

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
8 Elizabeth Street
Prestwich
Manchester
M25 1FU

PART 1 - Particulars of Application

Application Number: 67437

Date of Registration: 21/09/2021

Proposal:

Change of use from retail to cafe/restaurant (Class E), with extraction flue at side/rear, alterations to shop front with new awning and build up walls/new roof to existing side extension

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 this permission.
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 A 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 Prior to the installation of the extraction system/flue, details of the equipment and a scheme for treating, diluting and dispersing fumes and odours shall be submitted to and approved in writing by the Local Planning Authority. The scheme submitted shall include a written statement from a suitably qualified person who is a member of the Heating and Ventilation Contractors Association (HVCA) or an equivalent professional body, stating 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. The application contains insufficient detail in order to demonstrate that the required scheme would maintain the residential amenities of nearby residential property from impact upon from fumes and odour pursuant to UDP Policies 7/1 - Atmospheric Pollution, EN7/2 - Noise Pollution and S2/6 - Food and Drink.

- 4 The ventilation/flue installation shall be so 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.
The scheme as approved shall be fully implemented and all 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..
- 5 The use hereby permitted shall not be open to customers outside the following times:
09.00 to 22.00 Monday to Fridays and Sundays and Bank Holidays
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 A

NOTES TO APPLICANT

Not Applicable

Signed:



3 of 3

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On behalf of the Council

Date of Decision: 05/01/2022