

NOTICE OF REFUSAL OF PLANNING PERMISSION

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

To:

Mr Ashley Taylor
424 Bury New Road
Prestwich
Manchester
M25 2GG

PART 1 - Particulars of Application

Application Number: 67709

Date of Registration: 25/11/2021

Proposal:

Change to opening hours from 09:00-23:00 to 09:00-01:30; Repositioning of kitchen extractor

Location:

424 Bury New Road, Prestwich, Manchester, M25 1BD

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 proposed extended opening hours to 01.30am would be seriously detrimental to the residential amenities of nearby occupiers, by reason of the noise, smell, disturbance and general activity associated with the proposed use, including the operation of the proposed flue at the rear. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan: S2/6 Food and Drink and EN7/2 Noise Pollution.
- 2 The application and submitted plans contain insufficient information with regard to the extractor/flue at the rear to enable them to be properly assessed. As such the proposal is unacceptable and contrary to UDP Policies S2/6 Food and Drink and EN7/2 Noise Pollution.
- 3 The extractor/flue, without an appropriate finish would appear incongruous on the building and would therefore be seriously detrimental to the visual amenity of the immediate locality. The proposal would be contrary to the following UDP Policy EN1/2 Townscape and Built Design.

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:

Area	Area PR1 - The Longfield Centre/Bury New Road
PR1	
S1/2	S1/2 - Shopping in Other Town Centres
S2/3	S2/3 - Secondary Shopping Areas and Frontages
S2/6	S2/6 - Food and Drink
EN1/2	EN1/2 - Townscape and Built Design
NPPF	National Planning Policy Framework
EN7/2	EN7/2 - Noise Pollution

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:

Dwgs received 25/10/2021

NOTES TO APPLICANT

Not Applicable

Signed:



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On behalf of the Council

Date of Decision: 20/01/2022