

NOTICE OF PLANNING PERMISSION

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

To:

Mr Alexander Lodge
Design306
306 Milnrow Road
Rochdale
OL16 5BQ

On Behalf Of:

Mr Godfrey Russell
Mission Mars
8 Hewitt Street
Manchester
M15 4GB

PART 1 - Particulars of Application

Application Number: 70781

Date of Registration: 24/06/2024

Proposal:

Alterations to side elevation to include reinstatement of door and window; 2 no. existing windows to be replaced with 2 no. double doors; Installation of extraction duct to side elevation.

Location:

460 Bury New Road, Prestwich, Manchester, M25 1AX

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 the following drawings:

- Location Plan;
- Drawing no. PL.24015.003A: Existing & Proposed Site Plans; and,
- Drawing no. PL.24015.002B: Proposed Floor Plans and Side Elevations, 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 and the Places for Everyone Joint Development Plan Document listed.

- 3 The extraction flue hereby approved shall be painted black in colour prior to the restaurant (Class E(c)(i) of the Use Classes Order) use shown within the application

commencing and shall remain black in colour in perpetuity.

Reason: In the interests of the visual amenities of the street scene and of the host property, a non-designated heritage asset, and in the interests of securing good design, as required by Policies EN1/2 of the Bury Unitary Development Plan, Policy JP-P1: Sustainable Places of the Places for Everyone Joint Development Plan, and the National Planning Policy Framework.

- 4 A minimum of 2 No. 1100 litre communal bins (or similar capacity) shall be made available within the curtilage of the site/service yard, clear of the adopted highway, to the satisfaction of the Local Planning Authority prior to the development hereby approved being brought into use and subsequently maintained thereafter.

Reason: To ensure adequate provision for the storage and disposal of refuse within the curtilage of the site, clear of the adopted highway, in accordance with Policy JP-C8: Transport Requirements of New Development of the Places for Everyone Joint Development Plan.

- 5 Notwithstanding any details shown on the approved plans and the requirements of condition no. 2 of this permission, before the use hereby permitted first takes place a scheme for the provision of a system for the extraction and filtration of cooking odours shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- details of the siting, design and finish of any external plant and/or flue(s), including measures to ensure that any flue(s) extends not less than 1 metre beyond the eaves of the building and the terminal does not impede the upward flow of exhaust gases;
- a written statement from a suitably qualified person which demonstrates 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 relevant manufacturer and installer instructions for any associated equipment with details of maintenance requirements; and,
- a programme of equipment servicing/maintenance. The system shall thereafter be installed in accordance with the duly approved scheme and the extraction/ventilation equipment shall be operated, maintained and where necessary repaired in accordance with the manufacturer's instructions and programme of equipment servicing/maintenance.

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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 Policy S2/6 - Food and Drink of the Bury Unitary Development Plan and the National Planning Policy Framework.

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:

Area	Area PR1 - The Longfield Centre/Bury New Road
PR1	
S1/2	S1/2 - Shopping in Other Town Centres
S2/3	S2/3 - Secondary Shopping Areas and Frontages
S2/6	S2/6 - Food and Drink
JP-C8	Transport Requirements of New Development
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:

NOTES TO APPLICANT

1. The applicant's attention is drawn to the requirements of Section 153 of the Highways Act 1980 which prohibits the opening of doors, gates or bars outwards onto the adopted highway.
2. The Council currently operate a curtilage system of refuse collection. The applicant is advised to liaise with Waste Management. Bradley Fold Depot, on 0161 253 7010/6635, regarding the operation of this system.
3. The applicant's attention is drawn to the fact that the adopted highway should not be used for the storage of bins.
4. 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>

Signed:

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

4 of 4

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On behalf of the Council

Date of Decision: 19/08/2024