

NOTICE OF REFUSAL OF PLANNING PERMISSION

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

To:

Deborah Day
64 Pinfold Hill
Lichfield
Staffordshire
WS14 0JP

On Behalf Of:

Mr Blum
Crompton Living Ltd
c/o Agent
WS14 0JP

PART 1 - Particulars of Application

Application Number: 69687

Date of Registration: 16/06/2023

Proposal:

First floor rear extension to form 1 no. lower
first floor flat and loft conversion/roof
alterations with dormers to form 2 no. second
floor flats with external alterations and
associated works

Location:

5 Crompton Street, Bury, BL9 0AD

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 external alterations by virtue of their design, size and materials would introduce a discordant feature into the Bury Town Centre Conservation Area where it is the intention of the Local Planning Authority to secure a high standard of development in relation to alterations, extensions and new building by requiring the use of sympathetic and compatible building forms and materials. The proposed external alterations would neither preserve nor enhance the conservation area within which the site is located. The application and submitted plans contain insufficient information to enable them to be properly assessed in relation to the impact of the proposal on a Non-Designated Heritage Asset. The proposal therefore conflicts with the following policies of the Unitary Development Plan: EN2/1 Character of Conservation Areas, EN2/2 Conservation Area Control, EN1/1 - Visual Amenity, EN1/2 - Townscape and Built Design, H2/1 - The Form of New Residential Development and H2/2 - The Layout of New Residential Development and paragraphs 199, 202 and 203 of the NPPF
- 2 Through the introduction of a bin store in the proposed location the proposed development would introduce an inappropriate, discordant and alien use and the associated urbanisation of an open and usable space within the town centre, and would be harmful to the visual amenities of the area, contrary to Unitary Development Plan Policies OL3/1 - Protection of Urban Open Space and TC1/1 - Open Space in Town Centres.

- 3 The application and submitted plans contain insufficient information in relation to the design of the proposed bin store to enable it to be properly assessed in terms of impact on the conservation area and adjacent non-designated heritage asset and impact on residential amenity. The proposed development would therefore be contrary to Bury Unitary Development Plan Policies H2/1- The Form of New Residential Development, H2/2 - The Layout of New Residential Development, EN1/2 - Townscape and Built Design, EN2/1 - Character of Conservation Areas and EN2/2 - Conservation Area Control, Paragraphs 199, 202 and 206 of the National Planning Policy Framework.
- 4 The application and submitted plans contain insufficient information in relation to the location of the proposed additions to allow aspect standards to be accurately assessed to ensure that the residential amenity of neighbouring, and future occupiers would not be detrimentally impacted upon. The proposed development therefore conflicts with 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.
- 5 The position of the proposed second floor windows in relation to units 18 and 19 would result in unacceptable overlooking of land outside of the applicant's ownership by reason of the sub-standard distances between proposed habitable windows and the directly facing boundary. The proposed development therefore conflicts with 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.
- 6 The location of the proposed bin store would be seriously detrimental to the residential amenities of the future occupiers of unit 6 by reason of its overbearing position in relation to the window for this unit and potential disturbance through noise and smells. The proposed development therefore conflicts with 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, EN7 - Pollution Control and EN7/2 - Noise Pollution
- 7 The application and submitted plans contain insufficient information to properly assess the adequacy of the proposed bin storage arrangements and prohibition of car parking on the adjacent pedestrianised area to be properly assessed. The proposed development therefore conflicts with Unitary Development Plan Policies EN1/2 - Townscape and Built Design, H2/2 The Layout of New Residential Development and HT6/2 - Pedestrian/Vehicular Conflict.

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
EN2	EN2 - Conservation and Listed Buildings
EN2/1	EN2/1 - Character of Conservation Areas
EN2/2	EN2/2 - Conservation Area Control
S2/2	S2/2 - Prime Shopping Areas and Frontages
Area BY6	Area BY6 - Central Shopping Area
S1/1	S1/1 - Shopping in Bury Town Centre
EN1/1	EN1/1 - Visual Amenity
OL3	OL3 - Urban Open Space
OL3/1	OL3/1 - Protection of Urban Open Space
TC1/1	TC1/1 - Open Space in Town Centres
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
NPPF	National Planning Policy Framework
HT6/2	HT6/2 - Pedestrian/Vehicular Conflict
HT2/4	HT2/4 - Car Parking and New Development
EN7/2	EN7/2 - Noise Pollution
EN7	EN7 - Pollution Control
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 'P. H. H.', written in a cursive style.

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On behalf of the Council

Date of Decision: 24/08/2023