

NOTICE OF REFUSAL OF PLANNING PERMISSION

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

To:

Mr Jonathan McDermott
Town Planning Experts
Room 204
Technopole
Kingston Crescent
Portsmouth
PO2 8FA

On Behalf Of:

Mr O Small
Sonalight Living Ltd
49 Regency Court
Withdean Rise
Brighton
BN1 6YN

PART 1 - Particulars of Application

Application Number: 71023

Date of Registration: 12/08/2024

Proposal:

Part change of use of former showroom/laundrette and 1no. flat (Use Class E/Sui Generis/Class C3) to form 1no. 7 bedroom (single occupancy) HMO (Sui Generis) and 1no. 8 Bedroom (single occupancy) HMO (Sui Generis) with associated parking and refuse storage and external alterations

Location:

1-5 Porter Street, Bury, BL9 5DZ

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 proposal would result in a development within the locality that would intensify the use and occupancy of the site, resulting in a high concentration of such uses within the vicinity of the site particularly on the corner of Porter Street and Walmersley Road. The application has therefore failed to demonstrate that the proposal would not have a detrimental impact on the character of the area contrary to Bury Unitary Development Plan Policies H1/2 - Further Housing Development, H2/4 - Conversions and Places for Everyone Joint Development Plan Policy JP-H3 - Type, Size and Design of New Housing and JP-H4 -Density of New Housing.
- 2 The proposed development, by virtue of the proposed density and layout would lead to a poor arrangement of individual accommodation available for the future occupiers of HMO1 and HMO2 and as such would have a detrimental impact on residential amenity of the occupiers contrary to Bury Unitary Development Plan Policy H2/4 - Conversions.

- 3 The proposal would result in the significant intensification of the use of a building with limited existing off-street parking facilities, which is highly likely to lead to vehicles parking and carrying out manoeuvres on the surrounding residential streets where on-street parking facilities are at a premium at all times of day, which would have a significant impact on existing parking facilities for existing residents and be detrimental to the free flow of traffic and road safety. The proposed development therefore conflicts with Bury Unitary Development Plan Policies HT2/4 - Car Parking and New Development, H2/2 - The Layout of New Residential Development, EN1/2 - Townscape and Built Design, H2/4 - Conversions and Places for Everyone Joint Development Plan Policies JP-C5 Streets For All, JP-C6 Walking and Cycling and Supplementary Planning Document 11 - Parking Standards in Bury.
- 4 The proposed access and parking arrangements are sub-standard, with inadequate levels of visibility at junction with Back Rake Street and at the back edge of the footway and inadequate arrangements to maintain vehicles clear of the adopted highway, which is likely to lead to the creation of conflicts on the adopted highway between emerging and parked vehicles and pedestrians, to the detriment of highway safety. The proposed development therefore conflicts with Bury Unitary Development Plan Policies HT2/4 - Car Parking and New Development, H2/2 - The Layout of New Residential Development, EN1/2 - Townscape and Built Design, H2/4 - Conversions and Places for Everyone Joint Development Plan Policies JP-C5 Streets For All, JP-C6 Walking and Cycling and Supplementary Planning Document 11 - Parking Standards in Bury.
- 5 The application and submitted plans contain insufficient information to ensure that adequate off-highway bin storage arrangements can be provided for the number of flats and HMO's proposed within the curtilage of the site in order to ensure that the adjacent adopted highways are not used for refuse collection purposes or the storage of communal bins. The proposed development therefore conflicts with Bury Unitary Development Plan Policies H2/2 - The Layout of New Residential Development, EN1/2 - Townscape and Built Design, H2/4 - Conversions and Places for Everyone Joint Development Plan Policy JP-C5 Streets For All.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority offered solutions to the applicant in order to make the development acceptable. The applicant was however unwilling to amend the plans. Without these amendments the development would not improve the economic, social and environmental conditions of the area and therefore does not comprise sustainable development. 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:

- 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
- H2/4 H2/4 - Conversions
- EN1/2 EN1/2 - Townscape and Built Design
- EN7/2 EN7/2 - Noise Pollution
- HT2/4 HT2/4 - Car Parking and New Development
- JP-H1 Scale of New Housing Development
- JP-H3 Type, Size and Design of New Housing
- JP-H4 Density of New Housing

JP-S2 Carbon and Energy
JP-P1 Sustainable Places
JP-S5 Clean Air
JP-C2 Digital Connectivity
JP-C5 Streets For All
JP-C6 Walking and Cycling
NPPF National Planning Policy Framework
SPD13 Development Control Policy Guidance Note 13 - Conversion of Buildings to Houses in Multiple Occupation
SPD11 Development Control Policy Guidance Note 11 - Parking Standards 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:

NOTES TO APPLICANT

Not Applicable

Signed:



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On behalf of the Council

Date of Decision: 07/10/2024