

NOTICE OF REFUSAL OF PLANNING PERMISSION

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

To:

Mr Gary Walker
18 Brightsmith Way
Swinton
Manchester
M27 9GE

On Behalf Of:

Mr Mohammed Amirinejad
53 Hulton Lane
Bolton
BL3 4JD

PART 1 - Particulars of Application

Application Number: 69590

Date of Registration: 24/10/2023

Proposal:

Erection of building comprising of 3 no. commercial units (Class E) at ground floor with 2 no. flats at first floor (Class C3) with associated car parking and external works

Location:

Land bounded by Bolton Road, Harper Fold Road & Canute Street, Radcliffe, Manchester, M26 3BX

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 position, scale and design, be an incongruous and pronounced feature in the street scene and would therefore, be seriously detrimental to the visual amenities of the area. The proposed development therefore conflicts with policies EC4/1 Small Businesses, H2/1 The Form of New Residential Development, H2/2 The Layout of New Residential Development and EN1/2 Townscape and Built Design of the Bury Unitary Development Plan and Development Control Policy Guidance Note 16 - Design and Layout of New Development in Bury.
- 2 The proposed flats and associated external amenity and refuse storage area would provide a substandard and therefore unacceptable quality of residential accommodation for the future occupiers and as such would have a detrimental impact on residential amenity. 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 and H2/2 - The Layout of New Residential Development and the principles of the National Planning Policy Framework.
- 3 The proposed car parking provision is inadequate and car parking/servicing arrangements are sub-standard and are likely to lead to vehicles parking and carrying out manoeuvres on the highway in close proximity to the junctions of Canute Street and Harper Fold Road with A665 Bolton Road to the detriment of the free flow

of traffic and road safety, contrary to Bury Unitary Development Plan policies EC4/1 - Small Businesses, H2/2 - The Layout of New Residential Development, HT2/4 - Car Parking and New Development and HT6/2 - Pedestrian/Vehicular Conflict.

- 4 The proposal does not provide suitable accommodation for all vehicles to enter and leave the site in a forward gear, and therefore is detrimental to road safety and maintaining the free flow of traffic, contrary to Bury Unitary Development Plan policies EC4/1 - Small Businesses, H2/2 - The Layout of New Residential Development, HT2/4 - Car Parking and New Development and HT6/2 - Pedestrian/Vehicular Conflict.
- 5 The application and submitted plans contain insufficient, topographical survey-based information in order to properly assess the following:
- the physical impact of the development on the adjacent adopted footways that abut three sides of the site;
 - ensure that the proposed parking spaces located adjacent and parallel to the back of abutting footways do not lead to vehicles coming into conflict with passing pedestrians or straddling the adopted highway;
 - ensure that adequate visibility splays can be provided at the junction of the site access with Canute Street;
 - ensure that adequate visibility at the back edge of the footway can be provided clear of the proposed parked vehicle positions;
 - ensure that adequate refuse collection facilities for both the commercial and residential uses proposed can be provided within the curtilage of the site clear of and without detrimental impact on the adjacent adopted highways.
- Without this information the proposal is unacceptable and contrary to Bury Unitary Development Plan policies EC4/1 - Small Businesses, H2/2 - The Layout of New Residential Development, H2/4 - Car Parking and New Development and HT6/2 - Pedestrian/Vehicular Conflict.

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:

EC4/1	EC4/1 - Small Businesses
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
EN1/2	EN1/2 - Townscape and Built Design
EN1/5	EN1/5 - Crime Prevention
EN1/7	EN1/7 - Throughroutes and Gateways
EN7	EN7 - Pollution Control
OL3/1	OL3/1 - Protection of Urban Open Space
HT2/4	HT2/4 - Car Parking and New Development
SPD11	Development Control Policy Guidance Note 11 - Parking Standards in Bury
SPD16	Development Control Policy Guidance Note 16 - Design and Layout of New Development 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:

Location Plan, Proposed Block Plan and Proposed Site Plan (Dwg No. 001 A)

Proposed Floor Plans (Dwg No. 002 A)

Proposed Elevations (Dwg No. 003 A)

Existing and Proposed Street Scene - Harper Fold Road (Dwg No. 004 A)

Existing and Proposed Street Scene - Bolton Road (Dwg No. 005 A)

NOTES TO APPLICANT

Not Applicable

Signed:



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On behalf of the Council

Date of Decision: 19/12/2023