

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:



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On behalf of the Council

Date of Decision: 24/07/2025