

Planning Appeal Statement

Appellant:

Site Address: 65 Windsor Road, Prestwich, Manchester, M25 0DB

Application Reference: 72414

Application : Change of use from shop to restaurant/coffee shop (Class E(b)) including retention of front canopy with the installation of new extractor system at side and AC unit at rear

Decision Date: Thu 19 Feb 2026

Appeal Type: Written Representation

1. Introduction

This appeal is submitted in response to the refusal by Bury Metropolitan Borough Council to grant planning permission for the retention of a front canopy and an air conditioning unit at 65 Windsor Road, Prestwich. The site has previously operated under a temporary planning permission, and the extractor flue supports a functioning food business serving the local community. This appeal sets out the planning, economic, social, and environmental justifications for granting permanent permission, addresses neighbour and regulatory concerns, and demonstrates alignment with key planning policies.

2. Planning Context and Reason for Refusal

The refusal references harm to residential amenity under Policy S2/6 (Food and Drink) of the Bury Unitary Development Plan, citing the flue's size, location, and impact in terms of noise and odour. The proposal must also be considered in the context of the 'Places for Everyone' policies JP-J1 (Economic Growth), JP-P1 (Sustainable Places), and JP-S1 (Sustainable Development).

3. Response to Refusal

- Temporary Permission as Precedent:

A one-year temporary permission was previously granted and implemented. During this time, there was no formal planning enforcement action taken related to the flue's operation. This indicates its acceptability in principle.

- Visual Appearance and Mitigation:

The flue is positioned to minimise visibility from the public realm and adjacent dwellings. Further visual mitigation, such as repainting or screening, is acceptable to the appellant if required by condition.

- **Odour Control and Environmental Health:**

An expail air Ventilation fan has been installed inside of the premises / kitchen which has no significant impact to the neighboring building filtration and odour control systems. The extractor complies with DEFRA guidance and industry standards. No evidence has been provided to suggest the system has caused nuisance during its operation.

4. Reason for refusal :-

The proposed canopy at the front would, by reason of its siting within the streetscene and design would 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 EN1/2 Townscape and Built Design and the principles of the NPPF. The use of the covered canopy during the proposed opening hours (0700 - 2100hrs) would be seriously detrimental to the residential amenities of nearby residents and the area in general by reason the the general noise and disturbance caused. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan:S2/6 Food and Drink, EC4/1 Small Businesses and EN7/2 Noise Pollution.

The proposed development represents a sustainable and appropriate use of the premises. The site is located within an established commercial area where food and beverage uses already contribute to local vitality. The change of use would support the local economy and enhance the diversity of services available to residents.

The proposal would not result in unacceptable harm to neighbouring amenity. The proposed opening hours are reasonable and typical for such uses, and mitigation measures can be implemented to control noise and odour, including appropriate extraction and ventilation systems.

The retention of the existing canopy does not adversely affect the visual amenity of the area. It is in keeping with the character of the street and does not introduce any harmful design features.

The front canopy has been introduced so as to provide public to use this area for dog friendly , and use for customers who wish to smoke in the open area. This is also strictly open use from 7:00am to 19:00pm

There would be no significant impact on highway safety or parking. The site is in a sustainable location with access to public transport, and the nature of the use is unlikely to generate excessive traffic.

The proposal is consistent with the objectives of the National Planning Policy Framework, supporting economic growth and the efficient use of existing buildings.

For these reasons, it is respectfully requested that the appeal be allowed and planning permission granted.

5. Licensing and Management Compliance

Concerns raised by Licensing and Greater Manchester Police (GMP) regarding the use of the premises during Parklife weekend have been noted. The appellant confirms the following actions in response: (1) commitment to strict adherence to licensing hours (closing at 21:00); (2) physical separation and non-use of the rear area for any activity linked to the café; (3) staff training to prevent future confusion; and (4) willingness to accept planning conditions that prohibit customer access to external rear spaces. These steps aim to rebuild public confidence in responsible site management.

Opening Times

Monday to Sunday

7:00am to 21:00pm

Covered canopy use

It should also be noted that the use of front canopy was as follows with the previous agreed planning approval Ref no 70340

Monday to Sunday

7:00am to 19:00pm

This was strictly adhered to.

6. Environmental Contributions

The development contributes positively to local environmental goals in several ways:

- **Low-Carbon Accessibility:**

The premises serve the local residential area, attracting customers primarily on foot or bicycle. This reduces the need for car travel and associated emissions, supporting the goal of low-carbon neighbourhoods.

- **Energy-Efficient Equipment:**

The installed extractor and air conditioning units are modern, energy-efficient models that operate within low-energy consumption bands.

- **Responsible Waste Management:**

The business uses recyclable food packaging and separates waste for proper disposal by licensed carriers.

- **Sustainable Sourcing:**

Supplies are sourced locally where feasible, reducing transportation emissions and supporting local producers.

- Potential for Green Enhancements:

The appellant is open to adding planters or green screens to help enhance air quality and soften visual impacts.

7. Economic and Social Contributions

- Economic:

Supports local jobs, economic activity, and repurposes a vacant unit on Windsor Road. Aligns with JP-J1 by contributing to economic growth.

The business supports local employment, contributes to footfall, and helps keep a previously vacant unit in active use.

With the increased popularity of Heaton Park as a concert venue, there is rising demand for nearby food options. The business is well-placed to serve eventgoers, especially during peak times, which supports both turnover and local economic activity.

The café has received positive customer feedback on platforms such as Google Reviews and has gained popularity on social media, encouraging new and repeat visits from beyond the immediate neighbourhood.

These visits benefit not only the applicant's business but also neighbouring shops and services, as customers often explore the wider area.

- Social:

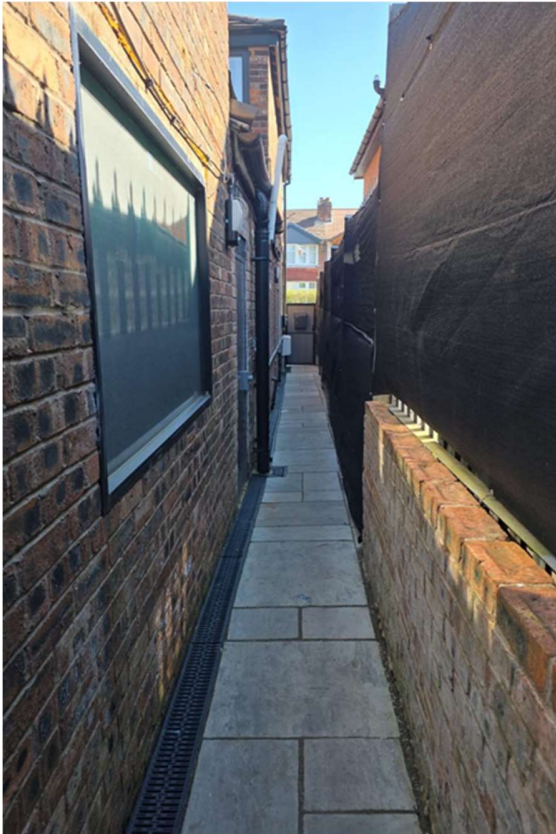
The business provides a community space where people can gather, eat, and interact.

It meets the needs of both residents and visitors, contributing to social cohesion and vibrancy in line with Policy JP-P1 (Sustainable Places).

8. Photographic Evidence

The following images show the existing alley between the properties and its placement in relation to the property and neighbouring buildings.

Photo 1 – Side view of the building:



9. Conclusion

This appeal seeks to regularise a development that has operated without harm during a trial period and which brings measurable benefits to the community. The appellant is committed to responsible management, legal compliance, and minimising neighbour impact. It is respectfully requested that this appeal be allowed and that planning permission be granted subject to appropriate conditions.