

NOTICE OF REFUSAL OF PLANNING PERMISSION

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

To:

Riyat Associates Ltd
Benson House
14 Benson Street
Leeds
LS7 1BL

On Behalf Of:

Mr M Hussain
Pappa Johns
53 Bury Old Road
Prestwich
Manchester
M25 0FG

PART 1 - Particulars of Application

Application Number: 69486

Date of Registration: 21/03/2023

Proposal:

Variation of condition no. 3 following approval of planning permission 68612 - Opening hours to be extended from: Sunday-Thursday 10:00-00:00 hrs and Friday-Saturday 10:00-02:00 hrs (Approved) to Sunday-Thursday 10:00-01:00 hrs and Friday-Saturday 10:00-03:00 hrs (Extended)

Location:

53 Bury Old Road, Prestwich, Manchester, M25 0FG

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 development would be seriously detrimental to the residential amenities of nearby occupiers, by reason of the noise, disturbance and general activity associated with the proposed extended hours. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan: EN7/2 - Noise Pollution and S2/6 - Food and Drink.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority offered solutions to the applicant in order to make the development acceptable. The applicant was however unwilling to amend the plans. Without these amendments the development would not improve the economic, social and environmental conditions of the area and therefore does not comprise sustainable development. 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:

S1/4 S1/4 - Local Shopping Centres
S2/6 S2/6 - Food and Drink
EN7/2 EN7/2 - Noise Pollution
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:

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: 30/05/2023