

NOTICE OF REFUSAL OF PLANNING PERMISSION

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

To:

Mr John Cummins
MTPC My Town Planning Consultancy
9 Astley Hall Drive
Ramsbottom
Bury
BL0 9DF

On Behalf Of:

Mr Andrew Gaskill
Park Avenue Ltd
Imperial House
Bury
BL9 5BN

PART 1 - Particulars of Application

Application Number: 69136

Date of Registration: 21/03/2023

Proposal:

Erection of 1 no. dwelling (Use Class C3) and formation of new vehicular access/driveway to existing dwelling

Location:

1 Park Avenue, Ramsbottom, Bury, BL0 0DA

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 by reason of its siting, design, scale, bulk and massing, would be a prominent and intrusive feature in the street scene that would fail to accord with the existing layout, design and urban grain of residential development in this locality to the detriment of visual amenity of the street scene and locality, contrary to Policies H2/1 - The Form of New Residential Development, H2/2 - The Layout of New Residential Development, and EN1/2 - Townscape and Built Design of the Bury Unitary Development Plan and Section 12 the National Planning Policy Framework.
- 2 The proposed development by reason of its siting, design, bulk and massing, forward of the principal elevation of no. 76 Bury New Road, would subject the occupiers of no. 76 Bury New Road to overbearing, enclosing and oppressive effects, a loss of privacy and would remove evening sunlight from their front habitable room window(s) and thus detract from their current living conditions to the detriment of their amenity, contrary to Policy H2/1 - The Form of New Residential Development and Policy EN1/2 - Townscape and Built Design of the Unitary Development Plan and Section 12 of the National Planning Policy Framework.
- 3 The proposed replacement access and parking arrangements for the existing dwelling indicated on the submitted plans are sub-standard, which would be detrimental to road safety and maintaining the free flow of traffic on the adjacent

highways, contrary to Policies H2/2 - The Layout of New Residential Development, HT2/4 - Car Parking and New Development and HT2/6 - Replacement Car Parking of the Bury Unitary Development Plan.

- 4 The proposed 'gravel' hardstanding's would result in the spread of loose stone onto the adjacent adopted highway, which would be detrimental to highway safety and would not maintain the integrity of the adopted highway, contrary to Policies H2/2 - The Layout of New Residential Development, HT2/4 - Car Parking and New Development and HT2/6 - Replacement Car Parking of the Bury Unitary Development Plan.
- 5 The application and submitted plans contain insufficient information to properly assess the physical impact of the proposed development on the adjacent adopted highway of Bury New Road due to the position of the new dwelling relative to the back of the footway or the street lighting column on Park Avenue due to the need to provide a new dropped crossing in an appropriate position onto the adopted highway, clear of the street lighting column, contrary to Policies H2/2 - The Layout of New Residential Development, and HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
- 6 The application and submitted plans contain insufficient information to ensure that bin storage arrangements for the existing dwelling will be provided within the curtilage of the site in accordance with Waste Management's 'Guide to Refuse Collection Requirements & Storage Methods for New Developments', Policies H2/1 - The Form of New Residential Development and H2/2 - The Layout of New Residential Development of the Bury Unitary Development Plan, Section 12 of the National Planning Policy Framework, and the National Design Guide.

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. In these circumstances an application is refused to enable the overall speed and quality of the council's decisions to be maintained. 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:

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| H2/1 | H2/1 - The Form of New Residential Development |
| H2/2 | H2/2 - The Layout of New Residential Development |
| H2/6 | H2/6 - Garden and Backland Development |
| EN1/1 | EN1/1 - Visual Amenity |
| EN1/2 | EN1/2 - Townscape and Built Design |
| EN1/4 | EN1/4 - Street Furniture |
| HT2/4 | HT2/4 - Car Parking and New Development |
| HT2/6 | HT2/6 - Replacement Car Parking |
| HT6/1 | HT6/1 - Pedestrian and Cyclist Movement |

H1/2 H1/2 - Further Housing Development
EN1/3 EN1/3 - Landscaping Provision
EN7 EN7 - Pollution Control
HT4 HT4 - New Development
NPPF National Planning Policy Framework
EN7/5 EN7/5 - Waste Water Management

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:

For the avoidance of doubt, this decision relates to the following plans:

Drawing no. 001 Rev. A: Location Plan and Proposed Plans
Drawing no. 002 Rev. A: Proposed Elevations
Drawing no. 003 Rev. A: Proposed Site Plan
Drawing no. 004 Rev. A: Proposed Street Scene: Park Avenue
Drawing no. 005 Rev. A: Block Plans
Drawing no. 006 Rev. A: Existing and Proposed Street Scene: Park Avenue
Drawing no. 007 Rev. A: Existing and Proposed Street Scene: Bury New Road
Drawing no. 008 Rev. A: Existing and Proposed Site Sections A-A and B-B
Drawing no. 009 Rev. A: Existing and Proposed Site Section C-C
Drawing no. 010 Rev. A: Proposed House Section
Drawing no. 011 Rev A: Existing Topographical Survey

NOTES TO APPLICANT

Not Applicable

Signed:



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On behalf of the Council

Date of Decision: 02/06/2023