

NOTICE OF REFUSAL OF PLANNING PERMISSION

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

To:

Mr Frank Unsworth
APB Building Surveyors
1 Maple Grove
Ramsbottom
Bury
BL0 0AN

On Behalf Of:

Mr Iqbal
732 Walmersley Road
Bury
BL9 6RN

PART 1 - Particulars of Application

Application Number: 65878

Date of Registration: 29/10/2020

Proposal:

Change of use from rear residential flat to hot food takeaway (delivery only service) (sui generis)

Location:

Flat C, 732 Walmersley Road, Bury, BL9 6RN

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 and submitted plans contain insufficient information to enable them to be properly assessed in relation to the impact of the proposal on the residential amenities of nearby occupiers, by reason of the noise, disturbance and general activity associated with the proposed take away use. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan: EN7/2 - Noise Pollution and S2/6 - Food and Drink.
- 2 The application and submitted plans contain insufficient information to enable the impact of any potential flues/ducting to be properly assessed in terms of environmental impact and visual amenity. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan: EN1/2 - Townscape and Built Design and S2/6 - Food and Drink.
- 3 The proposed change of use would therefore result in the intensification of use of a site with inadequate existing parking and servicing facilities, which is likely to lead to vehicles parking and carrying out manoeuvres on the highway to the detriment of the free flow of traffic and road safety. The proposed development therefore conflicts with the following policy(ies) of the Bury Unitary Development Plan: HT2/4 - Car Parking and New Development and 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:

EC4/1 EC4/1 - Small Businesses
S2/6 S2/6 - Food and Drink
EN1/2 EN1/2 - Townscape and Built Design
HT2/4 HT2/4 - Car Parking and New Development
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:

NOTES TO APPLICANT

Not Applicable

Signed:



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On behalf of the Council

Date of Decision: 16/12/2020