

# NOTICE OF PLANNING PERMISSION

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

**To:**

Mr Clement Dirawu  
13 Ringcoft Gardens  
Manchester  
M40 5GG

**On Behalf Of:**

Ashfaq Haider  
Assh Properties Ltd  
1st Floor  
85 The Rock  
Bury  
BL9 0NB

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### PART 1 - Particulars of Application

**Application Number:** 70606

**Date of Registration:** 10/04/2024

**Proposal:**

Change of use from former shop and premises (Class E) to 1 no. hot food takeaways (Sui Generis) and a retail unit (Class E) at ground floor; a commercial unit (Class E) at first floor; a two bedroom apartment at second and third floors (Class C3) and external ventilation duct at rear

**Location:**

85 The Rock, Bury, BL9 0NB

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### 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 -

Site and site location plans 1956.203 rev C  
Proposed front and rear elevations 1956.202 rev C  
Existing floor plans 1956. 101  
Proposed floor plans 1956. 201 Rev C  
Existing front and rear elevations 1956.102  
Access Plan 1956.204 rev A  
Digital connectivity statement dated 20.4.2024  
Carbon and energy statement 20.4.2024

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 No development shall commence unless and until a scheme for treating, diluting and dispersing fumes and odours has been 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 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 implemented, available for use and maintained in accordance with the approved scheme and in accordance with the approved manufacturers and installers instructions whilst it shall serve the development.

Reason. The application contains insufficient detail in order to demonstrate that the required scheme to protect the residential amenities of nearby residential property from impact upon from fumes and odour pursuant to Policies EN7/2 - Noise Pollution and S2/6 - Food and Drink.

- 4 Notwithstanding the terms of the Town and Country Planning (General Permitted Development) (England) Order 2015, as subsequently amended, the flat hereby approved shall not be used for any other purpose other than a Class C3 use (including any other purpose in Class C3 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 as amended) without the submission and approval of a relevant planning application.

Reason. In the interests of residential amenity, to safeguard the character of the area and to secure the appropriate scale and intensification of use of the development for the site pursuant to policies H2/1 - The Form of New Residential Development, H2/2 - The Layout of New Residential Development and JP-H3 - Type, Size and Design of New housing.

- 5 The bin storage facilities indicated on the approved plans, incorporating a sufficient number of slimline communal bins for both the commercial and residential uses proposed and that can be accommodated through an inward opening gate and stored within the yard area clear of the adopted highway, shall be made available prior to the uses hereby approved commencing and 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 pursuant to Bury Unitary Development Plan Policies EN1/2 - townscape and Built Design, H2/2 - The Layout of New Residential Properties 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               |
| S1/1  | S1/1 - Shopping in Bury Town Centre              |
| S2/3  | S2/3 - Secondary Shopping Areas and Frontages    |
| S2/6  | S2/6 - Food and Drink                            |
| EN1/2 | EN1/2 - Townscape and Built Design               |
| H2/2  | H2/2 - The Layout of New Residential Development |
| H2/1  | H2/1 - The Form of New Residential Development   |
| JP-H3 | Type, Size and Design of New Housing             |
| JP-H4 | Density of New Housing                           |
| JP-C2 | Digital Connectivity                             |
| JP-S2 | Carbon and Energy                                |
| Area  | Area BY5 - The Rock/Peel Way                     |
| BY5   |                                                  |

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:**

Site and site location plans 1956.203 rev C  
Proposed front and rear elevations 1956.202 rev C  
Existing floor plans 1956. 101  
Proposed floor plans 1956. 201 Rev C  
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**NOTES TO APPLICANT**

- . This recommendation relates to the email from the applicant's agent received by the Council on 29 May 2024 in relation to bin storage arrangements.
- . This recommendation relates to the email from the applicant's agent received by the Council on 29 May 2024 in relation to bin storage arrangements.
- . The applicant's attention is drawn to the fact that the adopted highway should not be used for the storage of bins.

Signed:



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On behalf of the Council

**Date of Decision:** 30/05/2024