



PLANNING STATEMENT

55a Horne Street, Bury, BL9 9BW

Variation of condition – Opening hours

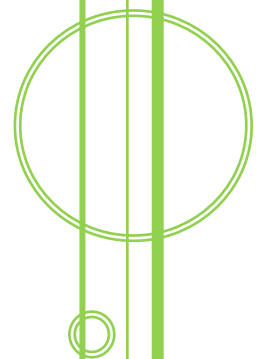
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1.0 Introduction & Context

1.1 This Statement has been prepared by Inspire Planning Solutions Ltd on behalf of the Applicant, to accompany a planning application made under S73 of the Town and Country Planning Act 1990 to vary condition no.3 of LPA ref no. 06/10/2005 which granted consent for the change of use to retail (Class A1) at 55a Horne Street, Bury in 2006. This Statement should be read alongside the accompanying plans and other supporting information and documentation submitted.

1.2 Condition no.3 reads as follows:

The shop shall not be open outside 0900 hrs to 2200 hrs daily. Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies S2/5 – New Local Shopping Provision Outside Recognised Shopping Centres and S1/5 – Neighbourhood Centres and Local Shops of the Bury Unitary Development Plan.

1.3 From 1st September 2020, use classes A1 (Shops), A2 (Financial and professional services), Class A3 (Restaurants and cafes), and Class B1 (Business) are to be treated as falling within the new Class E (Commercial, business, and services). Use Class E comprises both the display or retail sale of goods, other than hot food, principally to visiting members of the public as well as the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises.

1.4 The Applicant seeks to operate the premises as a Café / Restaurant which falls within the new 'Use Class E' i.e. within the now existing lawful use class and thus no change of use will take place. However, the Applicant seeks to vary the

operating hours slightly to enable an additional ninety minutes in the evening, thus closing at 23.30. The rationale behind the sought variation is to bring the premises in line with other uses in the locality with similar operating hours and to enable the premises to enable customers who are sitting in and who have arrived at 8/9pm to complete their meals - particularly during the summer months when customers tend to eat later. The merits and acceptability of the proposed variation will be set out in this Statement.



Figure 1. Application Site

2.0 Planning Policy

- 2.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004). The Council's relevant plan is the Bury Unitary Development Plan (UDP). The National Planning Policy Framework (NPPF) sets out the Government's planning agenda and is also relevant. The key policies and guidance from these documents is set out as follows.
- 2.2 Policy EC4 *Small and growing businesses* states that the Council will ensure that the needs of small and growing businesses are met by looking favourably on proposals for such developments, where these do not conflict with other policies and proposals of the Plan. Policy EN7 *Pollution control* states that the Council will seek to control environmental nuisance and minimise pollution levels associated with development by limiting the environmental impact of pollution, wherever possible, in conformity with current legislation and prescribed standards.
- 2.3 The NPPF is also relevant and sets out the Government's planning agenda. According to the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. The general perspective from the NPPF is that planning should proactively drive growth and support sustainable economic development. The general perspective of the NPPF is that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

3.0 Planning Appraisal

- 3.1 The purpose of this section of the Statement is to identify and assess the main planning considerations raised by the proposals in the context of relevant national and local planning policy and guidance.
- 3.2 As previously set out, the rationale behind the proposed variation to enable a eat-in food business to operate on times that meet the needs of its customer base. It is usual for customers who frequent evening establishments to spend a number of hours socialising and eating. The proposed variation would enable the business to increase revenues and supporting / sustaining jobs and sustainable economic development. The general perspective of the NPPF is that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development, especially in the current economic climate of a post-Covid19 economic recession.
- 3.3 The NPPF instructs that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole or its specific policies indicate development should be restricted. The variation will deliver beneficial sustainable economic development that should be granted planning permission and it will not result in any adverse impacts that would significantly and demonstrably outweigh the benefits of its approval. This is confirmed in the following assessment of the detailed material considerations relevant to the application.
- 3.4 The site has long been in commercial use (since permission was granted for the retail use in 2005) and is located within a mixed-use setting just off the A56

Manchester Road where there are a number of commercial uses which operate well into the evening, including several public houses and hot food takeaways. The nearby Parkhills Road is home to a vibrant shopping parade with many hot food takeaways operating until late in to the evening¹. The commercial units shown in Appendix 1 have self-contained flats above, as shown below.



Figure 2. Hot food establishments along Parkhill Road with late opening hours notwithstanding self-contained flats above *Source: Google Maps*

¹ See Appendix 1 for opening hours

- 3.5 The application property on the other hand occupies an end-terrace position and is orientated away from nearby dwellings (door positioned away from adjoining property and a wide back street separates it from Parkhills Road. Moreover, the proposal is not for a hot food takeaway but for a Café / Restaurant use with indoor seating and mainly on-site food consumption. In this type of use, consumers tend to remain on site for much longer consuming their meals, and turnover of customers / comings and goings to and from the site are considerably lower than those cited in the nearby Parkhills Road parade. The minor increase in opening hours of just ninety minutes is therefore considered to have a negligible impact on surrounding residential occupiers as it will allow customers already on the premises within the current permitted hours, to stay on the premises and complete their meals. Unlike pubs or bars, there would not be a 'closing-up' time where groups would leave the premises at the same time, and any patrons would disperse and leave the area, thereby not giving rise to any undue noise disturbance. In these respects, the proposal would not jeopardise the intentions of Policy EN7 *Pollution control* or other relevant policy and guidance relating to living conditions.
- 3.6 The proposal does not give rise to any other matters – whether in respect of design or on highway safety matters.

4.0 Conclusion

- 4.1 This Statement has set out the merits and acceptability of the proposed variation of opening hours at 55a Horne Street, Bury. The benefits to be accrued for the local business have been clearly set out. For the reasons set out in this Statement, the variation of condition will not result in adverse amenity impacts.
- 4.2 The NPPF states that local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. It goes on to state that local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible.
- 4.3 For the reasons set out, the LPA is kindly requested to grant planning permission. If there are any queries arising, contact should be made with Inspire Planning Solutions Ltd.

Appendix 1. Opening hours of nearby commercial uses

Monday 10AM–12AM Tuesday 10AM–12AM Wednesday 10AM–12AM Thursday 10AM–12AM Friday 10AM–2:45AM Saturday 10AM–2:45AM Sunday 10AM–12AM  Place an order  caspianpizzaonline.com  +44 161 764 7555  HPM2+7Q Bury, United Kingdom	 18 Parkhills Rd, Bury BL9 9AX, United Kingdom  Closed ^ Monday 11AM–11PM Tuesday 11AM–11PM Wednesday 11AM–11PM Thursday 11AM–11PM Friday 11AM–11PM Saturday 11AM–11PM Sunday 11AM–11PM  Place an order just-eat.co.uk  +44 161 763 9275
 8 Parkhills Rd, Bury BL9 9AX, United Kingdom  Closed ^ Monday 12–11PM Tuesday 12–11PM Wednesday 12–11PM Thursday 12–11PM Friday 12–11PM Saturday 12–11PM Sunday 12–11PM  +44 161 763 7700  HPM2+8R Bury, United Kingdom  Add a label	 16 Parkhills Rd, Bury BL9 9AX, United Kingdom  Closed ^ Monday 11AM–1AM Tuesday 11AM–1AM Wednesday 11AM–1AM Thursday 11AM–1AM Friday 11AM–3AM Saturday 11AM–3AM Sunday 11AM–1AM  homerunpizzas.co.uk  +44 161 797 6161  HPM2+9W Bury, United Kingdom

Source: Google