

NOTICE OF REFUSAL OF PLANNING PERMISSION

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

To:

Mr Justin Keleghan
Plans To Build It Ltd
21 Campbell Road
Swinton
Manchester
M27 5QG

On Behalf Of:

Mr Hassen Lakhel
Easy Let Rooms Ltd
310 Lower Broughton Road
Salford
M7 2QH

PART 1 - Particulars of Application

Application Number: 70561

Date of Registration: 17/07/2024

Proposal:

Erection of building comprising of 7 no. apartments with associated parking and landscaping

Location:

Land between 205-211 Bury Old Road, Prestwich, Manchester, M25 1JF

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 policies of the Development Plan H2/1 - The Form of New Residential Development, H2/2 - The Layout of New Residential Development, JP-H3 - Type, Size and Design of New Housing, EN1/2 - Townscape and Built Design and JP-P1 - Sustainable Places.
- 2 The size of the site is inadequate to accommodate the development proposed whilst satisfying reasonable requirements for space about and within the dwellings proposed. As such, the proposal would have a detrimental impact on residential amenity of the future occupiers and would fail to provide a good quality residential environment. The proposed development therefore conflicts with the following policies of the Development Plan H2/1 - The Form of New Residential Development, H2/2 - The Layout of New Residential Development, JP-H3 - Type, Size and Design of New Housing, EN1/2 - Townscape and Built Design and JP-P1 - Sustainable Places.
- 3 The development would be seriously detrimental to the residential amenities of future occupants of flat 3, by reason of the noise, disturbance and general activity associated with the proposed communal outdoor space. The proposed development therefore conflicts with the following policies of the Development Plan

H1/2 - Further Housing Development, JP-P1 - Sustainable Places and EN7/2 - Noise Pollution.

- 4 The proposed car parking provision is inadequate for the uses proposed and is likely to lead to vehicles parking and carrying out manoeuvres on the adjacent classified and unclassified highways to the detriment of the free flow of traffic and road safety. The proposed development therefore conflicts with the following policies of the Development Plan EN1/2 - Townscape and Built Design, H2/2 The Layout of New Residential Development, JP-C5 - Streets for All, JP-C6 - Walking and Cycling, HT2/4 - Car Parking and New Development and Supplementary Planning Document 11 - Parking Standards in Bury.
- 5 The application and submitted plans contain insufficient, topographical survey based information in order for the following to be properly assessed:
 1. Physical impact of the development, its foundations and surface water drainage arrangements on the adjacent adopted highway;
 2. Provision of porous/permeable hardstanding materials and/or measures to prevent the discharge of surface water onto the adjacent adopted highway;
 3. Provision of level vehicular and pedestrian access to the development from Infant Street;
 4. Physical impact of the proposed access arrangements clear of the adjacent parking spaces within Rooden Court and works to remove the gate;
 5. Provision of adequate in-curtilage bin storage facilities in accordance with Waste Management's 'Guide to Refuse Collection Requirements & Storage Methods for New Developments';
 6. Physical impact of the development on the adjacent bus stop/shelter and bollard provisions on Bury Old Road.

The proposed development therefore conflicts with the following policies of the Development Plan The proposed development therefore conflicts with the following policies of the Development Plan EN1/2 - Townscape and Built Design, H2/2 The Layout of New Residential Development, JP-C5 - Streets for All and JP-C6 - Walking and Cycling.
- 6 The application and submitted plans contain insufficient information to enable them to be properly assessed in relation to Biodiversity Net Gain and the loss of existing habitats on site. The proposal would therefore fail to comply with Schedule 7A of the Town and Country Planning Act 1990 and Policies JP-G8 A Net Enhancement of Biodiversity and Geodiversity, EN8/2 - Woodland and Tree Planting and JP-G7 Trees and Woodland of the adopted Development Plan.
- 7 The application and submitted plans and supporting statements contain insufficient information to enable the local planning authority to assess whether the proposal would maximise reductions in carbon emissions, as required by Policy JP-S2 - Carbon and Energy of the Places for Everyone Joint Development Plan.
- 8 The application and submitted plans and supporting statements contain insufficient information to demonstrate that the proposal would comprise high quality digital infrastructure, as required by Policy JP-C2 - Digital Connectivity of the Places for Everyone Joint Development Plan.

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:

EN1/2	EN1/2 - Townscape and Built Design
EN6/3	EN6/3 - Features of Ecological Value
EN7/2	EN7/2 - Noise Pollution
EN7/5	EN7/5 - Waste Water Management
EN8/2	EN8/2 - Woodland and Tree Planting
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
H2/3	H2/3 - Extensions and Alterations
HT2/4	HT2/4 - Car Parking and New Development
S1/4	S1/4 - Local Shopping Centres
JP-H1	Scale of New Housing Development
JP-H3	Type, Size and Design of New Housing
JP-H4	Density of New Housing
JP-G7	Trees and Woodland
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
JP-P1	Sustainable Places
JP-C2	Digital Connectivity
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-C8	Transport Requirements of New Development
JP-S2	Carbon and Energy
JP-S4	Flood Risk and the Water Environment
JP-S1	Sustainable Development
JP-S5	Clean Air
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

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: 09/09/2024