

NOTICE OF REFUSAL OF PLANNING PERMISSION

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

To:

Mr Steven Hartley
HP & DA Ltd
Swallow Barn
Lower Chapel Hill
Hurst Lane
Rawtenstall
BB4 8TB

On Behalf Of:

Mr A Khan
c/o agent

PART 1 - Particulars of Application

Application Number: 70710

Date of Registration: 02/05/2024

Proposal:

Change of use of part car showroom (Sui Generis) to retail (Class E(a)) and office (Class E(g)(i)) single storey extension and external alterations

Location:

Performance House, Heywood Street, Bury, BL9 7DZ

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 servicing and car parking arrangements/provision is inadequate and is likely to lead to vehicles parking and carrying out manoeuvres on the highway on the surrounding streets and in close proximity to the Heywood Street/Mason Street junction, to the detriment of the free flow of traffic and road safety, contrary to Bury Unitary Development Plan Policies EN1/2, HT2/4, HT6/1 and HT6/2 and Supplementary Planning Document 11 and Places for Everyone Joint Development Plan Document policies JP-C6 and JP-P1.
- 2 The remote location of the proposed car parking is sub-standard in terms of accessibility for the pedestrians/customers likely to be generated by the proposed development, especially those with mobility impairments and in view of the need to load goods from the retail use to a parked car or access the office, which is likely to lead to vehicles parking and carrying out manoeuvres on the highway on the surrounding streets and in close proximity to the Heywood Street/Mason Street junction, to the detriment of the free flow of traffic and pedestrian and road safety, contrary to Bury Unitary Development Plan Policies EN1/2, HT2/4, HT6/1 and HT6/2 and Supplementary Planning Document 11 and Places for Everyone Joint Development Plan Document policies JP-C6 and JP-P1.

- 3 The application and submitted plans contain insufficient information to enable the proposed refuse collection arrangements within the curtilage of the site to be properly assessed in relation to Waste Management's 'Guide to Refuse Collection Requirements & Storage Methods for New Developments', as required by Policy EN1/2 of the Bury Unitary Development Plan and Policy JP-C6 of the Places for Everyone Joint Development Plan Document.

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:

EC4/1	EC4/1 - Small Businesses
EC5/1	EC5/1 - Office Development in Bury Town Centre
EC6/1	EC6/1 - New Business, Industrial and Commercial Development
EN1/2	EN1/2 - Townscape and Built Design
EN7/2	EN7/2 - Noise Pollution
HT2/4	HT2/4 - Car Parking and New Development
HT6/1	HT6/1 - Pedestrian and Cyclist Movement
HT6/2	HT6/2 - Pedestrian/Vehicular Conflict
S2/6	S2/6 - Food and Drink
TC2/2	TC2/2 - Mixed Use Development
TC3	TC3 - Bury Town Centre
Area	Area BY10 - Rochdale Road/Lord Street/York Street
BY10	
JP-S2	Carbon and Energy
JP-S5	Clean Air
JP-C2	Digital Connectivity
JP-C6	Walking and Cycling
JP-P1	Sustainable Places
SPD11	Development Control Policy Guidance Note 11 - Parking Standards in Bury
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:

NOTES TO APPLICANT

Not Applicable

Signed:

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

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On behalf of the Council

Date of Decision: 19/06/2024