

# NOTICE OF REFUSAL OF PLANNING PERMISSION

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

**To:**

Mr DK Seddon  
Howard & Seddon ARIBA  
64 Washway Road  
Sale  
M33 7RE

**On Behalf Of:**

Mr Yazdanpanah  
Dream Home Construction  
1 Milton Street  
Manchester  
M7 1UQ

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### PART 1 - Particulars of Application

**Application Number:** 66674

**Date of Registration:** 18/05/2022

**Proposal:**

Change of use and part demolition of former nursery building to form 3 no.dwellings;  
Demolition of existing garage units and construction of 12.no dwellings with associated external works (15 units in total)

**Location:**

Former nursery building and land to rear of Earl Street, Prestwich, Manchester, M25 1GQ

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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 layout and built form of the proposed scheme would be seriously detrimental to visual amenity, ecological biodiversity and landscape value and would be contrary to the NPPF and UDP Policies EN1/2 Townscape and Built Design, EN1/3 Landscape Provision, EN8 Woodland and Trees, EN8/1 Tree Preservation Orders, EN8/2 Woodland and Tree Planting and EN9 Landscape and associated guidance in SPD 16 - Design and Layout of New Development in Bury.
- 2 The proposal would lead to the loss of protected trees, under TPO reference 347 and would prevent the full implementation of the Forestry Commission restocking notice RN11/19-20. The proposal would therefore have a seriously detrimental impact on existing trees within the site and the future provision of new trees, as required by the restocking notice. The proposal is therefore unacceptable and contrary to the NPPF and UDP policies EN1/2 Townscape and Built Design, EN1/3 Landscape Provision, EN8 Woodland and Trees, EN8/1 Tree Preservation Orders, EN8/2 Woodland and Tree Planting and EN9 Landscape.
- 3 The proposal would result in the intensification of use of the sub-standard offset junction of Stanley Street with Earl Street without any off-site mitigation measures proposed and where visibility to the right on egress is sub-standard, which would be detrimental to highway safety and maintaining the free flow of traffic on the adjacent adopted highways. The proposal is therefore unacceptable and contrary to the NPPF

and UDP Policy H2/2 The Layout of New Residential Development.

- 4 The proposals do not enable a refuse collection vehicle to properly enter and leave the site in forward gear, which is likely to lead to vehicles standing and carrying out manoeuvres on the highway to the detriment of the free flow of traffic and road safety. The proposal is therefore unacceptable and contrary to UDP Policy H2/2 The Layout of New Residential Development.
- 5 The proposed entrance gates are considered to be contrary to the principles of promoting high quality layout and design of a new residential development by reason of the seriously detrimental impact upon the character of the development within the surrounding built environment and locality by the promotion of social exclusion. This is contrary to the adopted Unitary Development Plan Policies EN1/2 Townscape and Built Design, EN1/5 Crime Prevention, Development Control Guidance Note No.3 'Planning Out Crime in New Development' and Planning Policy Guidance 3 - Housing.
- 6 The application/submitted plans contain contradictory information with regard to the red edge site boundary to enable them to be properly assessed. As such the proposal is unacceptable and contrary to the NPPF and UDP Policies listed.
- 7 The application contains insufficient information with regard to the required recreation provision and affordable housing element. As such the proposal is unacceptable and contrary to the NPPF and UDP Policies RT2/2 Recreation Provision in New Housing Development and H4/1 Affordable Housing and associated guidance in guidance documents SPD 1 Open Space, Sport and Recreation Provision in New Housing Development Recreation and SPD 5 Affordable Housing.

**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:**

|       |                                                  |
|-------|--------------------------------------------------|
| NPPF  | National Planning Policy Framework               |
| EN1/2 | EN1/2 - Townscape and Built Design               |
| EN1/3 | EN1/3 - Landscaping Provision                    |
| EN2/3 | EN2/3 - Listed Buildings                         |
| EN6/3 | EN6/3 - Features of Ecological Value             |
| EN8   | EN8 - Woodland and Trees                         |
| EN7   | EN7 - Pollution Control                          |
| EN8/1 | EN8/1 - Tree Preservation Orders                 |
| EN8/2 | EN8/2 - Woodland and Tree Planting               |
| EN9   | EN9 - Landscape                                  |
| 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 |

|       |                                                                                                           |
|-------|-----------------------------------------------------------------------------------------------------------|
| H2/4  | H2/4 - Conversions                                                                                        |
| HT4   | HT4 - New Development                                                                                     |
| HT2/4 | HT2/4 - Car Parking and New Development                                                                   |
| HT6/2 | HT6/2 - Pedestrian/Vehicular Conflict                                                                     |
| SPD1  | Supplementary Planning Document 1 - Open Space, Sport and Recreation Provision in New Housing Development |
| SPD11 | Development Control Policy Guidance Note 11 - Parking Standards in Bury                                   |
| SPD15 | Development Control Policy Guidance Note 15 - Residential Conversions                                     |
| SPD16 | Development Control Policy Guidance Note 16 - Design and Layout of New Development in Bury                |
| SPD3  | Development Control Policy Guidance Note 3: Planning Out Crime in New Development                         |
| SPD5  | Development Control Policy Guidance Note 5: Affordable Housing Provision in New Residential Developments  |

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:**

OS Boundary Plan and Dwgs 14,347-1G to 18/G, 19A/G, 19B/G, 19C/G, 20/G to 65/G

**NOTES TO APPLICANT**

Not Applicable

Signed:



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On behalf of the Council

**Date of Decision:** 05/10/2022