

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT (PROPOSED)

**Town and Country Planning Act 1990: Section 192
(as amended by Section 10 of the Planning and Compensation Act 1991)
Town and Country Planning (Development Management Procedure) Order
2010: Article 35**

To:

Mr David Bitan
Debtal Architecture Ltd
72 Bury New Road
Prestwich
Manchester
M25 0JU

On Behalf Of:

Mr H Neuman
Highquote Limited
309 Bury New Road
Salford
M7 2YN

Application Number: 69135

Date of Registration: 23/03/2023

First Schedule

Lawful development certificate for proposed
new industrial warehouse

Second Schedule

Unit 55 Bealey Industrial Estate, Hallam
Street, Radcliffe, Manchester, M26 2BD

Bury Metropolitan Borough Council hereby certifies that on 23/03/2023 the matter described in the First Schedule in respect of the land specified in the Second Schedule and edged red on the plan attached to this certificate is **Lawful Development** within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason(s):

- 1 The proposal as described in the First Schedule, is deemed to be 'Permitted Development' having regard Article 3, Schedule 2, Part 7, Class H of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 2 Any building as erected, extended or altered is only to be used—
(i) in the case of an industrial building, for the carrying out of an industrial process for the purposes of the undertaking, for research and development of products or processes, or the provision of employee facilities ancillary to the undertaking;
(ii) in the case of a warehouse, for storage or distribution for the purposes of the undertaking or the provision of employee facilities ancillary to the undertaking;
Reason
As required by condition H.2(b) of Article 3 Schedule 2 Part 7 Class H of The Town and Country Planning (General Permitted Development) (England) (as amended) Order 2015.
- 3 No building as erected, extended or altered is used to provide employee facilities—
(i) between 7.00pm and 6.30am, for employees other than those present at the premises of the undertaking for the purpose of their employment; or
(ii) at all, if a quantity of a dangerous substance is present at the premises of the undertaking in a quantity equal to or exceeding the quantity listed in the entry for that substance in Parts 2 or 3 of Schedule 1 to the Control of Major Accident Hazards Regulations 1999
Reason

As required by condition H.2(c) of Article 3 Schedule 2 Part 7 Class H of The Town and Country Planning (General Permitted Development) (England) (as amended) Order 2015.

Applicant Plan Numbers:

001, RBS-21/2518/001, 401 Rev: 1

Notes to Applicant

1. This certificate is issued solely for the purposes of Section 192 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the matter described in the First Schedule and to the land specified in the Second Schedule was lawful, on the specified date and, thus, was not liable to enforcement action under section 172 of the 1990 Act on that date.
3. This certificate applies only to the extent of the matter described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any development or use materially different from that described or which relate to other land may render the owner or occupier liable to enforcement action.
4. The effect of the certificate is also qualified by the proviso in Section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.

NOTES TO APPLICANT

Not Applicable

Signed:



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On behalf of the Council

Date of Decision: 12/07/2023