

DELEGATED REPORT

Report by Helen Pressley	Date of report: 01/04/2025	Ref: 71606/PIP
Registration: 27/02/2025	LDfC: 27/03/2025	Expiry Date: 03/04/2025
Site Visit: 06/03/2025	Site Notice: 06/03/2025	Press Date: N/A
Objections: 3	Con Area:	Adv Type: PI
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: MIDW

Proposal: Application for permission in principle for erection of building containing 4 no. apartments, including car parking and associated works.

Location: Land adjacent to 133 Walmersley Road, Bury, BL9 5AY

Description

The application relates to an area of land located to the side of 133 Walmersley Road, and accessed from Eldon Street. 133 Walmersley Road is a detached property that comprises of 2no. commercial units at ground floor, and residential units at first floor. To the south of the site there is a pair of semi detached dwellings and to the rear there is a single storey motor garage.

The site is located within a Neighbourhood Centre as allocated under UDP Policy S1/5.

The application seeks a Permission in Principle (PiP) for the redevelopment of the site for up to 4no. dwellings. The submission of a valid application for permission in principle requires a completed application form, plan which identifies the land to which the application relates and the correct fee. There are no other details or reports required in the submission.

A decision must be made in accordance with relevant policies in the development plan unless there are material considerations in the NPPF to consider.

To assess PiP applications a LPA consideration is limited to location, land use and amount of development, with other matters considered at technical details stage.

Local Planning Authorities must consult any body they would be required to consult in relation to an application for planning permission.

Conditions cannot be attached to a PiP.

Relevant Planning History

133 Walmersley Road

37564 - First floor refurbishment to create 2 additional flats - Approve with Conditions 16/05/2001

Mayfield garage Ltd, Eldon Street

70894 - Reinstatement of vehicular access to front elevation with roller shutter door - Approve with Conditions 09/08/2024

Publicity

Neighbour letters sent to 23 neighbour properties on the 27/02/2025
Site Notice posted 06/03/2025

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1 comment received in relation to:

- Request the council condition the use of Swift Bricks in this development in line with last year's Swift Brick motion. The integrated swift brick, BS 42021 is a universal brick providing nesting opportunities for several red listed small bird species including House Sparrows Starlings and Swifts.

3 objections received in relation to:

- Lack of parking.
- Increased traffic.
- Speed bumps required.
- Area saturated with apartments with no infrastructure to support.
- Not enough refuse collectors to meet current needs.
- Land should be used as a car park to serve the shops.

Statutory/Non-Statutory Consultations

Environmental Health - Contaminated Land - Comments raised regarding the information required for the submission at Technical Details Consent Stage.

Traffic Section - Recommendation for refusal due to loss of access, parking and servicing facilities, pedestrian and vehicular conflicts, lack of parking provision and lack of information in relation to refuse storage.

Borough Engineer - Drainage Section - No response

United Utilities (Water and waste) - No response

Planning Policy Manager - No response

Greater Manchester Ecology Unit - No response

Waste Management - No response

Pre-start Conditions - Not relevant

Development Plan and Policies

EN1/2	Townscape and Built Design
EN6/3	Features of Ecological Value
EN7/2	Noise Pollution
EN7/5	Waste Water Management
EN8/2	Woodland and Tree Planting
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H2/3	Extensions and Alterations
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-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-C8	Transport Requirements of New Development
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 & Extensions
SPD11	Parking Standards in Bury
NPPF	National Planning Policy Framework

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within the adopted Bury Unitary Development Plan (UDP), together with other relevant material planning considerations.

The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP and PfE Policies will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Principle

The Permission in Principle (PiP) application seeks to establish whether in principle, the site is suitable for a residential development for 4no. properties. Consideration of PiP applications are limited to location, land use and amount of development. Other matters are considered at technical details stage.

Consultations of the planning application can be carried out but conditions cannot be attached to a PiP approval.

The issues to establish acceptance of the proposed PiP development are analysed below.

Land Use and Location

The National Planning Policy Framework (NPPF) is a material planning consideration in planning decisions, and emphasises the Government's objective of significantly boosting the supply of homes. The Framework states that local planning authorities should identify and update annually a supply of specific deliverable sites to provide a minimum of five years' worth of housing, with either a 5% buffer to ensure choice and competition in the market for land, or a 20% buffer where there has been significant underdelivery of housing over the previous three years. As set out in NPPF paragraph 78, the supply of housing must be assessed against the housing requirement set out in adopted strategic policies where these are less than five years old.

The joint Places for Everyone Plan was adopted with effect from 21 March 2024 and sets the up-to-date housing requirement for Bury against which the deliverable supply of housing land must be assessed. PfE Policy JP-H1 sets the following stepped targets for Bury:

- 246 homes per year from 2022-2025;
- 452 homes per year from 2025-2030; then
- 520 homes per year from 2030-2039.

Bury's Strategic Housing Land Availability Assessment sets out the latest housing supply position, which is made up of sites that have an extant planning permission and sites that have potential to obtain planning permission in the future. This shows that there are a number of sites within the Borough with the potential to deliver a significant amount of housing. However, not all of these sites will contribute to the deliverable land supply calculations as many sites will take longer than five years to come forward and be fully developed. The joint Places for Everyone Plan allocates significant strategic sites for housing within Bury and will accelerate housing delivery within the Borough to meet housing needs.

Following the adoption of Places for Everyone, the Council is able to demonstrate a deliverable 5 year supply of housing land with a 20% buffer (as currently required in Bury due to past under delivery) when assessed against the adopted PfE housing requirement.

The National Planning Policy Framework also sets out the Housing Delivery Test (HDT), which is an assessment of net additional dwellings provided over the previous three years against the homes required. Where the test indicates that the delivery of housing was substantially below (less than 75%) the housing requirement over the previous years, this needs to be taken into account in the decision-taking process. The latest results published by the Government (the 2023 measurement published on 12 December 2024) show that Bury has a HDT result of less than 75%, and therefore, this needs to be treated as a material factor when determining applications for residential development.

Therefore, paragraph 11(d) of the National Planning Policy Framework states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless:

- i. The application of policies in the Framework that protect areas, or assets of particular importance, provide a strong reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the

benefits, when assessed against the policies in the Framework, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

As a result of the latest published HDT result the 'tilted balance' applies and planning permission should be granted unless the above points Para 11(d) i or ii apply.

NPPF paragraph 80 requires the latest published HDT results to be used. However, the Government is currently operating to a delayed publication timetable for the HDT, and although the latest published results for 2023 are below 75%, based on the current HDT rulebook Bury's result for 2024 will be above 75% and the tilted balance will no longer be triggered by the housing delivery test result.

There are other residential uses within the vicinity of the site including flats at first floor within No. 133. As such it is considered that the proposed development would not conflict with the surrounding land uses and would be located in a sustainable location with regard to public transport and services. Policy S1/5 states that the Council will seek to retain retailing as the predominant use in small neighbourhood centres, to cater primarily for the day to day needs of residents and businesses.

The NPPF also states that decisions should support the role that town centres play by taking a positive approach to their growth, management and adaptation by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries and allows a suitable mix of uses (including housing) to reflect their distinctive characters. The site would not lead to the loss of any retail units and relates to an undeveloped area of land to the side and rear of existing commercial units that front Walmersley Road.

Given the above, the principle of the use of the site for residential development would be acceptable. Therefore, the proposed development would be acceptable in principle in terms of land use and location and would be in accordance with Policy H1/2 of the Bury Unitary Development Plan.

Amount of development

Density

PfE Policy JP-H4 requires new housing development to be delivered at a density appropriate to the location, reflecting the relative accessibility of the site by walking, cycling and public transport and the need to achieve efficient use of land and high quality design. Policy JP-H4 sets out minimum densities that should be considered.

The minimum density for the site as set by Policy JP-H4 would be 50 dwellings per hectare. The application form confirms that the site is 0.0315 hectares. The proposal for up to 4no. dwellings would therefore lead to a density of 126 dwellings per hectare. It is acknowledged that the densities set out within PfE are minimums however the proposal would lead to a density that is significantly higher than the minimum and as such would appear to lead to overdevelopment of the site.

Scale

UDP Policies H2/1 and H2/2 provide the assessment criteria for detailed matters relating to height, appearance, density and character, aspects and finishing materials for new residential developments. Policy EN1/2 seeks to ensure that development proposals would not have a detrimental effect on the visual amenity and character of a particular area. PfE Policy JP-P1 seeks to create a city region that consists of a series of beautiful, healthy and varied places. High quality design is fundamental to achieving this. PfE Policy JP-H3 seeks to provide an appropriate mix of dwelling types and sizes reflecting local plan policies and having regard to relevant local evidence. Development across the plan area should seek to incorporate a range of dwelling types and sizes, including for self-build.

An indicative layout suggests that a 1no. 2 person flat could be accommodated at ground floor whilst complying with NDSS, although no in built storage is indicated the layout is only indicative and this could be accommodated within the proposed floor plan. Parking, bin storage and an area of amenity space is also indicated.

In order to accommodate 4no. apartments on this site, in accordance with the indicative plan and whilst meeting NDSS it would appear that a 4 storey apartment block would be required. This would not be in keeping with the existing scale of development adjacent to the site which are two storey in height. The area of the site where the proposed apartments is shown to be accommodated is approximately 6.5metres in width and therefore very constrained.

The private amenity space for 4no. units would appear to be provided to the rear of the flats, adjacent to the parking area and ground floor bedroom window of the apartment. An area of garden is also proposed to the front adjacent to the indicative front ground floor living room window. Whilst acknowledged that the layout is indicative the constrained nature of the site leaves little space for this amenity or garden space to be accommodated elsewhere within the proposed red edge. The amount of development proposed would therefore result in the unsatisfactory amenity arrangements, and would therefore result in conflict with the Development Plan design and amenity policies and as such can not be supported.

4no. parking spaces are proposed. SPD 11 requires 1 bed dwellings to have 1 space per unit. The proposal would therefore comply with this aspect. The safety and ability to access these spaces would be assessed at Technical Details Stage.

Whilst the final design and layout of the proposal would be dealt with at technical details stage it is considered that the indicative layouts submitted have failed to adequately show that up to 4no. dwellings/apartments can be accommodated on the site. It is considered that the proposed development for up to 4no. dwellings on a 0.0315ha site would lead to over intensification of the site that would lead to unsatisfactory design, layout and amenity arrangements. The application form states that the net number of dwellings would be a minimum and maximum of 4 and as such it would appear that the applicant would not seek to reduce the amount of dwellings proposed at Technical Details stage. The amount of development proposed would therefore be contrary to the development plan policies set out above.

Amenity

UDP Policy H1/2 states that the council will have regard to various factors when assessing a proposal for residential development, including whether the proposal is within the urban area, the availability of infrastructure and the suitability of the site, with regard to amenity, the nature of the local environment and the surrounding land uses. There are no adopted aspect standards for new build residential properties however, Supplementary Planning Document 6 provides guidance on aspect standards between residential properties and as such, would be a reasonable guide in this case.

For clarity the following aspect standards would be applicable:

- 20 metres between directly facing habitable room windows;
- 13 metres between an existing habitable room window and a proposed two storey blank wall
- 6.5 metres between an existing habitable room window and a proposed single storey blank wall
- 7 metres between a proposed first floor habitable room window and a directly facing boundary with a neighbouring property.

From the indicative layout submitted it appears that appropriate distances could be provided between the ground floor rear windows and the rear of the 1.5 storey garage

building to the rear of the site.

Policy JP-P1 further reinforces this by stating that developments should offer comfortable and inviting indoor and outdoor environments. UDP Policy EN7/2 - Noise Pollution does not permit development which would lead to an unacceptable noise and environmental nuisance to nearby occupiers and/or amenity users.

Given the adjacent commercial uses a noise assessment would be required at technical detail stage to ensure.

Access and Servicing

In addition to the above UDP Policy EN1/2 requires the consideration of the design and appearance of access, parking and service provision. PfE Policies JP-C5 and JP-C6 require streets to be well designed and managed to make a significant positive contribution to the quality of place and support high levels of walking, cycling and public transport. PfE Policy JP-C5 states that proposals should provide appropriate places and routes for servicing, deliveries and "drop-off". PfE policy JP-C6 includes the provision to create, where needed, dedicated separate space for people walking and cycling. In addition when considering layouts PfE Policy JP-P1 states that all development should be functional and convenient, enabling people and uses to act efficiently with minimal effort, and responding to needs relating to servicing, recycling facilities, refuse collection and storage.

This is further supported by PfE Policy JP-C8 that states that the LPA should prioritise convenient and safe access to the site and buildings for all users and ensuring that the layout, design and landscaping of development prioritises the provision of safe, secure and attractive access to local services and facilities for pedestrians, cyclists and people with a disability.

There are 2 existing commercial units at No. 133 that appear to be serviced via the access to the rear of the site. The proposal gives no indication as to how these existing units would be serviced if the adjacent site were to be developed. The proposal would therefore result in the loss of existing established access, parking and servicing facilities for the retained commercial uses at No. 133 Walmersley Road, which is likely to lead to conflicts on the adjacent adopted highways including the A56 Walmersley Road, and would therefore be detrimental to road safety and maintaining the free flow of traffic on the adjacent classified road contrary to the policies set out above. The amount of development proposed would therefore be unacceptable in principle due to the impact on the neighbouring uses.

Consultee Responses:

Highways

Highways have asked for the proposal to be refused for the following reasons:

1.The proposal would result in the loss of existing established access, parking and servicing facilities for the retained garage on Eldon Street and commercial uses at No. 133 Walmersley Road, which is likely to lead to conflicts on the adjacent adopted highways including the A56 Walmersley Road, and would therefore be detrimental to road safety and maintaining the free flow of traffic on the adjacent classified road.

Application 70864 has approved a new access for the garage to the rear of the site directly off Eldon Street. This has now been implemented. The servicing in relation to No. 133 has been addressed above.

2.The proposed gated access, car parking and servicing arrangements for the proposed apartments are sub-standard and likely to lead to conflicts between pedestrians and vehicles both within the site and those entering and leaving the access, with a detrimental impact on pedestrians and traffic on Eldon Street and the A56 Walmersley Road, and would therefore be detrimental to road safety and maintaining the free flow of traffic on the adjacent classified road.

This would be dealt with at Technical Details Stage.

3. The proposed car parking provision for the residential development proposed is inadequate, which is highly likely to lead to vehicles parking and carrying out manoeuvres on the surrounding residential streets where on-street parking facilities are at a premium at all times of day, which would have a significant impact on existing parking facilities for existing residents and be detrimental to the free flow of traffic and road safety in close proximity to the junction with the adjacent classified road.

The amount of parking proposed has been addressed above and would be further dealt with at Technical Details Stage.

4. The application and submitted plans contain insufficient information to ensure that the proposed refuse collection and bin storage arrangements would be adequate for the proposed residential development and retained commercial uses at No. 133 Walmersley Road.

This would be dealt with at Technical Details Stage.

Environment Section

It is noted that this is a Stage 1 Permission in Principle application to establish the principle of development. As such conditions cannot be recommended, but we raise comments below regarding the information required for submission at the subsequent Stage 2, Technical Details Consent stage. The proposal is for the erection of building containing 4 no. apartments, including car parking and associated works.

Contaminated Land

The site is described as vacant. Historical mapping indicates it was previously part of a garden with greenhouses and later a small building was present. Given the site has had previous development there is the potential for contamination to be present, but it is considered to be a low risk. A sensitive end use is proposed with a small area of landscaping at the front. As such, it is unlikely that pre-commencement conditions are warranted and once a detailed submission is made it is likely that we would recommend conditions for a watching brief/unexpected contamination (CL04) and imported soil (CL05).

Information regarding Land Contamination and the planning process can be found on the Planning Portal.

Air Quality

It is noted that parking for 4 cars is envisaged. The site is located within an Air Quality Management Area. Due to the scale of the proposed development, it is considered very unlikely that the proposed development could create an increase of more than 500 AADT (annual average daily traffic). Therefore, in line with the EPUK Guidance, an air quality assessment will not be required.

Bury Council has been identified by DEFRA as an area requiring to significantly improve air quality. To support the principles of the Greater Manchester Clean Air Plan in reducing levels of nitrogen dioxide and in order to manage current and future levels of air pollution Bury Council is encouraging the use of cleaner vehicles. As such and in line the requirements of the Building Regulations (The Building Regulations 2010, Approved Document S, Infrastructure for the charging of electric vehicles), as part of the Stage 2, Technical Details Consent stage, the developer should provide information regarding Electric Vehicle Infrastructure to the following specification:

- 1 no. electric vehicle (EV) charging point (minimum 7kW*) per dwelling/parking space.

*Mode 3, 7kW (32A) single phase, or 22kW (32A) three phase, and for 50kW Mode 4 rapid

charging may be required. British Standard BS EN 61851-1:2019 to be used. Further information regarding minimum standards can be found at <https://www.gov.uk/transport/low-emission-and-electric-vehicles>.

Certification and photographic evidence of the installation of the agreed electric vehicle charge points will be required to be submitted to Local Planning Authority for approval prior to the development being brought into use. The infrastructure shall be maintained and operational in perpetuity.

Response to representations

Details relating to bird boxes would be dealt with at the technical details stage.

LPA consideration is limited to location, land use and amount of development, with other matters considered at technical details stage. The parking provision indicated would meet standards set out within SPD 11 and the Highways Authority have responded, the details of which are addressed above.

The use of the site for residential has also been addressed.

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.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed development for up to 4no. dwellings on a 0.0315ha site would lead to over intensification of the site that would lead to unsatisfactory design, layout and amenity arrangements at Stage 2. The in principle amount of development proposed would therefore be contrary to Development Plan Policies JP-H4 - Density of New Housing, H2/1 - The Form of New Residential Development, H2/2 - The Layout of New Residential Development, JP-P1 - Sustainable Places and EN1/2 - Townscape and Built Design.
- 2 The proposal would result in the loss of existing established access, parking and servicing facilities for the retained commercial uses at No. 133 Walmersley Road, which is likely to lead to conflicts on the adjacent adopted highways including the A56 Walmersley Road, and would therefore be detrimental to road safety and maintaining the free flow of traffic on the adjacent classified road contrary to the policies set out above. The in principle amount of proposed development would therefore conflict with Development Plan Policies EN1/2 - Townscape and Built Design, JP-C5 - Streets for All, JP-C6 - Walking and Cycling, JP-P1 - Sustainable Places and JP-C8 - Transport Requirements of New Development.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP 1/4/25		HL02/04/25	

