

NOTICE OF PLANNING PERMISSION

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

To:

Ms Ewart
Paul Butler Associates
31 Blackfriars Road
Salford
M3 7AQ

On Behalf Of:

Mr Szafranski
Luisas Cucina Ltd
C/o Agent
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PART 1 - Particulars of Application

Application Number: 67684

Date of Registration: 28/10/2021

Proposal:

Change of use of vacant nightclub (Sui Generis) to a licenced pizza restaurant (Class Manchester, M26 2SP E), and associated external alterations including installation of a flue to the rear elevation.

Location:

45 Church Street West, Radcliffe,

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 Revised site location and proposed site plan 45CSW/200/PL P1; Existing layout 45CSW/201/PL; Proposed layout 45CSW/202/PL P1 received 19/1/22; Kitchen ventilation design C661/1 C and Noise Impact assessment ref E18347 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 approved plan C661/1 C and submitted scheme and extraction/ventilation details and Noise Impact assessment ref E18347 and installed prior to the first use of the development hereby approved.

The flue/ventilation system shall be in compliance with the measures proposed in 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 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 properties from impact upon from fumes and odour pursuant to UDP Policy S2/6 - Food and Drink, EN7/1 - Atmospheric Pollution, EN7/2 - Noise Pollution.

- 4 Deliveries in association with the development shall be restricted to the hours of 8am to 10pm.
Reason. In the interests of residential amenity pursuant to Policy S2/6 - Hot Food and Drink.
- 5 The use hereby permitted shall not be open to customers outside the following times: midday to 10pm Monday to Saturday and midday to 5pm Sundays and Bank Holidays.
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation 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 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.
- 7 The use hereby approved shall not be commenced unless and until the works to reinstate the redundant cellar access and grate on the adjacent footway to a scope and specification to be agreed with the Highway Authority and lower/alter the existing pedestrian access from Church Street West indicated on approved plan references 45CSW/200/PL Revision P1 and 45CSW/202/PL Revision P1 received 19/1/22 have been implemented to the satisfaction of the Local Planning Authority.
Reason. To ensure good highway design and maintain the integrity of the adopted highway pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and HT6/2 - Pedestrian/Vehicular Conflict.
- 8 The kitchen ventilation fan and ducting indicated on approved plan reference C661/1 Revision C that projects over the adopted footway on Quarry Street shall be installed with a 2.4m minimum underside clearance and 0.45m minimum horizontal clearance to the kerb.
Reason. In the interests of highway safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and S2/6 - Food and Drink.

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
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
HT2/4	HT2/4 - Car Parking and New Development
HT6/2	HT6/2 - Pedestrian/Vehicular Conflict
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:

Revised site location and proposed site plan 45CSW/200/PL P1; Existing layout 45CSW/201/PL; Proposed layout 45CSW/202/PL P1 received 19/1/22; Kitchen ventilation design C661/1 C; Noise Impact assessment ref E18347

NOTES TO APPLICANT

- . This recommendation relates to the revised plan received by this section on 19/1/22
- . The applicant's attention is drawn to the need to consult the Department of Operations regarding the specification for and implementation of all works on the adjacent adopted highway. The cost of the works will be the responsibility of the developer
- . The applicant's attention is drawn to the fact that the kitchen ventilation fan and ducting projecting over the footway must be erected with a 2.4m minimum underside clearance and 0.45m minimum horizontal clearance to the kerb.
- . The Council currently operates a curtilage system of refuse collection. The applicant is advised to liaise with Waste Management, Bradley Fold Depot on 0161 253 6621/7010, regarding the operation of this system

Signed:

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

4 of 4

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On behalf of the Council

Date of Decision: 21/01/2022