

NOTICE OF REFUSAL OF PLANNING PERMISSION

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

To:

Thorp
Thorp Design Services Ltd
Thorp Design Services Ltd
151 The Rock
Bury
BL9 0ND

On Behalf Of:

Atkinson
19 Kenyon Crescent
Bury
BL9 6WH

PART 1 - Particulars of Application

Application Number: 73487

Date of Registration: 29/07/2026

Proposal:

Change of Use from Car Showroom (Class Sui Generis) to Indoor Sport, Recreation or Fitness to use as Indoor Play Centre (Class E(d))

Location:

The Car Depot, Derby Way, Bury, BL9 0NJ

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 intensification of use of a site with sub-standard pedestrian and vehicular access arrangements from the adopted highway at Derby Way, which would be detrimental to pedestrian and road safety. The proposed development would therefore be contrary to policies EC4/1, JP-C5, JP-C6 and JP-C8.
- 2 The application and submitted plans contain insufficient information in order for the following to be properly assessed:
 - Impact the traffic generated by the proposed change of use could have on the adjacent highway network.
 - Impact the proposed use will have on parking provision for the retained use of the buildings on the site.
 - Impact the proposed use will have on servicing and turning facilities for the retained use of the buildings on the site.
 - Provision of adequate levels of car parking provision and servicing, refuse collection and turning facilities for the proposed use.
 - Adequacy of the pedestrian route shown indicatively on the proposed site plan for the use proposed and impact the facility will have on existing parking provision for the retained use of the buildings on the site.

The proposed development would therefore be contrary to policies EC4/1, JP-C5,

JP-C6 and JP-C8.

- 3 The application and submitted plans contain inaccurate information to show the extent of the red edge site plan in relation to the adopted highway and extent of the red edge application site to include the proposed overspill parking to enable them to be properly assessed. The proposed development would therefore be contrary to policies EC4/1, JP-C5, JP-C6 and JP-C8.
- 4 The applicant has failed to satisfy the sequential test to demonstrate that there are no sequentially preferable or suitable sites available in the town centre location. The proposed development would therefore be contrary to Policies TC3 and TC4 of Chapter 8 - Ensuring the vitality of town centres and Emerging Policy LP-TC2 of Bury's Publication Local plan (June 2026).

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
EN1/7	EN1/7 - Throughroutes and Gateways
EN7/2	EN7/2 - Noise Pollution
EC6/1	EC6/1 - New Business, Industrial and Commercial Development
S4/4	S4/4 - Car Showrooms, Car Sales Areas and Petrol Filling Stations
HT2/4	HT2/4 - Car Parking and New Development
JP-C1	Our Integrated Network
JP-C2	Digital Connectivity
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-C8	Transport Requirements of New Development
JP-P1	Sustainable Places
JP-P4	New Retail and Leisure Uses in Town Centres
JP-P7	Sport and Recreation
JP-S1	Sustainable Development
JP-S2	Carbon and Energy
TC1	TC1 - Town Centres
SPD11	Development Control Policy Guidance Note 11 - Parking Standards in Bury
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:

Location plan TDS-26-196-00

Existing site plan TDS-26-196-01

Existing front and side elevation TDS-25-196-02
Existing floor plan TDS-15-196-02
Proposed site plan TDS-26-196-04
Proposed ground floor TDS-25-196-05
Proposed front and side elevation TDS-25-196-06

NOTES TO APPLICANT

Not Applicable

Signed:

A handwritten signature in black ink, appearing to read "J. H. H.", is written over a dotted line.

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On behalf of the Council

Date of Decision: 11/09/2026