

# NOTICE OF REFUSAL OF PLANNING PERMISSION

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

**To:**

Mr Witt  
Invest Multilet & PPB Ltd  
25-29 Sandy Way  
Yeadon  
Leeds  
LS19 7EW

**On Behalf Of:**

C/o Agent  
Abad Homes Ltd  
  
C/o Agen

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### PART 1 - Particulars of Application

**Application Number:** 71992

**Date of Registration:** 02/06/2025

**Proposal:**

Change of use from commercial use (Class E) to 5 bed, 6 occupants house in multiple occupation (HMO) (Class C4) and associated external alterations (including new doors and windows and removal of advertisement hoarding)

**Location:**

157 Bolton Road, Bury, BL8 2NW

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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 application contains insufficient detail to demonstrate there is no reasonable prospect of the site being retained or re-developed for either an office or other employment uses, contrary to the requirements of Policy EC2/2 'Employment Land and Premises Outside the Employment Generating Areas' of the Bury Unitary Development Plan, SPD 14: 'Employment Land and Premises' and the National Planning Policy Framework.
- 2 The proposed development, by virtue having a bedroom located adjacent to the shared kitchen and dining area with its associated noise, disturbance and cooking odours, would result in conditions detrimental to the amenity of future occupiers of Bedroom 1 within the proposed development. 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', and H2/4: 'Conversions' of the Bury Unitary Development Plan, Supplementary Planning Document 13 - Conversion of Buildings to Houses in Multiple Occupation and the National Planning Policy Framework.
- 3 Insufficient information has been submitted to demonstrate that the main road the property is sited upon and the sites' location close to a hot-food takeaway would not

cause noise intrusion or odour issues to future occupiers of the proposed development, nor whether any measures to protect their amenity would harm the host building or the visual amenity of the street scene. Therefore, the proposed development would be contrary to Policies H2/4: 'Conversions', EN7/2: 'Noise Pollution' of the Bury Unitary Development Plan, Policy JP-S5: 'Clean Air' of the Places for Everyone Joint Development Plan and the National Planning Policy Framework.

- 4 The proposed development fails to demonstrate that future occupiers of the development would have a clear and safe route internally to enable them to safely and easily dispose of their rubbish within bins located within the rear yard area, contrary to Policies H2/1 - The Form of New Residential Development, H2/2: 'The Layout of New Residential Development', and H2/4: 'Conversions' of the Bury Unitary Development Plan, Supplementary Planning Document 13 - Conversion of Buildings to Houses in Multiple Occupation and the National Planning Policy Framework.
- 5 The application and submitted plans fail to provide sufficient covered and secure bike storage provision within the application site, to satisfy the Local Planning Authority that the applicant is satisfactorily mitigating the parking impacts of their development and encouraging more sustainable travel to and from the site as required by Policies JP-C1: 'An Integrated Network', 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 and the National Planning Policy Framework.
- 6 The applicant has failed to demonstrate whether the existing yard gate within the rear boundary wall of the property would need to be widened to satisfy providing sufficient refuse storage provision to serve the needs of the future occupiers of the development, thereby the proposal is poorly designed and may lead to bins being stored on the adopted highway and causing an obstruction to pedestrians, to the detriment of highway safety and securing well-designed development. The proposed development is therefore contrary to the requirements of H2/4: 'Conversions' of the Bury Unitary Development Plan, Policy JP-C5: 'Streets for All' and JP-C8: 'Transport Requirements of New Development' of the Places for Everyone Joint Development Plan, the National Planning Policy Framework and the National Design Guide.
- 7 The application and submitted plans and supporting statements contain insufficient information to enable the local planning authority to assess whether the proposal would maximise reductions in carbon emissions, as required by Policy JP-S2 - Carbon and Energy of the Places for Everyone Joint Development Plan and the National Planning Policy Framework.
- 8 The application and submitted plans and supporting statements contain insufficient information to demonstrate that the proposal would comprise high quality digital infrastructure, as required by Policies JP-C1: 'An Integrated Network' and JP-C2: 'Digital Connectivity' of the Places for Everyone Joint 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:**

|       |                                                                                                        |
|-------|--------------------------------------------------------------------------------------------------------|
| S1/4  | S1/4 - Local Shopping Centres                                                                          |
| EC2/2 | EC2/2 - Employment Land and Premises Outside the Employment Generating Areas                           |
| EN1/2 | EN1/2 - Townscape and Built Design                                                                     |
| 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                                                                                     |
| HT2/4 | HT2/4 - Car Parking and New Development                                                                |
| HT6/2 | HT6/2 - Pedestrian/Vehicular Conflict                                                                  |
| JP-C1 | Our Integrated Network                                                                                 |
| JP-S1 | Sustainable Development                                                                                |
| JP-S2 | Carbon and Energy                                                                                      |
| SPD13 | Development Control Policy Guidance Note 13 - Conversion of Buildings to Houses in Multiple Occupation |
| SPD14 | Development Control Policy Guidance Note 14 - Employment Land and Premises                             |
| 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:



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On behalf of the Council

**Date of Decision:** 28/07/2025