

NOTICE OF REFUSAL OF PLANNING PERMISSION

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

To:

Mr Ben Ababio-Danso
Cromwood Housing Group
16e Urban Hive
Theydon Road
London
E5 9BQ

PART 1 - Particulars of Application

Application Number: 69247

Date of Registration: 31/01/2023

Proposal:

Retention of storage container

Location:

417 Bury Old Road, Prestwich, Manchester,
M25 1PS

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 by virtue of the size, appearance and position of the container, would be seriously detrimental to the visual amenities of the site and surroundings. The proposed development therefore conflicts with the following policy of the Bury Unitary Development Plan: EN1/2 Townscape and Built Design.
- 2 The proposed development would introduce a non-conforming commercial storage use into a predominantly residential area that would cause a nuisance to the occupiers of the surrounding residential properties by means of increased traffic, disturbance, parking and waste generation. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan:
H3 - Incompatible Uses in Residential Areas
H3/1 - Assessing Non-Conforming Uses
H3/2 - Existing Incompatible Uses
- 3 The proposal has resulted in the container doors opening out into the adopted highway. The open doors would result in users of the storage container having to walk out into the adopted highway causing a hazard for themselves, and other road users which is detrimental to highway safety. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan:
HT6/2 - Pedestrian/Vehicular Conflict

- 4 The proposal has resulted in the loss of existing parking facilities at the property, which has led to vehicles parking and carrying out manoeuvres on the highway and causing obstruction problems for adjacent residents to the detriment of the free flow of traffic and road safety. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan: EN1/2 - Townscape and Built Design
HT6/2 - Pedestrian/Vehicular Conflict
HT2/4 - Car Parking and New Development
Supplementary Planning Document 11 - Parking Standards in Bury

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:

EN1/1 EN1/1 - Visual Amenity
EN1/2 EN1/2 - Townscape and Built Design
EN7/2 EN7/2 - Noise Pollution
H3 H3 - Incompatible Uses in Residential Areas
H3/1 H3/1 - Assessing Non-Conforming Uses
H3/2 H3/2 - Existing Incompatible Uses
HT2/4 HT2/4 - Car Parking and New Development
HT6/2 HT6/2 - Pedestrian/Vehicular Conflict
SPD11 Development Control Policy Guidance Note 11 - Parking Standards in Bury
SPD6 Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

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 received 17th January, Page No. 01 of 03, 02 of 03 and 03 and 03.

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: 08/03/2023