

NOTICE OF REFUSAL OF PLANNING PERMISSION

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

To:

Mr Syed Helal Uddin
SHUAS
58 Southwood Drive
Baxenden
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BB5 2PZ

On Behalf Of:

Mr Salah Al Obaidi
1-7 Taylor Street
Bury
BL9 6DT

PART 1 - Particulars of Application

Application Number: 69815

Date of Registration: 03/10/2023

Proposal:

Change of use from existing offices (Class B1(a) to: 3 No. flats and 2 no. retail units (Class E) to ground floor, 4 no. flats to first floor and 3 no. flats to second floor; 7 Bedroom (single occupancy) house in multiple occupation (HMO) (Sui Generis) to first/second floors; Conversion of roof space with dormers at front and rear to form second floor; External alterations including new windows/doors and shop front/entrances

Location:

1-7 Taylor Street, Bury, BL9 6DT

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 introduce a residential use into an Employment Generating Area (EGA) which would detract from the area's value as an EGA and would be contrary to Bury Unitary Development Plan Policy EC2/1/5 and would introduce a retail use and a main town centre use outside of a recognised centre which would be detrimental to the vitality and viability of such recognised centres without a sequential test demonstrating otherwise and would be contrary to paragraph 87 of the NPPF.
- 2 The proposed development would introduce a residential and non-conforming use into a building which is directly adjacent and connected to an industrial and commercial unit which conflict with the operations of that business by way of the noise and activity and disturbances created by the business which would be harmful to future occupiers of the residential units and would compromise and conflict with the operations of that business. The proposed development would therefore be contrary to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built

Design, H2/2 - The Layout of New Residential Development, H2/4 - Conversions and H3/2 - Existing Incompatible Uses and the principles of the NPPF.

- 3 The size of the building and site is inadequate to accommodate the residential development proposed and would result in sub-standard and unacceptable levels of accommodation and facilities, shared facilities, external amenity space and refuse provision for the future occupiers of the property and as such would have a detrimental impact on residential amenity of the occupiers. The proposed development would therefore be contrary to Bury Unitary Development Plan Policies H1/2 - Further Housing Development, H2/1 - The Form of New Residential Development, H2/2 - The Layout of New Residential Development and H2/4 - Conversions and the principles of the NPPF.
- 4 The proposal would result in the significant intensification of the use of a building with no 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 would therefore be contrary to Bury Unitary Development Plan Policies H2/2 - The Layout of New Residential Development, H2/4 - Conversions, HT2/4 - Car Parking and New Development and HT6/2 - Pedestrian/Vehicular Conflict.
- 5 The proposal does not provide level pedestrian accesses to the building from the adjacent adopted highway, which is likely to lead to the creation of unauthorised steps/measures on the adopted highway to overcome the level differences proposed to be created, to the detriment of highway safety and contrary to the Highways Act 1980. The proposed development would therefore be contrary to Bury Unitary Development Plan Policies H2/2 - The Layout of New Residential Development, H2/4 - Conversions, HT2/4 - Car Parking and New Development and HT6/2 - Pedestrian/Vehicular Conflict.
- 6 The application and submitted plans contain insufficient information to ensure that adequate off-highway bin storage arrangements can be provided for the number of flats and HMO/retail uses proposed within the curtilage of the site in order to ensure that the adjacent adopted highways are not used for refuse collection purposes or the storage of communal bins. The proposed development would therefore be contrary to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design, H2/2 - The Layout of New Residential Development, H2/4 - Conversions.

The following policies of the Bury Unitary Development Plan, National and Regional Government were considered relevant:

NPPF	National Planning Policy Framework
EC2/1	EC2/1 - Employment Generating 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
H2/4	H2/4 - Conversions
H3/2	H3/2 - Existing Incompatible Uses
EN1/2	EN1/2 - Townscape and Built Design
EN1/5	EN1/5 - Crime Prevention
EN1/8	EN1/8 - Shop Fronts
EN5/1	EN5/1 - New Development and Flood Risk
EN7/2	EN7/2 - Noise Pollution
S2/1	S2/1 - All New Retail Proposals: Assessment Criteria

S2/5 S2/5 - New Local Shopping Provision Outside Recognised Shopping Centres
HT2/4 HT2/4 - Car Parking and New Development
HT6/2 HT6/2 - Pedestrian/Vehicular Conflict
HT5/1 HT5/1 - Access For Those with Special Needs
HT6/2 HT6/2 - Pedestrian/Vehicular Conflict
SPD6 Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.
SPD11 Development Control Policy Guidance Note 11 - Parking Standards in Bury
SPD13 Development Control Policy Guidance Note 13 - Conversion of Buildings to Houses in Multiple Occupation

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:

Existing and proposed layout dwg 1979 page 1/3; Proposed layout (ground and first floor, front and side elevation) dwg 1979 page 2/3; Proposed layout (second floor, side and rear elevations) dwg 1979 page 3/3.

NOTES TO APPLICANT

Not Applicable

Signed:



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On behalf of the Council

Date of Decision: 19/12/2023