

NOTICE OF REFUSAL OF PLANNING PERMISSION

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

To:

Miss Adelynn De Souza
Walker Design
Bolton Arena
Office G22
Arena Approach
Horwich, Bolton
BL6 6LB

On Behalf Of:

Lion Share Properties Ltd.
Synergie House
332 Manchester Road
Bolton
BL3 2QS

PART 1 - Particulars of Application

Application Number: 69299

Date of Registration: 21/02/2023

Proposal:

Proposed alteration to the external façade of existing building, including partial demolition and external works to accommodate a Drive-Thru Lane

Location:

Unit 2, Victoria Retail Park, Victoria Street, Bury, BL8 2EQ

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 the loss of existing approved dedicated servicing facilities at the rear of the building for use by all operators in this part of the site and the creation of sub-standard arrangements within the existing car park, which is highly likely to lead to conflicts between manoeuvring service/delivery vehicles and members of the public, to the detriment of pedestrian and road safety. The proposed development would conflict with the Bury Unitary Development Plan Policy EN1/2 - Townscape and Built Design and Places for Everyone Joint Development Plan Policies JP-C1 - An integrated Network and JP-C5 - Streets for All.
- 2 The proposal would result in the loss of existing approved car parking facilities at the front of the building, which is likely to lead to vehicles parking and carrying out manoeuvres on the highway to the detriment of the free flow of traffic and road safety. Therefore, the proposed development would conflict with Policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan and Policy JP-C5 - Streets For All of the Places for Everyone Joint Development Plan.
- 3 The proposed access arrangements to and barrier arrangements at the Drive Thru Lane are sub-standard, which is likely to lead to conflicts within the car park and with HGV's accessing and egressing the land to the south, which would be detrimental to the free flow of traffic and road safety. Therefore, the proposed development would

conflict with Policy EN1/2 - Townscape and Built Design of the Bury Unitary Development Plan and Policy JP-C5 - Streets For All of the Places for Everyone Joint Development Plan.

- 4 The proposed drive thru would result in the intensification of use of existing sub-standard access arrangements at the junction of the site access with Victoria Street, which is likely to lead to conflicts at this hazardous point on the highway network and result in an increase in number of vehicles crossing Victoria Street to avoid utilising the signalised junction at Bolton Road, to the detriment of the free flow of traffic and road safety. Therefore, the proposed development would conflict with Policy EN1/2 - Townscape and Built Design of the Bury Unitary Development Plan and Policy JP-C5 - Streets For All of the Places for Everyone Joint Development Plan.
- 5 The application and submitted plans contain insufficient information in relation to measures to ensure that the development would be net zero with regard to regulated operational carbon emissions to enable them to be properly assessed. Therefore, the proposed development would conflict with Policy JP-S2 - Carbon and Energy of the Places for Everyone Joint Development Plan.
- 6 The application and submitted plans contain insufficient information in relation to the air conditioning unit to enable the impact of the noise generated to be properly assessed. Therefore, the proposed development would conflict with Policy EN7/2 - Noise Pollution of the Bury Unitary Development Plan.

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
EN1/5	EN1/5 - Crime Prevention
EN1/7	EN1/7 - Throughroutes and Gateways
EN1/8	EN1/8 - Shop Fronts
EN6/3	EN6/3 - Features of Ecological Value
EN7/2	EN7/2 - Noise Pollution
EN7/5	EN7/5 - Waste Water Management
S2/1	S2/1 - All New Retail Proposals: Assessment Criteria
S2/6	S2/6 - Food and Drink
HT2/4	HT2/4 - Car Parking and New Development
HT2/5	HT2/5 - Public Car Parks
SPD6	Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.
SPD11	Development Control Policy Guidance Note 11 - Parking Standards in Bury
JP-C2	Digital Connectivity
JP-C5	Streets For All
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:

2418.P.106.B
2418.P.102.A
2418.P.101
2418.P.105
2418.P.104.B
2418.P.103.J

NOTES TO APPLICANT

Not Applicable

Signed:

A handwritten signature in black ink, appearing to read 'J. H. H.', is written over a dotted line.

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On behalf of the Council

Date of Decision: 11/04/2024