

NOTICE OF REFUSAL OF PLANNING PERMISSION

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

To:

Mr David Driver
TECH:D LTD
27 Oakham Close
Bury
Lancashire
BL81XJ

On Behalf Of:

Mr Andrew Beale
ENH Lettings
60 Chorley New Road
Bolton
Lancashire
BL14 DA

PART 1 - Particulars of Application

Application Number: 71034

Date of Registration: 06/09/2024

Proposal:

Change of use of existing 6 no. bedroom House in Multiple Occupation (HMO) (Class C4) to 9 no. bedroom (single occupancy) House in Multiple Occupation (HMO) (Sui Generis) with erection of single storey outbuilding extension at rear (to be used as bedroom no. 9)

Location:

309 Walmersley Road, Bury, BL9 5EZ

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, by virtue of the size, location and lack of outlook from Room 9 within the rear yard area of the property would lead to a poor standard of accommodation for the future occupier of Room 9 and as such would have a detrimental impact on the residential amenity of future occupiers of this outbuilding, contrary to policies H1/2 - Further Housing Development, H2/1 - The Form of New Residential Development, H2/2 - The Layout of New Residential Development, H2/4 - Conversions of the Bury Unitary Development Plan, Supplementary Planning Document 13 - Conversion of Buildings to Houses in Multiple Occupation, Policy JP-H3: Type, Size and Design of New Housing of the Places for Everyone Joint Development Plan, and the National Planning Policy Framework.
- 2 The proposed development, by virtue of the bedrooms located within the Basement area of the property (Rooms 7 and 8) with restricted outlooks, small windows and due to being below ground would receiving limited daylight and sunshine and would lead to a poor arrangement of individual and shared accommodation available for the future occupiers of the Basement area of the property and as such would have a detrimental impact on the amenity of future occupiers of Bedrooms 7 and 8. The proposed development therefore conflicts with policies H1/2 - Further Housing

Development, H2/1 - The Form of New Residential Development, H2/2 - The Layout of New Residential Development, H2/4 - Conversions of the Bury Unitary Development Plan, Supplementary Planning Document 13 - Conversion of Buildings to Houses in Multiple Occupation, Policy JP-H3: Type, Size and Design of New Housing of the Places for Everyone Joint Development Plan, and the National Planning Policy Framework.

- 3 The proposal would result in the significant intensification of the use of a building with no 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, which would have a significant impact on existing parking facilities for existing residents and be detrimental to the free flow of traffic and highway safety. The proposed development therefore conflicts with 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 of the Bury Unitary Development Plan and Policies JP-C5: Streets For All, JP-C6: Walking and Cycling and JP-C8: Transport Requirements of New Development of the Places for Everyone Joint Development Plan.
- 4 The proposed development would fail to provide sufficient refuse and recycling bin storage provision to meet the refuse and recycling requirements of existing and future occupants. This would result in bins being stored on the adopted highways to either the front, side and/ or rear of the property, causing obstructions on the adopted highway, to the detriment of highway safety. The proposal is therefore poorly designed. The proposed development therefore conflicts with 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, Policies JP-C5 Streets For All and Policy JP-C8: Transport Requirements of New Development of the Places for Everyone Joint Development Plan.
- 5 The application and submitted plans contain inaccurate information in relation to the conversion of the outbuilding to enable the impact upon amenity and design of the proposed development to be properly assessed. Therefore, the proposed development would conflict with Policy EN1/2 - Townscape and Built Design 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:

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| 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 |
| EN7/2 | EN7/2 - Noise Pollution |

JP-C1 Our Integrated Network
JP-S2 Carbon and Energy
JP-C2 Digital Connectivity
JP-C5 Streets For All
JP-C6 Walking and Cycling
JP-C8 Transport Requirements of New Development
JP-H3 Type, Size and Design of New Housing
JP-H4 Density of New Housing
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:

Drawing no. 24-04-01 Rev. A: Existing Floor Plans and Location Plan;
Drawing no. 24-04-01 03 Rev. B: Proposed Ground & First Floor Plans; and,
Drawing no. 24-04-01 04 Rev. A: Proposed Floor Plans [Basement and Existing Second Floor]

NOTES TO APPLICANT

Not Applicable

Signed:



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On behalf of the Council

Date of Decision: 01/11/2024