

NOTICE OF REFUSAL OF PLANNING PERMISSION

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

To:

Mr Jonathan Wadcock
Urban Agile Limited
Low Cowrigg
Raughton Head
Carlisle
CA5 7DU

On Behalf Of:

Kingscrown Land & Commercial Ltd
Suites 11-14 Prudential Buildings
61 St Petersgate
Stockport
Cheshire
SK1 1DH

PART 1 - Particulars of Application

Application Number: 73240

Date of Registration: 02/06/2026

Proposal:

Demolition of existing car showroom/workshop and redevelopment to provide 2no. units (1no. retail unit, 1no. food and drink unit with drive thru facility) together with car parking, amended vehicle access points, landscaping and associated works.

Location:

Parkhills Garage, Manchester Road, Bury, BL9 9AZ

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 submitted Transport Statement fails to provide a robust assessment of the likely highway impacts of the development. The assumptions relating to diverted and linked trips have not been adequately justified and no revised trip generation assessment, junction impact assessment or Road Safety Audit has been submitted. In the absence of this information, the Local Planning Authority cannot be satisfied that the development would not have an unacceptable impact on highway safety or on the safe and efficient operation of the surrounding highway network, including the Manchester Road/Parkhills Road corridor. The proposal has therefore failed to demonstrate that safe and suitable access can be achieved for all users or that the residual cumulative impacts on the highway network would not be severe. The proposal is therefore contrary to Policy HT2: Highway Network of the Bury Unitary Development Plan, Policies JP-Strat14: A Sustainable and Integrated Transport Network, JP-S1: Sustainable Development, JP-C5: Streets for All, JP-C6: Walking and Cycling and JP-C8: Transport Requirements of New Development of the Places for Everyone Joint Development Plan, and the National Planning Policy Framework.

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- 2 The proposed redevelopment, by virtue of the nature and intensity of the proposed

retail and drive-through uses, would generate a significant increase in vehicular movements to and from the site. The proposed access from Richmond Street and egress onto Walker Street would introduce additional turning movements and vehicle conflict points in close proximity to the junctions of Manchester Road/Richmond Street and Parkhills Road/Walker Street. The Local Planning Authority is not satisfied that the proposed access arrangements would operate safely or without causing unacceptable impacts on the safe and efficient operation of the surrounding highway network. The development would therefore be likely to prejudice highway safety and the free flow of traffic, contrary to Policy HT2: Highway Network and HT4: New Development of the Bury Unitary Development Plan, Policies JP-Strat14: A Sustainable and Integrated Transport Network, JP-S1: Sustainable Development, JP-C5: Streets for All, JP-C6: Walking and Cycling and JP-C8: Transport Requirements of New Development of the Places for Everyone Joint Development Plan, and the National Planning Policy Framework.

- 3 The proposed layout of car parking, together with the interaction between customer vehicles, drive-through traffic, servicing vehicles and pedestrians within the site, has not been demonstrated to provide a safe and efficient environment for all users. The Local Planning Authority considers that the development would be likely to result in vehicle conflict, unsafe manoeuvring and given the nature of the proposed uses and their nature, overspill parking occurring on surrounding streets, to the detriment of highway and pedestrian safety and the safe operation of the local highway network. The proposal therefore fails to provide well-designed development. The proposal is therefore contrary to Policy EN1/2 Townscape and Built Design of the Bury Unitary Development Plan and Policies JP-S1: Sustainable Development, JP-C5: Streets for All and JP-C8: Transport Requirements of New Development of the Places for Everyone Joint Development Plan and the National Planning Policy Framework.
- 4 In the absence of supporting analytical evidence the proposed access and egress arrangements would be likely to prejudice the operation and objectives of Phase 2 of the Fishpool and Pimhole Bee Active Travel Scheme, particularly in the vicinity of the Manchester Road/Parkhills Road junction, a scheme being installed to improve connectivity to Bury town centre and local facilities to make walking, wheeling and cycling and more attractive for local journeys. The development would undermine measures intended to improve conditions for walking, wheeling and cycling and would therefore be contrary to Policies JP-Strat12: Main Town Centres, JP-C5: Streets for All and JP-C6: Walking and Cycling of the Places of the Places for Everyone Joint Development Plan.
- 5 The proposed layout of car parking, together with the interaction between customer vehicles, drive-through traffic, servicing vehicles and pedestrians within the site, has not been demonstrated to provide a safe and efficient environment for all users. The Local Planning Authority considers that the development would be likely to result in vehicle conflict, unsafe manoeuvring and given the nature of the proposed uses and their nature, overspill parking occurring on surrounding streets, to the detriment of highway and pedestrian safety and the safe operation of the local highway network. The proposal is therefore contrary to Policies JP-S1: Sustainable Development, JP-C5: Streets for All and JP-C8: Transport Requirements of New Development of the Places for Everyone Joint Development Plan, and the National Planning Policy Framework.

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- 6 The application has failed to provide sufficient information to demonstrate that the

design vehicle used to assess the proposed servicing arrangements can be secured and controlled through delivery management arrangements for the occupiers of the site, or that servicing of the proposed development can be undertaken in a safe manner, contrary to Policy JP-C8: Transport Requirements of New Development of the Places for Everyone Joint Development Plan.

- 7 The application has failed to provide sufficient information to enable the Local Planning Authority to properly assess the physical impact of the proposed development on the adopted highways around the perimeter of the site including the extent of the resultant footway and carriageway remedial works required. In the absence of such information, the Local Planning Authority cannot be satisfied that the development would provide safe and suitable access for all users or that the highway works required to serve the development could be delivered without harm to highway or pedestrian safety. The proposal is therefore contrary to Policies JP-S1: Sustainable Development, JP-C5: Streets for All and JP-C8: Transport Requirements of New Development of the Places for Everyone Joint Development Plan.
- 8 The proposed retail store and drive-thru coffee shop, by virtue of the intensified commercial use of the site and the extended pattern of customer visits and vehicular activity associated with a drive-thru operation, would give rise to excessive noise, disturbance, vehicle idling and general activity. Due to the proximity of surrounding residential properties, these impacts would materially harm the amenities enjoyed by neighbouring occupiers. The proposal is therefore contrary to Policy H3/1: Assessing Non-Conforming Uses and EN1/2: Noise Pollution of the Bury Unitary Development Plan, Policy JP-P1: Sustainable Places and the National Planning Policy Framework, which require development to safeguard the amenity of existing residents.
- 9 The application site is located within Bury's borough-wide Air Quality Management Area (AQMA). The submitted Transport Statement identifies a net increase in vehicular movements arising from the proposed development which has the potential to exceed the screening thresholds contained within Environmental Protection UK (EPUK) guidance. In these circumstances, an Air Quality Assessment is required. No Air Quality Assessment has been submitted and consequently the Local Planning Authority is unable to adequately assess the impact of the development on air quality and human health within the AQMA. The proposal therefore fails to demonstrate compliance with Policy JP-S5 (Clean Air) of the Places for Everyone Joint Development Plan and the National Planning Policy Framework.
- 10 The proposed development has failed to demonstrate that crime prevention and community safety considerations have been adequately addressed. Greater Manchester Police Crime Prevention Design Advisor has advised that the submitted Crime Impact Statement does not include crime and disorder data for the site and surrounding area and therefore does not provide sufficient evidence to assess whether the proposed security measures are appropriate or adequate to mitigate potential crime and anti-social behaviour impacts arising from the development. Furthermore, a number of crime prevention measures and recommendations identified within the Crime Impact Statement have not been incorporated within, or are not clearly reflected on, the submitted plans. In the absence of sufficient information and a comprehensive scheme of crime prevention measures, the proposal fails to demonstrate that it would create a safe and secure environment for future occupiers and users or nearby neighbouring dwellings contrary to Policy EN1/5 of the Bury Unitary Development Plan and the National Planning Policy Framework, in particular Section 8 (Promoting Healthy and Safe Communities), and the principles of Secured by Design.
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- 11 The application site lies within a High Risk Coal Mining Area (Development High Risk Area), where there is potential for risks arising from past coal mining activities. In the absence of a Coal Mining Risk Assessment, the Local Planning Authority cannot be satisfied that the site is safe and stable for the proposed development, or that any risks to the development, its future occupiers, and the surrounding area can be appropriately identified and mitigated. The proposal is therefore contrary to the National Planning Policy Framework, which requires planning decisions to ensure a site is suitable for its proposed use, taking account of ground conditions and potential risks arising from land instability, contrary to the requirements of the National Planning Policy Framework.
- 12 The proposed development fails to demonstrate compliance with the requirements of SPD11 in respect of electric vehicle charging infrastructure. The application does not identify the location of the required active and passive electric vehicle charging provision, nor does it provide sufficient information to demonstrate that the requisite infrastructure can be safely accommodated within the site. As such, it has not been demonstrated that the development can provide active charging provision for at least 10% of parking spaces and passive charging provision for a further 10% of spaces in accordance with the requirements of SPD11 and would fail to support the transition to low-emission transport and sustainable development objectives. The proposal is therefore contrary to the requirements of SPD11: Parking Standard in Bury and Policies JP-S1: Sustainable Development and JP-S2: Carbon and Energy of the Places for Everyone Joint Development Plan and 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:

S1/4	S1/4 - Local Shopping Centres
EN1/2	EN1/2 - Townscape and Built Design
EN1/7	EN1/7 - Throughroutes and Gateways
EN7/2	EN7/2 - Noise Pollution
H3	H3 - Incompatible Uses in Residential Areas
H3/1	H3/1 - Assessing Non-Conforming Uses
HT2/4	HT2/4 - Car Parking and New Development
JP-J1	Supporting Long-Term Economic Growth
JP-C1	Our Integrated Network
JP-C2	Digital Connectivity
JP-C3	Our Public Transport
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-C8	Transport Requirements of New Development
JP-S2	Carbon and Energy
JP-S4	Flood Risk and the Water Environment
JP-S5	Clean Air
SPD11	Development Control Policy Guidance Note 11 - Parking Standards in Bury

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:

Drawing no. 0592(P)102: Site Location Plan
Drawing no. 0592(P) 103: Proposed Site Plan;
Drawing no. 0592(P)114. Rev: A: Proposed Ground Floor and Roof Plan
Drawing no. 0592(P)104: Proposed Site Strategy Plan
Drawing no. 0592 (P) 123 Rev: A: Proposed Elevations and Building Section
Drawing no. 0592 (P) 113 Rev: A: Drive Thru - Proposed Roof and Ground Floor Plan
Drawing ref. Drive Thru - Proposed West Elevation to Carpark & Building Materials
Drawing no. 0592 (P) 123 Rev: A: Drive Thru - Proposed Elevations and Building Section
Drawing no. 0592 (P) 113. Rev: A: Drive Thru - Proposed Roof and Ground Floor Plan
Drawing no. 0592(P)124. Rev: A: Retail building - Proposed Elevations and Building Section
Drawing no. 0592(P)102. Rev: A: Existing Site Plan

NOTES TO APPLICANT

Not Applicable

Signed:

A handwritten signature in black ink, appearing to read 'J. H. H.', is written over a dotted line.

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On behalf of the Council

Date of Decision: 28/07/2026