

NOTICE OF REFUSAL OF PLANNING PERMISSION

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

To:

Mr Joseph Chelms
JC Design
Suite 2
Park Gates
Salford
M25 0JW

On Behalf Of:

Manchester Mesivta High School
Charlton Avenue
Prestwich
Manchester
M25 0PH

PART 1 - Particulars of Application

Application Number: 69559

Date of Registration: 07/06/2023

Proposal:

Erection of two single-storey classrooms and associated recreational facilities (a Multi-Use Games Area)

Location:

Land to the rear of Manchester Mesivta High School on Thorndyke Walk, between 3 Thorndyke Walk and the rear boundary of Park View Primary School, Prestwich, Manchester

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 By virtue of the position of the close proximity of adjoining residential properties, the proposed development would have a detrimental impact on the amenity of adjoining residential occupiers by way of the activities associated with the development including noise nuisance, disturbance, and light pollution. The proposal is therefore contrary to Policies EN7 (Pollution Control), EN7/2 (Noise Pollution) and EN1/2 (Townscape and Built Design) of the adopted Bury Unitary Development Plan and the principles of the National Planning Policy Framework.
- 2 The proposal would result in the intensification of use of sub-standard pedestrian access arrangements to the site from the adjacent adopted highways, which would be detrimental to highway safety and the amenity of local residents, contrary to Policies EN1/2 (Townscape and Built Design) and HT6/2 (Pedestrian/ Vehicular Conflict) of the adopted Bury Unitary Development Plan and the principles of the National Planning Policy Framework.
- 3 The proposed development would lead to an adverse impact on the Public Right of Way 6PRE and its users. The occupation of the site by school children and staff

would lead to a significant increase in the number of daily vehicle movements and with insufficient passing bays/spaces available on the Public Right of Way, would cause inconvenience to users, be less enjoyable and result in a safety concern for users, and as such, the proposal is considered contrary to the aims paragraph 100 of the National Planning Policy Framework.

- 4 The proposed parking and servicing facilities are sub-standard and are likely to lead to vehicles parking and carrying out manoeuvres on the adjacent adopted highways, to the detriment of the free flow of traffic and road safety, contrary to Policies EN1/2 (Townscape and Built Design) and HT6/2 (Pedestrian/ Vehicular Conflict) of the adopted Bury Unitary Development Plan and the principles of the National Planning Policy Framework.
- 5 No information has been submitted with the application in order to assess adequately the impact of the proposed development on nature conservation/ biodiversity interests. In particular, adequate survey(s) of the site for the existence of bats and other biodiversity were not submitted. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with the requirements of the National Planning Policy Framework requiring any harm to biodiversity to be mitigated and net-gains to biodiversity to be achieved. The proposal is therefore contrary to paragraphs 174 and 180 of the National Planning Policy Framework.
- 6 The proposed development is likely to have a significant impact on the protected trees both within and adjacent to the site. However, insufficient information has been submitted to properly assess the impact of the proposal on the trees in terms of the groundworks and drainage required to facilitate the proposed development. As submitted the proposal appears to show significant harm to trees protected by Tree Preservation Order and therefore the submission does not show that it can comply with Policy EN8 (Woodland and Trees), EN8/1 (Tree Preservation Orders) of the adopted Bury Unitary Development Plan, Policy JP- G7 (Woodland and Trees) of the emerging Greater Manchester Places for Everyone Plan which seeks to retain and prevent a significant impact on trees.

The following policies of the Bury Unitary Development Plan, National and Regional Government were considered relevant:

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

1. Where appropriate the council will seek to engage with applicants to resolve concerns over development proposals either before the application is submitted as promoted by paragraph 39, or during the consideration of the application as promoted by paragraph 38 of the NPPF. However, in some circumstances it will not be possible to resolve these concerns and so a refusal of the application is necessary

due to the environmental / social / economic harm that will be caused by the development as identified in the reasons for refusal. In these circumstances an application is refused to enable the overall speed and quality of the council's decisions to be maintained.

Signed:

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

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On behalf of the Council

Date of Decision: 16/08/2023