

NOTICE OF REFUSAL OF PLANNING PERMISSION

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

To:

Mr Mohammed Akram
17 Church Street
Bury
BL9 6BN

On Behalf Of:

Mr Sohail Raja
42 Walmersley Road
Bury
BL9 6DP

PART 1 - Particulars of Application

Application Number: 69786

Date of Registration: 20/06/2023

Proposal:

Change of use of ground floor from taxi booking office to hot food takeaway (Sui Generis) with installation of extraction flue and external staircase at rear

Location:

42 Walmersley Road, Bury, BL9 6DP

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 application, if approved, would lead to an over-concentration of food and drink uses and reduction in retail uses to the detriment of the function and character of the Walmersley Road/Moorgate Local Centre contrary to UDP Policies S1/4 Local Shopping Centres, S2/6 Food and Drink, EN1/2 Townscape and Built Design and EN1/7 Throughroutes and Gateways.
- 2 The proposed car parking and servicing arrangements for the premises are inadequate and would lead to vehicles parking and carrying out manoeuvres on the adjacent classified road (A56 Walmersley Road), to the detriment of the free flow of traffic and road safety. The proposal is therefore unacceptable and contrary to the NPPF and UDP Policies S2/6 Food and Drink, HT2/4 Car Parking and New Development and HT6/2 Vehicular/Pedestrian Conflict.
- 3 The application and submitted plans contain insufficient information to ensure that adequate accessible refuse collection facilities will be provided within the curtilage of the site for the additional hot food takeaway use proposed and to accommodate the highly likely increase in waste that will be generated. The proposal is therefore contrary to UDP Policy 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:

S2/6	S2/6 - Food and Drink
S1/4	S1/4 - Local Shopping Centres
EN1/2	EN1/2 - Townscape and Built Design
EN1/8	EN1/8 - Shop Fronts
EN7/2	EN7/2 - Noise Pollution
NPPF	National Planning Policy Framework
EN1/7	EN1/7 - Throughroutes and Gateways
HT6/2	HT6/2 - Pedestrian/Vehicular Conflict
HT2/4	HT2/4 - Car Parking and New Development
S1	S1 - Existing Shopping Centres
EC4/1	EC4/1 - Small Businesses

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:



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On behalf of the Council

Date of Decision: 18/09/2023