

NOTICE OF PLANNING PERMISSION

Town and Country Planning Act 1990 Town and Country Planning (Development Management Procedure) (England) Order 2015

To:

Mr Arrowsmith
MDA Architectural Services
84 Longworth Road
Horwich
Bolton
BL6 7BE

On Behalf Of:

Mr Alom
9 View Street
Bolton
BL3 6LE

PART 1 - Particulars of Application

Application Number: 68303

Date of Registration: 05/04/2022

Proposal:

Change of use from Shop (Class E) to hot food takeaway (Sui Generis); Alterations to shop front; Extraction flue to rear.

Location:

14 Victoria Square, Whitefield, Manchester, M45 6AL

PART 2 - Particulars of Decision

Bury Metropolitan Borough Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that permission has been **GRANTED** for the carrying out of the development referred to in Part 1 hereof in accordance with the application and plans submitted subject to the following conditions:-

- 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 (Dwg no. 0461/100), Proposed Site Plan (Dwg no. 0461/104 B), Proposed Floor Plan (Dwg no. 0461/105) and Proposed Elevations (0461/106 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 pursuant to the policies of the Bury Unitary Development Plan listed.
- 3 No materials shall be used on the external elevations or roof of the proposed development other than those referred to on the approved plans / supporting documentation.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
- 4 The bin storage facilities indicated on approved plan reference 0461/104 Revision B shall be implemented in full prior to the use hereby approved commencing and maintained thereafter.

Reason. To ensure adequate provision for the storage and disposal of refuse within the curtilage of the site clear of the adopted highway in the interests of highway safety, pursuant to Bury Unitary Development Plan Policy EN1/2.

- 5 No development shall commence unless and until a scheme for treating, diluting and dispersing fumes and odours has been submitted to and approved in writing by the Local Planning Authority. The scheme submitted shall include a written statement from a suitably qualified person, and it shall demonstrate that the fume treatment to be installed complies with or exceeds the 'Minimum Requirements For Odour Control' provided by the Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems :DEFRA 2005 (or if applicable such superseding guidance as shall prevail at the time of commencement of the development).

The scheme to be submitted shall also include the relevant manufacturer and installer instructions for any associated equipment with details of maintenance requirements.

The scheme as approved shall be implemented, available for use and maintained in accordance with the approved scheme whilst it shall serve the development.

Reason. To protect the residential amenities of nearby residential property from impact upon from fumes and odour pursuant to UDP Policy S2/6 - Food and Drink.

- 6 The extraction installation shall be designed such that the maximum noise emitted does not exceed NR25 (Noise Rating) in the bedrooms of the nearest residential property, with the windows of that residential property being open in the normal manner for ventilation purposes.
All equipment installed shall be used and maintained in accordance with the manufacturers and installers instructions.

Reason. - To protect the residential amenities of nearby residential property from impact upon from fumes and odour pursuant to UDP Policy S2/6 - Food and Drink.

- 7 The approved hot food takeaway shall not operate outside the hours of 09:00 to 22:00 on any day

Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies S2/6 – Food and Drink, EC4/1 – Small Businesses, EC6/1 – Assessing New Business, Industrial and Commercial Development and H3/1 – Assessing Non-Conforming Uses of the Bury Unitary Development Plan.

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.

The following policies of the Bury Unitary Development Plan, National and Regional Government were considered relevant:

S1/3 S1/3 - Shopping in District Centres
S2/3 S2/3 - Secondary Shopping Areas and Frontages
S2/6 S2/6 - Food and Drink
EN7/2 EN7/2 - Noise Pollution
NPPF National Planning Policy Framework
EN1/2 EN1/2 - Townscape and Built Design
EN1/8 EN1/8 - Shop Fronts
HT2/4 HT2/4 - Car Parking and New Development

This decision relates only to the Town and Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

Applicant Plan Numbers:

Location Plan (Dwg no. 0461/100), Proposed Site Plan (Dwg no. 0461/104 B), Proposed Floor Plan (Dwg no. 0461/105) and Proposed Elevations (0461/106 B)

NOTES TO APPLICANT

1. Highway Authority Advice

1. The Council currently operates a curtilage system of refuse collection. The applicant is advised to liaise with Waste Management, Bradley Fold Depot on 0161 253 6621/7010, regarding the operation of this system. (N024)

2. The applicant's attention is drawn to the fact that the adopted highway should not be used for the storage of bins.

2. Environmental Health Officer advice

In relation to condition 5, a suitably qualified person shall be a member of the Heating and Ventilation Contractors Association (HVCA) or an equivalent professional body.

Signed:



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On behalf of the Council

Date of Decision: 08/07/2022