

NOTICE OF REFUSAL OF PLANNING PERMISSION

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

To:

Daniel Duke
Duke Design Services
The Hat Works
51 Stockport Road
Denton
Manchester
M34 6NB

On Behalf Of:

Jarral
Jarral Properties NW LTD
Land & buildings between 69-81 Lord Street
Bury
BL9 0RE

PART 1 - Particulars of Application

Application Number: 72702

Date of Registration: 05/01/2026

Proposal:

Extension and alteration to buildings to form
4 No. flats, 2 No. retail units & 2 No. hot food
takeaway units

Location:

Land & buildings between 69-81 Lord Street,
Bury, BL9 0RE

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 within walking distance of schools and other places where children and young people congregate which would have an adverse impact on local health and the character of the area contrary to Bury Unitary Development Framework Policy S2/6 - Food and Drink and Paragraph 97 of 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 and kitchen ventilation systems, heat pumps or mechanical ventilation with heat recovery (MVRH) systems to enable them to be properly assessed in terms of residential amenity for future and existing occupiers and visual amenity. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan H1/2 - Further Housing Development, H2/1 The Form of New Residential Development, H2/2 - The Layout of New Residential Development, EN1/2 - Townscape and Built Design, EN7/2 - Noise Pollution, H3/1 - Assessing Non-Conforming Uses, S2/6 - Food and Drink and the following Policy of the Places for Everyone Joint Development Framework JP-P1 - Sustainable Places.
- 3 The proposed dwellings would fail to meet Nationally Described Space Standards (NDSS) for Gross Internal Area (GIA) and built in storage for proposed apartments 2, 3 and 4. The proposal would therefore fail to comply with Places for Everyone Joint

Development Plan Policy JP-H3: Type, Size and Design of New Housing.

- 4 The application and submitted plans contain insufficient information in relation to cycle storage for the proposed uses on site in accordance with Bury Council Supplementary Planning Document 11 -Parking Standards in Bury, which is likely to lead to increased pressure on the highway for vehicles parking and carrying out manoeuvres on the adjacent highways, and exacerbating non-compliance with existing waiting restrictions, to the detriment of the free flow of traffic and road safety. The proposal is therefore considered to contrary to Bury Unitary Development Plan Policies S2/6 - Food and Drink, S2/5 - New Local Shopping Provision, EN1/2 - Townscape and Built Design, H2/1 - The Form of New Residential Development, H2/2 - The Layout of New Residential Development, HT2/4 - Car Parking and New Development, Places for Everyone Joint Development Framework Policies JP-C5 - Streets for All, JP-C6 - Walking and Cycling, JP-C8 - Transport Requirements for New Development and JP-P1 - Sustainable Places, Supplementary Planning Document 11 - Parking Standards in Bury and the National Planning Policy Framework.
- 5 The proposal would result in the creation of outward opening gates into the adopted highway at Back Lord Street, which would be detrimental to pedestrian and road safety and contrary to Bury Unitary Development Plan Policies S2/6 - Food and Drink, S2/5 - New Local Shopping Provision, EN1/2 - Townscape and Built Design, H2/1 - The Form of New Residential Development, H2/2 - The Layout of New Residential Development, Places for Everyone Joint Development Framework Policies JP-C5 - Streets for All, JP-C6 - Walking and Cycling, JP-C8 - Transport Requirements for New Development and JP-P1 - Sustainable Places and the National Planning Policy Framework.
- 6 The proposed pedestrian access arrangements to the development from the narrow footway on Back Lord Street, with very little natural surveillance are sub-standard are likely to lead to the creation of conflicts between pedestrians and vehicles to the detriment of pedestrian safety and could leave future residents and visitors vulnerable to criminality, fear of crime, and antisocial behaviour. The proposal fails to prioritise pedestrian and cycle movements or minimise the scope for conflicts contrary to Bury Unitary Development Plan Policies S2/6 - Food and Drink, S2/5 - New Local Shopping Provision, EN1/2 - Townscape and Built Design, H2/1 - The Form of New Residential Development, H2/2 - The Layout of New Residential Development, Places for Everyone Joint Development Framework Policies JP-C5 - Streets for All, JP-C6 - Walking and Cycling, JP-C8 - Transport Requirements for New Development and JP-P1 - Sustainable Places and the National Planning Policy Framework.
- 7 The proposed in-curtilage bin storage facilities and refuse collection access arrangements are sub-standard, do not meet Waste Management's 'Guide to Refuse Collection Requirements & Storage Methods for New Developments' and are likely to lead to the creation of vehicular and pedestrian conflicts on the adjacent adopted highways, to the detriment of the free flow of traffic and highway safety. The proposal is therefore considered to contrary to Bury Unitary Development Plan Policies S2/6 - Food and Drink, S2/5 - New Local Shopping Provision, EN1/2 - Townscape and Built Design, H2/1 - The Form of New Residential Development, H2/2 - The Layout of New Residential Development, Places for Everyone Joint Development Framework Policies JP-C5 - Streets for All, JP-C6 - Walking and Cycling, JP-C8 - Transport Requirements for New Development and JP-P1 - Sustainable Places and the National Planning Policy Framework.
- 8 The application and submitted plans contain insufficient, topographical survey based

information in order to assess the physical impact of the development, its foundations and surface water drainage arrangements on the adjacent adopted highways and rectifying historic damage to the adopted highway from previous unauthorised uses on the site. The proposal is therefore considered to be contrary to Bury Unitary Development Plan Policies S2/6 - Food and Drink, S2/5 - New Local Shopping Provision, EN1/2 - Townscape and Built Design, H2/1 - The Form of New Residential Development, H2/2 - The Layout of New Residential Development, Places for Everyone Joint Development Framework Policies JP-C5 - Streets for All, JP-C6 - Walking and Cycling, JP-C8 - Transport Requirements for New Development and JP-P1 - Sustainable Places, and the National Planning Policy Framework.

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
S2/5	S2/5 - New Local Shopping Provision Outside Recognised Shopping Centres
H1/2	H1/2 - Further Housing Development
H2/1	H2/1 - The Form of New Residential Development
H2/2	H2/2 - The Layout of New Residential Development
H3/1	H3/1 - Assessing Non-Conforming Uses
EN1/2	EN1/2 - Townscape and Built Design
EN6/3	EN6/3 - Features of Ecological Value
EN7/2	EN7/2 - Noise Pollution
HT2/4	HT2/4 - Car Parking and New Development
JP-P1	Sustainable Places
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
JP-C2	Digital Connectivity
JP-C1	Our Integrated Network
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-C8	Transport Requirements of New Development
JP-H1	Scale of New Housing Development
JP-H3	Type, Size and Design of New Housing
JP-H4	Density of New Housing
JP-S2	Carbon and Energy
JP-S4	Flood Risk and the Water Environment
JP-S5	Clean Air
SPD6	Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.
SPD11	Development Control Policy Guidance Note 11 - Parking Standards in Bury
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:

23 (19)_001, 23 (19)_002, 23 (19)_003, 23 (19)_004, 23 (19)_005 Rev A, 23 (19)_006 Rev A, 23 (19)_007, 23 (19)_008, 23 (19)_009, 23 (19)_010 Rev A, 23 (19)_0011, 23 (19)_012.

NOTES TO APPLICANT

Not Applicable

Signed:

A handwritten signature in black ink, appearing to read 'for kate', is written over a dotted line.

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On behalf of the Council

Date of Decision: 27/02/2026