

NOTICE OF REFUSAL OF PLANNING PERMISSION

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

To:
Mr Matthew McNulty
McNulty Architects
12 Hartington Road
Manchester
M21 8UY

On Behalf Of:
Mr Brett Mitchell
11 Walter Street
Prestwich
Manchester
M25 3HJ

PART 1 - Particulars of Application

Application Number: 69523

Date of Registration: 10/05/2023

Proposal:
Erection of 2 no. dwellings

Location:
Land adjacent to 11 Walter Street, Prestwich,
Manchester, M25 3HJ

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 be seriously detrimental to the residential amenities currently enjoyed by the occupier(s) of No. 39 Harold Street, by reason of its size and position. The proposed development therefore conflicts with the following policy(ies) of the Bury Unitary Development Plan:
Policy EN1/2 - Townscape and Built Design
Policy H2/1 - The Form of New Residential Dwellings
Policy H2/2 - The Layout of New Residential Dwellings.
- 2 The proposal would result in the loss of existing off-street car parking facilities, which 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. Therefore, the proposed development would conflict with the following Policies of the Bury Unitary Development Plan:
Policy EN1/2 - Townscape and Built Design
Policy H2/1 - The Form of New Residential Development
Policy H2/2 - The Layout of New Residential Development.
- 3 The proposed 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 EN1/2 - Townscape and Built Design
Policy H2/1 - The Form of New Residential Development

Policy H2/2 - The Layout of New Residential Development
Policy HT2/4 - Car Parking

- 4 The proposals would restrict visibility at the junction of Walter Street with the un-named back street to sub-standard levels, which would be detrimental to highway safety. Therefore, the proposed development would conflict with the following Policies of the Bury Unitary Development Plan:
Policy EN1/2 - Townscape and Built Design
Policy H2/1 - The Form of New Residential Development
Policy H2/2 - The Layout of New Residential Development.
- 5 The proposals do not incorporate highway remedial works around the perimeter of the site to reinstate redundant footway crossings/former garage colony accesses, which would be detrimental to pedestrian safety and would not maintain the integrity of the adjacent adopted highways. Therefore, the proposed development would conflict with the following Policies of the Bury Unitary Development Plan:
Policy EN1/2 - Townscape and Built Design
Policy H2/1 - The Form of New Residential Development
Policy H2/2 - The Layout of New Residential Development.
- 6 The application and submitted plans contain insufficient information in order for the impact of the proposed property and boundary foundations, surface water drainage arrangements and relative levels between the site and adjacent adopted highway to be properly assessed. Therefore, the proposed development would conflict with the following Policies of the Bury Unitary Development Plan:
Policy EN1/2 - Townscape and Built Design
Policy H2/1 - The Form of New Residential Development
Policy H2/2 - The Layout of New Residential Development.

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:

- | | |
|-------|--|
| 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 |
| H2/6 | H2/6 - Garden and Backland Development |
| EN1/1 | EN1/1 - Visual Amenity |
| EN1/2 | EN1/2 - Townscape and Built Design |
| EN1/3 | EN1/3 - Landscaping Provision |
| EN1/4 | EN1/4 - Street Furniture |
| EN6 | EN6 - Conservation of the Natural Environment |
| EN6/3 | EN6/3 - Features of Ecological Value |
| EN7 | EN7 - Pollution Control |
| EN7/1 | EN7/1 - Atmospheric Pollution |
| EN7/2 | EN7/2 - Noise Pollution |

EN7/5 EN7/5 - Waste Water Management
HT2/4 HT2/4 - Car Parking and New Development
HT4 HT4 - New Development
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
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:

2302-1000 A
2302-1001
2302-1002
2301-101 C
2302-102 C
2302-201 B
2302-202 A
2302-203
2302-204

NOTES TO APPLICANT

Not Applicable

Signed:

A handwritten signature in black ink, appearing to read 'Paul Harris', is written over a dotted line.

3 of 3

.....
On behalf of the Council

Date of Decision: 29/06/2023