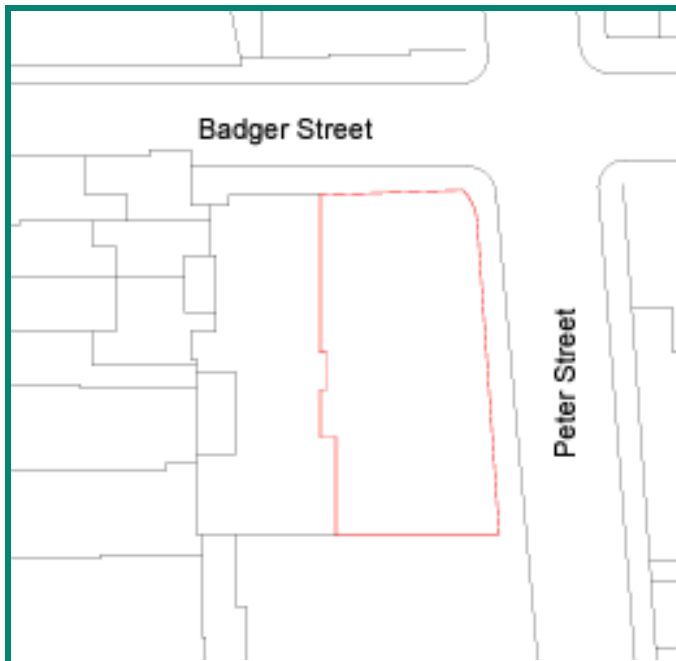


AMENDED SUPPORTING STATEMENT (Incorporating the Design & Access Statement)

31st May 2023

Change of use from club to sweet manufacturing unit



At: Salisbury Conservative Club, Badger Street, Bury, BL9 6AD

Prepared by MacMarshalls Rural Chartered Surveyors & Planning Consultants
on behalf of Mr A. Farooq



CONTENTS

1.	Introduction	Page 3
2.	The Application Site	Page 3
3.	Relevant Planning History	Page 3
4.	Planning Policy Context	Page 5
5.	The Proposed Development & Design	Page 6
6.	Conclusion	Page 9

1. INTRODUCTION

- 1.1. This planning statement has been prepared in support of an application for the Change of use from a Club to a sweets manufacturing unit located at the aforementioned address.
- 1.2. The proposal is a resubmission of planning application reference 67849/FUL. It addresses each of the reasons for refusal of the previous application, having due regard to the delegated officer report and consultee comments on which the decision was based.

2. THE APPLICATION SITE

- 2.1. The site relates to part of a building which has a current lawful use as a Conservative Club, and which is located approximately 150m from Bury town centre.
- 2.2. The site is on the boundary with, but is not part of a designated Local Shopping Centre which is to the west and which is formed by a row of shops fronting Walmersley Road.
- 2.3. Opposite the site to the north is a commercial building and offices and to the east is St Joseph's Church with a row of residential terraced houses to the north east. Directly to the south is a public car park.
- 2.4. The Conservative Club is a part 2 storey and part single storey build and is located on a corner with its main entrance fronting Badger Street on the north elevation. The side elevation of the building runs adjacent to Peter Street to the east. At the rear is a yard which can also be accessed via a timber gate off Peter Street. The remainder of the boundary to Peter Street is formed by a timber fence.
- 2.5. The area has a distinctly urban mixed character with a wide ranging of building types, forms and materials, and an equally varied mix of uses, including commercial and residential.

3. RELEVANT PLANNING HISTORY

- 3.1. 67849/FUL: Change of use from club to sweets manufacturing unit (Class B2) with extraction flue to side elevation.

3.2. The application was refused for the following reasons:

1. *“The proposed flue would, by reason of its position and design, be a prominent and intrusive feature in the street scene and would therefore, be seriously detrimental to the visual amenities of the area. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan: EC4/1 - Small Businesses and EN1/2 Townscape and Built Design.”*

2. *“The servicing and car parking provision for the use proposed is inadequate and is highly likely to lead to vehicles loading, parking and carrying out manoeuvres on the adjacent constrained highways to the detriment of the free flow of traffic and road safety. The proposed development would therefore be contrary to Bury Unitary Development Plan Policies EC4/1 - Small Businesses, EN1/2 - Townscape and built Design, HT2/4 - Car Parking and New Development and HT6/2 - Pedestrian/Vehicular Conflict.”*

3. *“The proposed development would result in the loss of off street storage/servicing and bin storage arrangements previously conditioned and approved as part of the determination of planning permission reference 67078, which is highly likely to lead to an increase in activities and use for storage purposes of the adjacent highways, to the detriment of the highway safety. The proposed development would therefore be contrary to Bury Unitary Development Plan Policies Bury Unitary Development Plan Policies EC4/1 - Small Businesses, EN1/2 - Townscape and built Design, HT2/4 - Car Parking and New Development and HT6/2 Pedestrian/Vehicular Conflict.”*

4. *“The application and submitted plans contain insufficient information to determine the impacts of the proposed development on residential amenity to enable them to be properly assessed. The proposed development would therefore be contrary to Bury Unitary Development Plan Policies EC4/1 - Small Businesses, EN1/2 - Townscape and Built Design, EN7/1 - Atmospheric Pollution and EN7/2 - Noise Pollution.”*

5. *“The application and submitted plans contain insufficient information with regard to the treating, diluting and dispersing of fumes and odours and noise output to enable them to be properly assessed. The proposed development would therefore be contrary to Bury Unitary Development Plan Policies EC4/1 - Small Businesses, EN1/2 - Townscape and Built Design, EN7/1 - Atmospheric Pollution and EN7/2 - Noise Pollution.”*

6*. *“The application and submitted plans contain insufficient information to determine*

the impacts of the proposed development on residential amenity to enable them to be properly assessed. The proposed development would therefore be contrary to Bury Unitary Development Plan Policies EC4/1 - Small Businesses, EN1/2 - Townscape and Built Design, EN7/1 - Atmospheric Pollution and EN7/2 - Noise Pollution.”

**Note that reasons for refusal 4 and 6 are repeated in error as shown on the decision notice.*

- 3.3. 67611: Change of use from club to sweets manufacturing unit (Class B2)
Refused 23/11/21
- 3.4. 67078: Change of use from Club to Corner shop (A1) with Shop front to the front including roller shutter
Approved with Conditions 13/08/2021
- 3.5. 66656: Change of use from club (sui generis) to carpet shop (E) with shop front to the front including roller shutter
Refused 18/05/2021

4. PLANNING POLICY CONTEXT

- 4.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the purposes of this application comprises the Bury MBC Unitary Development Plan (UDP). The following Policies of the UDP are considered relevant:

EC2/1 Employment Generating Areas
EC4/1 Small Businesses
EN1/2 Townscape and Built Design
HT2/4 Car Parking and New Development
HT6/2 Pedestrian/Vehicular Conflict
S1/4 Local Shopping Centres
SPD11 Parking Standards in Bury
EN7/1 Atmospheric Pollution
EN7/2 Noise Pollution

4.2. NPPF

- The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. The NPPF is a material consideration in planning decisions and at the heart of the Framework is a presumption in favour of sustainable development. Amongst other things, it states that the purpose of the planning system is to contribute to the achievement of sustainable development (paragraph 6).

5. THE PROPOSED DEVELOPMENT & DESIGN - PLANNING APPRAISAL

- 5.1. This application seeks permission for the same sweet manufacturing use as previously proposed.
- 5.2. The sweet manufacturing process is carried out using entirely traditional methods. Following the making of the syrup, which involves heating the liquid, there is no machinery used to make the sweets at all; it is all done by hand (pouring syrup onto a table, cooling it, cutting it, shaping it, packaging it etc).
- 5.3. Following amendments to the scheme, no new external flue is proposed.
- 5.4. The revision includes the use of an extraction system contained within the building and suitably insulated to reduce noise levels within the working environment. It is now to terminate via an existing flue to the rear of the site which is approx. 150mm in diameter and located 4m away from the window of the adjacent flats instead of the original 2.2m.
- 5.5. Accordingly, there would be no external alterations to the building. Bin storage is proposed within the yard area. The proposed hours of opening are 08:00 - 18:00 Monday to Friday and 08:00-13:00 on Saturdays. Parking and deliveries will take place outside of the premises, as set out and justified within this statement.
- 5.6. A noise and odour assessment has been carried out on the basis of using the existing flue, and the report has been submitted as part of this application.

Principle of Development

- 5.7. The LPA has not previously objected to the principle of the development in this location given its sustainable location within an area of mixed commercial uses.

Visual amenity

- 5.8. The removal from the scheme of any new external flue ensures that there will be no detriment in terms of visual amenity.

Neighbour Amenity / Noise and Odours

- 5.9. The process uses entirely traditional methods as set out earlier in this statement. The process is not noise generating. The majority of the sweet making process is done by hand. For further information on the process please click on the following link (it's in America, but it is the same): <https://youtu.be/6MoBvV12C58>
- 5.10. Furthermore, the removal of the previously proposed new external flue and use of an existing flue, accompanied and justified via a submitted noise and odour assessment demonstrates that the use can operated from the premises without detriment to neighbours by reason of fumes, noise and odours, thus addressing reasons for refusal 4, 5 and 6 of the previously refused scheme.
- 5.11. Previous submissions included reference to the proposed use being within planning use class B2 (General Industrial). Having regard to the above it is likely that the use class would not fall within B2 (General Industrial). The proposed use would sit more comfortably within Class E on account of it functioning more as a small scale kitchen similar to that found in cafes/restaurants, but with no customers. In addition, should the relevant tests be met the LPA can impose planning conditions in respect of the use if there are concerns about a subsequent change in the future (although in this instance it is not considered necessary).
- 5.12. The scheme is considered acceptable in terms of neighbour amenity.

Highway Safety

- 5.13. As previously considered by the LPA, the site is located in a highly sustainable area with excellent public transport links, and availability of public car parks. Accordingly the LPA did not consider that there would be a need for customer or staff parking. There are public car parks in the vicinity and the premises are within walking distance of the town centre.
- 5.14. The principal concerns of the LPA related to servicing and access due to existing parking levels on the adjacent streets, and that it considered that there would be frequent deliveries to and from the unit.

- 5.15. The applicant has confirmed that although ten employees (mix of part and full time) has been stated on the application forms, this is a notional figure. It will only be the applicant and his wife that carry out the production initially, with scope for further staff if required in the future.
- 5.16. As this is a small-scale operation using traditional methods, there is no requirement for multiple deliveries to and from the site on a daily basis. The applicant has clarified that there will be only one delivery to the site, which would likely be every Tuesday. Deliveries from the site would be around 5 per week. The use would only require one van, which is currently a Citroen Relay, 5.4m in length.
- 5.17. Accordingly it is clear that the proposed use would not cause any significant highway safety issues in its own right, and would in fact result in less vehicle movements and requirements for parking than the lawful use as a social club.
- 5.18. The scheme is therefore considered acceptable in terms of highway safety.

Bin Storage

- 5.19. The application proposes the yard area to the side of the property to be used as a bin storage area, which is also used, and conditioned to be used, by the attached retail unit permitted under reference 67078.
- 5.20. Condition 4 of that permission reads:
“The rear yard and bin storage facilities indicated on approved plan reference PS/R/CLUB/BL96AD Revision C shall be implemented prior to the use hereby approved commencing and thereafter maintained available for use by the whole of the former Salisbury Conservative Club building.”
- 5.21. The size of the yard is more than adequate to serve both uses and in any case is conditioned as such to be used by this building too. The area is ideally suited to provide the necessary storage facilities without causing detriment to the visual amenities of the area.

6. CONCLUSION

- 6.1. This application has addressed all reasons the LPA previously gave for refusing the previously submitted planning application. The scheme is considered acceptable in principle, and it has demonstrated that the scheme, having regard to the additional

supporting information and existing character and appearance of the area, would not be detrimental to visual amenity, neighbour amenity or highway safety.

6.2. It is therefore respectfully requested that planning permission be granted.

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