

NOTICE OF REFUSAL OF PLANNING PERMISSION

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

To:

Mr Eli Radnor
Radnor Architecture Ltd
38 Market Street
First Floor
Heywood
OL10 4LY

On Behalf Of:

Mr Ofir
c/o agent
38 Market Street
First Floor
Heywood
OL10 4LY

PART 1 - Particulars of Application

Application Number: 72097

Date of Registration: 08/08/2025

Proposal:

Retrospective application for a freestanding pergola to the front of the restaurant, used as an outdoor dining area ancillary to the existing Class E use.

Location:

27 Bury New Road, Prestwich, Manchester, M25 9JY

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 position within the streetscene, position directly adjacent to the existing shop front window and design would be a prominent and intrusive feature in the street scene and would therefore, be seriously detrimental to the visual amenities of the area and the viability and vitality of the shopping centre. The proposed development therefore conflicts with the following policies - EN1/2, S1/3 and the principles of the NPPF.
- 2 The application and submitted plans contain insufficient information to confirm that adequate surface water drainage arrangements are in place to ensure that surface water from the pergola will not be discharged onto the adjacent adopted highways, to the detriment of highway safety and contrary to provisions in the Highways Act 1980. The proposed development would therefore be contrary to policies JP-C5, JP-S4 and the principles of the NPPF.

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
S1/3 S1/3 - Shopping in District Centres
EN1/2 EN1/2 - Townscape and Built Design
S2/6 S2/6 - Food and Drink
JP-C2 Digital Connectivity
JP-C5 Streets For All
JP-C6 Walking and Cycling
JP-C8 Transport Requirements of New Development
JP-S2 Carbon and Energy
JP-S4 Flood Risk and the Water Environment

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 and block plan 001
Existing floor plans and elevations 002
Proposed plans and elevations 003

NOTES TO APPLICANT

Not Applicable

Signed:



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On behalf of the Council

Date of Decision: 01/10/2025