

NOTICE OF REFUSAL OF PLANNING PERMISSION

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

To:

Paul Sedgwick
Sedgwick Associates
Po Box 237
Bolton
BL1 9WY

On Behalf Of:

Rachel Hankinson
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Tottington
Bury
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PART 1 - Particulars of Application

Application Number: 72313

Date of Registration: 22/09/2025

Proposal:

Erection of 1 no. dwelling

Location:

Land at rear of 354 Manchester Road, Bury,
BL9 9NR

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 development for 1no dwelling on the site of circa 0.12 hectares would not make optimal use of the potential of the site. Therefore, the proposed development would not make efficient use of land conflicting with Policy JP-H4 - Density of New Housing of the Places for Everyone Joint Development Plan.
- 2 The proposed development, by virtue of the position of the dwellings to the rear of no. 354 Manchester Road with no street frontage and accessed by a shared drive routed between neighbouring linear related dwellings, would constitute an incongruous and inharmonious form and layout of development that would be unsympathetic to the established arrangement of streets, buildings and spaces. The proposed development therefore conflicts with policies JP-P1- Sustainable Places, EN1/2 - Townscape and Built Design, H2/1 -The Form of New Residential Development, H2/2 - The Layout of New Residential Development and H2/6 - Garden and Backland Development of the Development Plan and Section 12 of the National Planning Policy Framework.
- 3 The proposed development would result in unacceptable overlooking of land outside of the applicant's ownership and an unacceptable reduction in the level of privacy currently enjoyed by the occupiers of no. 354a Manchester Road by reason of the sub-standard distances between the proposed balcony accessed from Bed 2, the directly facing boundaries and the habitable room window of the adjacent residential property. The proposed development therefore conflicts with Development Plan Policy H1/2 - Further Housing Development and Supplementary Planning

Document 6: Alterations and Extensions to Residential Properties.

- 4 The proposed development would result in an intensification of the use of the existing site access, which is inadequate in terms of width and lack of facilities that would enable vehicles to pass each other. The proposed development therefore conflicts with the following policies of the Development Plan: EN1/2 - Townscape and Built Design, H2/2 - The Layout of New Development, JP-C5 - Streets for All, JP-C6 - Walking and Cycling, JP-C8 - Transport Requirements of New Development and JP-P1 - Sustainable Places.
- 5 The proposal does not provide suitable accommodation for vehicles to enter and leave the site in a forward gear, and therefore is detrimental to road safety and maintaining the free flow of traffic on the shared site access and adjacent Class 1 road (A56 Manchester Road). The proposed development therefore conflicts with the following policies of the Development Plan: EN1/2 - Townscape and Built Design, H2/2 - The Layout of New Development, JP-C5 - Streets for All, JP-C6 - Walking and Cycling, JP-C8 - Transport Requirements of New Development and JP-P1 - Sustainable Places.
- 6 The application and submitted plans contain insufficient information to confirm what works are proposed for the resurfacing of the existing shared site access required in view of the proposed use as a primary pedestrian and vehicular access to the new dwelling and bin storage and access arrangements suitable for use by the Council's Waste Management Section. The proposed development therefore conflicts with the following policies of the Development Plan: EN1/2 - Townscape and Built Design, H2/2 - The Layout of New Development, JP-C5 - Streets for All, JP-C6 - Walking and Cycling, JP-C8 - Transport Requirements of New Development and JP-P1 - Sustainable Places.
- 7 The submitted Ecological Survey and Assessment (ERAP, 2025) confirms that T10 has PRF-M bat roosting potential. The submitted Arboriculture Report confirms that works are proposed to this tree to facilitate development. Further surveys of T10 are therefore required to determine the tree's suitability for use by roosting bats which have not been undertaken or submitted with the application. The applicant has therefore failed to demonstrate the proposal would not have a detrimental impact on a protected species contrary to Policies JP-G8: A Net Enhancement of Biodiversity and Geodiversity and EN6/3 - Features of Ecological Value of the Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 8 The applicant has failed to demonstrate that tree T10, that is protected by means of a Tree Preservation Order number 274, would be adequately protected throughout the construction period due to plans that contain insufficient information to confirm what works are proposed for the resurfacing and widening of the existing shared site access required in view of the proposed use as a primary pedestrian and vehicular access. The proposed development would therefore be contrary to Development Plan Policies EN8/1 - Tree Preservation Orders, EN8/2 - Woodland and Tree Planting and JP-G7 Trees and Woodland.
- 9 The applicant has failed to demonstrate that the proposed air source heat pump would not be seriously detrimental to the residential amenities of nearby occupiers, by reason of noise and disturbance. The proposed development therefore conflicts with Policy EN7/2 - Noise Pollution.

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:

EN1/2	EN1/2 - Townscape and Built Design
EN6/3	EN6/3 - Features of Ecological Value
EN7/2	EN7/2 - Noise Pollution
EN7/5	EN7/5 - Waste Water Management
EN8/1	EN8/1 - Tree Preservation Orders
EN8/2	EN8/2 - Woodland and Tree Planting
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
H2/6	H2/6 - Garden and Backland Development
HT2/4	HT2/4 - Car Parking and New Development
JP-H1	Scale of New Housing Development
JP-H3	Type, Size and Design of New Housing
JP-H4	Density of New Housing
JP-G7	Trees and Woodland
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
JP-P1	Sustainable Places
JP-C2	Digital Connectivity
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-S2	Carbon and Energy
JP-S4	Flood Risk and the Water Environment
JP-S1	Sustainable Development
JP-S5	Clean Air
SPD6	Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.
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:

Location Plan, Proposed F.F Plan, Proposed G.F Plan, Proposed Site Plan based on a topographical, View from 356A, Proposed Site Section, Proposed street scene as viewed from 354A,
2024/06 Proposed Street Scene from 354A & Proposed Street Scene from Site Entrance,
2024/01 Rev A, TRI-4426-01 received 8th September 2025.

2024/06 - Existing Street Scene from 354A & Existing Street Scene from Site Entrance,

2024/08, Proposed Site Plan (Partial) 1:100, Proposed Site Plan 1:200 received 23rd September 2025.

NOTES TO APPLICANT

Not Applicable

Signed:

A handwritten signature in black ink, appearing to read 'Paul Harte', written over a dotted line.

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On behalf of the Council

Date of Decision: 13/11/2025