

DELEGATED REPORT

Report by Helen Leach	Date of report: 27/06/2023	Ref: 69420/PIP
Registration: 07/03/2023	LDFC: 01/04/2023	Expiry Date: 02/05/2023
Site Visit: 22/03/2023	Site Notice: 17/03/2023	Press Date: N/A
Objections: 14	Con Area: N/A	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIDW

Proposal: Application for permission in principle for up to 9 no. dwellings

Location: Land off Holcombe Grove, Radcliffe, Manchester, M26

Description

The site is a vacant piece of land which is located between Holcombe Grove and Mill town Street. The application site is 0.4 hectares in area and is irregular in shape. It is not located within the Green Belt, but is in the River Valley.

The applicant seeks a Permission in Principle (PiP) for the development of the site for 9 no. dwellings.

A PiP application is an alternative route for applying for planning permission for housing-led development which separately assesses the consideration of principle for proposed development 'Stage 1', from the technical detail of the development 'Stage 2'.

This application relates to the Stage 1 of the process, to establish the principle aspect of the development for residential on this site.

The submission of a valid PiP application 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 which are required for the submission of a PiP. The application does include a Planning Statement.

A decision must be made in accordance with relevant policies in the development plan and material considerations including the National Planning Policy Framework.

To assess PiP applications, an Local Planning Authority's (LPAs) consideration is limited to location, land use and amount of development, with other matters considered at technical details stage.

Local Planning Authorities consult anybody that would be required to be consulted in relation to an application for planning permission but matters relating to ecology, landscaping, contamination, design, transport/highways and heritage are considered in a Stage 2 Technical Details application. Any responses received can be included as informative notes to advise the applicant of the requirements at a technical details stage.

Conditions cannot be attached to a PiP.

Relevant Planning History

68869 - Residential development of up to 9 dwellings (Permission in Principle) at Land off Holcombe Grove, Radcliffe. Withdrawn - 1 March 2023.

Adjacent site

60723 - Demolition of existing buildings and redevelopment including erection of 14 detached dwellings and associated works at land adjacent to 19A New Road, Radcliffe.

Approved with conditions - 11 April 2017.

62693 - Variation of conditions 2 (approved plans) and 18 (access alterations) of approved application 60723 to amend the approved access to reduce the width of part of the access road at land adjacent to 19A New Road, Radcliffe. Approved with conditions - 20 July 2018

63928 - Non-material amendment following grant of planning permission 62693 for variation of conditions 2 (approved plans) and 18 (access alterations) of approved application 60723 to amend the approved access to reduce the width of part of the access road:
Amendments to proposed elevation appearance and materials at land adjacent to 19A New Road, Radcliffe. Approved - 22 March 2019.

63929 - Substitution of housetypes to Plots 1 and 8 of approved application 60723 as amended by 62693 at land adjacent to 19A New Road, Radcliffe. Approved with conditions - 1 May 2019

Publicity

The neighbouring properties were notified by means of a letter on 10 March 2023 and site notices were posted on 17 March 2023.

14 letters have been received, which have raised the following issues:

- Object due to insufficient access - the site has no direct links to Milltown Street or Radcliffe New Road and the only access would be through existing development.
- The use of construction vehicles would cause significant disruption for residents.
- The access is a poorly lit and privately maintained single lane on a blind bend and is the only way in and out of the estate which is shared by pedestrians and vehicles. Further traffic through this access would cause accidents.
- There are local deer, birds, bats, badgers, rabbits, foxes and newts in the surrounding fields. The proposal would affect the delicate ecological balance in the area.
- The application is on Green Belt land and the proposal goes against Policy H1/2.
- The use of Milltown Street would require significant remediation and works to the levels.
- There is a restriction that limits access to agricultural vehicles only and no construction vehicles are allowed to enter the site.
- Prior to the proposed access to the site being "secured", Holcombe Grove suffered from a number of instances of anti-social behaviour including, trespass and criminal damage from youths who had gained access to the site via an access point from Milltown Street. Holcombe Grove is a development of high value, luxury family homes built in close proximity to traditionally low-value, terraced housing in an area that has lacked local authority funding for a number of years. Any proposed development of lower value housing in the area would allow greater access to the development. In short, this causes significant safety risks to the young families on the development.
- Should any Bury/GM Council Official or employee agree to or endorse this planning application, knowing the dangers of increased traffic using the New Rd/Holcombe Rd access to this proposed development, they will be held responsible & liable in perpetuity.
- Planning Practice Guidance provides that Permissions in Principle must be determined in accordance with the development plan unless material considerations indicate otherwise.
- The site is located in the River Valleys under Policy OL5/2 of the Bury Unitary Development Plan. The application is in direct conflict with Policy OL5/2 and so the principle of residential development should not be supported.
- The Places for Everyone joint development plan allocates this area as Green Belt. Therefore the direction of policy is to further bolster protection at this river valley location rather than relax planning controls. The application is therefore in conflict with the emerging plan for the site.

Statutory/Non-Statutory Consultations

Traffic Section - No objections, subject to further information on the proposed access and

access for emergency services.

Drainage Section - No response.

Environmental Health - Contaminated Land - No objections, subject to the inclusion of conditions relating to contaminated land.

Environmental Health - Air quality - No objections, subject to the inclusion of conditions relating to electric vehicle charging points.

Environmental Health - Pollution Control - No response.

Waste Management - No response.

Greater Manchester Ecology Unit - No objections, subject to the submission of a preliminary ecological appraisal and badgers report at technical details stage.

United Utilities - No objections, subject to the inclusion of condition relating to surface water drainage.

Pre-start Conditions - Not relevant.

Unitary Development Plan and Policies

H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN5/1	New Development and Flood Risk
EN6	Conservation of the Natural Environment
EN6/4	Wildlife Links and Corridors
EN7	Pollution Control
EN7/1	Atmospheric Pollution
EN7/2	Noise Pollution
EN7/5	Waste Water Management
OL5/2	Development in River Valleys
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
HT6/2	Pedestrian/Vehicular Conflict
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) and 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 Policy 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 up to 5 dwellings. Consideration of PiP applications are limited to location, land use and amount of development. Other matters are considered at technical details stage.

Consultations on 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 site comprises a field at the end of an established residential development. The site is 10.4 ha in area. In this respect, it is a relatively reasonable size and one which provides wide and unbroken views across the countryside.

The land to the north east of the site is in the Green Belt but the site itself is not subject to these designations. The site is designated as River Valley under UDP Policy OL5/2.

Policy OL5/2 states that within the River Valleys, new buildings or the change of use of existing buildings or the change of use of land will not be permitted. The only exceptions considered acceptable will be those where the development would not lead to the division of the open parts of the valleys into sections and it falls within the terms below:

- a. where the area is designated as Green Belt the established Green Belt policies will apply; or
- b. where the area does not form part of the Green Belt, at least one of the following circumstances is met:
 - that the development represents limited infilling to an established valley settlement or industrial area;
 - that it is an extension to, or renewal of an existing industry, where the economic and employment factors are of overriding importance;
 - that the development is required in association with an outdoor recreation or appropriate tourist facility;

- that the development is limited and will form part of, and be essential to, the maintenance of the provision and improvement of public services and utilities;
- any other development that would be appropriate in the Green Belt.

The proposed development of 9 dwellings would not meet any of the purposes permitted under Policy OL5/2 and would not be an appropriate development within the Green Belt.

Decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration and it requires local authorities to meet housing needs and significantly boost the supply of housing and includes a presumption in favour of sustainable development. The Framework maintains the emphasis on identifying a rolling five year supply of deliverable housing land.

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 five year supply calculations as many sites will take longer than five years to come forward and be fully developed (e.g. some large sites could take up to ten years to be completed). As such, latest monitoring indicates that the Council is unable to demonstrate a five year supply of deliverable housing land and this needs to be treated as a material factor when determining applications for residential developments.

The National Planning Policy Framework also sets out the Housing Delivery Test, 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%) of 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 show that Bury has a housing delivery test result of less than 75%, and therefore, this needs to be treated as a material factor when determining applications for residential development.

Therefore, in relation to the proposed dwelling, paragraph 11d) 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, provides a clear 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, taken as a whole.

In this case the 'titled balance' applies and planning permission should be granted unless the above points Para 11(d) i or ii apply.

The site is considered to be in a sustainable location for housing, being close to the urban area and sitting outside the Green Belt. Similar sites are being released across the country to help meet local housing needs and appeal decisions for similar land designations to River Valley tend to favour their release.

In terms of housing supply, the Borough has a shortfall of housing sites to meet local needs determined through the Government's standard methodology and, as such, additional housing land is needed. River Valley sites can contribute towards meeting local housing needs and help to protect the Green Belt.

On balance, therefore, the principle of residential development on this River Valley site is considered to be acceptable given its sustainable location and the contribution that it would

have to meeting local housing needs. The national requirement to significantly boost the supply of housing under the NPPF is a material consideration that would favour the release of this site in principle, subject to detail.

Efficient use of land - The NPPF supports the efficient use of land, and in areas such as Bury where there is a shortage of land for meeting identified housing needs there is a clear need to make best use of the available sites to avoid the need to release additional Green Belt land.

In these circumstances, paragraph 125 of the NPPF states that, Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies or decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site. In these circumstances Local Planning Authorities should refuse applications, which they consider fail to make efficient use of land, taking into account the policies in this Framework.

The application proposes a development for 9 houses on this 0.4 hectare site, which amounts to a density of 22.5 dwellings per hectare, which is significantly higher than the density on the previous application, which was 9 dwellings per hectare. As such, it is considered that the proposed development would make optimal use of the river valley site and would be in accordance with paragraph 125 of the NPPF.

Conclusion

In summary, given the significant shortfall for new housing provision in the Borough, the sustainable location of the site and the desire to protect Green Belt land, the release of the River Valley land for a residential development is accepted in principle.

However, whilst the presumption in favour of sustainable development is engaged, in this context 9 dwellings on a site area of 0.4 hectares would represent an efficient use of land in accordance with paragraph 125 of the NPPF.

Therefore, the proposed development would be in accordance with Policies OL5/2 of the Bury Unitary Development Plan and the NPPF.

Highways - The Traffic Section have confirmed that the following aspects should be considered and full details submitted:

- Improvements to the unadopted site access (Holcombe Grove) from New Road to address the restricted arrangements at the bend adjacent to No.'s 21/23 New Road;
- A scheme of mitigation measures required by Greater Manchester Fire and Rescue Service (GMFRS) to overcome the site's emergency access deficiencies. The details/measures should incorporate the installation of a residential sprinkler/misting system at each dwelling meeting the requirements of BS 9251:2014, or other subsequent standard that meets the requirements of GMFRS, and thereafter maintained at all times.
- Measures to ensure that the requirements of Approved Document B for Fire Service access/fire safety under the Building Regulations 2010 will be met, including, but not limited to, the following:
 - Vehicular access for a fire appliance to within 45m of all points within the dwellings;
 - The access road should be a minimum width of 4.5m and capable of carrying 12.5 tonnes;
 - As the access road is more than 20m long, a turning circle, hammerhead, or other turning point for fire appliances will be required;
 - There should be a suitable fire hydrant within 165m of any dwelling.

The details/measures subsequently agreed should be implemented to the satisfaction of GMFRS before the dwellings are first occupied and thereafter maintained at all times.

The Council currently operates a curtilage system of refuse collection. The applicant is

advised to liaise with Waste Management, Bradley Fold Depot on 0161 253 6621/7010, regarding the operation of this system

Drainage - This response offers guidance to the applicant when considering any future application for Technical Detail Consent.

United Utilities wishes to draw attention to the following as a means to facilitate sustainable development within the region.

We strongly recommend that the applicant or any subsequent developer contacts United Utilities, using our pre-development enquiry service to discuss their proposals directly with our Developer Services team. They can find further advice, along with a pre-development enquiry form, on our website: <https://www.unitedutilities.com/builders-developers/>

DRAINAGE - National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) advise that surface water from new developments should be investigated and delivered in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

Should the applicant receive Planning in Principle permission for this proposal, United Utilities will review the drainage element of any application for Technical Detail Consent in line with the surface water hierarchy. United Utilities will request evidence that the drainage hierarchy has been fully investigated and why more sustainable options are not achievable before a surface water connection to the public sewer is acceptable.

Please note, United Utilities is not responsible for advising on rates of discharge to the local watercourse system. This is a matter for discussion with the Lead Local Flood Authority and / or the Environment Agency (if the watercourse is classified as main river).

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, their proposed detailed design will be subject to a technical appraisal by our Developer Services team and must meet the requirements outlined in 'Sewerage Sector Guidance Appendix C – Design and Construction Guidance v2-2' dated 29 June 2022 or any subsequent iteration. This is important as drainage design can be a key determining factor of site levels and layout.

The applicant should not presume that the principles outlined within a drainage strategy will meet the detailed requirements for a successful adoption application. We strongly recommend that no construction commences until the detailed drainage design, has been assessed and accepted in writing by United Utilities. Any works carried out prior to the technical assessment being approved is done entirely at the developers own risk and could be subject to change.

UNITED UTILITIES PROPERTY, ASSETS AND INFRASTRUCTURE - Where United Utilities' assets cross the proposed red line boundary, developers must contact our Developer Services team prior to commencing any works on site, including trial holes, groundworks or demolition. Please see 'Contacts' section below.

Water pipelines - United Utilities will not allow building over or in close proximity to a water main.

Wastewater pipelines - United Utilities will not allow a new building to be erected over or in close proximity to a public sewer or any other wastewater pipeline. This will only be reviewed in exceptional circumstances.

Nb. Proposals to extend domestic properties either above, or in close proximity to a public sewer will be reviewed on a case by case basis by either by a building control professional or following a direct application to United Utilities (see our website for further details). Important information regarding water and wastewater pipelines and apparatus.

Environmental Health Contaminated Land - The site is currently occupied by rough vegetation. Current uses in the surrounding area commercial/industrial premises, residential, open land, a park and a Metrolink line. Previous uses at the site have included open land and possible small holdings/agricultural land associated with Top 'o th' Bank house/farm. Previous uses in the surrounding area have included sand pits, reservoirs, railway land, cotton mills, bleach and dye works, engineering works, and areas of landfilling and waste disposal. The site is within 250m of three registered landfill sites, two of which are situated on the opposite side of the River Irwell. The River Irwell is situated 120m to the east. The site is situated on the Nob End Rock and Lower Coal Measures Formation Secondary Aquifers, which is overlain by glacial sands and gravel deposits.

Based on the environmental setting and the proposed development, it is recommended that a desk study/preliminary risk assessment is carried out as a minimum at application stage. It is also considered likely that an intrusive investigation would be required, however, this can be submitted after a decision has been made on any application for residential development. Contaminated Land conditions would be recommended.

Air quality - The site is not located within an Air Quality Management Area. Due to the scale of the development it is considered unlikely that the development would 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.

However, Bury Council has been identified by DEFRA as an area requiring to significantly improve air quality. The Government report, 'UK Plan for Tackling Roadside NO2', published in July 2017, identified Bury Council as an area having one or more roads with concentrations of NO2 above statutory limits, according to more recent modelling results. Bury is therefore required to address these exceedances and we are currently engaging with Government on our proposed plans to reduce NO2 concentrations across the borough.

Due to this requirement and in line with the principles of Good Practice set out in the EPUK Guidance, this Section will recommend that a condition be attached to any permission that requires the installation of EV charging points for each residential unit.

Ecology - GM Ecology Unit have confirmed they are not aware of any ecological reasons why this application could not proceed to technical details. The ponds nearby have been surveyed on a number of occasions in the past and no great crested newts found and even if present, would not prevent the development. There are no trees or structures that could provided roosting habitat for bats.

As part of any technical details application, a preliminary ecological appraisal and a badgers survey report would be required. A biodiversity net gain assessment would be required as it is likely that 10% net gain would be mandatory by the time any application for technical details came forward.

Recommendation: Approve with Conditions

Conditions and Reasons:

The Principle of Permission hereby granted is for a period of 3 years from the date of this decision. This is the prescribed period as set out in the Town & Country

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Planning Act 199, Town and Country Planning (Permission in Principle) Order 2017 as amended. The "Notes to Applicant" below provides guidance on what the detailed proposals should include at the Technical Details Stage.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HL -	27/06/2023	DM	27/06/23