

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

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

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 'Paul Harris', written in a cursive style.

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On behalf of the Council

Date of Decision: 19/12/2023