

# 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 Lane  
Sale  
Manchester  
M33 6WT

**On Behalf Of:**

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

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### PART 1 - Particulars of Application

**Application Number:** 71982

**Date of Registration:** 08/08/2025

**Proposal:**

Erection of a two storey mixed use development consisting of 1 no. shop (Class E) on the ground floor and 1 no. apartment on first floor (Class C3) and associated car parking, landscaping and boundary treatment

**Location:**

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

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### 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 building would, by reason of its size, massing, design 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, EC4/1 and S2/1 and the principles of the NPPF.
- 2 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 proposed 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.
- 3 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 policies JP-C5, JP-C6, JP-C8, EC4/1 and HT2/4.

- 4 The proposed servicing arrangements for the proposed additional retail use is inadequate and 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 policies JP-C5, JP-C6, JP-C8 and HT2/4.
- 5 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 policies JP-C5 and JP-C8.
- 6 The cycle storage facilities for the proposed retail store would be inadequate and as such the development would not promote or encourage the use of sustainable modes of transport. The proposed development would therefore be contrary to policies JP-C6 and SPD11.

**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:**

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 and site plan PL\_001  
Proposed topographical site plan PL002  
GA Proposed site plan PL003  
Proposed floor plans PL004  
Proposed elevations PL005  
Existing and proposed streetscene and section PL006  
Drainage plan TSH02-CTY-HGN-ZZ-DR-D-0502

**NOTES TO APPLICANT**

- . United Utilities  
On review of the proposed plans, UU note the building is proposed to be built on top of the sewer. This has not been agreed with United Utilities and therefore on review of the layout, OBJECT to the application. The applicant should contact Wastewater Developer Services at their earliest convenience to discuss.

It is the applicant's responsibility to investigate the existence of any pipelines that might cross or impact their proposed site and also to demonstrate the exact

relationship between United Utilities' assets and the proposed development. The applicant should not rely solely on the detail contained within asset maps when considering a proposed layout.

All options for the sustainable management of surface water must be thoroughly investigated before we will accept any surface water connections from new development to the public sewer. Where a new surface water connection to the public sewer is proposed, we will require robust evidence to demonstrate the drainage hierarchy has been fully investigated and there are no more sustainable options available for the management of surface water.

## CONTACTS

Contact our DEVELOPER SERVICES team as follows:

Website (including 'Live Chat'): Building & Developing - United Utilities

Telephone (Monday-Friday, 8am-6pm): 0345 072 6067

Email:

WATER (water mains, supply and metering): [DeveloperServicesWater@uuplc.co.uk](mailto:DeveloperServicesWater@uuplc.co.uk)

WASTEWATER (public sewers and drainage): [SewerAdoptions@uuplc.co.uk](mailto:SewerAdoptions@uuplc.co.uk)

SLUDGE PIPELINES: [DeveloperServicesWater@uuplc.co.uk](mailto:DeveloperServicesWater@uuplc.co.uk)

## GROUNDWATER PROTECTION ZONES:

Where the proposed site is located in a Groundwater Source Protection Zone, the applicant should contact our Engineering team for advice, by email at

[Groundwater@uuplc.co.uk](mailto:Groundwater@uuplc.co.uk)

## PROPERTY SEARCHES (FOR ASSET MAPS):

The public water and sewer records can be viewed via our online viewing facility for free. Viewings are by appointment only. To book an appointment, the applicant should email [propertysearches@uuplc.co.uk](mailto:propertysearches@uuplc.co.uk) or call 0370 751 0101

Alternatively, a number of providers offer a paid for mapping service, including United Utilities. To purchase a sewer and water plan from United Utilities, visit [Property Searches | United Utilities](#)

## UNITED UTILITIES LEGAL SERVICES (FOR EASEMENT DOCUMENTS):

Copies of relevant deeds may be purchased from United Utilities Legal Services. This information is also available from Land Registry.

To purchase a copy of easement documents from United Utilities, please email:

[LegalServices@uuplc.co.uk](mailto:LegalServices@uuplc.co.uk)

Signed:



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On behalf of the Council

**Date of Decision:** 01/10/2025