

NOTICE OF PLANNING PERMISSION

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

To:
Mr Ay
Delta Tech Ltd
86-90 Paul Street
London
EC2A 4NE

On Behalf Of:
Mr M Oliver
11 Bridge Street
Ramsbottom
Bury
BL0 9AB

PART 1 - Particulars of Application

Application Number: 69052

Date of Registration: 21/11/2022

Proposal:

Change of use of vacant betting shop (Sui Generis) into restaurant (Class E) including installation of extraction flue to rear; additional ground floor side window, replacement windows to the front ground floor windows with timber sliding sash windows and repair and paint all other existing windows

Location:

11 Bridge Street, Ramsbottom, Bury, BL0 9AB

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 the expiration of three years from the date of this permission.

Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

- 2 This permission relates to the following plans:

Drawing no. BRS11/22/04: Location Plan;
Drawing no. BRSn/22/06 Rev. B: Proposed Site Plan & Ground Floor Plan;
Drawing no. BRSn/22/06 Rev. A: Proposed First Floor & Roof Plan;
Drawing no. BRS11/22/07: Proposed Front, Rear and Side Elevations; and,
Drawing no. BRS11/22/08: Proposed Shop Front and Sign

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Bury Unitary Development Plan.

- 3 Notwithstanding any details shown on the approved plans and the requirements of condition 2 [approved plans] of this permission, the frames of each window hereby approved shall:

- (i) be of a timber vertical sliding sash construction;
- (ii) be set into the reveals at least 150mm; and
- (iii) be painted white or black

Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the windows shall be installed in full accordance with the above details before the part of the building served by those windows is first occupied. The duly installed windows shall be maintained as such thereafter.

Reason: To ensure an appropriate window treatment which is sympathetic to the character and appearance of the host building and the conservation area in accordance with the requirements of Policies EN1/1 and EN2/2 of the Bury Unitary Development Plan and the National Planning Policy Framework.

- 4 The extraction flue shall be painted black and retained as such in perpetuity unless otherwise agreed in writing with the local planning authority.

Reason: To ensure an appropriate appearance which is sympathetic to the character and appearance of the host building and the conservation area and minimises the impact of the development on visual amenity, in accordance with the requirements of Policies EN1/1, EN1/2, EN2/1 and EN2/2 of the Bury Unitary Development Plan and the National Planning Policy Framework.

- 5 The extraction system installed in accordance with condition 2 of this permission shall be dismantled and all associated appurtenances removed from the site if the system ceases to be used for a period exceeding 18 months, unless a longer time period for its retention has first been agreed in writing with the Local Planning Authority.

Reason: In order to ensure that any redundant extraction systems are removed from the building to prevent the proliferation of unsightly apparatus in the area in the interests of visual amenity and to preserve the character, appearance and setting of the Conservation Area in accordance with the requirements of Policies EN1/1, EN1/2, EN2/1 and EN2/2 of the Bury Unitary Development Plan and the National Planning Policy Framework.

- 6 The openings to both the rear yard area of the property, serving the outside seating area and refuse storage area on the Garden Street elevation of the building, shall be given gates which are vertically timber boarded, unless otherwise agreed in writing by the Local Planning Authority, before the rear yard area is first used for outdoor seating purposes.

Reason: To ensure an appropriate material treatment which is sympathetic to the character and appearance of the host building and the conservation area, and in the interests of highway safety, in accordance with the requirements of Policies EN1/1, EN1/2, EN2/1 and EN2/2 of the Bury Unitary Development Plan and the National Planning Policy Framework.

- 7 Prior to occupation of the use approved, the soundproofing measures, shown on Drawing Ref: BRS11/22/PWACOUSTIC01 and Drawing nos. BRS11/22/05 and BRS11/22/06 shall be installed along the length of the party wall with no.13 Bridge Street.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with Policy EN7/2 of the Bury Unitary Development Plan and the National Planning Policy Framework.
- 8 The gate opening serving the outside seating area on the Garden Street elevation of the building, shall be set in behind the facing stones of the boundary wall and open into the site. This gate should be used for emergency purposes only with customers needing to enter and leave the site via the front door onto Bridge Street. Prior to use of the outdoor seating area, 'Emergency exit only' signs shall be placed on both sides of the gate.
Reason: Due to the limited width of the pavement on Garden Street, in the interests of the safety of pedestrians and highway safety and to comply with Policy HT6/1 of the Bury Unitary Development Plan and the National Planning Policy Framework.
- 9 Prior to the rear yard being used for outside seating purposes, details of external lighting within the rear outdoor seating area shall be submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with the National Planning Policy Framework.
- 10 There shall be no externally audible music from the building or within the outdoor seating area at any time.
Reason: To protect the amenities of the occupiers of the surrounding properties and the area generally from noise in accordance with Policy EN2/2 of the Bury Unitary Development Plan and the National Planning Policy Framework.
- 11 Unless it is an emergency, customers of the premises shall only leave the premises via the front doorway on to Bridge Street.
Reason: In the interests of pedestrian safety given the pavement on Bridge Street is very narrow and using this gate regularly would result in conditions detrimental to highway safety, in accordance with Policy HT6/1 of the Bury Unitary Development Plan and the National Planning Policy Framework.
- 12 The premises shall only be open for trade or business (including deliveries) between 08:00 hours and 23:00 hours Monday to Friday and between 08:00 hours and 23:00 hours on Saturdays, Sundays and public holidays.
Reason: To limit the potential for noise generation during unsocial hours and to prevent nuisance arising in order to safeguard the amenity of the occupiers of surrounding residential properties in accordance with the requirements of accordance with Policies EN2/2 and EN7/2 of the Bury Unitary Development Plan and the National Planning Policy Framework.

- 13 The outside seating area hereby approved shall not be used between 21:00 hours and 09:00 hours Monday to Saturday and between the hours 20:00 hours and 10:00 hours on Sundays and Public Holidays.

Reason: To limit the potential for noise generation during unsocial hours and to prevent nuisance arising in order to safeguard the amenity of the occupiers of surrounding residential properties in accordance with the requirements of accordance with Policy EN2/2 of the Bury Unitary Development Plan and the National Planning Policy Framework.

- 14 The development shall be carried out in accordance with the Odour Management Plan, Rev. 1, prepared by Delta Tech Ltd, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenity of nearby occupiers and clean air and to comply with Policies EN7/1 of the Bury Unitary Development Plan and the National Planning Policy Framework.

- 15 Unless specifically expressed by another condition, the development shall be implemented and carried out in accordance with the Noise Impact Assessment, Issue 01, carried out by DAA Group, dated 20 January 2023.

Reason: In the interests of the amenity of nearby occupiers and to comply with Policy EN7/2 of the Bury Unitary Development Plan and the National Planning Policy Framework.

- 16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), the building shall be used for Class E(b) purposes (as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)) only, and for no other purpose (including any other use which falls within use class E of the same Order or any equivalent Order following the revocation and re-enactment thereof, with or without modification).

Reason: To restrict the use of the building to an operation which is compatible with the adopted Local Plan, the nature of surrounding uses and to prevent future changes of use which have the potential to detract from the character of the area and/or harm the amenities of surrounding occupiers in accordance with the requirements of Policies S2/1, EN1/1, EN1/2 and EN7/2 of the Bury Unitary Development Plan and the National Planning Policy Framework.

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:

TC2/2 TC2/2 - Mixed Use Development
S2/1 S2/1 - All New Retail Proposals: Assessment Criteria
S2/6 S2/6 - Food and Drink
EN1/1 EN1/1 - Visual Amenity
EN1/2 EN1/2 - Townscape and Built Design
EN2/1 EN2/1 - Character of Conservation Areas
EN2/2 EN2/2 - Conservation Area Control
EN7/1 EN7/1 - Atmospheric Pollution
EN7/2 EN7/2 - Noise Pollution
HT6/2 HT6/2 - Pedestrian/Vehicular Conflict

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:

BRS11/22/04: Location Plan;
BRSn/22/06 Rev. B: Proposed Site Plan & Ground Floor Plan;
BRSn/22/06 Rev. A: Proposed First Floor & Roof Plan;
BRS11/22/07: Proposed Front, Rear and Side Elevations; and,
BRS11/22/08: Proposed Shop Front and Sign

NOTES TO APPLICANT

Not Applicable

Signed:



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On behalf of the Council

Date of Decision: 29/03/2023