

NOTICE OF REFUSAL OF PLANNING PERMISSION

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

To:

Mr Wilkinson
SHWilkinson Architects Ltd
6
Dale Lee
Westhoughton
Bolton
BL5 3YE

On Behalf Of:

Jones
212 Flat A Bell Lane
Bury
Bury
BL9 6HS

PART 1 - Particulars of Application

Application Number: 71435

Date of Registration: 08/01/2025

Proposal:

Change of use of an existing dwelling space
(Use Class C3) into a commercial unit (Use
Class E) with gated entrance at rear

Location:

212A Bell Lane, Bury, BL9 6HS

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 submission is not supported by a sequential test or statement, which is a requirement given that the site does not fall within a defined town centre. Therefore, the application contains insufficient information to demonstrate that the proposed development would comply with the locational requirements of the NPPF paragraph 91 and UDP Policy S2/1.
- 2 The introduction of a third unit within the existing building would further intensify the site leading to a poor quality layout and access provisions for the existing and proposed uses. The overdevelopment of the property, resulting in the unsatisfactory rear yard and access arrangements in particular, would conflict with Development Plan Policies EN1/2 - Townscape and Built Design, JP-C5 - Streets for All, JP-C6 - Walking and Cycling, JP-C8 - Transport Requirements of New Developments and JP-P1 - Sustainable Places.
- 3 The applicant has failed to demonstrate that the proposed use, associated parking and access would not have a detrimental impact on the residential amenity of the neighbouring properties by reason of the noise, disturbance, air pollution and general activity associated with the proposed use. The proposed development therefore conflicts with Development Plan Policies H3 - Incompatible Uses in Residential Areas, H3/1 - Assessing Non-Conforming Uses, JP-P1 - Sustainable Places and

EN7/2 - Noise Pollution.

- 4 The proposal would result in the creation of a sub-standard accesses onto, and parking arrangements adjacent to, the adopted highway in a hazardous position on the highway network close in proximity to the junction with B6222 Bell Lane and onto the adjacent back street, which is likely to lead to the creation of vehicular and pedestrian conflicts on the adopted highway, to the detriment of the free flow of traffic and highway safety. The proposed development therefore conflicts with Development Plan Policies EN1/2 - Townscape and Built Design, JP-C5 - Streets for All, JP-C6 - Walking and Cycling, JP-C8 - Transport Requirements of New Developments and JP-P1 - Sustainable Places.
- 5 The proposal would result in the creation of a commercial use at a site with inadequate parking and servicing facilities and is likely to lead to the creation of vehicular and pedestrian conflicts in a hazardous position on the highway network, to the detriment of the free flow of traffic and highway safety. The proposed development therefore conflicts with Development Plan Policies EN1/2 - Townscape and Built Design, JP-C5 - Streets for All, JP-C6 - Walking and Cycling, JP-C8 - Transport Requirements of New Developments. HT2/4 - Car Parking and New Development, JP-P1 - Sustainable Places and Supplementary Planning Document 11 - Parking Standards in Bury.
- 6 The application and submitted plans contain insufficient information to enable the adequate, accessible bin storage facilities for both uses to be properly assessed. The proposed development therefore conflicts with Development Plan Policies EN1/2 - Townscape and Built Design, JP-C5 - Streets for All, JP-C6 - Walking and Cycling and JP-P1 - Sustainable Places.

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:

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|-------|---|
| S1 | S1 - Existing Shopping Centres |
| S2 | S2 - Control of New Retail and Non-Retail Development |
| S2/1 | S2/1 - All New Retail Proposals: Assessment Criteria |
| 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 |
| HT2/4 | HT2/4 - Car Parking and New Development |
| JP-P1 | Sustainable Places |
| JP-C5 | Streets For All |
| JP-C6 | Walking and Cycling |
| JP-C8 | Transport Requirements of New Development |
| JP-C2 | Digital Connectivity |
| JP-S2 | Carbon and Energy |

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:

010 Rev P1, 011 Rev P1, 012 Rev P1, 091 Rev P1, 103 Rev P1, 106 Rev P1, 110 Rev P1, 111 Rev P1, 112 Rev P1, 191 Rev P1, 101 -P1, 001 - P1, 003 - Rev P1, 006 Rev - P1, 000 - P1

NOTES TO APPLICANT

Not Applicable

Signed:

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

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On behalf of the Council

Date of Decision: 21/02/2025