

NOTICE OF REFUSAL OF PLANNING PERMISSION

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

To:

Mr Zalman Hanovitch
EA Town Planning Ltd
16 Francklyn Gardens
Edgware
London
HA8 8RY

On Behalf Of:

Mr Samuel Bass
c/o agent

PART 1 - Particulars of Application

Application Number: 70617

Date of Registration: 16/04/2024

Proposal:

Change of use of existing residential dwelling (Class C3) to prayer hall (Class F1(f)) to ground floor and self-contained flat (Class C3(a)) to first floor with rear balcony; installation of air-conditioning units.

Location:

52 Albert Avenue, Prestwich, Manchester,
M25 0LX

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 ground floor use would introduce a non-conforming 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 and parking. The proposed development therefore conflicts with Bury Unitary Development Plan Policies H3 - Incompatible Uses in Residential Areas, H3/1 - Assessing Non-Conforming Uses, CF1/1 - Location of New Community Facilities, HT2/4 - Car Parking and New Development and Places for Everyone Joint Development Plan Policies JP-C5- Streets For All and JP-C6 - Walking and Cycling.
- 2 The retention of the handrails to the rear flat roof and potential use of the roof would create a balcony area that would result in an unacceptable reduction in the level of privacy currently enjoyed by the occupiers of No. 50 Albert Avenue and No. 54 Albert Avenue by reason of the sub-standard distances between the balcony area and existing shared boundaries. The proposed development therefore conflicts with Bury Unitary Development Plan Policies H1/2 - Further Housing Development , H2/1 - The Form of New Residential Development and Supplementary Planning Document 6: Alterations and Extensions to Residential Properties.
- 3 The application and submitted plans and documents contain insufficient information in relation to the air conditioning units to enable them to be properly assessed with

regards to the impacts of the development on the adjacent occupiers. The development would therefore be contrary to Bury Unitary Development Plan Policies EN7/2 - Noise Pollution, CF1/1 - Location of New Community Facilities, H3/1 - Assessing Non-Conforming Uses.

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:

NPPF	National Planning Policy Framework
CF1/1	CF1/1 - Location of New Community Facilities
EN1/2	EN1/2 - Townscape and Built Design
EN7/2	EN7/2 - Noise Pollution
HT2/4	HT2/4 - Car Parking and New Development
H2/1	H2/1 - The Form of New Residential Development
H2/2	H2/2 - The Layout of New Residential Development
H1/2	H1/2 - Further Housing Development
H3	H3 - Incompatible Uses in Residential Areas
H3/1	H3/1 - Assessing Non-Conforming Uses
JP-C2	Digital Connectivity
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-S2	Carbon and Energy
JP-H3	Type, Size and Design of New Housing
JP-H4	Density of New Housing
JP-H1	Scale of New Housing Development
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:

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: 06/06/2024