

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT (PROPOSED)

**Town and Country Planning Act 1990: Section 192
(as amended by Section 10 of the Planning and Compensation Act 1991)
Town and Country Planning (Development Management Procedure) Order
2010: Article 35**

To:

Mrs Jouliana Tanous
8 Budsworth Avenue
Manchester
M20 1AF

On Behalf Of:

Mr Karwan Jameel Saadoon
16 Johnston Close
Blackburn
BB2 1QN

Application Number: 73064

Date of Registration: 21/04/2026

First Schedule

Second Schedule

Lawful development certificate for proposed
change of use from retail use to restaurant
and café (Class E(b))

42 Haymarket Street, Bury, BL9 0AY

Bury Metropolitan Borough Council hereby certifies that on 21/04/2026 the matter described in the First Schedule in respect of the land specified in the Second Schedule and edged red on the plan attached to this certificate is **Lawful Development** within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason(s):

- 1 The proposal, described in the First Schedule, is not deemed to constitute development within the meaning of Section 55 of the Town & Country Planning Act 1990 (as amended) and therefore would be lawful.

Applicant Plan Numbers:

Existing and Proposed Floor Plans and Site Plan, scanned 07.04.2026

Notes to Applicant

1. This certificate is issued solely for the purposes of Section 192 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the matter described in the First Schedule and to the land specified in the Second Schedule was lawful, on the specified date and, thus, was not liable to enforcement action under section 172 of the 1990 Act on that date.
3. This certificate applies only to the extent of the matter described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any development or use materially different from that described or which relate to other land may render the owner or occupier liable to enforcement action.
4. The effect of the certificate is also qualified by the proviso in Section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.

NOTES TO APPLICANT

1. **Proposal:** New café serving pizzas, kebabs, chips and similar takeaway foods
Summary

Public Health welcomes investment in local food provision and recognises the role that cafés and takeaways play in the local economy and community. However, there is a well-established link between frequent consumption of energy-dense, high-fat, high-salt foods and increased risk of obesity, cardiovascular disease, and other long-term health conditions.

In Bury, levels of excess weight in both adults and children remain a significant concern. Improving the nutritional quality of food sold in takeaway settings is therefore a key opportunity to support healthier environments and reduce health inequalities.

Public Health Considerations

The proposed menu, pizza, kebabs, chips and similar items—typically falls within categories that are:

- High in calories and saturated fat
- High in salt
- Often prepared using methods that increase fat content (e.g., deep frying)

Without mitigation, regular consumption of these foods can contribute to poor diet quality and adverse health outcomes.

Recommendations for Healthier Practice

Public Health strongly encourages the applicant to implement the following measures to support healthier choices:

1. Healthier Menu Options

- Offer **smaller portion sizes** as standard or clearly promoted alternatives
- Provide options such as:
 - Wholemeal or thin-crust pizza bases
 - Leaner meat options (e.g., grilled chicken instead of processed meats)
 - Increased vegetable toppings and side options (e.g., salads)
- Include **vegetarian and plant-based dishes** that are not heavily processed

2. Reducing Fat and Oil

- Use **healthier cooking methods** such as grilling instead of frying where

possible

- Ensure regular **oil changes** to maintain quality and reduce harmful compounds
- Use oils lower in saturated fat (e.g., rapeseed oil instead of palm oil)
- Avoid excessive oil application (e.g., draining fried foods thoroughly before serving)

3. Reducing Salt

- Gradually **reduce the amount of salt added** in recipes to help reset consumer taste preferences
- Avoid pre-salted ingredients where possible
- Remove or limit salt shakers or sachets unless requested
- Provide clear nutritional information where feasible

4. Sugary Drinks and Add-ons

- Promote and price competitively **low- and no-sugar drink options**
- Avoid default meal deals that include high-sugar drinks
- Provide access to free drinking water

5. Responsible Marketing and Labelling

- Avoid promoting large portion “upsizing” deals as the default
- Clearly display healthier options prominently on menus and in-store

Healthy Food Charter – Bury

Public Health strongly encourages the business owner to **sign up to Bury’s Healthy Food Charter** :

<https://theburydirectory.co.uk/asset-library/imported-assets/bury-food-charter-silver-award-2.pdf>

Participation in the Charter will:

- Demonstrate a commitment to supporting community health
- Provide guidance and support on improving food standards
- Enhance the business’s reputation as a responsible local provider
- Align the café with wider borough-wide health improvement priorities

Conclusion :

While the proposed café may contribute positively to the local economy, it is

important that steps are taken to ensure it also supports healthier dietary behaviours. Implementing the recommendations above and engaging with Bury's Healthy Food Charter would represent a proactive and positive approach to public health.

Public Health Public Health would be happy to work with the applicant to support implementation of these measures Public Health publichealth@bury.gov.uk

Signed:

A handwritten signature in black ink, appearing to read 'for h...'. The signature is fluid and cursive.

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On behalf of the Council

Date of Decision: 05/06/2026