

Planning Policy Comments

Application No: 02917/E

Location: Pyramid Park, Market Street, Bury

Proposal: Infrastructure Works to facilitate future residential development of the site

UDP - Employment

The application site is designated as an opportunity site under Policy EC1/2 - Townside Fields and identified as being suitable for business (B1), office and/or education use in Bury's Unitary Development Plan (UDP).

Since the UDP was adopted in 1997, the site has not been developed for any of the uses specified.

NPPF

Paragraph 126 of the National Planning Policy Framework (NPPF) states that "planning policies and decisions need to reflect changes in the demand for land. Where it is considered that there is no reasonable prospect of an application coming forward for the use allocated in a plan:

- (a) It should, as part of plan updates reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and
- (b) In the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area".

Places for Everyone

The Places for Everyone Joint Development Plan Document (PfE) is a joint plan covering nine of the ten Greater Manchester districts, including Bury, and is intended to provide the overarching framework to strategically manage growth across the boroughs.

PfE was published in August 2021 and subsequently submitted to the Secretary of State in February 2022. Inspectors have been appointed to carry out an independent examination of the Plan with the hearing sessions commencing in November 2022 and were concluding in July 2023. The examination of the plan is on-going.

Given the advanced stage in the preparation of PfE, it is already considered reasonable that the Plan (as proposed to be modified) should be given weight in the decision-making process in line with paragraph 48 of the National Planning Policy Framework.

Consequently, the principle of this application has been considered against PfE (as proposed to be modified).

Policy JP-Strat12: Main Town Centres states that opportunities to significantly increase the resident population of main town centres by providing a mix of type and size of dwellings supported by the necessary infrastructure and amenities will be taken.

Bury Town Centre Masterplan

The Bury Town Centre Masterplan (2022) includes the application site within Character Zone H – Southern Gateway, noting that this zone would accommodate high quality residential development including family housing, apartments, housing for older people and affordable housing. The adopted Masterplan is a material consideration.

On balance, given that the UDP allocation has not come forward for its intended use, the requirements in the NPPF to support applications for alternative uses where there is no reasonable prospect of an application coming forward for the use allocated in plan, the identification of the site for residential use in the Bury Town Centre Masterplan and the PfE focus on expanding the resident population of main town centres, the principle of residential development is accepted on the site and there would not be a requirement to provide evidence of 12 months marketing.

Biodiversity

From a BNG perspective, the suite of ecology information and BNG notes are useful. The site is part of the Townside SBI so this presents a significant challenge.

Baseline surveys should be undertaken to record the pre-development biodiversity value to enable the appropriate mitigation and net gains to be delivered.

Clearly phasing, mitigation and management of ecological assets will be key at outline and reserved matters. At outline stage, to be confident that the general biodiversity condition is capable of being discharged, the more information provided the better. For example, it would be helpful to know:

- The balance expected between onsite habitat retention, on-site gains and off-site gains, taking account of the biodiversity hierarchy and how this has been factored into design
- The type and location of significant onsite habitat enhancements proposed for onsite gains
- Have sight of draft management plans, or information regarding potential off-site gains

It is likely that the local validation list will reflect this over the coming months too as BNG becomes a statutory obligation.

Recreation

Saved UDP Policy RT2/2 requires all proposals for new housing consisting of 10 units or more to make provision for the recreational needs of the prospective residents.

Please see SPD1 and the online [calculator](#) which will provide an estimate of expected recreation contributions.

Housing Land Supply and Principle of Residential Development

The National Planning Policy Framework (NPPF) should be treated as a material planning consideration and it emphasises the need for local planning authorities to boost the supply of housing to meet local housing targets in both the short and long term. The Framework states that unless they have an adopted plan that is less than five years old that identified a five year supply of specific deliverable sites at the time of conclusion of the examination, then local planning authorities should identify and update annually a supply of specific developable sites to provide either a minimum of five years' worth of housing, or a minimum of four years' worth of housing in certain circumstances set out in NPPF paragraph 226.

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. The latest monitoring indicates that the Council is unable to demonstrate a four or five year supply of deliverable housing land when assessed against the Local Housing Need calculated using the standard method set out in Government guidance. However, the joint Places for Everyone Plan is at a very advanced stage and is considered to have significant weight in decision making. Using the targets and sites in PfE the Council is able to demonstrate a 5 year supply.

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, 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.

The site is considered to be in a sustainable location for housing within the urban area and sitting outside the Green Belt. In terms of housing delivery, the Borough has underdelivered against the local housing need, and as a result the 'tilted balance' applies and planning permission should be granted unless the above points Para 11(d) i or ii apply.

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, and in the outline application for residential development that is expected to follow will be assessed against paragraph 11(d).

Affordable Housing

Whilst not within the scope of this pre-ap, the future residential scheme will be required to provide on site affordable housing in accordance with NPPF and Bury planning policy requirements.

Current requirements are set out in SPG5: Affordable Housing Provision in New Developments. The affordable units will need to represent the full range of house types and be pepper-potted across the site.

In accordance with NPPF para. 66, 10% of the total number of residential units will need to be provided as affordable home ownership. 25% of the total affordable units will need to be provided as First Homes in accordance with the Written Ministerial Statement published on 24 May 2021 and as set out in the Council's First Homes Policy Position Statement.

PfE Requirements

Given the advanced stage in the preparation of PfE, it is already considered reasonable that the Plan (as proposed to be modified) should be given weight in the decision-making process in line with paragraph 48 of the National Planning Policy Framework.

PfE policies will therefore be relevant in the subsequent consideration of any planning application. The weight attached to these policies will be dependent on the stage reached at that time and full weight will be given to the policies once the Plan is adopted.

Officer: FS / SB / PB

Date: 01/02/2024