

NOTICE OF REFUSAL OF PLANNING PERMISSION

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

To:

Mr John Cummins
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9 Astley Hall Drive
Ramsbottom
Bury
BL0 9DF

On Behalf Of:

Mr Willis Cummins
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9 Astley Hall Drive
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PART 1 - Particulars of Application

Application Number: 69778

Date of Registration: 29/06/2023

Proposal:

Erection of 1 no. dwelling with access,
driveway, parking and landscaping

Location:

Land opposite 6 Eccles Street, Ramsbottom,
BL0 9HQ

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, by reason of its size, position and design introduce a discordant, intrusive and permanent development which would have a detrimental and long term harmful impact on the character and openness of the Conservation Area, Green Belt and Special Landscape Area. The applicant has failed to demonstrate very special circumstances that would outweigh the harm caused to the openness of the Green Belt. The proposal would not preserve or enhance the character or appearance of the Conservation Area nor better reveal its significance. 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, EN9/1 - Special Landscape Areas, OL1/2 - New Buildings in the Green Belt, EN2/1 - Character of Conservation Areas and EN2/2 - Conservation Area Control, Paragraphs 199, 202 and 206 of the National Planning Policy Framework and Chapter 13 of the National Planning Policy Framework - Protecting Green Belt Land.
- 2 The proposed dwelling would result in an unacceptable reduction in the level of privacy currently enjoyed by the occupiers of No.4, No.6 and No.8 Eccles Street by reason of the sub-standard distances between the proposed first floor window and terrace and existing habitable room windows on the directly facing properties. 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.

- 3 The application and submitted plans contains insufficient information in relation to essential ecological surveys. The assessment of badger activity is considered to no be longer valid due to the time that has elapsed and the ability of badgers to colonise new sites. No information has been provided as to whether any external lighting is proposed which has the potential to impact on foraging bats. The proposed development would therefore be contrary to Bury Unitary Development Plan Policies: EN6 - Conservation of the Natural Environment, EN6/3 - Features of Ecological Value, EN6/4 - Wildlife Links and Corridors and Chapter 15 - Conserving and enhancing the natural environment of the National Planning Policy Framework.
- 4 The application and submitted plans contain insufficient information in relation to the proposed gabion/boulder retaining wall, potential bin storage enclosure, proposed air source heat pump and potential roof mounted Solar PV or remote array to enable them to be properly assessed in terms of visual and 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, EN9/1 - Special Landscape Areas, OL1/2 - New Buildings in the Green Belt, EN2/1 - Character of Conservation Areas and EN2/2 - Conservation Area Control, Paragraphs 199, 202 and 206 of the National Planning Policy Framework and Chapter 13 of the National Planning Policy Framework - Protecting Green Belt Land.
- 5 The proposal would result in the intensification of use of a route classified as Public Footpath No. 56, Ramsbottom (Eccles Street), where visibility and facilities for pedestrians are sub-standard at its junction with Tanners Street, which would be detrimental to highway safety and maintaining the free flow of traffic on the adjacent restricted highways. The proposed development would therefore be contrary to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design, H2/2 The Layout of New Residential Development, HT6/2 - Pedestrian/Vehicular Conflict and RT3/3 - Access to the Countryside.
- 6 The proposed access is substandard in terms of visibility at the interface and junction with Eccles Street, which would be detrimental to highway safety and present a hazard to users of Public Footpath No. 56, Ramsbottom. The proposed development would therefore be contrary to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design, H2/2 The Layout of New Residential Development, HT6/2 - Pedestrian/Vehicular Conflict and RT3/3 - Access to the Countryside.
- 7 The application and submitted plans contain insufficient information in order to properly assess existing and proposed parking arrangements within the site. The proposed development would therefore be contrary to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design, H2/2 The Layout of New Residential Development, HT2/4 - Car Parking and New Development and Development Control Policy Guidance Note 11 - Parking Standards in Bury.

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
EN2/1	EN2/1 - Character of Conservation Areas
EN2/2	EN2/2 - Conservation Area Control
EN9/1	EN9/1 - Special Landscape Areas
OL1	OL1 - Green Belt
OL1/2	OL1/2 - New Buildings in the Green Belt
RT3/3	RT3/3 - Access to the Countryside
EN1/1	EN1/1 - Visual Amenity
EN5/1	EN5/1 - New Development and Flood Risk
EN6	EN6 - Conservation of the Natural Environment
EN7	EN7 - Pollution Control
EN8	EN8 - Woodland and Trees
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
HT6/2	HT6/2 - Pedestrian/Vehicular Conflict
HT2/4	HT2/4 - Car Parking and New Development
NPPF	National Planning Policy Framework
SPD8	Development Control Policy Guidance Note 8 - New Buildings and Associated Development in the Green Belt
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
SPD6	Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

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:

Drawing Package 3191/ Revision B received 16th June 2023, Environmental Impact Statement, Heritage Statement, Arboricultural Impact Assessment, Ecological Survey and Assessment, Planning Statement, Design and Access Statement, Highways Assessment, Landscape Appraisal.

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