

NOTICE OF REFUSAL OF PLANNING PERMISSION

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

To:

Mr Gary Walker
18 Brightsmith Way
Swinton
Manchester
M27 9GE

On Behalf Of:

Mr Mohammed Amirinejad
53 Hulton Lane
Bolton
BL3 4JD

PART 1 - Particulars of Application

Application Number: 70477

Date of Registration: 22/03/2024

Proposal:

Erection of 2 no. dwellings

Location:

Land at Harper Fold Road & Canute Street,
Radcliffe, M26 3BX

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 would, by reason of its position, scale and design, form an incongruous and pronounced feature that would conflict with the established layout, relationship of buildings and appearance within the street scene and would therefore, be seriously detrimental to the visual amenities of the area. The proposed development therefore conflicts with policies H2/1, H2/2 and EN1/2 of the Bury Unitary Development Plan and Section 12 of the National Planning Policy Framework.
- 2 The proposed car parking provision is inadequate and car parking/servicing arrangements are sub-standard and are likely to lead to vehicles parking and carrying out manoeuvres on the highway in close proximity to the junctions of Canute Street and Harper Fold Road with the A665 Bolton Road and Canute Street with Higher Dean Street to the detriment of the free flow of traffic and road safety, contrary to Bury Unitary Development Plan policies H2/2, HT2/4 and HT6/2, Development Control Policy Guidance Note 16 - Design and Layout of New Development in Bury and Places for Everyone Joint Development Plan Document policies JP-C5 and JP-C6.
- 3 The proposal does not provide suitable accommodation for all vehicles to enter and leave the site in a forward gear, and would therefore be detrimental to road safety and the maintenance of the free flow of traffic, contrary to Bury Unitary Development Plan policies H2/2, HT2/4 and HT6/2 and Development Control Policy Guidance Note 16 - Design and Layout of New Development in Bury and Places for Everyone

Joint Development Plan Document policies JP-C5 and JP-C6.

- 4 The application and submitted plans contain insufficient, topographical survey-based information in order to properly assess the following:
- proposed access arrangements from Canute Street;
 - physical impact of the development on the adjacent adopted and unadopted highways that abut three sides of the site;
 - ensure that the proposed parking spaces located adjacent and parallel to the back of the abutting footways do not lead to vehicles coming into conflict with passing pedestrians or straddling the unadopted and adopted highways;
 - ensure that adequate visibility splays and visibility at the back edge of the footway can be provided at the junction of the site access with Canute Street;
 - ensure that adequate refuse collection facilities for the two dwellings can be provided within the curtilage of the site clear of and without detrimental impact on the adjacent adopted and unadopted highways.
- Without this information the proposal is unacceptable and contrary to Bury Unitary Development Plan policies H2/2, HT2/4 and HT6/2 and Development Control Policy Guidance Note 16 - Design and Layout of New Development in Bury and Places for Everyone Joint Development Plan Document policies JP-C5 and JP-C6.
- 5 The application and submitted plans and supporting statements contain insufficient information to enable the local planning authority to assess whether the proposal would:
- be built to the 'accessible and adaptable' standard in Part M4(2) of the Building Regulations;
 - maximize reductions in carbon emissions;
 - comprise high quality digital infrastructure;
- as required by policies JP-H3, JP-S2 and JP-C2 of the Places for Everyone Joint Development Plan Document.
- 6 The application and submitted plans and supporting statements contain insufficient information to demonstrate that the proposal would not impact unacceptably existing critical sewer infrastructure contrary to Places for Everyone Joint Development Plan Document policy JP-P1.

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:

H1/2	H1/2 - Further Housing Development
H2/1	H2/1 - The Form of New Residential Development
H2/2	H2/2 - The Layout of New Residential Development
EN1/2	EN1/2 - Townscape and Built Design
EN1/5	EN1/5 - Crime Prevention
EN1/7	EN1/7 - Throughroutes and Gateways
OL3/1	OL3/1 - Protection of Urban Open Space

HT2/4 HT2/4 - Car Parking and New Development
SPD11 Development Control Policy Guidance Note 11 - Parking Standards in Bury
SPD16 Development Control Policy Guidance Note 16 - Design and Layout of New
Development in Bury
JP-H3 Type, Size and Design of New Housing
JP-H4 Density of New Housing
JP-P1 Sustainable Places
JP-S1 Sustainable Development
JP-S2 Carbon and Energy
JP-C2 Digital Connectivity
JP-C5 Streets For All
JP-C6 Walking and Cycling
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:

Location Plan, Proposed Block Plan and Site Plan (Dwg No. 001 B)
Proposed Floor Layout (Dwg No. 002 B)
Proposed Second Floor Layout (Dwg No. 003 B)
Proposed Elevations (Dwg No. 004 B)
Existing and Proposed Harper Fold and Canute Street Street Scenes (Dwg No. 005 B)
Existing and Proposed Bolton Road Street Scene (Dwg No. 006 B)
Engineering Design (Dwg No. GW-HFR-R-10-01 A)

NOTES TO APPLICANT

Not Applicable

Signed:



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On behalf of the Council

Date of Decision: 17/05/2024