

# NOTICE OF REFUSAL OF PLANNING PERMISSION

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

**To:**

Mr Hodgson  
R.A.Fisk and Associates  
20 Chorley Road  
Swinton  
Manchester  
M27 5AJ

**On Behalf Of:**

Mr Riley  
BCR Estates Limited  
211 Manchester New Road  
Middleton  
Manchester  
M26 2UT

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### PART 1 - Particulars of Application

**Application Number:** 66519

**Date of Registration:** 26/08/2021

**Proposal:**

Erection of care home facility

**Location:**

Land fronting Orkney Close & 77 Bury Road,  
Radcliffe, Manchester, M26 2WR

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### 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, be a prominent and intrusive feature in the street scene and would therefore, be seriously detrimental to the visual amenities of the area. The proposed development therefore conflicts with the following policy(ies) of the Bury Unitary Development Plan:  
Policy EN1/2 - Townscape and Built Design  
CF1/1 - Location of New Community Facilities.
- 2 The application and submitted plans contain insufficient information to enable the impact upon bin storage and car parking for the adjacent care home to be properly assessed. Therefore, the proposed development would conflict with the following Policies of the Bury Unitary Development Plan:  
Policy CF1/1 - The Location of New Community Facilities  
Policy EN1/2 - Townscape and Built Design  
Policy HT2/4 - Car Parking and New Development
- 3 The proposed development by virtue of its size and siting would result in threat to the continued well being of the existing trees, which are located within the embankment adjacent to the Metrolink line. The damage to or loss of these trees is considered to be unacceptable because of the impact on the stability of the embankment and the subsequent impact upon the safe running of the Metrolink line. Therefore, the

proposed development would conflict with the following policies of the Bury Unitary Development plan:  
EN8 - Woodland and Trees;  
EN8/2 - Woodland and Tree Planting  
Policy HT3 - Public Transport.

- 4 The application and submitted plans contain insufficient information to enable the impact of the proposed development upon the sequential test to be properly assessed. Therefore, the proposed development would conflict with Policy EN5/1 - Flood Risk and New Development and Section 14 of the National Planning Policy Framework.
- 5 The application and submitted plans contain insufficient information to enable the following aspects to be properly assessed:
  - A 1.8 metre wide footway is required from the existing adjacent access in lieu of the existing footway, which gradually narrows.
  - The relocation of the existing street lighting column on Orkney Close.
  - The new access should be tracked at the junction of Orkney Close and along the bend to ensure that the width of the access both at the junction and within the site is sufficient for two cars to pass each other.
  - Details of the materials for the proposed access.
  - 2.4 metre by 25 metre visibility splays should be plotted at the junction of new site access with Orkney Close with no obstructions above 0.6 metres.
  - Visibility at the back edge of the footway should be plotted to the left egress with no obstructions above the height of 0.6 metres within it.Therefore, the proposed development would be in conflict with the following Policies of the Bury Unitary Development Plan:  
Policy EN1/2 - Townscape and Built Design  
Policy CF1/1 - Location of New Community Facilities  
HT4 - New Development.
- 6 The proposed servicing and car parking provision is inadequate and is likely to lead to vehicles parking and carrying out manoeuvres on the highway to the detriment of the free flow of traffic and road safety. The proposed development therefore conflicts with the following policy(ies) of the Bury Unitary Development Plan:  
Policy CF1/1 - Location of New Community Facilities  
Policy HT2/4 - Car Parking and New Development
- 7 The application and submitted plans fail to demonstrate that the development is accessible for all. Therefore, the proposed development would conflict with the following Policies of the Bury Unitary Development Plan:  
Policy CF1/1 - Location of New Community Facilities  
Policy HT5/1 - Access for Those with Special Needs.

**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:**

|       |                                                                                           |
|-------|-------------------------------------------------------------------------------------------|
| H2/1  | H2/1 - The Form of New Residential Development                                            |
| H2/2  | H2/2 - The Layout of New Residential Development                                          |
| H2/6  | H2/6 - Garden and Backland Development                                                    |
| EN1/2 | EN1/2 - Townscape and Built Design                                                        |
| EN1/3 | EN1/3 - Landscaping Provision                                                             |
| EN1/4 | EN1/4 - Street Furniture                                                                  |
| EN2   | EN2 - Conservation and Listed Buildings                                                   |
| EN5/1 | EN5/1 - New Development and Flood Risk                                                    |
| EN6   | EN6 - Conservation of the Natural Environment                                             |
| 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                                                                   |
| EN7/5 | EN7/5 - Waste Water Management                                                            |
| EN8   | EN8 - Woodland and Trees                                                                  |
| EN8/2 | EN8/2 - Woodland and Tree Planting                                                        |
| HT2/4 | HT2/4 - Car Parking and New Development                                                   |
| HT4   | HT4 - New Development                                                                     |
| HT5/1 | HT5/1 - Access For Those with Special Needs                                               |
| HT6/2 | HT6/2 - Pedestrian/Vehicular Conflict                                                     |
| CF1/1 | CF1/1 - Location of New Community Facilities                                              |
| CF3   | CF3 - Social Services                                                                     |
| CF3/1 | CF3/1 - Residential Care Homes and Nursing Homes                                          |
| SPD6  | Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties. |
| SPD11 | Development Control Policy Guidance Note 11 - Parking Standards in Bury                   |
| NPPF  | National Planning Policy Framework                                                        |
| HT3   | HT3 - Public Transport                                                                    |

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 'P. H. H.', written in a cursive style.

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On behalf of the Council

**Date of Decision:** 19/12/2023