail to wine shop/bar. Cold bar snacks would also be sold.

The ground floor would be at the ground floor with a bar and seating area and at the first floor would be additional seating.

External alterations propose repositioning of the front entrance door and a new access door at the first floor to open out to an existing small first floor balcony for two tables.

Bins would be stored to the rear of the property.

The proposed bar would have seating for a maximum of 44 customers and employ the equivalent of 3 full time staff members.

Hours are proposed as -
Monday to Sunday midday to 11pm.

Relevant Planning History

N/a

Publicity

Letters sent to 14 properties on 25/4/25.

Two representations received.

One support -

- As a local resident, I believe this addition would be a great asset to the community. Prestwich has developed a strong reputation in recent years for its vibrant, independent food and drink scene, and a new wine bar would complement this perfectly. It would not only enhance the local offering but also bring more people into the area, helping to support other small businesses nearby.

One comment -

- I just please ask that all the building work doesn't disrupt our trading or flow over to our property

- The minor concern I have is the scaffolding which will need to be put up, and may come over to our side

Statutory/Non-Statutory Consultations

Prestwich Village Neighbourhood Forum - No objection in principle. Would like details of materials and signage.

Traffic Section - No objection subject to condition

Environmental Health - Pollution Control - No response received

Environmental Health - Commercial Section - no response received

Waste Management - No objection

Greater Manchester Police - designforsecurity - No objection subject to informatives

Licensing Department - No response

Pre-start Conditions - Not relevant

Development Plan and Policies

Area	The Longfield Centre/Bury New Road
PR1	
S1/2	Shopping in Other Town Centres
S2/3	Secondary Shopping Areas and Frontages
EC4/1	Small Businesses
EN1/2	Townscape and Built Design
EN7/2	Noise Pollution
S2/6	Food and Drink

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within the adopted Bury Unitary Development Plan (UDP), together with other relevant material planning considerations.

The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP and PfE Policies will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

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.

Policy S1/2 - Shopping in Other Town Centres seeks to maintain and strengthen with emphasis on consolidation and enhancement.

Policy S2/3 - Secondary Shopping Areas and Frontages seeks to maintain retaining as the predominant use at ground floor.

Proposals for other uses will be assessed on its own merits and considered the following factors including design and appearance of the shop front, maintenance or provision of a display window, access and whether the use would give rise to disturbance or nuisance.

Where proposals would lead to more than 40% of any identified secondary shopping frontage being in non-retail use, factors including location and prominence of the proposal, number and types of other uses in the area and the particular character and use proposed, would also be considered.

Policy S2/6 - Food and Drink considers proposals with regard to factors including amenity of residents, concentration of use types, parking and servicing provision, bin storage and refuse disposal and impacts of flues/ventilation systems.

In chapter 7 - Ensuring the vitality of town centres, the NPPF supports proposals to strengthen shopping centres and a wide range of different of uses to promote their long term viability and vitality by allowing diversity to offer a range of products and services.

Principle - Use

The existing premises are vacant, formerly used as a retail shop, Use Class E. Part of the business would retain the Class E retail element for the sale of wine and as such this use would be acceptable and not require planning permission.

The premises is located within a town centre and busy shopping centre, fronting a main road and route through the Borough. Within this particular shopping frontage, there are a variety of shops, comprising retail, dentist, letting agent and booking office.

The proposal would bring back into use a vacant premises and as a wine/bar shop which would be open during the daytime as well as evenings, the premises would continue to support the vitality and viability of the centre.

As such, the proposal is considered acceptable and would comply with Policies S1/2, S2/3 and S2/6 and the principle of the NPPF.

Visual amenity

It is proposed to alter the shop frontage to relocate the existing recessed side-on entrance door to the front of the recessed wall to allow for more seating in the window area.

At the first floor, the window would be replaced with a patio door to allow access to the balcony at the front.

There are a variety of designs and types of frontages along the street, including a balcony at the adjacent premises, no 429, and the proposal is considered to be in keeping with the rest of the shopping centre.

A palette of muted green painted frontage and brass covered down lights are proposed and this is considered acceptable within the streetscene.

As such the proposed development is considered acceptable and would comply with EN1/2, and S2/3.

Impact on residential amenity

The nearest residential property would be the first floor flat above the adjacent premises at No 425 and the flats to the rear which are part of Sherbourne Court.

Comparative to a retail shop, a bar/retail shop would generate higher levels of activity and noise, as it would be more likely draw more customers at any one time and staying for a longer period. In addition, the bar would be open until a later time at night. that said, the premises are located within a bust town centre fronting a busy main road, where there are frequent comings and goings plus traffic movements at all times of the day.

The latest the business would be opened would be until 11pm, not dissimilar to others in the town centre, and where there would be an expectation that living in such a location would be noisy at times.

The residents at Sherbourne Court would be more than 12m away, separated by a high boundary wall and screened by trees. As there would be relatively little activity at the rear of the property with all the customer activity at the front, it is considered there would be relatively minimal impacts on these residents.

It is also noted that no objections have been received, just one comment regarding building works and one in support of the new business.

As such, it is considered the proposed development would not have a significantly harmful impact on residential amenity and would comply with policies EN1/2, EN7/2, S2/3 and S2/6.

Prestwich Neighbourhood Forum

No objection to this development in principle and commented that the application should provide more detail of the proposed shop frontage and signage and lighting.

The applicant has since confirmed the shop frontage would be painted a mute green and brass covered down lighters fitted which is considered acceptable in this village setting. A separate advertisement consent for signage may need to be applied for if permission is required.

Bin storage

There is an area at the rear for the storage of bins which would be collected from Albion Place, the side street to the north, which is the same arrangement for the other shops on this row and as such considered acceptable.

Design for security

No objection from the design for security team. It is recommended that any new ground and first floor windows, doors or shutters are security-certified to Secured by Design (SBD)

compliant standards and any new glazing is laminated. The existing ground floor sheltered recessed area should continue to be shuttered out-of-hours to prevent it from fostering nuisance/anti-social behaviour issues.

All back-of-house/staff only areas must be adequately secured to prevent unauthorised access. Secure cash handling and storage procedures should also be in place.

This advice would be included as an informative to the applicant.

Policy JP-S2 - Carbon and energy

The applicant states that any new construction which forms part of the building's external shell would be built in line with building regulations Part L (2022) with respect to heat loss, U values etc including the use of double glazing. The current boiler is not fit for purpose and will be upgraded to a more economical one. A building survey is pending and is due to take place on the 23rd April. If it is found that roof insulation is needed then insulation will be added to improve efficiency.

The proposal is considered to comply with JP-S2.

Policy JP-C2 - Digital connectivity

The applicant states that broadband would be provided to the premises for staff and guest use.

the proposal is considered to comply with JP-C2.

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

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions and 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 -

 Location plan 27-mar-2025
 Existing plans DN0001 rev P2 Sheet 1
 Proposed bin storage red edge plan received 30/4/25
 Proposed concept plan DN0003 rev P1 sheet 1
 Existing and proposed front elevation DN0001 Revision P1 Sheet 1

 and the development shall not be carried out except in accordance with the drawings hereby approved.
 Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan and Places for Everyone Joint Development Plan listed.
- 3 The bin storage facilities indicated on the approved plans shall be made available prior to the use hereby approved commencing and maintained thereafter.

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Reason. To ensure adequate provision for the storage and disposal of refuse within the curtilage of the site, clear of the adopted highway, in the interests of highway safety pursuant to Policies EN1/2 and JP-C8.

- 4 The use hereby permitted shall not be open to customers outside the following times:

Midday to 11pm daily

Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies EN1/2, S2/3 and S2/6 of the Bury Unitary Development Plan.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	6/6/25		