

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 Amjad
77 Fields New Road
Chadderton
Oldham
OL9 8BT

On Behalf Of:

Mr Dislshad Jafar
Toto Ristorante
Rapallo Ristorante
High Street
Bury
BL8 3AG

PART 1 - Particulars of Application

Application Number: 67614**Date of Registration:** 26/11/2021**Proposal:**

Single storey side extension

Location:

Rapallo Ristorante, High Street, Walshaw,
Bury, BL8 3AG

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 development would, by reason of its size, position, design and materials be a discordant, prominent and intrusive feature in the street scene and would therefore be seriously detrimental to the visual amenities of the area. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan, EN1/2 - Townscape and Built Design and EN1/8 - Shop Fronts.
- 2 The extension and its surface water drainage arrangements results in an unacceptable impact on the integrity of the adjacent adopted highway due to the unauthorised discharge of surface water onto the adopted footway on High Street, which is detrimental to highway safety and contrary to provisions in the Highways Act 1980. The proposed development would therefore be contrary to Bury unitary Development Plan Policies EC4/1 - Small Businesses and EN5/1 - New Development and Flood Risk.
- 3 The proposed development would result in an intensification of the use of the site for which there would be inadequate car parking provision 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 policies of the Bury Unitary Development Plan: EN1/2 - Townscape and Built Design, HT2/4 - Car Parking and New Development and HT6/2 - Pedestrian/Vehicular Conflict.

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
EN5/1 EN5/1 - New Development and Flood Risk
S1/5 S1/5 - Neighbourhood Centres and Local Shops
S2/6 S2/6 - Food and Drink

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:

Existing and proposed site plan received 8/11/21; Existing plans and elevations PV-PP-01;
Proposed floor plans and elevations PV-PP-02;

NOTES TO APPLICANT

Not Applicable

Signed:



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On behalf of the Council

Date of Decision: 14/02/2022