

15 January 2024

Delivered by email

Bury Planning
Bury Council
Town Hall
Knowsley Street
Bury
BL9 0SW

Ref: CUBM3000

Dear Sir / Madam

PROPOSAL FOR THE REBUILD OF A MID-TERRACE DWELLING AT 5 EAST VIEW, BURY, BL9 5PG

This letter has been prepared by Turley in support of a full planning application for the like-for-like rebuild of a mid-terrace dwelling (5 East View, Summerseat, Bury, BL9 5PG) that has been demolished due to damage from an explosion. The proposal also includes making good any damage to the external fabric of the adjacent property, 4 East View.

The full planning application has been submitted to Bury Council under the Town and Country Planning Act 1990 (TCPA 1990) and is supported by the following documents:

- Planning Application Form
- This covering letter
- Site Location Plan (ref. 2207-DTA-XX-GF-DR-A_0001)
- Existing Site Plan (ref. 2207-DTA-XX-GF-DR-A_0002)
- Proposed Site Plan (ref. 2207-DTA-XX-GF-DR-A_0003)
- Existing Elevations (ref. 2207-DTA-XX-ZZ-DR-A_0250)
- Proposed Elevations (ref. 2207-DTA-XX-ZZ-DR-A_0275)
- Existing Sections (ref. 2207-DTA-XX-ZZ-DR-A_0200)
- Proposed Section (ref. 2207-DTA-XX-ZZ-DR-A_0225)
- Existing Floor Plan (ref. 2207-DTA-XX-ZZ-DR-A_0105)
- Proposed Floor Plan (ref. 2207-DTA-XX-ZZ-DR-A_0130)
- Existing Boundary Elevations (ref. 2207-DTA-XX-ZZ-DR-A_0251)
- Proposed Boundary Elevations (ref. 2207-DTA-XX-ZZ-DR-A_0276)
- Heritage Statement
- Flood Risk Assessment
- Phase 1 Desk Study

This letter has been prepared to support the application of the proposed development. It describes the site and location of the proposal, background of the proposed development, the details of the proposed

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development, and tests the proposed development against the statutory development plan and other material considerations, including national policy.

EXISTING SITE AND CONTEXT

The Site

The site comprises a former mid-terrace property which has been demolished due to damage by an explosion. It is located within Summerseat approximately 4km north-west of Bury town centre and is bound by the existing terrace properties to the north and south. The site's eastern boundary is defined by the viaducts of the railway line and the site's western boundary is defined by an access road, East View.

The River Irwell is approximately 30 metres south of the site, a woodland belt is approximately 9 metres north of the site, Brooksbottom Mill (a Grade II Listed Building) is approximately 95 metres east of the site, and further terrace properties are approximately 20 metres west of the site. The location of the site is shown at **Figure 1**.

Figure 1: Site Location



The site is located within the Green Belt and within Brooksbottom / Rowlands Conservation Area. It is also located within an area identified locally for wildlife links and corridors, and a Special Landscape Area. A Site of Biological Interest (SBI) associated to the valley of the River Irwell is located approximately 20 metres east of the site.

According to the Environment Agency's Flood Risk Maps, the majority of the site is located in Flood Zone 1 (lowest risk of flooding), with the south-eastern extent of the site being located with Flood Zone 2 and partially within Flood Zone 3 (high probability of flooding from rivers and the sea).

Planning History and Background

The site formally comprised a three-bedroom mid-terrace residential property. An image of the previous property is provided at **Figure 2**.

Figure 2: Front elevation 5 East View prior to explosion (2019)



There is no planning history associated with the site. The site has been cleared and boarded-off for safety reasons as shown at **Figure 3**.

Figure 3: View of cleared and boarded site



PROPOSED DEVELOPMENT

The proposed development reinstates the original dwelling on the site. It comprises the construction of a new three-bedroom mid-terrace house within the footprint of the original house. It also includes restoring the external fabric of the adjacent property, 4 East View (shown at **Figure 4**).

Figure 4: View of 4 East View damage to external façade



The proposed development consists of a two-storey mid terrace dwelling with attic room and basement to reinstate the original building. The ground floor will comprise the lounge, kitchen and a new lean-to in the rear yard to replace the destroyed external boiler room. The first floor will comprise two bedrooms and a bathroom. The second floor will comprise the third bedroom. The layout replicates the original dwelling.

Externally, the elevations of the proposed new building will replicate the appearance of the original dwelling and sympathetically restore the former row of terraces. Where possible, original materials will be salvaged and reused. The materials will match the original dwelling and will comprise Ashlar Stone Masonry, stone lintel and sill, slate roof tiles, and uPVC windows.

Access to the property will remain as existing via East View which is accessed via Ruby Street and Waterside Road. No parking is provided at the property. Space for four “wheelie” refuse bins is provided at the property.

POLICY CONTEXT

In accordance with the provision of Section 38(6) of the Planning and Compulsory Purchase Act 2004, this application is to be determined against of the adopted Development Plan, unless material considerations indicate otherwise.

In this case the adopted Development Plan comprises the saved policies of the Bury Unitary Development Plan (UDP) which was adopted in 1997. This plan is now dated, and Bury Council is preparing a new Local Plan to guide future development in the borough.

Material considerations include the National Planning Policy Framework (NPPF) (December 2023) and the emerging spatial development plan for the majority of Greater Manchester (including Bury) “Places for Everyone (Pfe)” (which is anticipated to be adopted in early 2024).

The NPPF states that policies within it are material considerations and that due weight should be given to relevant policies in existing development plans according to their degree of consistency with the NPPF.

Relevant Policies

- **Green Belt** - Policy OL1 (Green Belt) of the UDP states that the Council will maintain the Green Belt. This policy is inconsistent with the NPPF. The NPPF states the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence (para 142). Some development is inappropriate in the Green Belt, however NPPF para 154(d) and (e) confirms the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces, and limited infilling in villages are not inappropriate. The emerging PfE does not remove the site from the Green Belt (Policy JP-G10).
- **Built heritage** - Policy EN2 (conservation areas) states that the Council will seek to preserve the Borough's built heritage through the control of development, especially those affecting Conservation Areas, Listed Buildings and areas of local historical importance. The NPPF seeks to sustain and enhance heritage assets (para 203), as does emerging PfE Policy JP-P2.
- **Flood risk** - Policy EN5 (flood risk) of the UDP states that Council will not permit new development, including the raising of land and the intensification of development, where such development would be at risk from flooding, would be likely to increase the risk of flooding elsewhere, or would adversely affect river flood defences. The NPPF also seeks to direct development away from areas at highest risk of flooding (para 173). Emerging PfE Policy JP-S5 also seeks to locate development to minimise the impacts of current and future flood risk.
- **Biodiversity** - Policy EN6 (Wildlife Links and Corridors) of the UDP states that the Council will retain, protect and enhance the natural environment of the Borough, particularly in relation to areas of ecological, wildlife and geological importance. The policy states that the Council will seek to consolidate and, where appropriate, strengthen wildlife links and corridors, and will not permit development which would adversely affect identified areas. The NPPF seeks to protect and enhance biodiversity (para 186). PfE Policy JP-G9 seeks to achieve a net enhancement of biodiversity resources.
- **Pollution Control** – Policy EN7 (Pollution Control) of the UDP states the Council will seek to control environmental nuisance and minimise pollution levels associated with development. Additionally, the NPPF requires that a development site suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination para 189).
- **Other:**
 - **Policy OL5 (River Valleys)** of the UDP states that the Council will maintain and preserve the open character of the Borough's river valleys.
 - **Policy EN9 (Special Landscape Areas)** of the UDP states any development which is permitted will be strictly controlled and required to be sympathetic to its surroundings in terms of its visual impact. High standards of design, siting and landscaping will be expected.

DECISION MAKING

Paragraph 38 of the NPPF advises that local planning authorities should approach decision making in a positive and creative way to secure developments that will improve the economic, social and environmental conditions of the area, and should seek to approve applications for sustainable development where possible.

Green Belt

In accordance with the NPPF inappropriate development is, by definition, harmful to the **Green Belt** and should not be approved except in very special circumstances (para 152). A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt (para 154), however sets out that exceptions to this are: the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces (para 154(d)); and limited infilling in villages (para 154(e)). The proposed development comprises the like-for-like replacement of an existing dwelling which has been destroyed in an explosion. The dwelling will be of the same use, scale, and appearance. The proposed development is therefore not inappropriate within the Green Belt and complies with the relevant paragraphs of the NPPF.

Built Heritage

The proposed development is set within the Brooksbottom / Rowlands Conservation Area and is adjacent to a Grade II listed building. The proposed development comprises the like-for-like replacement of an existing dwelling and has been sympathetically redesigned to replicate the original dwelling including, where possible, reusing the original materials which will be salvaged. The materials will match the original dwelling and will comprise Ashlar Stone Masonry, stone lintel and sill, slate roof tiles, and uPVC windows. The proposal will therefore sustain and enhance the conservation area and nearby listed building in accordance with UDP Policy EN2, the NPPF (para 203) and emerging PfE Policy JP-P2. Further detail is provided in the supporting Heritage Statement.

Flood Risk

The proposed development is partially located within areas at risk of flooding (Flood Zone 2 & 3), comprising the garden fronting East View. No part of the built dwelling is within an area at risk of flooding. Notwithstanding this, the proposed development comprises the like-for-like replacement of the original dwelling, and as shown in the supporting Flood Risk Assessment will not increase the risk of the flooding in the locale, or to the property itself. The proposal is therefore consistent with UDP Policy EN5, the NPPF (para 173) and emerging PfE Policy JP-S5.

Pollution Control

The proposed development site is at risk of contamination associated with the explosion at the site, and the previous uses surrounding the site associated with the adjacent steam railway, a former cotton mill and a gas works. The site also lies within an area which may be affected by coal workings. The supporting Phase 1 Report recommends further investigation pursuant to a ground investigation study and coal mining report to identify any mitigation measures that may be required. Further investigations and the implementation of mitigation measures (if required) can be completed pursuant to planning conditions in order for the proposal to be compliant with UCP Policy EN7 and the NPPF (para 189).

Other

As the proposed development comprises the like-for-like replacement of the original dwelling it has been designed to be sympathetically to its surroundings and there will be no adverse effects on other considerations for the application including, biodiversity (UDP policy EN6, NPPF para 186, and emerging PfE Policy JP-G9), or the character of the surrounding landscape (UDP policies OL5 and EN9)

SUMMARY

This application seeks full planning permission for the like-for-like rebuild of an existing dwelling which was demolished due to damage caused by an explosion. The proposal has been sympathetically and carefully designed to recreate the original dwelling, including its use, layout, scale, appearance, and materials.

The proposed development accords with the relevant policies of the adopted development plan (where the policies remain up to date with the Framework), and with the policies of the Framework and the emerging spatial strategy (PfE).

Overall, the proposed development represents sustainable development and the presumption in favour of granting planning permission applies and planning permission should, therefore, be granted without delay.

Yours sincerely



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