

NOTICE OF REFUSAL OF PLANNING PERMISSION

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

To:

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On Behalf Of:

Mr F Lord
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PART 1 - Particulars of Application

Application Number: 69510

Date of Registration: 13/04/2023

Proposal:

Erection of 2 no. detached dwellings and associated landscaping

Location:

Land to south of Leigh Lane (adjacent to Scholes House), Bury, BL8 1RJ

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 size, position and design introduce a discordant, intrusive and permanent development which would have a detrimental and long term harmful impact on the character and openness of the locality, Green Belt and Special Landscape Area. The applicant has failed to demonstrate very special circumstances that would outweigh the harm caused to the openness of the Green Belt. The proposed development would therefore be contrary to Bury Unitary Development Plan Policies H2/1- The Form of New Residential Development, H2/2 - The Layout of New Residential Development, EN1/2 - Townscape and Built Design, EN9/1 - Special Landscape Areas, OL1/2 - New Buildings in the Green Belt and Chapter 13 of the National Planning Policy Framework - Protecting Green Belt land.
- 2 The application has failed to demonstrate any reasoned justification for the removal of trees protected by means of Tree Preservation Order number 201 and in addition, the proposal fails to adequately replace protected trees that are proposed to be lost including those that have been previously removed and are subject to a Tree Preservation Order. The damage to or loss of these trees is considered to be unacceptable due to the impact on the general visual amenity and character of this Green Belt site. The development is therefore contrary to the following policies of the Bury Unitary Development plan: EN8 - Woodland and Trees; EN8/1 - Tree preservation Orders

- 3 The proposed development would result in the permanent loss of around 16% of Cyrus Ainsworth's Nurseries & Parkers Lodges Grade B Site of Biological Importance, a significant negative impact to a site classed as being of district wide importance. In addition the proposed development would lead to an overall loss in biodiversity units across the site without scheme adjustment or mitigation. The proposed development would therefore be contrary to Bury Unitary Development Plan Policy EN6/2 - Sites of Nature Conservation Interest (LNR's and Grade B and C SBI's) and Chapter 15 - Conserving and enhancing the natural environment of the National Planning Policy Framework
- 4 The application and submitted plans contains insufficient information in relation to essential ecological surveys. The submitted botanical and breeding bird surveys, and their findings can not be considered to be a true reflection of the vegetation and habitats present prior to clearance, nor have they been undertaken during the optimal periods. The proposed development would therefore be contrary to Bury Unitary Development Plan Policies: EN6 - Conservation of the Natural Environment, EN6/2 - Sites of Nature Conservation Interest (LNR's and Grade B and C SBI's), EN6/3 - Features of Ecological Value, EN6/4 - Wildlife Links and Corridors and Chapter 15 - Conserving and enhancing the natural environment of the National Planning Policy Framework.
- 5 The location of house type 2 would result in unacceptable overlooking of land outside of the applicant's ownership by reason of the sub-standard distances between habitable windows (bedroom 1 and bedroom 4) and the directly facing boundary and the lack of screening under the control of the applicant. The proposed development therefore conflicts with Unitary Development Plan Policies H1/2 - Further Housing Development, H2/1 - The Form of New Residential Development and Supplementary Planning Document 6: Alterations and Extensions to Residential Properties.
- 6 The application and submitted plans contain insufficient information to enable them to be properly assessed in relation to the impact of the adjacent kennels on the residential amenities of future occupiers, by reason of the noise, disturbance and general activity associated with the established neighbouring use. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan: EN7/2 - Noise Pollution and H3/2 - Existing Incompatible Uses.
- 7 The application and submitted plans contain insufficient information to ensure that adequate fire and rescue access is achievable in relation to the safety of the future occupiers. The proposed development would therefore be contrary to Bury Unitary Development Plan Policy H2/2 - The Layout of New Residential Development and National Planning Policy Framework Chapter 8 - Promoting healthy and safe communities.
- 8 The application and submitted information contain insufficient information in relation to potential contamination of the site which is required to secure the satisfactory development of the site in terms of human health, controlled waters, ground gas and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and Enhancing the natural environment.

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:

OL1	OL1 - Green Belt
OL1/2	OL1/2 - New Buildings in the Green Belt
EN1/2	EN1/2 - Townscape and Built Design
EN5/1	EN5/1 - New Development and Flood Risk
EN5	EN5 - Flood Protection and Defence
EN6	EN6 - Conservation of the Natural Environment
EN6/2	EN6/2 - Sites of Nature Conservation Interest (LNR's and Grade B and C SBI's)
EN6/3	EN6/3 - Features of Ecological Value
EN6/4	EN6/4 - Wildlife Links and Corridors
EN7	EN7 - Pollution Control
EN7/2	EN7/2 - Noise Pollution
EN8	EN8 - Woodland and Trees
EN8/2	EN8/2 - Woodland and Tree Planting
EN9/1	EN9/1 - Special Landscape Areas
H1/2	H1/2 - Further Housing Development
H2/1	H2/1 - The Form of New Residential Development
H2/2	H2/2 - The Layout of New Residential Development
H3/2	H3/2 - Existing Incompatible Uses
HT2/1	HT2/1 - The Strategic Route Network
HT2/4	HT2/4 - Car Parking and New Development
HT6/2	HT6/2 - Pedestrian/Vehicular Conflict
RT3/3	RT3/3 - Access to the Countryside
NPPF	National Planning Policy Framework
SPD6	Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.
SPD11	Development Control Policy Guidance Note 11 - Parking Standards in Bury

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 "for haw", written in a cursive style.

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On behalf of the Council

Date of Decision: 01/06/2023