

NOTICE OF PLANNING PERMISSION

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

To:

Mr Muthahar Khan
Studio Tashkeel Architecture
Astor Road
Salford
M50 1BB

On Behalf Of:

Mr Abid Ali
134 Rochdale Road
Bury
BL9 7BD

PART 1 - Particulars of Application

Application Number: 71874

Date of Registration: 09/06/2025

Proposal:

Change of Use from first floor Storage (B8) area to a Restaurant [E(b)] on the first floor (restaurant 02) , including: Two storey front extension to existing restaurant (Restaurant 01); Single-storey rear extension to form dedicated Bin Storage; replacement rear gate and installation of fire escape staircase at the rear

Location:

Kashmir Superstore, 134 - 136 Rochdale Road, Bury, BL9 7BD

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 permission relates to the following plans and documents:

Drawing no. PL-001 Rev C: Location Plan;
Drawing no. PL-002 Rev D: Block Proposed Plan;
Drawing no. PL-007 Rev E: Proposed GA Ground and First Floor Plan;
Drawing no. PL-008 Rev. A: Proposed GA Roof Floor Plan;
Drawing no. PL-009 Rev C: Proposed North & South Elevation;
Drawing no. PL-010: Proposed East & West Elevation;
Drawing no. PL-011 Rev C; Replacement Gate & Fire Escape Stair;
Drawing no. PL-013: Proposed Elevation;
Document ref. Digital Connectivity Statement - 1st Issue, dated 06 March 2025; and,
Document ref. Carbon and Energy Statement - 1st Issue, dated 06 March 2025.

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

Reason. For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Bury Unitary Development Plan, the Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 3 Notwithstanding any description of materials in the application and the requirements of condition no. 2 [Approved Plans] of this permission, no above ground works shall take place until samples or full details of all materials to be used on the external surfaces of the buildings have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall thereafter be implemented in accordance with the duly approved materials.

Reason To ensure use of appropriate materials which are sympathetic to the character of the application building, a non-designated heritage asset, surrounding buildings and the street scene in the interests of visual amenity in accordance with the requirements of Policy EN1/2: Townscape and Built Design of the Bury Unitary Development Plan, Policy JP-P1: Sustainable Places of the Greater Manchester Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 4 Notwithstanding the details indicated on the approved plans, a scheme of white lining/hatching and associated alterations to the existing on-carriageway lay-by on Kershaw Street and a scope and specification of the dropped footway identified on Drawing nos PL02 Rev. D. and PL_08 Rev. C shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved details and the use hereby approved shall not commence until the dropped footway and crossing for refuse collection have been implemented.

Reason. In the interests of highway safety and to maintain the integrity of the adopted highway, in accordance with Policies EN1/2: Townscape and Built Design of the Bury Unitary Development Plan and Policy JP-C5: Streets for All of the Greater Manchester Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 5 There shall be no direct means of vehicular access between the site and Kershaw Street.

Reason. In the interests of highway safety and to maintain the integrity of the adopted highway, in accordance with Policies EN1/2: Townscape and Built Design of the Bury Unitary Development Plan and Policy JP-C5: Streets for All of the Greater Manchester Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 6 Within one month of their installation on site, and unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the steel staircase, railings, roller shutters and flues hereby approved shall be colour treated matt black, and shall be maintained as such thereafter.

Reason: To ensure an appropriate finish which is sympathetic to the character of the site and its surroundings in the interests of improving the appearance of the application site and building, a non-designated heritage asset, within the street scene, in accordance with the requirements of Policy EN1/2: Townscape and Built Design of the Bury Unitary Development Plan, Policies JP- P1: Sustainable Places and JP-P2: Heritage of the Greater Manchester Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 7 Prior to use/ occupation of the approved second restaurant, all existing roller shutters on the building shall be colour treated matt black and shall be maintained as such thereafter.

Reason: To ensure an appropriate finish which is sympathetic to the character of the site and its surroundings in the interests of improving the appearance of the application site and building, a non-designated heritage asset, within the street scene, in accordance with the requirements of Policy EN1/2: Townscape and Built Design of the Bury Unitary Development Plan, Policies JP- P1: Sustainable Places and JP-P2: Heritage of the Greater Manchester Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 8 The pedestrian and bin storage/refuse collection access arrangements indicated on the approved plans shall be implemented to the satisfaction of the Local Planning Authority prior to any use of the first floor of the building commencing.

Reason: In the interests of highway safety and to maintain the integrity of the adopted highway, in accordance with Policies EN1/2: Townscape and Built Design of the Bury Unitary Development Plan and Policy JP-C5: Streets for All of the Greater Manchester Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 9 The approved dropped kerb works on Kershaw Street shall be completed in accordance with the approved plans prior to the first use of the development and retained thereafter.

Reason: To ensure 1100 litre waste storage bins can be safely collected, in the interests of good design and the safety of waste collection teams, in accordance with the requirements of the National Planning Policy Framework, the National Design Guide and Policy JP-C8: Transport Requirements of New Development of the Places for Everyone Joint Development Plan

- 10 The noise attenuation measures for the extraction facilities within the existing chimney stacks identified in section 6 of the Noise Impact Assessment by Braiden Acoustics Ltd (report reference 11051revA, dated 06 March 2025) shall be implemented in accordance with the details in the report before the use of the additional restaurant (Restaurant 2) is first brought into use. The duly implemented attenuation measures shall be retained as such thereafter.

Reason: To ensure the implementation of appropriate noise attenuation measures in the interests of safeguarding the amenity of neighbouring residential occupiers, in accordance with Policy EN1/2: Townscape and Built Design and EN7/2: Noise Pollution of the Bury Unitary Development Plan and the National Planning Policy Framework.

- 11 The uses hereby permitted (Restaurants 1 and 2) shall not be open to customers outside the following times: 08.00 to 23.00 Monday to Saturday and between 09:00 hours and 22:00 hours on Sundays.

Reason. To limit the potential for noise generation during unsocial hours and to prevent nuisance arising in order to safeguard the amenity of the occupiers of surrounding residential properties in accordance with the requirements of Policies S2/5 – New Local Shopping Provision Outside Recognised Shopping Centres and S2/6 – Food and Drink of the Bury Unitary Development Plan and the National Planning Policy Framework.

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:

S1/5	S1/5 - Neighbourhood Centres and Local Shops
S2/6	S2/6 - Food and Drink
EN1/2	EN1/2 - Townscape and Built Design
EN7/2	EN7/2 - Noise Pollution
JP-C1	Our Integrated Network
JP-C8	Transport Requirements of New Development
JP-C2	Digital Connectivity
JP-S2	Carbon and Energy
JP-P2	Heritage
NPPF	National Planning Policy Framework

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:

PL-001 Location Plan - Rev C
PL-002 Block Proposed Plan - Rev D
PL-003 Existing GA Ground and First Floor Plan - Rev C
PL-004 Existing GA Roof Floor Plan
PL-005 Existing North & South Elevation
PL-006 Existing East & West Elevation
PL-007 Proposed GA Ground and First Floor Plan - Rev E
PL-008 Proposed GA Roof Floor Plan
PL-009 Proposed North & South Elevation - Rev C
PL-010 Proposed East & West Elevation
PL-011 Replacement Gate & Fire Escape Stair - Rev C
PL-012 Existing Elevation
PL-013 Proposed Elevation

NOTES TO APPLICANT

1. Commencement of Development Notice

In accordance with S93G of the Town and Country Planning Act 1990 (As amended by Section 111 Levelling Up & Regeneration Act 2023) there is a legal requirement for you to inform the Council of the date when you intend to commence the development on site via submission of a Commencement Notice. This notice is mandatory for all developments and came into effect on 31 March 2024. You can find more information and download a copy of the Commencement Notice under the Before Starting Work section on our website at:
<https://www.bury.gov.uk/planning-building-control/planning-permission/planning-application-process>

2. Biodiversity Net Gain

The local planning authority considers that approval of a BIODIVERSITY GAIN PLAN WILL NOT BE REQUIRED BEFORE DEVELOPMENT COMMENCES

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition ("the biodiversity gain condition") that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

For the purposes of determining whether to approve a Biodiversity Gain Plan, the planning authority in respect of this permission is Bury Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below. Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements listed below is/are considered to apply.

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition

- 1. The application for planning permission was made before 12 February 2024.
- 2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
- 3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and: (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or (ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.
- 4. The permission which has been granted is for development which is exempt being:

4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where: (i) the application for planning permission was made before 2 April 2024; (ii) planning permission is granted

which has effect before 2 April 2024; or (iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which: (i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and (ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which: (i) consists of no more than 9 dwellings; (ii) is carried out on a site which has an area no larger than 0.5 hectares; and (iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* "original planning permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat. The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and

appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

3. In relation to Planning Condition 3 - Seek LHA Licence and Approval Prior to Commencement of any works

The applicant's attention is drawn to the need to consult the Department for Place (Engineering & Streetscene) regarding the specification for and implementation of the required highway works. The cost of the works will be the responsibility of the developer.

Further information is available here:

<https://www.bury.gov.uk/business/licensing/highway-permits> or ring the Council's Customer Contact Centre on 0161 253 5353 and ask to be put through to the team who deal with highway licences.

4. The control of pollution regulations 1974, section 60. Control of noise on construction sites

Works carried out in connection with the planning permission shall comply with the above regulations which require the following:

1. All works and ancillary operations which are audible at the boundary of the nearest house or noise receptor, or at such other place as may be agreed with the Council, shall be carried out only between the hours of 0800 and 1800 on Mondays to Fridays and between the hours of 0900 and 1400 on Saturdays and at no time on Sundays and Bank Holidays.
2. The best practicable means, as defined in section 72 of the Control of Pollution Act 1974, to reduce noise to a minimum shall be employed at all times.
3. All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturer's instructions.
4. Any emergency deviation from the above (1 – 3) shall be notified to Bury Council without delay.

Any contravention of these requirements will trigger the serving of a Notice under Section 60 of The Control of Pollution Regulations 1974.

5. Bat Protection

The applicant's attention is drawn to the fact that whilst it appears unlikely that bats are roosting within the buildings as with all refurbishment of buildings if a bat is found works should stop immediately and Natural England and a professional ecologist consulted.

6. Keep Highways clean

A system shall be employed to ensure that the adopted highways are kept free of deposited material from the ground works operations to the satisfaction of the Local Planning Authority.

7. No Bins to be stored on the adopted highway

The applicant is advised that refuse, recycling and waste storage bins should be stored within the curtilage of the property and not on the public highway, footway or

verge. The storage of bins on the highway may cause an obstruction to pedestrians and other highway users and could result in enforcement action by the Highway Authority where appropriate.

Signed:

A handwritten signature in black ink, appearing to read 'Paul Harris', written in a cursive style.

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On behalf of the Council

Date of Decision: 22/07/2026