

NOTICE OF REFUSAL OF PLANNING PERMISSION

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

To:

Mr Muthahar Khan
Studio Tashkeel Architecture
1-3 Ashton Road
Sale
Manchester
M336WT

On Behalf Of:

Mr Dileep Singh Ahuja
49 Rainsough Brow
Prestwich
Manchester
M25 9XW

PART 1 - Particulars of Application

Application Number: 70914

Date of Registration: 16/08/2024

Proposal:

Erection of a two storey mixed-use development consisting of 1 no. shop (Class E) on the ground floor, 2 no. three-bedroom apartments (Class C3a) on the first floor with rear roof dormer and associated car parking, landscaping and boundary treatment.

Location:

Land adjacent to 49 Rainsough Brow, Prestwich, Manchester, M25 9XW

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 results in the loss and a restriction in the use of existing, approved parking facilities for the retail use and adversely affects approved servicing arrangements for the site and deliveries of goods into the retail shop, which is likely to lead to vehicles parking and carrying out manoeuvres on an already hazardous part of the highway network to the detriment of the free flow of traffic and road safety. The proposed development would therefore be contrary to Development Plan Policies EN1/2, S2/1, H2/2, HT2/4, JP-C5 and JP-C6.
- 2 The proposed servicing arrangements and car parking provision for the proposed additional retail and residential uses are inadequate and are likely to lead to vehicles parking and carrying out manoeuvres in a hazardous location on the highway to the detriment of the free flow of traffic and road safety. The proposed development would therefore be contrary to Development Plan Policies H2/2, EN1/2, S2/1, S2/5, HT2/4, JP-C5 and JP-C6
- 3 The application and submitted plans contain insufficient information to assess the physical impact of the proposed development on the adjacent adopted highway and private access road or demonstrate that visibility approved as part of previous developments on the site will be maintained and not restricted to sub-standard levels

at the junction of the existing site access with Rainsough Brow. The proposed development would therefore be contrary to Development Plan Policies EN1/2, JP-C5 and JP-C6.

- 4 The application and submitted plans contain insufficient information to enable them to be properly assessed in terms of the potential impacts on the amenity and outlook for future occupiers of the proposed residential flats by virtue of the siting and position of the approved residential development at 51 Rainsough Brow (planning reference 62765). The proposed development would therefore be contrary to Development Plan Policies EN1/2, H2/1 and H2/2 and SPD6.
- 5 The proposed building would, by reason of its size, massing and position be a prominent and intrusive feature in the street scene and would therefore be seriously detrimental to the visual amenities of the area. The proposed development therefore conflicts with the following policies of the Development Plan: EN1/2, H2/1 and S2/1.

The following policies of the Bury Unitary Development Plan, National and Regional Government were considered relevant:

NPPF	National Planning Policy Framework
EN1/2	EN1/2 - Townscape and Built Design
EN7/2	EN7/2 - Noise Pollution
EN1/7	EN1/7 - Throughroutes and Gateways
EN1/8	EN1/8 - Shop Fronts
S2/1	S2/1 - All New Retail Proposals: Assessment Criteria
S2/5	S2/5 - New Local Shopping Provision Outside Recognised Shopping Centres
HT5/1	HT5/1 - Access For Those with Special Needs
HT2/4	HT2/4 - Car Parking and New Development
SPD11	Development Control Policy Guidance Note 11 - Parking Standards in Bury
H1/2	H1/2 - Further Housing Development
H2/2	H2/2 - The Layout of New Residential Development
JP-S1	Sustainable Development
JP-S2	Carbon and Energy
JP-H3	Type, Size and Design of New Housing
JP-H4	Density of New Housing
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
JP-P1	Sustainable Places
JP-C2	Digital Connectivity
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-C8	Transport Requirements of New Development
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:

Location plan PL_01; GA Existing site plan PL_02 rev A; GA Proposed site plan and ground floor plan PL_03 rev A; GA Proposed plans PL_04; GA Proposed elevations PL_05; GA Proposed elevations PL_06; Boundary treatment PL_07; GA Proposed street scene elevations PL_08; GA Site sections PL_09; Site survey 130624JC-01

NOTES TO APPLICANT

Not Applicable

Signed:

A handwritten signature in black ink, appearing to read "For Kaitiaki".

3 of 3

.....
On behalf of the Council

Date of Decision: 10/10/2024