

NOTICE OF REFUSAL OF PLANNING PERMISSION

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

To:

Mrs Helen Binns
Walsingham Planning Ltd
Brandon House
King Street
Knutsford
WA16 6DX

On Behalf Of:

Mrs Helen Binns
Daniel Thwaites
C/O - Brandon House
King Street
Knutsford
WA16 6DX

PART 1 - Particulars of Application

Application Number: 71585

Date of Registration: 30/01/2025

Proposal:

Retention of tipi and heater for a temporary period of 18 months

Location:

Eagle And Child, 3 Whalley Road,
Shuttleworth, Ramsbottom, Bury, BL0 0DL

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 design and appearance of the 'tipi' structure is neither appropriate to, nor sympathetic with its site and surroundings and would be detrimental to the visual amenity of the area. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan: EN1/1 Visual Amenity, EN1/2 Townscape and Built Design and associated guidance in SPD16 New Development in Bury and the National Planning Policy Framework
- 2 The retention of the 'tipi' structure for 18 months would be seriously detrimental to the residential amenities of surrounding residents, by reason of the noise, disturbance and general activity associated with the proposed use, including customers leaving and accessing vehicles late in the evening. The proposed development therefore conflicts with the National Planning Policy Framework and Places for Everyone and the following policies of the Bury Unitary Development Plan: EC4/1 Small Businesses, S2/6 Food and Drink, EN7/2 Noise Pollution.
- 3 The proposal would result in the significant intensification of the use of the site with limited existing off-street parking facilities, which is highly likely to lead to vehicles parking and carrying out manoeuvres on the surrounding residential streets where on-street parking facilities are at a premium at all times of day, which would have a significant impact on existing parking facilities for existing residents and be detrimental to the free flow of traffic and road safety. The proposed development therefore conflicts with Bury Unitary Development Plan Policies HT2/4 - Car Parking

and New Development, EN1/2 - Townscape and Built Design and Places for Everyone Joint Development Plan Policies JP-C5 Streets For All, JP-C6 Walking and Cycling and Supplementary Planning Document 11 - Parking Standards in Bury.

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
PFE	Places for Everyone
EN1/2	EN1/2 - Townscape and Built Design
EN7/2	EN7/2 - Noise Pollution
S2/6	S2/6 - Food and Drink
SPD11	Development Control Policy Guidance Note 11 - Parking Standards in Bury
SPD16	Development Control Policy Guidance Note 16 - Design and Layout of New Development 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:

Dwgs 1546.100A, 101, 102, 103, 104 and 105A.

NOTES TO APPLICANT

Not Applicable

Signed:



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On behalf of the Council

Date of Decision: 14/03/2025