



Local Planning Authority

Bury Council

Town Hall

Knowsley Street

Bury

BL9 0SW

30 May 2024

Dear Sir or Madam,

RE: Adoption of Places for Everyone Joint Development Plan

I write on behalf of the Local Planning Authority to advise the Planning Inspectorate that since the application was decided by the Council, on the 03 November 2023, the Greater Manchester Places for Everyone Joint Development Plan (PfE Plan) was formally adopted by the Greater Manchester Council's on the 28 March 2024.

The majority of policies within the Unitary Development Plan (UDP) are still in force, however, some policies have been superseded by the adoption of the Places for Everyone Plan. Below is a list of policies within the Bury Unitary Development Plan that were taken into account in the assessment of the application and the Council's decision. Where the Unitary Development Plan policy has been superseded by the adoption of the Greater Manchester Places for Everyone Joint Development Plan, it is noted next to the Policy. In addition, a table showing which policies have been superseded and replaced by the adoption of the PfE Plan, is enclosed with this letter for the Inspectors information:

The policies the LPA's decision was made against were:

UDP Policy H1/2 - Further Housing Development;

UDP Policy H2/1 - The Form of New Residential Development. This Policy is still in force/ NPPF compliant, however, it is now supported by PfE Policy JP-H3: Type, Size and Design of New Housing;

UDP Policy H2/2 - The Layout of New Residential Development;

UDP Policy H2/6 - Garden and Backland Development;

UDP Policy EN1/1 - Visual Amenity, **replaced** by PfE Policy JP-P1: Sustainable Development;

UDP Policy EN1/2 - Townscape and Built Design;

UDP Policy EN1/3 - Landscaping Provision, **replaced** by PfE Policy JP-P1: Sustainable Development;



UDP Policy EN1/4 - Street Furniture;

UDP Policy HT2/4 - Car Parking and New Development;

UDP Policy HT2/6 - Replacement Car Parking, **replaced** by PfE Policy JP-C8: Transport Requirements of New Development;

UDP Policy HT6/1 - Pedestrian and Cyclist Movement – This Policy is still in force/ NPPF compliant, however, PfE Policies JP-C1: An Integrated Network, JPC5: Streets for All, and JP:C6 – Walking and Cycling, now support the Pedestrian and Cyclists policies within the UDP.

UDP Policy EN7 - Pollution Control, replaced by Policy JP-P1: Sustainable Development;

UDP Policy EN7/5 - Waste Water Management;

UDP Policy HT4 - New Development, **replaced** by Policy JP: C8: Transport Requirements of New Development; and,

The National Planning Policy Framework.

Only UDP Policy HT2/4 - Car Parking and New Development was referenced on the Council's Decision Notice within the 3rd and 4th Reasons for Refusal.

For the avoidance of any doubt, the adopted development plan for the Borough of Bury now comprises;

- The Bury Unitary Development Plan and the Bury Unitary Development Plan; and.
- The Greater Manchester Places for Everyone Joint Development Plan.

Therefore, if the LPA were determining the application now, the application would be assessed against policies from both of the above-mentioned plans. The policies of relevance to the assessment of the appeal proposal are therefore as follows:

Unitary Development Plan

Policy H1/2 - Further Housing Development

Policy H2/1 - The Form of New Residential Development

Policy H2/2 - The Layout of New Residential Development

Policy H2/6 - Garden and Backland Development

Policy EN1/2 - Townscape and Built Design

Policy EN1/4 - Street Furniture

Policy HT2/4 - Car Parking and New Development



UPD Policy HT6/1 - Pedestrian and Cyclist Movement

UPD Policy EN7/5 - Waste Water Management

Greater Manchester Places for Everyone Joint Development Plan

Policy JP-S1: Sustainable Development

Policy JP-S2: Carbon and Energy

Policy JP-H3: Type, Size and Design of New Housing

Policy JP-H4: Density of New Housing

Policy JP-G7: Trees and Woodland

Policy JP-G8: A Net Enhancement of Biodiversity and Geodiversity

Policy JP-P1 Sustainable Places

Policy JP-C2: Digital Connectivity

Policy JP-C8: Transport Requirements of New Development

A discussion of each of the above mentioned policies from the Greater Manchester Places for Everyone Joint Development Plan is below:

Policy JP-S1: Sustainable Development

This Policy states; *“development should aim to maximise its economic, social and environmental benefits simultaneously, minimise its adverse impacts, utilise sustainable construction techniques and actively seek opportunities to secure net gains across each of the different objectives”*.

For the reasons stated in the LPAs reasons for refusal, the proposal clearly would not constitute sustainable development.

This Policy also defines that the Greater Manchester Council's aim to be carbon neutral by 2038.

Policy JP-P1 Sustainable Places

This Policy seeks to ensure the Greater Manchester city region is one of the most liveable city regions in the world, consisting of a series of beautiful, healthy and varied places, each having 17 key attributes that all development, wherever appropriate, should be, amongst other things;

1. Distinctive, with a clear identity that:
 1. Conserves and enhances the natural environment, landscape features, historic environment and local history and culture;

2. Enables a clear understanding of how the place has developed; and
 3. Respects and acknowledges the character and identity of the locality in terms of design, siting, size, scale and materials used.; and,
12. Legible, being easy to understand and navigate, with the protection and enhancement of key views and new development well-integrated into the place.

The LPA sets out in its reasons for its refusal on its Decision Notice and within the delegated report underpinning the decision as to why it considers the appeal proposal would be a prominent and intrusive feature in the street scene that would fail to accord with the existing layout, design and the urban grain of residential development in this locality, which was clearly part of the original design of properties along Park Avenue, Bury New Road and Shipperbottom Lane. The LPA therefore considers the proposal would fail to accord with Policy JP-P1, A, as well as the UDP policies referenced on the decision notice, to the detriment of the visual amenity of the street scene and the locality in which the site is located.

Policy JP-S2: Carbon and Energy

This Policy follows on from Policy JP-P1: Sustainable Development, and states that there is “an expectation that new development will, unless it can be demonstrated that it is not practicable or financially viable;

a. Be net zero carbon which applies:

- from adoption– to regulated operational carbon emissions;
- from 2028 - to all emissions ‘in construction’.

It states Development proposals should set out how this has been achieved in an Energy Statement, in accordance with the energy hierarchy...”

Criteria a. of the Policy goes on to state that “as an interim measure, development should be consistent with the 2022 Part L Building Regulations unless superseded by changes to building regulations and/or national or local planning policies”

It states, Residential development, such as this, at this stage, should comply with Part L of the Building Regulations. legislation.

In addition to the above, the Policy lists a number of other requirements. The following are considered applicable in this case and states that Development should:

“b. incorporate adequate electric vehicle charging points;

c. Where practicable, prioritise connection to a renewable energy/heating/cooling network in the first instance or a low carbon energy/heating/cooling network that is adaptable to non-fossil fuels at a later date; - Please note that there are currently no heat and energy networks in the borough, and none are currently planned.

d. In residential developments, achieve energy demand reductions in terms of space heat demand; hot water energy demand and the delivery of on-site renewable energy generation;..”



In light of this Policy, an Energy Statement would have been requested by the LPA at registration stage, or validation stage (if the application was invalid on receipt) to ensure the proposal would accord with PpE Policy JP-S2. Such a Statement obviously did not accompany the planning application, nor this appeal.

Policy JP-H3: Type, Size and Design of New Housing

This Policy requires all new dwellings to:

1. Comply with the nationally prescribed space standards; and
2. Be built to the accessible and adaptable standard in Part M4(2) of the Building Regulations, unless specific site conditions make this impractical.

The LPA is of the view that the proposed dwelling would accord with the nationally prescribed space standards.

In respect of the second requirement of this Policy, a planning condition could be imposed to secure this. Such a condition is shown below:

The dwelling hereby approved shall be designed and built in accordance with the ‘accessible and adaptable’ standard in Part M4(2) (‘Accessible and adaptable dwellings’) of the Building Regulations.

Reason: To ensure the residential dwelling hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with the Greater Manchester Places for Everyone Joint Development Plan Document Policy JP-H3: Type, Size and Design of New Housing and the National Planning Policy Framework, (2023),

Policy JP-H4: Density of New Housing

This Policy seeks to secure new development to be delivered at a density appropriate to the location. The Council’s mapping system indicates this site is approximately 760 metres from the first shops/ cafes on Bridge Street as you enter the centre of Ramsbottom over the Railway Line.

The policy indicates that in locations between 400m and 800m of such centres a minimum of 50 dwellings per hectare should be sought. The onus is on applicants to provide the site area of all application sites and demonstrate how they accord with this Policy.

Policy JP-G7: Trees and Woodland

This Policy seems to significantly increase tree cover over the plan area.

It states that, "Where development would result in the loss of existing trees, requiring replacement on the basis of two new trees for each tree lost, or other measures that would also result in a net enhancement in the character and quality of the treescape and biodiversity value in the local area, with a preference for on-site provision"; and states trees and woodland should be protected during the construction phase of development.

The site is currently devoid of any soft planting, other than the roadside hedge, which remains in situ. However, the Inspector should note that prior to commencement of development the site was cleared. Clearance of the site is discussed in detail below under Policy JP-G8.

Based on the clearance of the site and the mandatory requirement to secure a net-gain to biodiversity, as part of any re-planting of the site, the LPA consider it would have been reasonable to have secured replacement tree planting on a 2-1 basis, in accordance with the requirements of Policy JP-G7: Trees and Woodland.

Policy JP-G8: A Net Enhancement of Biodiversity and Geodiversity

This policy reflects the mandatory requirement to provide a minimum of 10% net-gain to biodiversity.

The Inspector should note that prior to the submission of this, and the previous planning application (refused), the application site was formally the garden area of no. 1 Park Avenue which was planted with trees and shrubs.

The relevant date for the BNG calculation is the date of submission of the planning application and a baseline date of 30 January 2020 has been set, which means that any work carried out after that date that reduces the biodiversity value of the site is to be disregarded. This is a mechanism to ensure that landowners do not artificially lower the biodiversity value of their sites to achieve a notionally higher gain at a later date.

Google Street View images clearly show that in June 2019 and June 2021 the appeal site, the former garden area of no. 1 Park Avenue, was abundant with shrubs and trees:

2019 Street scene image:



2021 Street scene image:



It is clear that the appeal site has been cleared of the majority of its soft landscaping – see photographs taken in May 2023 by the Local Planning Authority during assessment of application no. 63163 below of how the site looked at the time of the applications on this appeal site:

May 2023:



Photo taken from the front garden area of no. 76 Bury New Road, Ramsbottom:



Due to the clearance of the site of all shrubs and trees after the 30 January 2020, it is clear to the LPA that the appeal proposal would clearly fail to provide biodiversity mitigation, never mind the mandatory requirement of providing a 10%, minimum, net-gain to biodiversity over and above the sites biodiversity baseline value. Therefore, were the LPA to determine the application now, it would likely have refused the application on grounds of harming biodiversity, due to both clearing the site of its soft landscaping, and on the basis of not providing satisfactory mitigation, or a 10% net-gain to biodiversity over the baseline value of the site as it stood on the 30 January 2020.

Policy JP-C2: Digital Connectivity

This Policy seeks all new development to have full fibre to premises connections, unless technically infeasible and/or unviable, and to incorporate multiple-ducting compliant with telecoms standards, to facilitate future-proof gigabit-capable network connections.

The onus is on applicants to address the requirements of this policy.

Policy JP-C8: Transport Requirements of New Development

This Policy requires new development to be located in accessible locations and lists a number of requirements. Requirements relevant to the appeal proposal include for developments to make adequate car parking provision and appropriate provision for servicing.



The LPA's 4th reason for refusing the application states that the car parking layout is inadequate with cars having to reverse on to the adopted highway, on the junction of Park Avenue and Bury New Road, identified as an 'abnormal load route' by the Local Highway Authority.

The appeal proposal seeks a 4-bedroom property. It is defined within SPD11: Parking Standards, that three off-road parking spaces should be provided for 4 bedroom dwellings.

It is clear from Drawing no. 003 Rev. A, the Proposed Site Plan, that a wall is shown on the drawing that currently retains the soil on site adjacent to the existing roadside hedge. The proposed manoeuvring space shown on the above-mentioned drawing, would therefore not be achievable, leading the Council to consider that 3 vehicles would not be able to park on the site and enter and leave the site in a forward gear.

As the site is located on the corner of a classified road, this clearly would not be safe and would result in harm to highway safety, with the highway authority stating it would harm road safety and the free flow of traffic along Bury New Road, a key transport route for traffic running through Ramsbottom, from and to the motorway.

We trust all of the above provides the Inspector with an overview of the policies within the Greater Manchester Places for Everyone Joint Development Plan, which, since its adoption forms part of the Council's Development Plan, and respectfully request that the Inspector dismisses this appeal.

Kind Regards,

A handwritten signature in black ink, appearing to read "Claire Booth".

Claire Booth (MRTPI)
Senior Planning Officer
Bury Council

Enc:

- Bury UDP list of policies replaced following adoption of the Greater Manchester Places for Everyone Joint Development; and,
- 69884 LPA Decision Notice