

# NOTICE OF PLANNING PERMISSION

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

**To:**

Mr Samuel Terris Taylor  
The Pearl & Daughters  
**425 Bury New Road**  
**Prestwich**  
**Manchester**  
**M25 1AF**

---

### PART 1 - Particulars of Application

**Application Number:** 70131

**Date of Registration:** 02/10/2023

**Proposal:**

Variation of condition no. 5 following approval of planning permission 67437 - Extend opening hours from Friday 09:00-22:00 hrs (as approved) to Friday 09:00-23:00 hrs (extended)

**Location:**

425 Bury New Road, Prestwich, Manchester, M25 1AF

---

### 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 decision of planning consent reference 67437 (date of permission 5/1/22).  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings Red edge block plan and site layout plan received 1/10/21; Existing and proposed plans and elevations GSS21043.1 002 Rev 2; Proposed elevations to include flue extraction details 1188C\_EX Rev 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 The development hereby approved shall be carried out in accordance with the details and information submitted for the discharge of condition 3 of application reference 67437 for the extraction system/flue.  
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 maintain the residential amenities of nearby residential property from impact upon from fumes and odour pursuant to UDP Policy S2/6 - Food and Drink, EN7/1 - Atmospheric Pollution and EN7/2 - Noise Pollution. .

- 4 The ventilation/flue shall be installed 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.  
The equipment installed shall be used and maintained in accordance with the manufacturers and installers instructions.  
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation from impact upon noise from the ventilation/flue installation system pursuant to UDP Policy S2/6 - Food and Drink, EN7/1 - Atmospheric Pollution and EN7/2 - Noise Pollution.
- 5 The use hereby permitted shall not be open to customers outside the following times:  
09.00 to 22.00 Monday to Thursdays and Sundays and Bank Holidays  
09.00 to 23.00 Fridays  
09.00 to 23.59 Saturdays  
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies EN1/2 - Townscape and Built Design, EN7/1 - Atmospheric Pollution and EN7/2 - Noise Pollution, S2/3 - Secondary Shopping Areas, S2/6 – Food and Drink of the Bury Unitary Development Plan.
- 6 The bin storage facility shown on revised red edge and block plan received 1/10/21 shall be made available prior to the first use/occupation of the development hereby approved and thereafter maintained.  
Reason. To ensure there would be adequate refuse storage facility and avoid obstruction on the public highway pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and S2/3 - Secondary Shopping Areas and Frontages.
- 7 Prior to the first occupation/use of the development hereby approved, works to soundproof the floor/ceiling between the ground floor and the first floor flat, which shall be in accordance with standards of construction specified in current Building Regulations, shall be implemented and such works shall be completed before the development is brought into use.  
Reason. To protect the residential amenities of the occupiers of the flat pursuant to UDP Policy EN7/2 Noise Pollution.

**Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015**

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. 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:**

|       |                                               |
|-------|-----------------------------------------------|
| Area  | Area PR1 - The Longfield Centre/Bury New Road |
| PR1   |                                               |
| NPPF  | National Planning Policy Framework            |
| S1/2  | S1/2 - Shopping in Other Town Centres         |
| S2/3  | S2/3 - Secondary Shopping Areas and Frontages |
| EC4/1 | EC4/1 - Small Businesses                      |
| EN1/2 | EN1/2 - Townscape and Built Design            |

EN7/1 EN7/1 - Atmospheric Pollution  
EN7/2 EN7/2 - Noise Pollution  
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:**

Red edge block plan and site layout plan received 1/10/21; Existing and proposed plans and elevations GSS21043.1 002 Rev 2; Proposed elevations to include flue extraction details 1188C\_EX Rev B

**NOTES TO APPLICANT**

Not Applicable

Signed:

A handwritten signature in black ink, appearing to read 'Paul Harris', is written over a dotted line.

3 of 3

.....  
On behalf of the Council

**Date of Decision:** 20/11/2023