

NOTICE OF REFUSAL OF PLANNING PERMISSION

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

To:

Mr Daniel Llado
TDM Architectural Ltd
538 Rochdale Road
Royton
Oldham
OL2 6SF

On Behalf Of:

Mr Paul Stock
166 A Walmersley Road
Bury
BL9 6LL

PART 1 - Particulars of Application

Application Number: 70552

Date of Registration: 25/03/2024

Proposal:

Two storey rear extension

Location:

Strachans Chemist, 166A Walmersley Road,
Bury, BL9 6LL

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 creation of outward opening bin store doors into the adjacent adopted highway at Chesham Road, which would be detrimental to pedestrian safety, restrict visibility at the adjacent junction of Back Walmersley Road East with Chesham Road and contrary to the requirements of the Highways Act 1980. EN1/2: Townscape and Built Design of the Bury Unitary Development Plan, Policy JP-C8: Transport Requirements of New Development of the Greater Manchester Places for Everyone Joint Development Plan, the National Planning Policy Framework and National Design Guide.
- 2 The proposal would introduce servicing and delivery operations at a hazardous location on Chesham Road, which would be detrimental to highway safety and maintaining the free flow of traffic on the adjacent adopted highway, contrary to Policy EN1/2: Townscape and Built Design of the Bury Unitary Development Plan and the National Planning Policy Framework.
- 3 The application and submitted plans contain insufficient information to properly assess the physical impact of the proposed development including its foundations and surface water drainage arrangements on the adjacent adopted highway, to the detriment of highway safety and maintaining the integrity of the adopted highway. The proposal is thus contrary to Policy EN1/2: Townscape and Built Design, Policy

JP-S4: Flood Risk and the Water Environment and the National Planning Policy Framework.

- 4 Inadequate information has been submitted to satisfy the Local Planning Authority that the proposal could accommodate adequate bin/ refuse storage within the proposed extension to avoid refuse bins being stored on the adopted highway, contrary to Policy JP-C8: Transport Requirements of New Development of the Greater Manchester Places for Everyone Joint Development Plan, the National Planning Policy Framework and National Design Guide.
- 5 The proposal by virtue of its scale, design and massing would have a detrimental impact on the amenity of the neighbours adjoining/ overlooking the site by reason of its overbearing and oppressive impact and undue sense of enclosure that would impact unduly on the residential amenities currently enjoyed by the occupants of nos. 1, 1A and 3 Hanson Street which directly overlook the site, contrary to Policies EN1/2: Townscape and Built Design and H3/2: Existing Incompatible Uses of the Bury Unitary Development Plan and the National Planning Policy Framework.

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:

EN1/2	EN1/2 - Townscape and Built Design
H2/3	H2/3 - Extensions and Alterations
JP-C8	Transport Requirements of New Development
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:

NOTES TO APPLICANT

Not Applicable

Signed:

A handwritten signature in black ink, appearing to read 'for haw', written in a cursive style.

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On behalf of the Council

Date of Decision: 20/05/2024