

NOTICE OF REFUSAL OF PLANNING PERMISSION

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

To:

Mr Dave Trudgeon
Conway Architectural Design
6 Conway Close
Middleton
Manchester
M24 1EW

On Behalf Of:

Mr Luke Rafferty
LYNA limited
Alfred's Restaurant
1 South Street
Bury
BL9 0JX

PART 1 - Particulars of Application

Application Number: 71075

Date of Registration: 07/10/2024

Proposal:

Glazed structure to front of restaurant to form extended dining area.

Location:

1 South Street, Bury, BL9 0JS

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 extension would introduce a permanent and discordant feature into the pedestrianised walkway within the shopping arcade. The proposal would be out of character and conflict with the following policies of the Unitary Development Plan: EN1/2 Townscape and Built Design, EN1/8 Shopfronts, S2/1 All New Retail Proposals and S2/2 Prime Shopping Areas and Frontages.

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 |
| S2/1 | S2/1 - All New Retail Proposals: Assessment Criteria |
| S2/2 | S2/2 - Prime Shopping Areas and Frontages |
| 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:

Drawings numbered 779-01A, 02A and 03A

NOTES TO APPLICANT

1. The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain permission to enter or disturb our property will result in the potential for court action.

Shallow coal seams:

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities. To check your site for coal mining features on or near to the surface the Coal Authority interactive map viewer allows you to view selected coal mining information in your browser graphically. To check a particular location either enter a post code or use your mouse to zoom in to view the surrounding area.

2. In accordance with S93G of the Town and Country Planning Act 1990 (As amended by Section 111 Levelling Up & Regeneration Act 2023) there is a legal requirement for you to inform the Council of the date when you intend to commence the development on site via submission of a Commencement Notice. This notice is mandatory for all developments and came into effect on 31 March 2024. You can find more information and download a copy of the Commencement Notice under the Before Starting Work section on our website at <https://www.bury.gov.uk/planning-building-control/planning-permission/planning-application-process>

Signed:

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

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On behalf of the Council

Date of Decision: 19/02/2025