

NOTICE OF REFUSAL OF PLANNING PERMISSION

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

To:

Mr Andrew Collier
IMD and Associates
Suite 207
Business First
Davyfield Road
Blackburn
BB1 2QY

On Behalf Of:

Mr Steve Collett
Stonegate Group
3 Monkspath Hall Road
Solihull
Birmingham
B90 4SJ

PART 1 - Particulars of Application

Application Number: 71908

Date of Registration: 27/05/2025

Proposal:

Erection of 2 no. timber framed gazebos over part of existing external seating area with new ramped access and stepped access

Location:

Shoulder Of Mutton, Holcombe Village, Bury, BL8 4LZ

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 and associated works would represent an incongruous, contemporising and urbanising feature within the conservation area by virtue of its design, size, scale, mass and materials and as an alien feature that would be totally at odds with the architectural grain of that part of the conservation area, thereby it fails to preserve or enhance its character or appearance, contrary to the requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), Policy EN2/2: 'Conservation Area Control' of the Development Plan and the National Planning Policy Framework.
- 2 The proposal would represent a contemporary, urbanising and incongruous feature in the sensitive historic core of Holcombe Village within the conservation area and the settings of designated and non-designated heritage assets without any, or sufficient public benefit, contrary to the requirements of S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and the National Planning Policy Framework.
- 3 The proposed development would result in the introduction an incongruous, discordant and unsympathetic addition that fails to respond positively to the character of the existing building and the locality in which it is set, resulting in the visual detriment of the host property and the character and visual amenities of the

area, contrary to the requirements of Policy EN2/1: 'Townscape and Built Design' of the Bury Unitary Development Plan and the National Planning Policy Framework.

- 4 The proposed development, by reason of the proposed use would give rise to noise, disturbance and loss of privacy conditions to the occupants of 3 Alba Street that would adversely affect the residential amenities enjoyed by the occupiers of that adjoining property, contrary to Policies EC4/1: Small Businesses, EN1/2: 'Townscape and Built Design' of the Development Plan and EN2/7: 'Noise' of the Unitary Development Plan and the National Planning Policy Framework.
- 5 The proposals would result in the creation of sub-standard egress arrangements at an already hazardous location on the highway network in close proximity to both the existing B6214 Helmshore Road/Chapel Lane junction and the priority give-way at Lumb Carr Road and through an existing outside seating area, which would be detrimental to road and pedestrian safety, contrary to PfE Policies JP: C1: 'An Integrated Network' JP-C5: 'Streets for All' and JP-C6: Walking and Cycling and JP-C8: Transport Requirements of New Development.
- 6 The proposed alterations at the interface between the site and the existing kerblin on Holcombe Village would result in an unacceptable adverse impact on the integrity of the adopted highway to the detriment of highway safety. The proposal is thus contrary to PfE Policies JP: C1: 'An Integrated Network' JP-C5: 'Streets for All' and JP-C6: Walking and Cycling and JP-C8: Transport Requirements of New Development.

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:

EN2/2	EN2/2 - Conservation Area Control
EN2/3	EN2/3 - Listed Buildings
EN2/2	EN2/2 - Conservation Area Control
EN1/2	EN1/2 - Townscape and Built Design
EC4/1	EC4/1 - Small Businesses
EN7/2	EN7/2 - Noise Pollution
JP-C1	Our Integrated Network
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-C8	Transport Requirements of New Development
JP-P2	Heritage
JP-G9	The Green Belt
NPPF	National Planning Policy Framework
NPPG	National Planning Policy Guide

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:

A handwritten signature in black ink, appearing to read 'Paul Harris', written in a cursive style.

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On behalf of the Council

Date of Decision: 22/07/2025