

NOTICE OF REFUSAL OF PLANNING PERMISSION

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

To:

Mr M Farooq
Building Design Services
418 Bury Road
Rochdale
OL11 5EU

On Behalf Of:

Mr Karwan Jameel Saadoon
16 Johnston Close
Blackburn
BB2 1QN

PART 1 - Particulars of Application

Application Number: 72643

Date of Registration: 05/02/2026

Proposal:

Change of use from Shop (Class E(a)) to
Takeaway (Sui Generis).

Location:

42 Haymarket Street, Bury, BL9 0AY

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 proposal would result in the over concentration of Hot Food Takeaway Uses which would have an adverse impact on local health, a detrimental impact on the character of the shopping area and frontage, and would fail to preserve or enhance the Conservation Area within which it is sited. The proposal is therefore considered to be contrary to Bury Unitary Development Plan and Places for Everyone Joint Development Plan Policies S1/1 - Shopping in Bury Town Centre, S2/3 - Secondary Shopping Areas and Frontages, S2/6 - Food and Drink, EN2/1 - Character of Conservation Area, EN2/2 - Conservation Area Control, JP-P2 - Heritage and the National Planning Policy Framework.
- 2 The application and submitted plans contain insufficient information in relation to the location of and specification of any proposed flues to enable them to be properly assessed in terms of visual amenity. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan and the Places For Everyone Joint Development Framework EN1/2 - Townscape and Built Design, S2/6 - Food and Drink, EN2/1 Character of Conservation Area, EN2/2 - Conservation Area Control, JP-P1 - Sustainable Places and JP-P2 Heritage.
- 3 The application and submitted plans contain insufficient information to ensure that adequate off-highway bin storage arrangements can be provided for the proposed use within the curtilage of the site in order to ensure that the adjacent adopted highways are not used for refuse collection purposes or the storage of communal bins contrary to Bury Unitary Development Plan and Places for Everyone Joint Development Plan Policies S2/6 - Food and Drink, EN1/2 - Townscape and Built

Design, JP-P1 - Sustainable Places, JP-C5 - Streets for All and JP-C6 - Walking and Cycling.

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:

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
EN2/1	EN2/1 - Character of Conservation Areas
EN2/2	EN2/2 - Conservation Area Control
HT5/1	HT5/1 - Access For Those with Special Needs
JP-P1	Sustainable Places
JP-P2	Heritage
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-C2	Digital Connectivity
JP-S2	Carbon and Energy
NPPF	National Planning Policy Framework

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:

NOTES TO APPLICANT

Not Applicable

Signed:

A handwritten signature in black ink, appearing to read "for haw", written in a cursive style.

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On behalf of the Council

Date of Decision: 12/03/2026