

NOTICE OF PRIOR APPROVAL DETERMINATION

Part 3 of Schedule 2 to The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

To:

Sam Golding
Gold Sketch
55a Bury Old Road
Prestwich
Manchester
M25 0FG

On Behalf Of:

Bracknell Properties Limited

PART 1 - Particulars of Application

Application Number: 71587

Date of Registration: 13/01/2025

Proposal:

Prior approval for proposed change of use
from commercial to 20 No. Flats

Location:

Albion Mill Industrial Estate, Albion Street,
Bury, BL8 2AD

PART 2 - Particulars of Decision

Bury Metropolitan Borough Council hereby determine that the prior approval of the local planning authority is **REQUIRED** for the development set out in Part 1 of this decision notice.

Bury Metropolitan Borough Council hereby **REFUSE** approval for the development proposed in the above-mentioned application for the following reason(s)

- 1 The proposal would result in the intensification of the use of site with inadequate off-street parking facilities, which is highly likely to lead to vehicles parking and carrying out manoeuvres on the surrounding highways where on-street parking facilities are at a premium at all times of day, which would have a significant impact on access to and parking facilities for existing commercial businesses/operations located off Albion Street and would therefore be detrimental to the free flow of traffic and road safety.
The proposed development would therefore be contrary with the following Policies of the Bury Unitary Development Plan and the Places for Everyone Joint Development Plan:
Policy H2/2 - The Layout of New Residential Development
Policy EN1/2 - Townscape and Built Design
Policy HT2/4 - Car Parking and New Development
Policy JP-P1 - Sustainable Places
Policy JP-C5 - Streets for All
Policy JP-C6 - Walking and Cycling
- 2 The application and submitted plans contain insufficient information to ensure that adequate off-highway bin storage arrangements can be provided for the number of flats proposed within the curtilage of the site in order to ensure that the adjacent adopted highways are not used for refuse collection purposes or the storage of

communal bins.

The proposed development would therefore be contrary with the following Policies of the Bury Unitary Development Plan and the Places for Everyone Joint Development Plan:

Policy H2/2 - The Layout of New Residential Development

Policy EN1/2 - Townscape and Built Design

Policy JP-P1 - Sustainable Places

Policy JP-C8 - Transport Requirements of New Development.

- 3 The proposed development would introduce a non-conforming use within an Employment Generating Area which would be harmful to the future occupiers of the proposed development by virtue of the noise, activities, traffic and transport and servicing associated with the established EGA. The proposed development would therefore be contrary to the following Policies of the Bury Unitary Development Plan and the Places for Everyone Joint Development Plan:
- EC2/1 - Employment Generating Areas
- Policy H2/2 - The Layout of New Residential Development
- Policy EN1/2 - Townscape and Built Design
- Policy EN7/2 - Noise Pollution
- Policy JP-P1 - Sustainable Places
- 4 The existing use of the site does not wholly fall within one of the uses falling within Class E of Schedule 2 to the Use Classes Order. Therefore, the proposal does not comply with the statutory limitation in paragraph MA.1 (1)(b) of Schedule 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

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:

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|-------|--|
| 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 |
| EN7/2 | EN7/2 - Noise Pollution |
| HT2/4 | HT2/4 - Car Parking and New Development |
| JP-P1 | Sustainable Places |
| JP-C5 | Streets For All |
| JP-C6 | Walking and Cycling |
| H3/1 | H3/1 - Assessing Non-Conforming Uses |

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:

Proposed site plan 503 rev 3

Albion Mill

Level 0 - proposed 003

Level 1 - proposed 003A

Level 2 - proposed 003B

Level 3 - proposed 03C

Proposed elevations - front and left - 005A

Proposed elevations - rear and right - 005B

Albion Mill - rear

Level 0 and level 1 - proposed - 003A

Proposed elevations 003B

Albion House

Level 0 - proposed 003B

Level 1 and level 2 - proposed 003C

Proposed elevations - 003D

Preliminary Risk assessment

Transport Statement

Noise Assessment

NOTES TO APPLICANT

Not Applicable

Signed:



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On behalf of the Council

Date of Decision: 07/03/2025