

NOTICE OF REFUSAL OF PLANNING PERMISSION

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

To:

Mr Ian Sherwood
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Suite E
Kings Court
Railway Street
Altrincham
WA14 2RD

On Behalf Of:

Mr Kennedy
Opulwood Developments Ltd
Wallbury House
14 Dalton Court
Commercial Road
Darwen, Lancashire
BB3 0DG

PART 1 - Particulars of Application

Application Number: 69326

Date of Registration: 06/02/2023

Proposal:

Erection of single building containing 16 no. dwellings and associated car parking;
Creation of an upgraded vehicular access off Kay Street

Location:

Site of former Waterside, Kay Street,
Summerseat, Bury, BL9 5PE

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 development has failed to meet the recreational needs of the prospective residents and would conflict with Policy RT2/2 - Recreation Provision in New Housing Development of the Bury Unitary Development Plan and SPD 1 - Open Space, Sport and Recreation Provision in New Housing Development.
- 2 The development has failed to provide 2 affordable units and would conflict with Policy H4/1 - Affordable Housing of the Bury Unitary Development Plan and Paragraph 64 in Section 5 of the National Planning Policy Framework.

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:

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
EN1/1	EN1/1 - Visual Amenity
EN1/2	EN1/2 - Townscape and Built Design
EN1/3	EN1/3 - Landscaping Provision
EN1/4	EN1/4 - Street Furniture
EN2	EN2 - Conservation and Listed Buildings
EN2/1	EN2/1 - Character of Conservation Areas
EN2/2	EN2/2 - Conservation Area Control
EN2/3	EN2/3 - Listed Buildings
EN5/1	EN5/1 - New Development and Flood Risk
EN6	EN6 - Conservation of the Natural Environment
EN6/1	EN6/1 - Sites of Nature Conservation Interest (SSSI's, NNR's and Grade A SBI's)
EN7	EN7 - Pollution Control
EN7/1	EN7/1 - Atmospheric Pollution
EN7/2	EN7/2 - Noise Pollution
EN7/5	EN7/5 - Waste Water Management
EN8/2	EN8/2 - Woodland and Tree Planting
EN9/1	EN9/1 - Special Landscape Areas
OL1/2	OL1/2 - New Buildings in the Green Belt
OL1/3	OL1/3 - Infilling in Existing Villages in the Green Belt
OL5/2	OL5/2 - Development in River Valleys
HT2/4	HT2/4 - Car Parking and New Development
HT5/1	HT5/1 - Access For Those with Special Needs
HT6/2	HT6/2 - Pedestrian/Vehicular Conflict
SPD8	Development Control Policy Guidance Note 8 - New Buildings and Associated Development in the Green Belt
SPD11	Development Control Policy Guidance Note 11 - Parking Standards in Bury
SPD6	Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.
SPD1	Supplementary Planning Document 1 - Open Space, Sport and Recreation Provision in New Housing Development
RT2/2	RT2/2 - Recreation Provision in New Housing Development
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:

2492.1.001 Location Plan REV A
2492.2.02 REV B
2492.2.03 REV C
2492.2.04
2492.2.05
2492.2.07 REV A
2492.2.08
2492-2-10 A
2492-2-11 B
2492.2.12 REV C
2492.2.13 REV A
2492-2-14 A

2492.2.20 REV B
2492.2.21
2492.2.22
2492.2.23 REV B
2492.2.24 - proposed site entrance
2492.2.25
2492.2.26
4014/12
ELL-22006-OP-L-120
ELL-22006-OP-L-300
Proposed site set up & traffic management plan

NOTES TO APPLICANT

1. This recommendation relates to the revised plans received by this Section on 22 January 2024.
2. The applicant's attention is drawn to the need to consult the Department for Operations regarding the specification for and implementation of the required highway works. The cost of the works will be the responsibility of the developer.
3. The Council currently operates a curtilage system of refuse collection. The applicant is advised to liaise with Environment & Development Services, Waste Management & Transport - Bradley Fold, on 0161 253 7010/6635, regarding the operation of this system.

Signed:



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On behalf of the Council

Date of Decision: 18/03/2024