

NOTICE OF REFUSAL OF PLANNING PERMISSION

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

To:

Mr Rashid Mehmood
I. Planning Services
2A Cook Street
Bury
BL9 0RP

On Behalf Of:

Mr Idnan Anwar
16 Alnwick Drive
Bury
BL9 8BZ

PART 1 - Particulars of Application

Application Number: 69215

Date of Registration: 08/03/2023

Proposal:

Erection of 1 no. dwelling

Location:

Land adjacent to 78 Countess Lane,
Radcliffe, Manchester, M26 3NH

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 application and submitted plans contains insufficient information to show that the application site can safely accommodate the development proposed within a Coal Authority Development High Risk Area. The proposed development is therefore contrary to National Planning Policy Framework Paragraphs 183 and 184.
- 2 The proposed development would, by reason of its size, position, design and impact on natural surveillance 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 Bury Unitary Development Plan H2/1- The Form of New Residential Development, H2/2 - The Layout of New Residential Development, EN1/2 - Townscape and Built Design and the National Planning Policy Framework.
- 3 SHT 5 of 8, SHT 6 of 8 and the proposed topographical survey do not accurately scale. The application and submitted plans therefore contain insufficient information to enable them to be properly assessed in terms of residential amenity, parking layout and on site turning facilities and therefore conflicts with Unitary Development Plan Policy H2/1- The Form of New Residential Development, H2/2 - The Layout of New Residential Development, HT2/4 - Car Parking and New Development, Supplementary Planning Document 6: Alterations and Extensions to Residential Properties ad Supplementary Planning Document 11: Parking Standards in Bury.
- 4 The proposed development by virtue of its size and siting would result in threat to the

continued well being of existing trees which are subject of Tree Preservation Order - 361 The damage to or loss of these trees is considered to be unacceptable because of the impact on the general amenity and character of the area in which the application site is located. The development is therefore contrary to the following policies of the Bury Unitary Development plan: EN8 - Woodland and Trees; EN8/1 - Tree preservation Orders.

- 5 The proposal would result in the creation of an unnecessarily wide, gated vehicular access onto a classified road (A665 Countess Lane) that would be sub-standard in terms of visibility, which would be detrimental to highway safety. The development is therefore contrary to the following policies of the Bury Unitary Development plan: EN1/2 - Townscape and Built Design, H2/2 - The Layout of New Residential Development, HT6/2 - Pedestrian/Vehicular Conflict and HT2/1 - The Strategic Route Network.
- 6 The proposal would result in the obstruction of the approved visibility splay to the left on egress at the junction of Ashcombe Drive with Countess Lane, which would be detrimental to highway safety. The development is therefore contrary to the following policies of the Bury Unitary Development plan: EN1/2 - Townscape and Built Design, H2/2 - The Layout of New Residential Development, HT6/2 - Pedestrian/Vehicular Conflict and HT2/1 - The Strategic Route Network.
- 7 The application and submitted plans contain insufficient information in relation to potential contamination and invasive species which is required to secure the satisfactory development of the site in terms of human health, controlled waters, ground gas and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and Enhancing the natural environment.

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
EN5	EN5 - Flood Protection and Defence
EN5/1	EN5/1 - New Development and Flood Risk
EN6	EN6 - Conservation of the Natural Environment
EN6/3	EN6/3 - Features of Ecological Value
EN7	EN7 - Pollution Control
EN7/3	EN7/3 - Water 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
HT2/1	HT2/1 - The Strategic Route Network
HT2/4	HT2/4 - Car Parking and New Development
HT6/2	HT6/2 - Pedestrian/Vehicular Conflict

NPPF	National Planning Policy Framework
SPD6	Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.
SPD11	Development Control Policy Guidance Note 11 - Parking Standards 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:

SHT 1 of 8, SHT1a of 8, SHT 2 of 8, SHT 3 of 8, SHT 4 of 8, SHT 5 of 8, SHT 6 of 8, SHT 7 of 8, SHT 8 of 8, Existing Site layout on topographic survey, Proposed site layout on topographic survey.

NOTES TO APPLICANT

1. The applicant should note the following comments in relation to Highways aspects that would need to be addressed:
 - The proposed 'stone effect concrete' hardstanding would result in the discharge of surface water onto the adjacent adopted highway, which would be detrimental to highway safety and would not maintain the integrity of the adopted highway.
 - The application and submitted plans contain insufficient information to properly assess the physical impact of the proposed development and access on the adjacent highway tree on Countess Lane.

The application and submitted plans contain insufficient information to ensure that access to/maintenance of the existing street lighting column on the adopted footpath to the rear of the site would not be adversely affected as a direct result of the proposed development.

2. **UNITED UTILITIES PROPERTY, ASSETS AND INFRASTRUCTURE**
Where United Utilities' assets cross the proposed red line boundary, developers must contact our Developer Services team prior to commencing any works on site, including trial holes, groundworks or demolition.

Water pipelines

United Utilities will not allow building over or in close proximity to a water main.

A water main is located in the vicinity of the site. It must not be built over, or our access to the pipeline compromised in any way. We require an access strip as detailed in our 'Standard Conditions for Works Adjacent to Pipelines', which can be found on our website:

<https://www.unitedutilities.com/builders-developers/your-development/planning/building-over-or-working-near-our-assets/working-near-our-pipes/>

The applicant must comply with this document to ensure pipelines are adequately protected both during and after the construction period.

Wastewater pipelines

United Utilities will not allow a new building to be erected over or in close proximity to a public sewer or any other wastewater pipeline. This will only be reviewed in exceptional circumstances.

Nb. Proposals to extend domestic properties either above, or in close proximity to a public sewer will be reviewed on a case by case basis by either by a building control professional or following a direct application to United Utilities (see our website for

further details).

A public sewer crosses the site and we will not permit building over it. We require an access strip for maintenance or replacement and this access must not be compromised in any way. The minimum distances that might be acceptable to United Utilities are detailed within Part H of the Building Regulations however, we recommend the applicant determines the precise location, size, depth and condition of the pipeline as this is likely to influence the required stand-off distance from any structure.

Important information regarding water and wastewater pipelines and apparatus

It is the applicant's responsibility to investigate and demonstrate the exact relationship between United Utilities' assets and the proposed development.

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: 26/04/2023