

NOTICE OF REFUSAL OF PLANNING PERMISSION

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

To:

Frank Smith
James Campbell Associates Ltd.
Campbell House
173 Rochdale Road
Firgrove
OL16 3BN

On Behalf Of:

Neil Hardman
C/O agent

PART 1 - Particulars of Application

Application Number: 69485

Date of Registration: 27/04/2023

Proposal:

Erection of 3 no. dwellings and associated works

Location:

Land adjacent to 6 Bentley Lane, Bury, BL9 6RZ

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 the adjoining dwelling house, 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 Development
- 2 The size of the site is inadequate to accommodate the development proposed whilst satisfying reasonable requirements for space about the dwelling. 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
- 3 The size of the site is inadequate to accommodate the number of bins required for each dwelling. 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
- 4 The application and submitted plans contain insufficient information in relation to the

proposed boundary treatments to enable the impact upon the surrounding area to be properly assessed. Therefore, the proposed development would conflict with the following Policies of the Bury Unitary Development Plan:

- 5 The proposed access arrangements are sub-standard in terms of visibility, which would be detrimental to highway safety and maintaining the free flow of traffic on Bentley Lane. Therefore, the proposed development would conflict with the following Policies of the Bury Unitary Development Plan:
Policy EN1/2 - Townscape and Built Design
Policy H2/2 - The Layout of New Residential Development
- 6 The proposal would result in the loss of existing on-highway parking facilities, which will lead to parking being displaced elsewhere on more restricted sections of Bentley Lane and outside existing residential properties, to the detriment of highway safety and residential amenity. Therefore, the proposed development would conflict with the following Policies of the Bury Unitary Development Plan:
Policy EN1/2 - Townscape and Built Design
Policy H2/2 - The Layout of New Residential Development
- 7 The application and submitted plans contain insufficient or dimensioned information to ensure that surface water would not be discharged onto the adjacent adopted highway from the hardstandings proposed or that adequate room would be made available within the curtilage of the site in order to maintain parked vehicles clear of the proposed footway on the southerly side of Bentley Lane. Therefore, the proposed development would conflict with the following Policies of the Bury Unitary Development Plan:
Policy EN1/2 - Townscape and Built Design
Policy H2/2 - 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:

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|-------|--|
| 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 |
| 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 |
| EN7/5 | EN7/5 - Waste Water Management |
| EN8 | EN8 - Woodland and Trees |

OL1/2 OL1/2 - New Buildings in the Green Belt
OL1/3 OL1/3 - Infilling in Existing Villages in the Green Belt
HT2/4 HT2/4 - Car Parking and 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
SPD16 Development Control Policy Guidance Note 16 - Design and Layout of New Development 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:

Location plan

21.2513.1A

21.2513.2F

21.2513.3C

21.2513.5A

21.2513.6C

21.2513.8

NOTES TO APPLICANT

Not Applicable

Signed:



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On behalf of the Council

Date of Decision: 16/06/2023