

NOTICE OF REFUSAL OF PLANNING PERMISSION

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

To:

Mr Wilkinson
SHWilkinson Architects Ltd
6 Dale Lee
Westhoughton
Bolton
BL5 3YE

On Behalf Of:

P Johnston
C/o agent

PART 1 - Particulars of Application

Application Number: 67301

Date of Registration: 13/10/2021

Proposal:

Removal of existing outbuildings; formation of hardstanding; construction of 2 no. blocks of stables with tack room / feed store; waste storage container and erection of fencing, gates and stile

Location:

Rear of 104 Bury New Road, Radcliffe, Bolton, BL2 6QB

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 intensification of the use of a site with sub-standard vehicular and pedestrian access arrangements from/onto A58 Bury New Road, which would be detrimental to highway safety, the safety of users of Public Footpath No. 21, Christ Church, Radcliffe and the free flow of traffic on the adjacent classified road. The proposed development would therefore be contrary to Bury Unitary Development Plan Policies HT6/2 - Pedestrian/Vehicular Conflict and OL4/7 - Development Involving Horses and .
- 2 The applicant has failed to demonstrate Very Special Circumstances which would outweigh the harm which would be caused to the openness of the Green Belt due to the siting and disproportionate size and scale of the proposed development and as such the proposed development would be seriously detrimental to the character and openness of the Green Belt and contrary to the principles of paragraph 149 of the NPPF, Bury Unitary Development Plan Policies OL1/2 - New Buildings in the Green Belt and OL4/7 - Development Involving Horses and SPD10.
- 3 The proposed development by virtue of its size, scale and siting and the associated boundary fencing and extent of the hardstanding areas would have a significantly harmful impact on the openness and character of the Green Belt and would therefore be inappropriate development and as such would be contrary to the principles of

paragraph 149 of the NPPF, Bury Unitary Development Plan Policies OL1/2 - New Buildings in the Green Belt, OL4/7 - Development Involving Horses and SPD10.

- 4 The proposed development would be seriously detrimental to the residential amenities currently enjoyed by the occupier(s) of the adjacent dwelling houses on Bury New Road by reason of the size, siting and proximity of the proposed development and associated increase in traffic. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan OL4/7 - Development Involving Horses, EN1/2 - Townscape and Built Design and SPD10.
- 5 The application and submitted plans contain insufficient information to enable them to be properly assessed with relation to bat habitats and impacts on the protected species. The proposed development would therefore be contrary to the principles of chapter 15 - Conserving and enhancing the natural environment and Bury Unitary development Plan Policies EN6/3 - Features of Ecological Value.

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

NPPF	National Planning Policy Framework
EN1/1	EN1/1 - Visual Amenity
EN1/2	EN1/2 - Townscape and Built Design
EN5/1	EN5/1 - New Development and Flood Risk
EN6/3	EN6/3 - Features of Ecological Value
EN7/3	EN7/3 - Water Pollution
OL1	OL1 - Green Belt
OL4/7	OL4/7 - Development Involving Horses
HT2/4	HT2/4 - Car Parking and New Development
HT6/2	HT6/2 - Pedestrian/Vehicular Conflict
SPD10	Development Control Policy Guidance Note 10: Planning for Equestrian Development.
SPD11	Development Control Policy Guidance Note 11 - Parking Standards in Bury

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:

000 Site location plan ;002 Existing site plan Rev A; 003 Existing site plan Rev A; 103 Proposed site plan Rev B; 104 Ground floor plan Rev B; 105 Proposed roof plan Rev B; 110 Proposed elevations Rev B; 106 Proposed landscaping Rev B; 191 Proposed visual Rev A

NOTES TO APPLICANT

- . INFORMATIVE - The Control of Noise Regulations 1975, Section 60. Control of Noise on Construction Sites

Works carried out in connection with the planning permission shall comply with the above regulations which require the following:

1. All works and ancillary operations which are audible at the boundary of the nearest house or noise receptor, or at such other place as may be agreed with the Council, shall be carried out only between the hours of 0800 and 1800 on Mondays to Fridays and between the hours of 0900 and 1400 on Saturdays and at no time on

Sundays and Bank Holidays.

2. The best practicable means, as defined in section 72 of the Control of Pollution Act 1974, to reduce noise to a minimum shall be employed at all times.

3. All plant and machinery in use shall be properly silenced and maintained in accordance with the manufacturer's instructions.

4. Any emergency deviation from the above (1 - 3) shall be notified to Bury Council without delay.

Any contravention of these requirements will trigger the serving of a Notice under Section 60 of The Control of Noise Regulations 1975.

Environment Agency position

Advice to the Applicant

" Please ensure all agricultural feed and waste is stored within the correct guidelines, referring to Farming Rules for Water.

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Please comply with the waste hierarchy and duty of care legislation regarding waste and agricultural waste removal.

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Please ensure surface water management to ensure dirty and clean water are separated causing no pollution to ground.

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Please ensure adequate hard standing for car park area in order to limit potential for pollution from fuel and oil etc.

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Please ensure care around surface water including ponds and watercourse located on or near to the proposed development.

Signed:



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On behalf of the Council

Date of Decision: 05/01/2022