

DELEGATED REPORT

Report by Claire Booth	Date of report: 29/07/2026	Ref: 73240/FUL
Registration: 02/06/2026	LDFC: 07/07/2026	Expiry Date: 28/07/2026
Site Visit: 16/06/2026	Site Notice: 16/06/2026	Press Date: N/A
18:00:00		
Objections: 35	Con Area:	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: MIOT

Proposal: Demolition of existing car showroom/workshop and redevelopment to provide 2no. units (1no. retail unit, 1no. food and drink unit with drive thru facility) together with car parking, amended vehicle access points, landscaping and associated works.

Location: Parkhills Garage, Manchester Road, Bury, BL9 9AZ

Description and Proposal

Site Description

The application site relates to the Parkhills Garage site that exists on the corner of Parkhills Road and Manchester Road, which is currently in use as a car sales and servicing place. The application site is bordered by 4 highways; Richmond Street runs along the northern boundary of the site, Walker Street, a cobbled street runs along the eastern boundary of the site, Parkhills Road runs along the southern boundary of the site and Manchester Road is sited along the western boundary of the site.

Holly Cross College exists opposite the northern boundary site on the opposite side of Richmond Street to the application site and an existing vehicle entrance to the site. The gable of the college and the rear entrance to the college is accessed from Richmond Street, close to its junction with Manchester Road. The remainder of Richmond Street contains residential dwellings on its northern side which overlook the application site.

The site has existing access/ egress points (3 in total) on Richmond Street and Walker Street.

Proposed Development

Planning permission is sought for the demolition of the existing office and car showroom structures to create two modern Class E units for retail and food/drink, including a convenience store and a coffee shop with drive-through. The application asserts that both units uses would fall within a Class E use. However, Drive-Thru uses tend to be a Sui-Generis use, or as a minimum a mixed use.

The proposal seeks permission for a one-way system through the site with access proposed from the existing vehicular access point on Richmond Street, close to the junction of the street with Manchester Road and egress via an existing vehicular access point on Walker Street, close to the junction of Walker Street with Parkhills Road/ Manchester Road/ Radcliffe Road.

The proposal seeks to close one of the two vehicular access points on Richmond Street and seeks to retain the access closest to the junction with Manchester Road, to create an entry into a one-way system through the site that seeks to exit via Walker Street, utilising an existing access, located opposite the gable of no. 1 Parkhills Road, a property in use as a Take-away and diagonally opposite no. 1 Walker Street. It is very close to the junction of Walker Street with Parkhills Road.

The proposal includes parking for 34 vehicles (including 3 disabled spaces) and 14 cycle stands.

The proposed development proposes the following opening hours:

- The Convenience Store seeks to open between the hours of 0700 to 2300 for the proposed convenience store and
- The proposed mix-use unit with the drive thru lane seeks to open between 0500 to 0000

Site Allocations

The site is located within a Local Shopping Centre (Parkhills), as defined within the adopted Development Plan.

The site is located within a Development High Risk Area, as defined by the Coal Authority.

SPD11 identifies the site as being within Parking Zone 2, as defined by SPD11: 'Parking Standards in Bury'.

Relevant Planning History

N/A

Publicity

57 neighbours notified out the proposed development on the 05/06/2026

Site Notices were erected on all roads surrounding the application site on the 16/06/2026

A total of 36 letters of objection and one petition containing 111 signatures were received in response to the application. The objections raise the following concerns:

Overconcentration of takeaways/food outlets within the District Centre

- Objectors state that there are already a significant number of existing takeaway premises in the locality and that there is no need for an additional food outlet.

Highway safety and traffic impacts

- Concerned that the proposed drive-thru and retail uses would generate a significant increase in vehicular movements on an already heavily trafficked section of Manchester Road and surrounding streets.
- Experiences regular congestion, particularly at peak times, and asserts that additional vehicle movements would exacerbate existing traffic conditions and queuing.
- Concerns have been raised regarding the potential for queues associated with the drive-thru facility to back up onto Manchester Road and nearby residential streets, including Walker Street and Richmond Street, creating hazards for motorists and pedestrians.
- Representations also refer to an existing history of accidents and raises safety concerns at the nearby four-way junction and contend that increased traffic volumes would further compromise highway safety.
- Concerns raised include delivery vehicle access via Richmond Street, which residents consider unsuitable due to its residential nature, on-street parking and weight restrictions; increased traffic contraventions; reduced visibility for drivers; conflicts between vehicles and pedestrians; and risks to vulnerable road users, including children travelling to school, residents playing in the area, and elderly and disabled pedestrians.

Parking pressures and residential access

- State that the development would exacerbate existing parking problems in the area.
- Concerns have been raised regarding the adequacy of the proposed parking provision. and the potential for overspill parking onto surrounding residential streets.

DELEGATED REPORT

- Report existing issues associated with parking demand generated by Holy Cross College, nearby shops and takeaways, including vehicles blocking driveways, parking within permit-controlled areas, obstructing footways and occupying residential parking spaces.
- Contend that customers associated with the proposed development, including the retail units and drive-thru, would place further pressure on local parking provision, resulting in increased congestion, reduced highway capacity, difficulties accessing driveways and increased highway safety risks.

Impact on residential amenity

- Concerned that the proposed commercial use and extended operating hours would adversely affect the character of the surrounding residential area.
- Assert the scale and intensity of activity associated with a drive-thru operation would be incompatible with neighbouring residential properties and would result in an unacceptable loss of amenity.
- Concerned that the development would generate noise throughout the day and into the late evening from vehicle movements, customer activity, engine idling, car doors, conversations, deliveries and general comings and goings associated with both the drive-thru and retail units.
- Concerned regarding the proposed operating hours, with objectors stating that activity extending into the late evening could disturb nearby residents.
- Concerns have also been expressed regarding noise and vibration from servicing operations, delivery vehicles, refrigeration units, air-conditioning equipment, extraction systems and any associated plant and machinery.
- It is further suggested that customers may remain in parked vehicles within nearby streets after leaving the site, creating additional noise and disturbance for neighbouring occupiers.

Anti-social behaviour

- Concerned that the development could encourage loitering, gathering of vehicles, excessive noise from parked cars, and other forms of nuisance behaviour, particularly during evening and late-night periods. Residents state that similar issues already occur in the area and fear these would be exacerbated by the proposed development.

Litter and waste

- Objectors' express concerns that the development would increase littering and worsen existing cleanliness issues within surrounding streets. Reference is made to food packaging and waste associated with takeaway uses already present in the area.

Vermin and public health concerns

- State increased food waste and litter could attract rodents and exacerbate existing pest problems reported within the locality.

Petition Received

The covering letter attached to the petition received from the area surrounding the application site which contains 111 signatures from the local area, refers to the areas of concerns and objections raised above. The petition submitted in support of the objections reiterates the concerns summarised above, with particular emphasis on highway safety, traffic congestion, parking pressures, impacts on residential amenity, anti-social behaviour, litter and vermin.

Objection received from Holy Cross College

The management team of Holy Cross College have submitted the following reasons to object against the development of Parkhills Garage into a retail unit plus a drive-through food and drink facility;

1. It will add further congestion in very close proximity to an already very busy junction of Manchester Road and Parkhills Road.

2. This in turn adds a further hazard to our student and staff community crossing the roads at the junction and then further crossing at the drive-through facility entry and exit points.
3. The development will add further air and light pollution with additional cars entering and exiting the drive-through both day and evening.
4. The area around Parkhills Road already has a substantial number of food outlets, so further provision of the same kind is not needed in the area.
5. Litter is a problem around the area already so further outlets will only add to this waste pollution.
6. The college has a main delivery gate for large delivery vehicles into the college from Richmond Street, it is unclear how the new development will affect the driveway entrance to the college but a concern there will be an adverse impact.
7. The College has an on-site catering facility and is concerned that its financial viability will be adversely affected by further a retail and food and drink outlet

Statutory/Non-Statutory Consultations

Traffic Section - Raises objections. The reasons for objecting are explained within this report.

Waste Management - No comments or observations received.

Borough Engineer - Drainage Section - No objections, subject to a pre-commencement condition requiring a surface water drainage scheme.

Environmental Health - Contaminated Land - No objections, subject to conditions ensuring the site is safe for future users of the site.

Environmental Health - Air Quality - Raises concerns that the application is not accompanied by an Air Quality Assessment. Separately they also recommend a condition securing electric vehicle charging provision and passive charging provision.

Environmental Health - Pollution Control - Raises concerns about the noise of vehicles idling at the drive-thru and the noise of the proposed machine taking orders adversely affecting nearby residents.

The Coal Authority - Raises objections as the submitted information does not provide any assessment of the potential risks posed to the development proposal by past coal mining activity.

United Utilities (Water and waste) - No objections, subject to a planning condition securing a satisfactory foul and surface water drainage scheme.

Greater Manchester Police - design for security - Raises concerns that the submitted Crime Impact Assessment fails to include the local crime stats therefore it is unknown whether the proposed mitigation measures are adequate.

Public Health - No objections, subject to planning conditions being imposed to ensure that the uses would not turn into hot food takeaways.

Transport for Greater Manchester - The submitted Transport Assessment fails to provide a sufficiently robust assessment - the reasons given are provided within the main report.

Pre-start Conditions - Not relevant.

Development Plan and Policies

S1/4 Local Shopping Centres

EN1/2 Townscape and Built Design

EN1/7	Throughroutes and Gateways
EN7/2	Noise Pollution
H3	Incompatible Uses in Residential Areas
H3/1	Assessing Non-Conforming Uses
HT2/4	Car Parking and New Development
JP-J1	Supporting Long-Term Economic Growth
JP-C1	Our Integrated Network
JP-C2	Digital Connectivity
JP-C3	Our Public Transport
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-C8	Transport Requirements of New Development
JP-S2	Carbon and Energy
JP-S4	Flood Risk and the Water Environment
JP-S5	Clean Air
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 of Development

The application site is located within an allocated Local Centre - LC07 - Parkhills Road, as designated in Bury Unitary Development Plan Policy S1/4: Local Centres.

Policy S1/4 states that the Council will seek to maintain and enhance local shopping centres and will encourage the provision of a range of shopping facilities required to serve purely local needs.

The scale of retail development proposed in application 73240 is relatively modest and would serve local needs.

The principle of a food and drink unit with drive thru facility in the Local Centre would be acceptable subject to a planning condition which would restrict a hot food takeaway use on the site, within either of the proposed units, as this would be contrary to SPD 19: 'Hot Food Takeaways' given the number of hot-food takeaways existing in this Local Centre.

On balance, the principle of the proposal is acceptable subject to a planning condition being imposed, should the development be approved, which restricts a hot food takeaway use on the site.

Air Quality

The site is located within an Air Quality Management Area which is a boroughwide designation along all arterial routes and at major road junctions.

The submitted Transport Statement identifies a net increase in vehicular movements arising from the proposed development which has the potential to exceed the screening thresholds contained within Environmental Protection UK (EPUK) guidance as is considered possible that the development would create an increase of more than 100 AADT (annual average daily traffic). In these circumstances, an Air Quality Assessment is required. No Air Quality Assessment has been submitted with this application and consequently the Local Planning Authority is unable to adequately assess the impact of the development on air quality and human health within the AQMA. The proposal therefore fails to demonstrate compliance with Policy JP-S5 (Clean Air) of the Places for Everyone Joint Development Plan and the National Planning Policy Framework.

Policy JP-S5 also requires all new development to provide sufficient electric vehicle charging provision. Such provision is not provided within this proposal and is not shown on the submitted proposed site plan.

Overall, the proposal fails to accord with the requirements of PfE Policy JP-S5 and the National Planning Policy Framework.

Crime and Disorder

Section 8 of the National Planning Policy Framework (NPPF) seeks to promote healthy and safe communities and advises that planning decisions should ensure developments create places that are safe, inclusive and accessible, and which are not undermined by crime, fear

of crime or anti-social behaviour. Developments should incorporate appropriate measures to reduce opportunities for crime and create environments that are safe and secure for all users.

In support of the application, a Crime Impact Statement has been submitted. However, Greater Manchester Police Crime Prevention Design Advisor has advised that the document does not include relevant crime and disorder data for the site and surrounding area. As a result, it has not been demonstrated that the assessment has been informed by an understanding of local crime patterns, risks and vulnerabilities. Without this baseline information, it is not possible to determine whether the proposed security and crime prevention measures are proportionate, appropriate or sufficient to address the likely impacts of the development.

Furthermore, the Crime Impact Statement contains a number of recommendations intended to mitigate opportunities for crime and anti-social behaviour. Whilst these recommendations are acknowledged, a number of them have not been incorporated into, or clearly reflected within, the submitted plans and drawings. Consequently, there is no certainty that the measures identified as necessary by the applicant's own assessment would be delivered as part of the development.

Given the absence of robust crime data and the failure to demonstrate how the recommended mitigation measures would be implemented, the Local Planning Authority cannot be satisfied that the development would provide a safe and secure environment for future occupiers and visitors, or that opportunities for crime and anti-social behaviour have been minimised through good design. The proposal therefore fails to adequately address crime prevention considerations and conflicts with the objectives of the National Planning Policy Framework, Secured by Design principles, and Policy EN1/5 - Crime Prevention of the Development Plan, which require developments to incorporate design measures that promote community safety and reduce opportunities for crime.

Impact on Neighbouring Businesses

NPPF Para. 200 states:

Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

The site is located within an allocated District Centre and therefore in principle the proposal would not cause harm to neighbouring businesses.

Highway Safety

UDP Policy EN1/2 requires the consideration of the design and appearance of access, parking and service provision. This is further supported by UDP Policy H2/2 that requires proposals to demonstrate adequate car parking provision, access for both vehicles and pedestrians, and provision for public transport and the existence of any public rights of way. 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.

The proposed development sits on the corner of a key crossroads junction - Parkhills Road, Manchester Road and Radcliffe Road, which is often very busy, more so during key travel times. The proposed access and egress points are both located in very close proximity to the junctions with Manchester Road and Parkhills Road.

The submitted Transport Statement fails to provide a robust assessment of the likely highway impacts of the development. Transport for Greater Manchester have advised that the assumptions relating to diverted and linked trips have not been adequately justified within the submitted Transport Assessment and that no revised trip generation assessment, junction impact assessment or Road Safety Audit has been submitted, despite the proposed access and egress points being on and off these priority highways and in close proximity to the traffic lights at the cross-roads junction. In the absence of this information, the Local Planning Authority cannot be satisfied that the development would not have an unacceptable impact on highway safety or on the safe and efficient operation of the surrounding highway network, including the Manchester Road/Parkhills Road corridor. The proposal has therefore failed to demonstrate that safe and suitable access can be achieved for all users or that the residual cumulative impacts on the highway network would not be severe, as identified within the NPPF.

The application site is currently used as Car Sales and Garage. As verbally advised by the Local Highways team, it operates in a very low key way so does not cause notable issues on the highway network. Parkhills Car Centre in Bury is open Monday to Friday from 09:00 to 18:15, Saturday from 10:00 to 16:00, and Sunday from 10:30 to 16:00. In contrast, the proposed development seeks to open between the hours of 0700 to 2300 for the proposed convenience store and 0500 to 0000 for the proposed drive-through unit and restrictions on delivery times proposed to be 0700 to 1900 hours. The proposed development would therefore intensify the use of the site, in terms of the nature of the proposed commercial uses and times that the site would be in use.

The proposed access from Manchester Road to Richmond Street which is in close proximity of the main junction on Manchester Road. Richmond Street is a two way street, serving the delivery access for Holy Cross College, the residential dwellings on Richmond Street and Walker Street, and enables an alternative access to Parkhills Road. Given the nature of the proposed uses and the proposed layout of the development, with the proposed drive-thru lane crossing paths with vehicles entering and leaving the site and conflicting with delivery and waste management vehicles, the proposal would lead to vehicles conflicting and backing up on Parkhill's Road, close to the main junction of Parkhill's Road/ Manchester Road. The proposal would thus be harmful to highway safety.

Similarly, the proposed exit point onto Walker Street is very close to the streets junction with Walker Street. The proposed development would lead to conflicts between vehicles trying to leave the site and exit right on to Parkhill's Road. This junction is very busy during the day and thus the Council has serious concerns with the proposed developments would lead to a conflict of vehicles leaving the site and trying to access Parkhills Road and other highway users entering and leaving Walker Street. Importantly due to the identified issues, it is also considered that the proposal would lead to vehicles stacking up/ backing up on the A56 Manchester Road. This would result in conditions harmful to highway safety and would adversely affect the free-flow of traffic on Manchester Road.

Given both the proposed access and egress points are onto key highways, with the A56 Manchester Road being a highway which is the route used within the borough for Abnormal HGV loads, and is the main route to Manchester City Centre and junction 19 of the M60 motorway - the Prestwich junction, the Local Planning Authority is not satisfied that the proposed access arrangements would operate safely or without causing unacceptable impacts on the safe and efficient operation of the surrounding highway network. The proposed entry being in close proximity to the A56 Manchester Road, would lead to cars entering the site backing up on to this main transport highway, preventing the free-flow of traffic along the transport route, whilst at the same time causing a conflict with other highway users, both entering and leaving Richmond Street and other vehicles travelling on Manchester Road trying to turn right into Richmond Street.

For all the above reasons, the proposed development would therefore prejudice highway

safety and the free flow of traffic, contrary to Policy HT2: Highway Network of the Bury Unitary Development Plan, Policies JP-Strat14: A Sustainable and Integrated Transport Network, JP-S1: Sustainable Development, JP-C5: Streets for All, JP-C6: Walking and Cycling and JP-C8: Transport Requirements of New Development of the Places for Everyone Joint Development Plan, and the National Planning Policy Framework.

Pedestrian connectivity

Moving on, the proposal fails to take into account the Phase 2 Pimhole and Bee Network Active Travel Scheme which adjoins the site and its proposed exit point. This further demonstrates the proposed development has failed to take this into consideration. In addition, the proposal also fails to consider pedestrian connectivity to and from the site which is currently unsafe when travelling along Manchester Road, across Parkhill's Road, from the south due to the current signalised junction having no pedestrian crossing lighting. Therefore, from both sides of Manchester Road and Parkhills Road it is hazardous to cross at the moment. This further demonstrates the proposal is not well-designed, as required by the NPPF.

The above said, the proposed active travel scheme, is scheduled to start in the last quarter of 2026. As part of this, pedestrian crossing facilities are proposed. A reason for refusal on pedestrian connectivity ground would therefore not be justified.

Car Parking and Cycle Parking Provision

The proposed development illustrates that 34 car parking spaces and 14 cycle stands would be provided. The proposals therefore accord with the car and cycle parking provision standards set out within SPD11: Parking Standards in Bury.

Electric Vehicle Charging Provision

SPD11, also requires new developments to provide electric vehicle charging provision and passive charging provision within new developments. It requires non-residential buildings, with more than 10 parking spaces, to provide 10% of spaces to have access to an electric vehicle charge point (Active Provision) and a further 10% to have passive charging provision. The proposal fails to show where the required EV provision would be located on the site and indeed whether such EV charging provision could be accommodated on the site safely given its constrained nature. The proposed development therefore fails to accord with the electric vehicle charging provision required by SPD11 and PpE Policies JP-S1: Sustainable Development and JP-S2: Carbon and Energy. Moreover, the failure to incorporate the required electric vehicle charging provision demonstrates the proposed development is not well designed, contrary to the requirements of the NPPF.

Access and Parking for Delivery and Service Vehicles

SPD11 states within para. 4.22 that certain uses will be frequently serviced by larger vehicles including Heavy Goods Vehicles (HGVs). Where this is the case, parking / loading / standing areas should be provided. Given the range of development this could include, each application will be assessed on its own merits. Guideline figures are however provided within the following tables for Business, Industrial and Storage and Distribution uses. The proposed uses would receive deliveries by larger vehicles including HGVs.

The proposal has been designed so servicing and deliveries would take place within the site during the opening hours of the site. This would lead to a conflict with users of the site, and their vehicles. The proposals therefore fail to be well-designed, as required by the NPPF.

To conclude this section of the report, the proposed development would therefore be likely to prejudice highway safety and the free flow of traffic, contrary to Policy HT2: Highway Network and HT4: New Development of the Bury Unitary Development Plan, Policies JP-Strat14: A Sustainable and Integrated Transport Network, JP-S1: Sustainable Development, JP-C5: Streets for All, JP-C6: Walking and Cycling and JP-C8: Transport Requirements of New Development of the Places for Everyone Joint Development Plan, and the National Planning Policy Framework.

Impact on the amenity of nearby residential occupiers

UDP Policy H3 and H3/1 seeks to restrict the development of incompatible uses in areas which are primarily residential in nature and where possible will seek to resolve existing conflicts.

Paragraph 198 of the NPPF confirms that decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

Residential dwellings surround the application site, with residents living on Richmond Street directly, opposite the northern boundary of the application site. Along the eastern boundary of the site is a traditional terrace row of houses on Walker Street, a cobbled street. Opposite the southern boundary of the site which abuts Parkhills Road are residential apartments above commercial uses. An extant planning approval also exists for 4 apartments at first floor level within the former Parkhill's Public House site, where two apartments would directly overlook the proposed development. Dwellings on the opposite side of Manchester Road to the west of the application site also overlook the site.

The existing business occupying the site - Parkhills Car Centre is open Monday to Friday from 09:00 to 18:15, Saturday from 10:00 to 16:00, and Sunday from 10:30 to 16:00.

In contrast the proposed development seeks to open between the hours of 0700 to 2300 for the proposed convenience store and 0500 to 0000 for the proposed drive-through unit. The submitted Noise Assessment advises that delivery times to the site are proposed to be 0700 to 1900 hours.

The proposed retail store and drive-thru coffee shop, by virtue of the intensified commercial use of the site including the proposed opening hours, and the extended pattern of customer visits and vehicular activity associated with a drive-thru operation, would give rise to excessive noise, disturbance, vehicle idling from those cars visiting and existing the proposed retail store and the drive-thru unit where some users of the site would sit within their cars to eat and drink their purchases, and due to the general activity on the site, would materially harm the amenities enjoyed by surrounding neighbouring occupiers, particularly the residents on Walker Street and Richmond Street.

Due to the proximity of surrounding residential properties, these impacts would materially harm the amenities enjoyed by neighbouring residents, contrary to the requirements of UDP Policy EN1/2 and the NPPF, which seeks to protect the amenity of neighbouring occupiers.

The application is supported by a Noise Assessment which recommends that the noise from the proposed Plant Room which seeks to be located in the north-west corner of the application site, close to the properties on Walker Street and Richmond Street. The Council's Environmental Health Officers are satisfied that a planning condition could secure the noise levels stated within the assessment, which are considered to be acceptable, by planning condition. Notwithstanding this and due to the reasons given above, the proposal would undoubtedly harm the amenity of surrounding resident by virtue of the increased comings and goings to the site on both foot and in cars, and the associated noise and disturbance associated with the proposed use and due to the intensification in use of the site that would occur if the proposed development was approved. For these reasons, the proposal is contrary to Policy H3/1: Assessing Non-Conforming Uses and EN1/2: Noise Pollution of the Bury Unitary Development Plan, Policy JP-P1: Sustainable Places and the National Planning Policy Framework, which require development to safeguard the amenity of existing residents.

Design and Layout

Paragraph 131 of the NPPF considers that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 139 of the NPPF considers that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes. Conversely, significant weight should be given to: (a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes; and/or (b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

Policy EN1/2: Townscape and Built Design - seeks to ensure that any proposals would not have an adverse impact on the particular character and townscape of an area.

It has been evidenced within the Highway Safety section of this report that the proposed development is poorly designed by virtue of its proposed access and egress points causing highway safety issues on the highways surrounding the application site, of particular concern are the safety concerns around the Manchester Road/ Richmond Street and Walker Street/ Parkhills Road junctions.

Within the same Highway Safety section of the report, it has also evident that due to the proposed layout of the development, its access and egress locations and due to the proposed siting of the drive thru commercial unit, other vehicles entering, leaving and manoeuvring within the site would conflict with users of the proposed drive-thru unit. This is not only harmful to the safety of vehicles, but also pedestrians and cyclists that would be within the site.

For these reasons the proposals fail to be well designed, contrary to the requirements of the NPPF, identified above, and UDP Policy EN1/2.

In terms of the proposed visual appearance of the development and its impact on visual amenity; although the buildings are very generic in their design, appearance and form, they are considered to cause no greater harm than the existing single storey flat roof modern style buildings on the site. For these reasons the visual impact of the proposal would be acceptable.

Drainage

PfE Policy 'JP-S4: Flood Risk and the Water Environment' of the Places for Everyone Joint Development Plan and Section 14 (Meeting the challenge of climate change, flooding and coastal change) of the NPPF to ensure developments do not increase flooding on the site or elsewhere. UDP Policy EN7/5: Waste Water Management seeks to manage drainage of foul and surface water.

Both the Council's Drainage Section and United Utilities raise no objection to the proposal in this regard, subject to the imposition of a satisfactory foul and surface water drainage scheme is secured by condition. If the Council was minded to support the application, a condition could be secured should planning permission be granted.

Carbon and Energy

PfE Policy JP-S2: Carbon and Energy requires new development to be net zero carbon in

relation to the developments operational carbon emissions. Policy JP-S2 expects all new development to be net zero carbon. The expectation from the adoption of the PfE Development Plan is that net zero carbon should be achieved for regulated carbon emissions; from 2028 for all emissions in construction; and from 2025, development should also calculate and minimise carbon emissions from unregulated emissions.

An Energy Statement accompanies this planning application and sets out how this will be achieved, in accordance with the energy hierarchy. The proposed adopted low-carbon energy strategy and enhanced building fabric performance demonstrate:

- 81.1% reduction in regulated CO2 emissions compared against the Target Emission Rate.
- 85.4% reduction in Primary Energy demand compared against the Target Primary Energy benchmark.

These results demonstrate a highly energy-efficient development, in accordance with the requirements of Policy JP-S2. The measures proposed to achieve the above reductions could be secured by planning condition, were the Council minded to approve the development proposed

Digital Connectivity

PfE Policy JP-C2 - 'Digital Connectivity' requires all new development to have full fibre to premises connections unless technically infeasible or unviable.

A Digital Connectivity Statement accompanies the application advising the development would be served with full fibre broadband connectivity. The proposed development would therefore accord with Policy JP-C2, provided such digital connectivity prior to both buildings coming into use, would be secured by condition.

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 submitted Transport Statement fails to provide a robust assessment of the likely highway impacts of the development. The assumptions relating to diverted and linked trips have not been adequately justified and no revised trip generation assessment, junction impact assessment or Road Safety Audit has been submitted. In the absence of this information, the Local Planning Authority cannot be satisfied that the development would not have an unacceptable impact on highway safety or on the safe and efficient operation of the surrounding highway network, including the Manchester Road/Parkhills Road corridor. The proposal has therefore failed to demonstrate that safe and suitable access can be achieved for all users or that the residual cumulative impacts on the highway network would not be severe. The proposal is therefore contrary to Policy HT2: Highway Network of the Bury Unitary Development Plan, Policies JP-Strat14: A Sustainable and Integrated Transport Network, JP-S1: Sustainable Development, JP-C5: Streets for All, JP-C6: Walking and Cycling and JP-C8: Transport Requirements of New Development of the Places for Everyone Joint Development Plan, and the National Planning Policy Framework.

- 2 The proposed redevelopment, by virtue of the nature and intensity of the proposed retail and drive-through uses, would generate a significant increase in vehicular movements to and from the site. The proposed access from Richmond Street and egress onto Walker Street would introduce additional turning movements and vehicle conflict points in close proximity to the junctions of Manchester Road/Richmond Street and Parkhills Road/Walker Street. The Local Planning Authority is not satisfied that the proposed access arrangements would operate safely or without causing unacceptable impacts on the safe and efficient operation of the surrounding highway network. The development would therefore be likely to prejudice highway safety and the free flow of traffic, contrary to Policy HT2: Highway Network and HT4: New Development of the Bury Unitary Development Plan, Policies JP-Strat14: A Sustainable and Integrated Transport Network, JP-S1: Sustainable Development, JP-C5: Streets for All, JP-C6: Walking and Cycling and JP-C8: Transport Requirements of New Development of the Places for Everyone Joint Development Plan, and the National Planning Policy Framework.
- 3 The proposed layout of car parking, together with the interaction between customer vehicles, drive-through traffic, servicing vehicles and pedestrians within the site, has not been demonstrated to provide a safe and efficient environment for all users. The Local Planning Authority considers that the development would be likely to result in vehicle conflict, unsafe manoeuvring and given the nature of the proposed uses and their nature, overspill parking occurring on surrounding streets, to the detriment of highway and pedestrian safety and the safe operation of the local highway network. The proposal therefore fails to provide well-designed development. The proposal is therefore contrary to Policy EN1/2 Townscape and Built Design of the Bury Unitary Development Plan and Policies JP-S1: Sustainable Development, JP-C5: Streets for All and JP-C8: Transport Requirements of New Development of the Places for Everyone Joint Development Plan and the National Planning Policy Framework.
- 4 In the absence of supporting analytical evidence the proposed access and egress arrangements would be likely to prejudice the operation and objectives of Phase 2 of the Fishpool and Pimhole Bee Active Travel Scheme, particularly in the vicinity of the Manchester Road/Parkhills Road junction, a scheme being installed to improve connectivity to Bury town centre and local facilities to make walking, wheeling and cycling and more attractive for local journeys. The development would undermine measures intended to improve conditions for walking, wheeling and cycling and would therefore be contrary to Policies JP-Strat12: Main Town Centres, JP-C5: Streets for All and JP-C6: Walking and Cycling of the Places of the Places for Everyone Joint Development Plan.
- 5 The proposed layout of car parking, together with the interaction between customer vehicles, drive-through traffic, servicing vehicles and pedestrians within the site, has not been demonstrated to provide a safe and efficient environment for all users. The Local Planning Authority considers that the development would be likely to result in vehicle conflict, unsafe manoeuvring and given the nature of the proposed uses and their nature, overspill parking occurring on surrounding streets, to the detriment of highway and pedestrian safety and the safe operation of the local highway network. The proposal is therefore contrary to Policies JP-S1: Sustainable Development, JP-C5: Streets for All and JP-C8: Transport Requirements of New Development of the Places for Everyone Joint Development Plan, and the National Planning Policy Framework.
- 6 The application has failed to provide sufficient information to demonstrate that the design vehicle used to assess the proposed servicing arrangements can be secured and controlled through delivery management arrangements for the occupiers of the site, or that servicing of the proposed development can be undertaken in a safe

manner, contrary to Policy JP-C8: Transport Requirements of New Development of the Places for Everyone Joint Development Plan.

- 7 The application has failed to provide sufficient information to enable the Local Planning Authority to properly assess the physical impact of the proposed development on the adopted highways around the perimeter of the site including the extent of the resultant footway and carriageway remedial works required. In the absence of such information, the Local Planning Authority cannot be satisfied that the development would provide safe and suitable access for all users or that the highway works required to serve the development could be delivered without harm to highway or pedestrian safety. The proposal is therefore contrary to Policies JP-S1: Sustainable Development, JP-C5: Streets for All and JP-C8: Transport Requirements of New Development of the Places for Everyone Joint Development Plan.
- 8 The proposed retail store and drive-thru coffee shop, by virtue of the intensified commercial use of the site and the extended pattern of customer visits and vehicular activity associated with a drive-thru operation, would give rise to excessive noise, disturbance, vehicle idling and general activity. Due to the proximity of surrounding residential properties, these impacts would materially harm the amenities enjoyed by neighbouring occupiers. The proposal is therefore contrary to Policy H3/1: Assessing Non-Conforming Uses and EN1/2: Noise Pollution of the Bury Unitary Development Plan, Policy JP-P1: Sustainable Places and the National Planning Policy Framework, which require development to safeguard the amenity of existing residents.
- 9 The application site is located within Bury's borough-wide Air Quality Management Area (AQMA). The submitted Transport Statement identifies a net increase in vehicular movements arising from the proposed development which has the potential to exceed the screening thresholds contained within Environmental Protection UK (EPUK) guidance. In these circumstances, an Air Quality Assessment is required. No Air Quality Assessment has been submitted and consequently the Local Planning Authority is unable to adequately assess the impact of the development on air quality and human health within the AQMA. The proposal therefore fails to demonstrate compliance with Policy JP-S5 (Clean Air) of the Places for Everyone Joint Development Plan and the National Planning Policy Framework.
- 10 The proposed development has failed to demonstrate that crime prevention and community safety considerations have been adequately addressed. Greater Manchester Police Crime Prevention Design Advisor has advised that the submitted Crime Impact Statement does not include crime and disorder data for the site and surrounding area and therefore does not provide sufficient evidence to assess whether the proposed security measures are appropriate or adequate to mitigate potential crime and anti-social behaviour impacts arising from the development. Furthermore, a number of crime prevention measures and recommendations identified within the Crime Impact Statement have not been incorporated within, or are not clearly reflected on, the submitted plans. In the absence of sufficient information and a comprehensive scheme of crime prevention measures, the proposal fails to demonstrate that it would create a safe and secure environment for future occupiers and users or nearby neighbouring dwellings contrary to Policy EN1/5 of the Bury Unitary Development Plan and the National Planning Policy Framework, in particular Section 8 (Promoting Healthy and Safe Communities), and the principles of Secured by Design.
- 11 The application site lies within a High Risk Coal Mining Area (Development High Risk Area), where there is potential for risks arising from past coal mining activities. In the absence of a Coal Mining Risk Assessment, the Local Planning Authority cannot be satisfied that the site is safe and stable for the proposed development, or that any risks to the development, its future occupiers, and the surrounding area can

be appropriately identified and mitigated. The proposal is therefore contrary to the National Planning Policy Framework, which requires planning decisions to ensure a site is suitable for its proposed use, taking account of ground conditions and potential risks arising from land instability, contrary to the requirements of the National Planning Policy Framework.

- 12 The proposed development fails to demonstrate compliance with the requirements of SPD11 in respect of electric vehicle charging infrastructure. The application does not identify the location of the required active and passive electric vehicle charging provision, nor does it provide sufficient information to demonstrate that the requisite infrastructure can be safely accommodated within the site. As such, it has not been demonstrated that the development can provide active charging provision for at least 10% of parking spaces and passive charging provision for a further 10% of spaces in accordance with the requirements of SPD11 and would fail to support the transition to low-emission transport and sustainable development objectives. The proposal is therefore contrary to the requirements of SPD11: Parking Standard in Bury and Policies JP-S1: Sustainable Development and JP-S2: Carbon and Energy of the Places for Everyone Joint Development Plan and the National Planning Policy Framework.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB	28/07/2026	DM 28.07.2026	