

DELEGATED REPORT

Report by Helen Pressley	Date of report: 26/02/2026	Ref: 72702/FUL
Registration: 05/01/2026	LDfC: 19/02/2026	Expiry Date: 02/03/2026
Site Visit: 29/01/2026	Site Notice: 29/01/2026	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: COUS

Proposal: Extension and alteration to buildings to form 4 No. flats, 2 No. retail units & 2 No. hot food takeaway units

Location: Land & buildings between 69-81 Lord Street, Bury, BL9 0RE

Description

The application relates to a vacant piece of land between 69 and 81 Lord Street. 65, 67 and 69 Lord Street are currently utilised as takeaways at ground floor. Flats are located at first floor. No. 79 Lord Street/81 Spring Street is an extended former public house on the junction of Lord Street and Spring Street that has been subdivided to provide a hot food takeaway at ground floor and further flats at first floor. The vacant land in question was previously used as a beer garden in relation to the public house.

Planning permission is sought for the extension and alteration to buildings to form 4no. flats, 2no. retail units and 2no. hot food takeaway units. The proposal would utilise an area of vacant land that fronts onto Lord Street creating 4 no. two storey units fronting onto this highway, with accommodation also proposed within the roofspace through the construction of a dormer. The proposal would include a first floor extension over an existing single storey unit at No. 79/81 Lord Street that is currently utilised as a takeaway.

The ground floor of the proposed development would be utilised for the proposed commercial uses. The first and second floors would be utilised as a mixture of residential and commercial uses, with seating and store rooms proposed above the takeaway units. A further residential unit would be sited above the existing takaway at No. 79/81 Lord Street and a final residential unit would be provided through the conversion of an existing unit to the rear.

Relevant Planning History

67036 - Extension and alteration to buildings to form 4no. flats, 2no. retail units and 2no. hot food takeaway units - Approve with Conditions 20/10/2021

Publicity

Neighbour letters 20/01/2026

Site notice 29/01/2026

1 objection received in relation to:

- Inadequate parking provision for proposed uses
- Increased level of noise from further takeaways - late hours, customers, deliveries, extractor systems.
- Increase in waste and refuse
- Increased odour
- Cumulative impact of existing extractor fans
- Over development of a constrained site
- Harm to the character of the areas - overly commercial

Statutory/Non-Statutory Consultations

Traffic Section - Recommendation for refusal on lack of parking and cycle storage, outward opening gates onto Back Lord Street, substandard pedestrian access, sub standard bin storage and refuse collection access and insufficient topographical information.

Drainage Section - condition requested in relation to submission of a SuDs scheme.

Environmental Health - Contaminated Land A proposal for a site investigation has been submitted but not the Preliminary Risk Assessment so consultation can not be completed.

Environmental Health - Pollution Control - Conditions requested in relation to the submission of a scheme for treating, diluting and dispersing fumes and odours and an for the installation to be designed to reduce noise.

Waste Management - No response

Greater Manchester Police - designforsecurity - Having looked at the drawings submitted for this proposal; we would not support this application. While we have no major concerns regarding the retail units, the proposal requires the access to the apartment to be at the rear of the building from Back Lord Street. Access from the rear of the property has very little natural surveillance, this will leave residents & visitors vulnerable to criminality, fear of crime, and antisocial behaviour.

United Utilities (Water and waste) - No response

Greater Manchester Ecology Unit - No evidence of bats record. Unlikely to be other wildlife issues associated with this site. Development is not exempt from BNG.

Public Health - Comments received confirming that the application would be rejected on multiple criteria when reviewing the hot food matrix and emerging Supplementary Planning Document 19. Hot food matrix results attached.

Pre-start Conditions - Not relevant

Development Plan and Policies

S1/1	Shopping in Bury Town Centre
S2/3	Secondary Shopping Areas and Frontages
S2/6	Food and Drink
S2/5	New Local Shopping Provision
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H3/1	Assessing Non-Conforming Uses
EN1/2	Townscape and Built Design
EN6/3	Features of Ecological Value
EN7/2	Noise Pollution
HT2/4	Car Parking and New Development
JP-P1	Sustainable Places
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
JP-C2	Digital Connectivity
JP-C1	Our Integrated Network
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-C8	Transport Requirements of New Development

JP-H1	Scale of New Housing Development
JP-H3	Type, Size and Design of New Housing
JP-H4	Density of New Housing
JP-S2	Carbon and Energy
JP-S4	Flood Risk and the Water Environment
JP-S5	Clean Air
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
NPPF	National Planning Policy Framework

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF), 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.

Principle (Residential)

The National Planning Policy Framework (NPPF) is a material planning consideration in planning decisions, and emphasises the Government's objective of significantly boosting the supply of homes. The Framework states that local planning authorities should identify and update annually a supply of specific deliverable sites to provide a minimum of five years' worth of housing, with either a 5% buffer to ensure choice and competition in the market for land, or a 20% buffer where there has been significant under delivery of housing over the previous three years. As set out in NPPF paragraph 78, the supply of housing must be assessed against the housing requirement set out in adopted strategic policies where these are less than five years old.

The joint Places for Everyone Plan was adopted with effect from 21 March 2024 and sets the up-to-date housing requirement for Bury against which the deliverable supply of housing land must be assessed. PfE Policy JP-H1 sets the following stepped targets for Bury:

- 246 homes per year from 2022-2025;
- 452 homes per year from 2025-2030; then
- 520 homes per year from 2030-2039.

Bury's Strategic Housing Land Availability Assessment is an assessment of potential sites for residential development and is used to assess the housing land supply. It includes sites that have an extant planning permission, sites allocated through the joint Places for Everyone Plan 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 deliverable land supply calculations as many sites will take longer than five years to come forward and be fully developed.

The Council has carried out an assessment of the housing land supply to determine whether sites meet the deliverability tests in the NPPF and can contribute to the five year supply of housing land. Based on the 2025 5-year supply statement, the Council has demonstrated a 4.3 year supply of housing land. This includes a 20% buffer (as currently required in Bury due to past under delivery) and accounts for past oversupply when assessed against the adopted PfE housing requirement. The Council is therefore currently unable to demonstrate a deliverable five-year supply of housing land against the adopted housing requirement.

The National Planning Policy Framework also sets out the Housing Delivery Test (HDT), which is an assessment of net additional dwellings provided over the previous three years against the homes required. Where the test indicates that the delivery of housing was substantially below (less than 75%) the housing requirement over the previous years, this needs to be taken into account in the decision-taking process. The latest results published by the Government (the 2023 measurement published on 12 December 2024) show that Bury has a HDT result of less than 75%.

The five year supply position and the housing delivery test result need to be treated as material factors when determining applications for residential development.

Paragraph 11(d) of the National Planning Policy Framework states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless:

- i. The application of policies in the Framework that protect areas, or assets of particular importance, provide a strong reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, having particular regard to

key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

This means that as a result of the lack of five year supply and the latest published HDT result the 'tilted balance' set out in NPPF paragraph 11(d) applies and planning permission should be granted unless the above points Para 11(d) i or ii apply.

The site is located within an established urban area, outside of the Green Belt. As such the proposal for residential is considered to be acceptable in principle.

Principle (Retail)

Paragraph 91 of the NPPF confirms that Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

The site is not located within the town centre or identified shopping areas as allocated within Bury UDP, however it is located within 300 metres of the Secondary Shopping Area boundary as defined by UDP Policy S2/3 and as such is considered to be edge of centre location as defined within the glossary of the NPPF. Considering the proximity of the site to a secondary shopping area it is considered that the proposed retail at ground floor is acceptable in principle.

It should be acknowledged however that no reference is made to Bury UDP Policies or paragraph 91 of the NPPF in planning statement. References are made to Local Plan Policies however these have not been adopted and as such limited weight can be afforded to these policies at this time compared to the adopted UDP Policies.

Principle (Take Away)

UDP Policy S2/6 - Food and Drink and states that in considering proposals, regard be given 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 these types of uses;
- parking and servicing provision and traffic generation;
- provision for the storage and disposal of refuse and customer litter;
- environmental impact of any ventilation flues and/or ducting.

Paragraph 97 of the National Planning Policy Framework States:

Local planning authorities should refuse applications for hot food takeaways and fast food outlets:

- a) within walking distance of schools and other places where children and young people congregate, unless the location is within a designated town centre; or
- b) in locations where there is evidence that a concentration of such uses is having an adverse impact on local health, pollution or anti-social-behaviour.

The application has therefore been assessed against the Bury Hot Food Matrix (<https://www.theburydirectory.co.uk/jsna/interactive-tools/bury-fast-food-take-away-matrix>) by Public Health. The Bury Hot Food Take Away Matrix is a tool that enables new hot food take away applicants to check the proposed premises against a range of data metrics including health, deprivation and schools on an Lower Super Output Area (LSOA) footprint. This matrix can therefore be directly applied to paragraph 97 when making an assessment in relation to distances to schools, concentration of uses, and evidence of adverse impact on local health. The Matrix shows the following

- The LSOA is the highest interim of Index of multiple deprivation.
- There are 19 existing takeaways in this LSOA
- 46% of year 6 pupils are overweight or obese
- There are 3 schools in this area
- LSOA is halfway in rank for obese adults
- LSOA is one of the highest for diabetes (top 6% in Bury)

There are already 4 takeaway/hot food uses within the immediate vicinity of the site at no. 65, 67, 69 Lord Street and 79/81 Lord Street. There are presently no alternative ground floor uses within this particular frontage although there is a retail unit at 81 - 83 Spring Street which is located to and attached to the side/rear of the proposal site . The proposal would increase the number of takeaways within a 41 metre frontage to 6. This is considered to be an over concentration of uses contrary to UDP Policy S2/6.

In addition the Hot Food Takeaway Matrix data above shows that the location in which the proposed takeaways would be sited would not be acceptable in terms of impact on health and confirms that the site is within close proximity to 3no. schools. The schools in question would appear to be St Maries RC Primary School (0.1 miles), Holy Trinity Primary C of E School (0.1 miles) and St Thomas Church of England (0.6 miles). In addition Bury Grammar School, Bury College, St Gabriels RC High School and Hindles School of Excellence (tutoring) are all located within walking distance of the site and would be places where young persons congregate.

The emerging Hot Food Takeaway SPD (SPD 19) which is currently out to consultation, and currently carries limited weight also needs to be taken into consideration as this sets out the priorities of the Council and Local Planning Authority (LPA) in relation to proposed Takeaway uses. Whilst acknowledged limited weight can be attributed to this document at this time it is a useful document to understand how Public Heath assess applications for takeaways and as such can be directly applied to this application when reviewing the impacts of the proposal on health in accordance with paragraph 97 of the NPPF. This document confirms that proposals for all new hot food takeaways will be assessed against the Matrix referenced above and proposals that are not accepted by the Matrix will be refused, unless other material considerations indicate otherwise.

The emerging SPD 19 also confirms that in LSOA where obesity levels in primary school Year six pupils are more than 25% and there are more than 5 existing hot food takeaways within that ward, planning permission will not be granted on the grounds that it would be harmful to public health. The site is in an LSOA where 46% of the students are overweight or obese which is significantly higher than the threshold set out by this emerging guidance. There are already 19 existing takeaways sited within this LSOA.

SPD 19 also provides additional guidance on assessing the over concentration of uses. There should be no more than two consecutive hot food takeaways in any one length of frontage. Where there are already existing hot foot takeaways in any one length of frontage, a gap of at least two non-hot food takeaway uses shall be required before a further hot food takeaway will be permitted in the same frontage. As set out above, there are already 4 takeaways within this row with 3 being consecutive and the takeaway at 79/81 only being separated due to the vacant site to which this application applies.

It is therefore considered that the proposal would result in the over concentration of Hot Food Takeaway Uses within walking distance of schools and other places where children and young people congregate which would have an adverse impact on local health and the character of the area contrary to Bury UDP Policy S2/6 and Paragraph 97 of the National Planning Policy Framework.

Design and Layout

PfE Policy JP-H4 - Requires new housing development to be delivered at a density

appropriate to the location, reflecting the relative accessibility of the site by walking, cycling and public transport and the need to achieve efficient use of land and high quality design. Policy JP-H4 sets out minimum densities that should be considered. Therefore in accordance with Policy JP-H4 regard should be had to a minimum net residential density of 120 dwellings per hectare at this site. The application form states that the site is 332 square metres or 0.0332 hectares, which based on a total of 4no dwellings would result in a density of 120 dwellings per hectare complying with Policy JP-H4.

UDP Policies H2/1 and H2/2 provide the assessment criteria for detailed matters relating to height, appearance, density and character, aspects and finishing materials for new residential developments. UDP Policy EN1/2 seeks to ensure that development proposals would not have a detrimental effect on the visual amenity and character of a particular area. PfE Policy JP-P1 seeks to create a city region that consists of a series of beautiful, healthy and varied places. High quality design is fundamental to achieving this. PfE Policy JP-H3 seeks to provide an appropriate mix of dwelling types and sizes reflecting local plan policies and having regard to relevant local evidence. Development across the plan area should seek to incorporate a range of dwelling types and sizes, including for self-build.

The proposal is similar in design to the previously approved scheme. The proposal would lead to the infilling of an area of vacant land on Lord Street creating an active frontage on this row. The proposed units are considered to be of a suitable scale and massing and would tie in with the roof and eaves of the neighbouring properties. The proposed openings are considered to be suitably aligned when viewed from Lord Street and would mirror the shop frontages already in situ, retaining an area above the ground floor glazing for signage.

The additions to the rear of the site would have pitched, gable roofs replicating the shape and style of the properties at 65-69. Due to the nature of the site, and the limited views of the rear of the property the introduction of a flat roof dormer is considered to be acceptable.

The amended scheme however access to the proposed flats would be from the rear of the site rather than from the front as previously approved. Access from Back Lord Street, at the rear of the property has very little natural surveillance and could leave future residents and visitors vulnerable to criminality, fear of crime, and antisocial behaviour. As such this access is not considered to be acceptable.

The proposal also fails to show an area for cycle storage, does not show the flues required for the proposed takeaway uses, or the heatpumps referenced within the Planning Statement. As such it is considered that the application contains insufficient information in order to allow these elements to be adequately assessed and this will be expanded on further below.

PfE Policy JP-H3 also states that all new dwelling must:

1. Comply with the nationally described space standards (NDSS); and
2. Be built to the 'accessible and adaptable' standard in Part M4(2) of the Building Regulations unless specific site conditions make this impracticable.

The submitted NDSS table refers to all units as being 1 storey. Accommodation for apartments 2, 3 and 4 span over 2 storeys. The submitted NDSS table also has bedrooms measuring bigger than on plan. Each unit has been assessed as follows:

Apartment 1 would be a 1 bed, 1 person, 1 storey dwelling. Gross Internal Area (GIA) would be 42.5 square metres exceeds 37 square metres required. Bedroom would be 8 square metres exceeding the 7.5 square metres required. The bedroom would be 2.5 metres wide exceeding 2.15 metres required. Storage of 1 square metre is proposed complying with NDSS. This unit would comply with NDSS Standards.

Apartment 2 would be a 1 bed, 2 person, 2 storey property. At 57 square metres the GIA for this unit would be under the 58 square metres required. The proposed bedroom would

12 square metres and the widest point of the bedroom would be 3.5 metres, narrowing to 2.5 metres. The overall floor space and widest part of the room would comply with NDSS for a double occupancy room. Storage is proposed under the stairs. The submitted table states that this area is 1.5 square metres however the plan submitted measures slightly under at 1.37 square metres.

Apartment 3 would be a 1 bed, 2 storey, 2 person dwelling. At 55 square metres the GIA for this unit would be under the 58 square metres required. The proposed bedroom would 13.5 square metres and the widest point of the bedroom would be 3.7 metres, narrowing to 2.7 metres. The overall floor space and widest part of the room would comply with NDSS for a double occupancy room. Storage is proposed under the stairs. The submitted table states that this area is 1.5 square metres however the plan submitted measures slightly under. Due to the deficit in GIA this unit would not comply with NDSS standards.

Apartment 4 would be a 1 bed, 2 person, 2 storey dwelling. At 50 square metres the GIA for this unit would be under the 58 square metres required. The proposed bedroom would 13. square metres and the width of the bedroom would be 2.8 metres. The proposed storage would be 1.35 square metres which would not comply with NDSS standards. Due to the deficit in GIA and storage this unit would not comply with NDSS standards.

Residential Amenity

In addition to UDP Policy S2/6 which is set out above UDP 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. UDP Policy EN1/2 - Townscape and Built Design seeks to ensure that the proposals for development are considered in relation to their relationship to the surrounding area.

UDP Policy EN7/2 - Noise Pollution restricts development that would lead to an unacceptable noise nuisance to nearby occupiers and/or amenity users. UDP Policy H3/1 confirms that the Council will assess proposals for the development of non-conforming uses in primarily residential areas and will not permit proposals considered to be incompatible. UDP Policy S2/5 also seeks to ensure that when assessing new local shops the potential nuisance that would be created for neighbouring residents is considered.

As set out above any flues and extractors required for the proposed takeaway uses have not been shown on the proposed floor plans or elevations. As such the LPA would be unable to provide an assessment in relation to the proximity of these elements to habitable room windows within the proposed residential units. It is also unclear where the existing flue for No. 79/81 Lord Street would be relocated to as this currently extends over the land proposed to be developed. It is therefore considered that the applicant has provided insufficient information in relation to these elements to allow an accurate assessment to be made in terms of amenity.

There are no residential properties directly to the front of the site. To the rear of the site are the gables and back yards of No. 6 Shepherd Street and No. 85 Spring Street. The proposed first floor rear bedroom window associated within Apartment 4 would be separated from the rear yard of No. 6 Shepherd Street by approximately 6 metres. This is below the 7 metres required by SPD however an existing window would be utilised and the window and rear yard are separated by a highway. In addition due to the nature of built form in this area there is already a degree of overlooking in relation to the private amenity space and therefore a deficit of 1 metre is considered to comply with the intentions of SPD 6.

The new openings at ground floor facing towards Back Lord Street relate to the bin store and communal court yard rather than habitable rooms and are therefore considered to be acceptable. The proposed first floor rear openings relating to the hot food takeaways would

relate to a WC or a door to a landing area and as such are considered to be non-habitable rooms as such aspects not applied. The first floor windows relating to Apartment 2 and 3 would relate to non-habitable rooms (kitchens).

The proposed second floor windows, within the dormers, would be located a minimum of approximately 14 metres from the side boundaries of the yards of the properties at No. 6 Shepherd Street and No. 85 Spring Street exceeding the 10 metres required by SPD 6 and are therefore considered to comply with guidance.

The proposed uses have been separated as far as practicable, with bedrooms for Apartments 2 and 3 located adjacent to store rooms associated with the commercial uses. Where the residential flats share walls with the commercial uses the accommodation has been limited to the kitchen, living room and bathroom accommodation on these floors.

Access

In addition to UDP Policy S2/6 which has been set out above UDP Policy S2/5 seeks to ensure that small scale local shopping uses consider the parking and servicing provision associated with the proposed development and its effects in terms of road safety and traffic generation.

UDP Policy EN1/2 requires the consideration of the design and appearance of access, parking and service provision. PfE Policies JP-C5 and JP-C6 require streets to be well designed and managed to make a significant positive contribution to the quality of place and support high levels of walking, cycling and public transport. PfE Policy JP-C5 states that proposals should provide appropriate places and routes for servicing, deliveries and "drop-off". PfE policy JP-C6 includes the provision to create, where needed, dedicated separate space for people walking and cycling. In addition when considering layouts PfE Policy JP-P1 states that all development should be functional and convenient, enabling people and uses to act efficiently with minimal effort, and responding to needs relating to servicing, recycling facilities, refuse collection and storage.

This is further supported by PfE Policy JP-C8 that states that the LPA should prioritise convenient and safe access to the site and buildings for all users and ensuring that the layout, design and landscaping of development prioritises the provision of safe, secure and attractive access to local services and facilities for pedestrians, cyclists and people with a disability. JP-C8 also requires appropriate provision for deliveries and servicing, in a way that:

- meets road safety requirements,
- reduces transport emissions and other environmental impacts,
- reduces traffic congestion, the number of vehicle movements and the need for repeat deliveries.

In addition to this paragraph 116 of the NPPF confirms that applications for development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas, that they should create safe, secure and attractive places that minimise the scope for conflicts and that allow for the efficient delivery of goods.

As set out above, the pedestrian access to the site for any future residents would be via Back Lord Street without any natural surveillance, and via a narrow footway to the detriment of highway safety. The pedestrian access for the flats would via a communal yard that also appears to be intended to service the proposed ground floor commercial uses as well as bin storage for all of the proposed uses. There is no segregation proposed between the competing uses in terms of this rear access, and the proposed bin storage arrangements would be substandard with gates to the shared courtyard opening out onto the highway. As such it is considered that the proposed pedestrian and servicing would fail to prioritise pedestrian and cycle movements or minimise the scope for conflicts contrary to the policy considerations set out above.

Parking

In terms of parking standards, in addition to the policies set out above UDP Policy HT2/4 requires all applications for development to make adequate provision for their car parking and servicing requirements. Supplementary Planning Document 11 provides parking standards for developments.

The site is located within Zone 1 for parking as set out within SPD 11. No in curtilage parking would therefore be required for the uses proposed.

In terms of cycle storage 1 secure, covered cycle storage space per residential unit is required. For the ground floor units 1 secured covered space per 150sqm (minimum of 2 spaces) for staff and 1 secured covered space per 150sqm (minimum of 2 spaces) for visitors would be required for the proposed retail uses. 1 space per 100sqm with a minimum of 2 spaces would be required for the takeaway uses. No cycle storage has been included within the proposal for any of the proposed uses.

Ecology

PfE Policy JP-G8 states that through local planning and associated activities a net enhancement of biodiversity resources will be sought. This is supported by Policy EN6/3 that seeks to retain, protect and enhance the natural environment and seeks to retain features of ecological or wildlife value. Paragraph 187 of the NPPF states that the planning policies and decisions should contribute to and enhance the natural and local environment. UDP Policy EN8/2 supports and encourages new woodland and tree planting within the borough. This is further supported by PfE Policy JP-G7 that aims to significantly increase tree cover and requires 2no. replacement trees for each tree lost or other measures that would also result in a net enhancement in the character and quality of the treescape and biodiversity value in the local area.

The main ecological issue is biodiversity net gain.

Bats and Nesting Birds

A valid bat and nesting bird report has been provided. No evidence of roosting bats or nesting birds was recorded. No further information or measures are required at this time. If the development is delayed more than 2 years an updated assessment should be provided. This can be conditioned as part of any permission.

Other Wildlife

It is very unlikely that there will be any other wildlife issues associated with this site. No further information or measures are required.

Contributing to and Enhancing the Natural Environment & Biodiversity Net Gain (BNG)

10% BNG is mandatory under Schedule 7A of the Town & Country Planning Act 1990 (as inserted by schedule 14 of the Environment Act 2021).

The development will result in the loss of a small area of derelict land to development, the site until relatively recently was hard standing. No wildlife mitigation is required though enhancement for nesting birds could be provided. No soft landscaping is proposed.

The development is not exempt from 10% BNG with over 25sqm of low value habitat lost. As post development no vegetated habitats will be present off-site units will need to be purchased recorded in the BNG assessment as 0.07 units.

Whilst it would be theoretically possible to provide some habitat on-site such as green roof, a vegetated planter or one urban tree, this would be unlikely to achieve 10% on site, given the limited area of land that will not be covered by building.

As it stands no habitat management and monitoring plan is required as no habitats are being created on-site.

In order to discharge the statutory biodiversity gain condition the applicant would need to:

- provide A biodiversity gain plan using the defra template,
- Purchase the required number of habitat units and register them with defra and
- Provide The final version of the statutory metric with the developers sections of the start page completed.

GMEU also recommend conditioning of one sparrow terrace as enhancement for wildlife.

Contaminated Land

Paragraphs 187 and 196 of the NPPF seek to ensure that sites are suitable for its proposed use taking into account ground conditions, any risks arising from land instability and contamination.

A proposal for a site investigation has been submitted but not a Preliminary Risk Assessment. It may be possible to condition reports however given the issues set out above further information has not been requested in relation to this issue.

Carbon and Energy

PfE Policy JP-S2 - Carbon and Energy sets out the steps required to achieve net zero carbon emissions.

The applicant states that the site naturally promotes a low-carbon lifestyle due to the proximity to the town centre. Paragraph 6.7.2 of the planning statement makes references to hot water heat pumps and MVRH systems. No details have been submitted in relation to the siting of these systems, or assessments in relation to noise.

Digital Connectivity

JP-C2 - Digital Connectivity - this policy requires development to have full fibre to premises connections unless infeasible or unviable, with multiple-ducting. The policy supports the provision of free, secure, high-speed public wi-fi connections, particularly in the most frequented areas.

The applicant has confirmed that the integration of digital infrastructure in accordance with JP-C2 will be incorporated throughout the scheme.

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

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposal would result in the over concentration of Hot Food Takeaway Uses within walking distance of schools and other places where children and young people congregate which would have an adverse impact on local health and the character of the area contrary to Bury Unitary Development Framework Policy S2/6 -

Food and Drink and Paragraph 97 of the National Planning Policy Framework.

- 2 The application and submitted plans contain insufficient information in relation to the location of and specification of any proposed flues and kitchen ventilation systems, heat pumps or mechanical ventilation with heat recovery (MVRH) systems to enable them to be properly assessed in terms of residential amenity for future and existing occupiers and visual amenity. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan H1/2 - Further Housing Development, H2/1 The Form of New Residential Development, H2/2 - The Layout of New Residential Development, EN1/2 - Townscape and Built Design, EN7/2 - Noise Pollution, H3/1 - Assessing Non-Conforming Uses, S2/6 - Food and Drink and the following Policy of the Places for Everyone Joint Development Framework JP-P1 - Sustainable Places.
- 3 The proposed dwellings would fail to meet Nationally Described Space Standards (NDSS) for Gross Internal Area (GIA) and built in storage for proposed apartments 2, 3 and 4. The proposal would therefore fail to comply with Places for Everyone Joint Development Plan Policy JP-H3: Type, Size and Design of New Housing.
- 4 The application and submitted plans contain insufficient information in relation to cycle storage for the proposed uses on site in accordance with Bury Council Supplementary Planning Document 11 -Parking Standards in Bury, which is likely to lead to increased pressure on the highway for vehicles parking and carrying out manoeuvres on the adjacent highways, and exacerbating non-compliance with existing waiting restrictions, to the detriment of the free flow of traffic and road safety. The proposal is therefore considered to contrary to Bury Unitary Development Plan Policies S2/6 - Food and Drink, S2/5 - New Local Shopping Provision, EN1/2 - Townscape and Built Design, H2/1 - The Form of New Residential Development, H2/2 - The Layout of New Residential Development, HT2/4 - Car Parking and New Development, Places for Everyone Joint Development Framework Policies JP-C5 - Streets for All, JP-C6 - Walking and Cycling, JP-C8 - Transport Requirements for New Development and JP-P1 - Sustainable Places, Supplementary Planning Document 11 - Parking Standards in Bury and the National Planning Policy Framework.
- 5 The proposal would result in the creation of outward opening gates into the adopted highway at Back Lord Street, which would be detrimental to pedestrian and road safety and contrary to Bury Unitary Development Plan Policies S2/6 - Food and Drink, S2/5 - New Local Shopping Provision, EN1/2 - Townscape and Built Design, H2/1 - The Form of New Residential Development, H2/2 - The Layout of New Residential Development, Places for Everyone Joint Development Framework Policies JP-C5 - Streets for All, JP-C6 - Walking and Cycling, JP-C8 - Transport Requirements for New Development and JP-P1 - Sustainable Places and the National Planning Policy Framework.
- 6 The proposed pedestrian access arrangements to the development from the narrow footway on Back Lord Street, with very little natural surveillance are sub-standard are likely to lead to the creation of conflicts between pedestrians and vehicles to the detriment of pedestrian safety and could leave future residents and visitors vulnerable to criminality, fear of crime, and antisocial behaviour. The proposal fails to prioritise pedestrian and cycle movements or minimise the scope for conflicts contrary to Bury Unitary Development Plan Policies S2/6 - Food and Drink, S2/5 - New Local Shopping Provision, EN1/2 - Townscape and Built Design, H2/1 - The Form of New Residential Development, H2/2 - The Layout of New Residential Development, Places for Everyone Joint Development Framework Policies JP-C5 - Streets for All, JP-C6 - Walking and Cycling, JP-C8 - Transport Requirements for New Development and JP-P1 - Sustainable Places and the National Planning Policy Framework.

- 7 The proposed in-curtilage bin storage facilities and refuse collection access arrangements are sub-standard, do not meet Waste Management's 'Guide to Refuse Collection Requirements & Storage Methods for New Developments' and are likely to lead to the creation of vehicular and pedestrian conflicts on the adjacent adopted highways, to the detriment of the free flow of traffic and highway safety. The proposal is therefore considered to contrary to Bury Unitary Development Plan Policies S2/6 - Food and Drink, S2/5 - New Local Shopping Provision, EN1/2 - Townscape and Built Design, H2/1 - The Form of New Residential Development, H2/2 - The Layout of New Residential Development, Places for Everyone Joint Development Framework Policies JP-C5 - Streets for All, JP-C6 - Walking and Cycling, JP-C8 - Transport Requirements for New Development and JP-P1 - Sustainable Places and the National Planning Policy Framework.
- 8 The application and submitted plans contain insufficient, topographical survey based information in order assess the physical impact of the development, its foundations and surface water drainage arrangements on the adjacent adopted highways and rectifying historic damage to the adopted highway from previous unauthorised uses on the site. The proposal is therefore considered to contrary to Bury Unitary Development Plan Policies S2/6 - Food and Drink, S2/5 - New Local Shopping Provision, EN1/2 - Townscape and Built Design, H2/1 - The Form of New Residential Development, H2/2 - The Layout of New Residential Development, Places for Everyone Joint Development Framework Policies JP-C5 - Streets for All, JP-C6 - Walking and Cycling, JP-C8 - Transport Requirements for New Development and JP-P1 - Sustainable Places, and the National Planning Policy Framework.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP	26/02/2026		