

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 20/04/2026	Ref: 72653/FUL
Registration: 22/12/2025	LDFC: 19/01/2026	Expiry Date: 16/02/2026
Site Visit: 09/01/2026	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Formation of an external seating area with associated wind barriers and retractable awning together with alterations to the existing shop front including new entrance door and shop front glazing; flat to be self-contained

Location: 369 Brandlesholme Road, Bury, BL8 1HS

Description

The application relates to a hot food takeaway and a first floor 2 bed residential flat which is located within a row of shops in a Neighbourhood Shopping Centre. There are 11 units in total in a range of different uses which are accommodated within semi-detached type buildings. There is a wide forecourt (not adopted highway) and footway (adopted highway) in front of the shops

The application premises is located in the middle of the row of shops. The shop to the south, a pharmacy is separated from the property by an access and attached to the premises is a beauty salon.

The ground floor of the takeaway comprises the customer area, serving counter and kitchen with the first floor flat comprising 2 bedrooms, bathroom and kitchen/living room which is connected to the business by an internal staircase.

The application seeks the formation of an external seating area which would be part enclosed by a wind barrier with a retractable awning above, together with alterations to the existing shop front including new entrance door and shop front glazing.
The flat would be made self-contained and accessed via the existing side door.

It is proposed to remove the existing shop front and replace it with a fully glazed aluminium framed frontage and new entrance door. Externally, the outdoor seating area would project 3.15m from the shop front and go across the full frontage. A 1.5m high screen would be formed round the seating area with an access opening at the front, constructed of part solid aluminium panel and toughened glass above. The canopy would be attached to the front elevation at a height of 3m with a 3m projection to a height of 2.1m.

The application proposes hours of 8am to 10pm daily.

The first floor flat would become self-contained by blocking off an opening from the takeaway and it would continue to be accessed by the existing side door and staircase. The internal accommodation would be largely the same, maintaining the bedrooms at the rear and living areas at the front of the property.

Relevant Planning History

n/a

Publicity

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Letters sent on 23/12/2025 to 20 properties.

Amended letter sent 20/3/26 to notify of changes to include change of description and receipt of revised plans.

No responses received as a result of the publicity.

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to conditions

Waste Management - No response received

Greater Manchester Police - designforsecurity - Recommend CCTV and design for security measures

Environmental Health - Pollution Control - No Objection

Property & Technical Services - Estates Consultancy - No response received.

Pre-start Conditions - Not relevant

Development Plan and Policies

NPPF	National Planning Policy Framework
EC4/1	Small Businesses
EN1/2	Townscape and Built Design
EN1/8	Shop Fronts
EN7/2	Noise Pollution
S1/5	Neighbourhood Centres and Local Shops
HT2/4	Car Parking and New Development
JP-C2	Digital Connectivity
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-C8	Transport Requirements of New Development
JP-P1	Sustainable Places
JP-S1	Sustainable Development
JP-S2	Carbon and Energy
S2/6	Food and Drink

Issues and Analysis

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

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

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Layout and design

The change to the layout relates to the outside seating area which would be located in front of the shop extending out 3m and spanning 6.5m across the full width of the shop front. The outdoor space could accommodate 5 tables and up to 10 people. The footprint would be set within the existing forecourt and would not encroach the adopted highway and would leave a 6.35m wide pedestrian access which would sufficiently allow access for all footway users.

Other than that, the layout of the site would largely remain the same, with bins stored in the side yard screened by the access gate.

The flat would become self-contained and access would continue to be provided via the side door and stairs with the opening to the ground floor takeaway blocked up. There would also be little change to the arrangement of the first floor accommodation, proposing a minor reconfiguration.

In terms of the design and appearance of the seating area, it would project further forward into the forecourt and streetscape than the rest of the shops on this parade. However, the adjacent pharmacy has added a ramp to the front of the shop which projects 2.4m. Part of the front elevation of the retail superstore and premises beyond are set slightly further forward than the rest of the row of shops and as such there is a staggered building line along the street.

The seating area would be enclosed by a 1.5m screen, part aluminium and part strengthened glass in construction. Set against the fully glazed shop frontage it is considered the structure would be a relatively lightweight addition to the streetscene and not a visually harmful or intrusive within the streetscene. The awning would be retractable and similarly considered not to add a bulk and massing to the property which would harm the visual amenity of the area.

It is therefore considered the proposed development would be acceptable and not cause significant harm to the users of the area or the visual amenity of the area and would comply with policies EC4/1 and EN1/2.

Impact on amenity

An open outdoor seating area, by its very nature and use would attract some levels of activity and noise to the area from customers comings and goings and noise whilst waiting for or eating the food. Those more likely to be affected would be the occupier of the first floor flat and any other residents living in the vicinity.

In term of how the development would affect the residential amenity of the area, the flat above the takeaway is owned by the applicant who would have a vested interest in ensuring the seating area would not cause undue disturbance so as to successfully let the flat or occupier it themselves. Any future occupier would also be aware of the development and its operations. The bedrooms would be located at the back of the premises away from the seating area and windows have been replaced by double glazed units to minimise noise to an occupier of the flat.

In terms of the surrounding area, the attached beauty shop operates over the two floors. However, there are other flats at the first floor on this row.

The seating area would remain ancillary to the takeaway use and as a maximum could accommodate up to 10 people. As the premises operates as a takeaway, the use of the seating area would likely be short stay in nature. Hours proposed are 8am to 10pm which would not be dissimilar to the opening hours of other shops on this row, so there will already be comings and goings in the area. The seating area itself would be enclosed by a screen, adding an element of sound insulation, as would the canopy and there would be no music played.

The Environmental Health Pollution Control have been consulted and raise no objection to the proposals.

The proposed development would be limited in scale and given it would be located in a busy local shopping parade, part enclosed by screening and monitored by the owner and employees, it is considered the proposed development would be acceptable and not significantly harm the amenity of nearby occupiers.

Should the outdoor seating area give rise to complaints about littering or noise for example, this would be covered by separate legislation in the Environmental Protection Act

Highways issues

As stated above, the proposed seating area would be located directly in front of the shop and entirely on the forecourt area. There would be 3.3m wide of forecourt area and 3.35m wide of adopted footway remaining (6.65m wide in total) which would provide ample space for all footway users to pass without being obstructed.

There is lay-by parking along the full length of this row of shops which serves the shops including the application site. In terms of parking for the residential flat, the existing accommodation currently provides 2 beds and there would be no changes to the level of accommodation to be provided.

Like most of the shops on this row, the premises has a side access which is gated and where bins are stored which would serve both the existing shop unit and the residential flat. The side of the shop is an area where some cars park on the forecourt to service the shops for example. To ensure access would not be blocked, whilst no objection to the scheme, the Highway Authority recommend a condition that a scheme of white lining and alterations to the existing on-carriageway lay-by, incorporating the provision of access protection markings has been submitted for approval.

It is therefore considered that the proposed development would be acceptable and would comply with EC4/1, EN1/2, and HT2/4.

Design for security

Consideration should be given to a modest CCTV system cover the external area and any alterations to the building should be complete to the Secure by Design standards. This would be included as an informative.

JP-S2 - Carbon and energy

Policy JP-S2 seeks to ensure that development proposals minimise energy demand and maximise energy efficiency, including compliance with Part L of the Building Regulations where applicable.

The applicant states that the replacement shopfront glazing will be installed in accordance with the relevant requirements of Part L of the Building Regulations, with compliance controlled separately through the Building Control process.

The works comprise minor external alterations and given the limited scale of development it is considered that no other energy saving measures would be required or necessary.

JP-C2 - Digital connectivity

Policy JP-C2 supports the provision of high-quality digital infrastructure and requires new development to be served by full fibre connections where feasible.

The existing premises are already served by operational digital connectivity, and no works are proposed that would affect or require changes to existing network provision. This is considered acceptable for the type and scale of development.

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

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

Recommendation: Approve with Conditions

Conditions and Reasons:

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings -

Location plan AS906-01
Revised existing and proposed site block plan AS906-02 rev A
Revised existing and proposed floor plans and elevations AS906-03 rev B

and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design

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pursuant to the policies of the Bury Unitary Development Plan and Places for Everyone Joint Development Plan listed.

- 3 The use hereby permitted shall not be open to customers outside the following times: 08.00 to 22.00 daily.

Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies EN1/2, S2/6, EN7/2 and EC4/1.

- 4 Notwithstanding the details indicated on approved plan reference AS906-02 Revision A, the development hereby approved shall not be occupied/first used unless and until a scheme of white lining and associated alterations to the existing on-carriageway lay-by, incorporating the provision of an access protection marking, have been submitted to/agreed with the Highway Authority. The details subsequently approved shall be implemented prior to the external seating area hereby approved being brought into use/first occupied.

Reason. In the interests of highway safety and to maintain the integrity of the adopted highway pursuant to policies EN1/2, EC4/1, JP-C5 and JP-C8.

- 5 The external seating area and associated wind barriers indicated on approved plan reference AS906-02 Revision A shall be maintained in the position shown relative to the adopted highway.

Reason. In the interests of highway safety and to maintain the integrity of the adopted highway pursuant to policies JP-C5, JP-C6 and JP-C8.

- 6 The development hereby approved shall be carried out in accordance with the materials detailed on the approved plans.

Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/2 - Townscape and Built Design

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	20/4/26	DM	22.04.2026