

# NOTICE OF REFUSAL OF PLANNING PERMISSION

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

**To:**

Mr Talat Zeria  
HSH Engineering Design Service Ltd  
428 Cheetham Hill Road  
Cheetham  
Manchester  
M8 9LE

**On Behalf Of:**

Mr Asim Humza  
65 A Windsor Road  
Prestwich  
Manchester  
M25 0DB

---

### PART 1 - Particulars of Application

**Application Number:** 71520

**Date of Registration:** 14/05/2025

**Proposal:**

Change of use from shop to restaurant and  
the retention of extract flue and AC unit

**Location:**

65 Windsor Road, Prestwich, Manchester,  
M25 0DB

---

### PART 2 - Particulars of Decision

The Bury Metropolitan Borough Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that permission has been **REFUSED** for the carrying out of the development referred to in Part 1 hereof for the following reasons:-

- 1 The retention of the proposed extractor flue would be seriously detrimental to the residential amenities of the neighbouring property by reason of its size, position and appearance in addition to the smells emanating from it whilst in operation. The proposed development therefore conflicts with the following policy of the Bury Unitary Development Plan: S2/6 Food and Drink.

### Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. 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  
EN1/2 EN1/2 - Townscape and Built Design

|       |                                                             |
|-------|-------------------------------------------------------------|
| EN1/8 | EN1/8 - Shop Fronts                                         |
| EN7/2 | EN7/2 - Noise Pollution                                     |
| HT2/4 | HT2/4 - Car Parking and New Development                     |
| EC4/1 | EC4/1 - Small Businesses                                    |
| EC6/1 | EC6/1 - New Business, Industrial and Commercial Development |
| S1/5  | S1/5 - Neighbourhood Centres and Local Shops                |
| S2/6  | S2/6 - Food and Drink                                       |
| EN5/1 | EN5/1 - New Development and Flood Risk                      |
| JP-J1 | Supporting Long-Term Economic Growth                        |
| JP-P1 | Sustainable Places                                          |
| JP-S1 | Sustainable Development                                     |

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:**

Drawings numbered 02, 03, 05C, 06D, 07 and 10.

**NOTES TO APPLICANT**

Not Applicable

Signed:



2 of 2

.....  
On behalf of the Council

**Date of Decision:** 24/07/2025