

# NOTICE OF PLANNING PERMISSION

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

**To:**

Mr Talat Zeria  
HSH Engineering Design Service Ltd  
428 Cheetham Hill Road  
Cheetham  
Manchester  
M8 9LE

**On Behalf Of:**

Mr Asim Humza  
65 A Windsor Road  
Prestwich  
Manchester  
M25 0DB

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### PART 1 - Particulars of Application

**Application Number:** 70340

**Date of Registration:** 20/12/2023

**Proposal:**

Change of use of ground floor from shop to restaurant (Use Class E) with opening times 07.30 - 21.00; canopy at front and installation of an external flue pipe at the side/rear (Temporary consent for 12 months)

**Location:**

65 Windsor Road, Prestwich, Manchester, M25 0DB

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### 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      Permission is hereby granted for a limited period only, namely for a period expiring 12 months from the date of this decision notice, and the use comprising the development for which permission is hereby granted are required to be discontinued at the end of the said period and the external flue removed unless a valid application is received by the Local Planning Authority for its retention.  
Reason. In view of the temporary nature of the development and in order to retain control over its continued use having regard to the particular nature of the site and surroundings pursuant to The National Planning Policy Framework.
- 2      This decision relates to drawings numbered 01, 02, 03, 04a, 05b, 06b and 07a 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      The use hereby permitted shall not be open to customers outside the following times: 07.30hrs to 21.00hrs daily.  
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to UDP Policies S2/6 Food and Drink and EN7/2 Noise

Pollution.

- 4 There shall be no customer service/seating in outside areas including under the canopy on the frontage.  
Reason. In order to limit noise and disturbance in the interests of residential amenity pursuant to UDP Policy S2/6 Food and Drink.
- 5 Within one month details of a scheme to manage fumes, vapours and odours to be extracted from the flue shall to be submitted to and approved in writing by the Local Planning Authority. Only the approved scheme shall be implemented to the written satisfaction of the Local Planning Authority within one month.  
Reason. In the interests of amenity pursuant to Policies S2/5 New Local Shopping Provision Outside Recognised Shopping Centres and S2/6 Food and Drink of the Bury Unitary Development Plan.
- 6 Commercial refuse collection shall only be within the following hours.  
07.30hrs - 18.00hrs  
Reason. In the interests of residential amenity pursuant to UDP Policies S2/6 Food and Drink and EN7/2 Noise Pollution.
- 7 Notwithstanding the details indicated on approved plan references 06C & 07A, a scheme for dealing with surface water drainage arrangements for the proposed canopy structure (that demonstrates no projection over or discharge onto the adjacent adopted highway) shall be submitted within 28 days from the date of this decision and submitted to the Local Planning Authority for Approval; The subsequently approved scheme shall be implemented within 28 days following approval of the scheme.  
  
Reason - To ensure that the development considers appropriate drainage considerations and dealing with surface water run off in relation to the proximity of the development to the public highway pursuant to UDP Policy EN5/1 - New Development and Flood risk.

**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:**

|       |                                                             |
|-------|-------------------------------------------------------------|
| NPPF  | National Planning Policy Framework                          |
| EN1/2 | EN1/2 - Townscape and Built Design                          |
| EN1/8 | EN1/8 - Shop Fronts                                         |
| EN7/2 | EN7/2 - Noise Pollution                                     |
| HT2/4 | HT2/4 - Car Parking and New Development                     |
| EC4/1 | EC4/1 - Small Businesses                                    |
| EC6/1 | EC6/1 - New Business, Industrial and Commercial Development |
| S1/5  | S1/5 - Neighbourhood Centres and Local Shops                |
| S2/6  | S2/6 - Food and Drink                                       |

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:**

Drawings numbered 01, 02, 03, 04a, 05b, 06b and 07a

**NOTES TO APPLICANT**

1. The Council currently operate a curtilage system of refuse collection. The applicant is advised to liaise with Waste Management & Transport - Bradley Fold, on 0161 253 7010/6635, regarding the operation of this system.
2. The applicant's attention is drawn to the fact that the adopted highway should not be used for the storage of bins.

Signed:



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On behalf of the Council

**Date of Decision:** 21/02/2024