

DELEGATED REPORT

Report by Dean Clapworthy	Date of report: 11/04/2024	Ref: 70114/OUT
Registration: 16/02/2024	LDfC: 08/03/2024	Expiry Date: 12/04/2024
Site Visit: 07/02/2024	Site Notice: 07/02/2024	Press Date: 08/02/2024
Objections: 8	Con Area: N/A	Adv Type: ARW
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIDW

Proposal: Outline application for the erection of 1 no. dwelling (all matters reserved)

Location: Clarkes Hill House, Clarkes Hill, Whitefield, Manchester, M45 7TG

Description

The proposal relates to an area of land to the south-west of a small cluster of dwellings (formerly a single dwelling) identified as Non-Designated Heritage Assets and falling within the Greater Manchester Green Belt. The area of land is associated with the dwelling Clarke's Hill and slopes gently down from north-east to south-west and is partially bounded by trees and hedgerows with small clusters of trees within the site. Public footpath no. 40, Whitefield, which connects Ringley Road to Nuttall Wood, is adjacent to the to the eastern boundary of the site.

The site falls at the south-western periphery of the land and equates to an area of approximately 56m (wide) x 18m deep and contains an area of concrete hardstanding (the size/area is not confirmed). There are no buildings on the site, aside from a small, approximately 1m high concrete block structure. The supporting Planning Statement states that the site was previously used as agricultural land.

To the immediate south-west of the site is a relatively new single storey dwelling (ref. 63117) and a public footpath is routed adjacent to the south-east boundary.

The proposal, which is for outline planning permission with all matters reserved, is for the erection of a single dwelling upon the existing area of concrete hardstanding. The supporting Planning Statement refers to a proposed bungalow and a vehicular access route from Ringley Road, utilising the existing access serving Clarks Hill, is indicated on the submitted plans (noting that all matters are reserved).

The Planning Statement states that the proposal would represent in-fill development between Clarks Hill and the new bungalow to the south-west of the site and is therefore compliant with Green Belt policy as contained in Section 13 of the National Planning Policy Framework.

Relevant Planning History

61923 - Certificate of lawfulness for proposed detached garage and storage building - Refused 09/11/2017

62324 - Proposed detached garage / store. Approve with Conditions 09/02/2018

Publicity

Direct neighbour notification 16/02/2024

Site Notice 07/02/2024

Press Notice 08/02/2024

8 objections have been received that can be summarised as follows:

Principle (Green Belt)

The site falls within Green Belt and is not previously developed. The site was previously occupied by a chicken shed (upon the remaining concrete slab) and no other buildings. No evidence has been presented of the old farm building referred to in the submission. Approval would set a precedent for new build in the Green Belt. All other builds have been on sites containing buildings.

Neighbouring amenity

The proposed dwelling is indicated as being 5m from the dwelling to the south and having 300 sq.m floor space.

Impact of construction activities, which would last for years.

Ecology

Impact on wildlife and the countryside.

The site attracts bees and bats and deer and foxes also frequent the area.

Access and traffic

The lane serving the site is inadequate/narrow, with poor/dangerous visibility with the junction to Ringley Road and construction vehicles would cause damage/deterioration and exacerbate congestion.

Bin lorries (which are of a smaller size) has to reverse back to Ringley Road.

Drainage/flooding

The development would adversely affect drainage and the already waterlogged adjacent public right of way.

The septic tank serving the existing dwellings is at capacity.

No information in relation to drainage supports the application.

The development site is at a higher level and would overwhelm the drainage system serving the dwelling to the south, causing flooding.

Other matters

The bungalow to the south of the site was built on commercial land, not Green Belt as stated in the submission.

The applicant has no vehicular access rights over Copper Lane to the south.

What infrastructure would be in place to accommodate utility requirements?

The commercial buildings referred too are built at the furthest extremity away from the neighbouring properties.

Impact on views.

Impact on utilities.

Statutory/Non-Statutory Consultations

Traffic Section: Objection. The proposals contains insufficient information in order to assess the highway aspects of the proposal.

Borough Engineer - Drainage Section: No comments received.

Conservation Officer: No objection. The impact of the proposed development on the heritage setting and significance of the NDHAs can only be assessed at Reserved Matters stage once all the details of the proposed development are understood.

United Utilities (Water and waste): No objection.

Greater Manchester Ecology Unit: No objection, subject to conditions requiring reasonable avoidance measures, an updated ecological appraisal and invasive plant

species survey, protection of nesting birds and wildlife mitigation and enhancement.

Planning & Building Regs Consultation Fire Protection Dept: No comments received.

Pre-start Conditions - Not relevant

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
JP-P1	Sustainable Places
JP-S4	Flood Risk and the Water Environment
EN6/3	Features of Ecological Value
EN6/4	Wildlife Links and Corridors
EN7/3	Water Pollution
EN7/4	Groundwater Protection
JP-G7	Trees and Woodland
EN8/2	Woodland and Tree Planting
OL1/2	New Buildings in the Green Belt
JP-G2	Green Infrastructure Network
JP-G3	River Valleys and Waterways
HT2/4	Car Parking and New Development
JP-C8	Transport Requirements of New Development
JP-C6	Walking and Cycling
HT6/1	Pedestrian and Cyclist Movement
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
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.

ASSESSMENT

Principle of development

Green Belt

Paragraph 152 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt. Paragraph 153 requires that local planning authorities should ensure that substantial weight is given to any harm in the Green Belt. 'Very special circumstances' (VSC) will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 154 of the NPPF states that the construction of new buildings should be regarded as inappropriate, with the exceptions being:

- (a) buildings for agriculture and forestry;
- (b) provision of appropriate facilities for outdoor sport, recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green belt and do not conflict with the purpose of including land;
- (c) the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building;
- (d) the replacement of a building provided the new building is in the same use and not materially larger than the one it replaces;
- (e) limited infilling in villages;
- (f) limited affordable housing for local community needs; and
- (g) limited infilling or partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: not have a greater impact on the openness of the Green Belt than the existing development: or not cause substantial harm to the openness of the Green Belt, where the development would re--use previously developed land and contribute to meeting identified affordable housing need within the area of the Local Planning Authority.

Policy OL1/2 states that the construction of new buildings in the Green Belt is inappropriate development, unless it is for one or more of the following purposes:

- (a) agriculture and forestry;
- (b) essential facilities for outdoor sport and outdoor recreation, for cemeteries and for other

uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land within it;

(c) limited extension, alteration or replacement of existing dwellings, provided that this would not result in disproportionate additions over and above the size of the original dwelling, or, in the case of replacement dwellings, the new dwelling is not materially larger than the one it replaces;

(d) limited infilling in existing villages as set out under Policy OL1/3.

The submission claims that the proposed development represents both infill development and previously developed land (no 'very special circumstances' have been progressed). No buildings exist upon the site, but there is a concrete slab and small open sided structure (as noted in the description). It is unclear what the slab previously supported. The supporting Planning Statement is silent on this matter and states that the land was previously used for agricultural purposes.

Infill - The site does not relate to an identified village within the Green Belt, as set out in UDP Policy OL1/3. Furthermore, the site falls around 120m south of the cluster of dwellings containing the host dwelling (with no intervening built form). The exception at NPPF para. 154 (e) or UDP policies OL1/2 and OL1/3 would not therefore be applicable.

Previously developed land (PDL)- The NPPF defines previously developed land as land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

Objections refer to the former structure at the site having been a hen house (i.e. an agricultural building) and the supporting Planning Statement refers to the previous use at the site having been in agricultural use. Regardless, even if the concrete slab had supported a building that wasn't for the purposes of agriculture, there is no longer a building at the site and the concrete slab, which is cracked and has vegetation growing within it has blended into the landscape. It is not perceptible from outside the site (e.g. from public footpath no. 40). The existing structure is minor in scale and does not represent a building of appropriate substance.

Given the above circumstances, the site does not constitute PDL and the exception at NPPF para. 154 (g) would not therefore be applicable.

If it was to be accepted that the site did constitute PDL, then the proposed development should not have a greater impact on the openness of the Green Belt than the existing development. The remains of the concrete slab (which has blended into the landscape) represents a below/surface feature. A new building would, regardless of the presence of the dwelling to the south of the site, would have a greater impact on the openness of the of the Green Belt.

Housing land supply

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.

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 (e.g. some large sites could take up to ten years to be completed). In addition to the housing land supply in the SHLAA, the joint Places for Everyone Plan was adopted with effect from 21 March 2024 and allocates significant strategic sites for housing within Bury.

The adopted Places for Everyone (PfE) Plan Joint Development Plan Document Policy JP-H1 sets a requirement for an average of 452 homes per year over the plan period, with stepped targets starting from a minimum housing target of 246 homes per year from 2022-2025 (increasing in future years of the plan). Following the adoption of PfE, the Council is able to demonstrate a 5 year supply with a 20% buffer.

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.

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.

As set out above, the proposal would be contrary to policies, namely those at Section 13, of the Framework that protect areas of particular importance. Therefore, a clear reason for refusing the proposed development pertains.

Access from Ringley Road

Whilst matters of access would be a reserved matter, the site location plan indicates that the intended access point would be from Ringley Road via the existing private single track lane that serves the cluster of dwellings and cattery/kennels. Given the circumstances pertaining to the site, this is likely to be the sole viable access.

The Highway Authority has objected to the proposal on the basis that the submission does not contain sufficient information to enable a proper assessment of the highway impacts of the proposal in relation to the adequacy of the vehicular access to the site, including the need to provide adequate levels of visibility, amongst others (which could be assessed at a subsequent reserved matters stage).

In such circumstances, the proposal has not demonstrated that it would be in compliance with PfE policy JP-C8 and UDP policy H2/2.

Other matters

The application is in outline with all matters reserved. Whilst the application details include

a suggested access route into the site and an indicative position for a dwelling, the objections raised in relation to neighbouring amenity, ecology and trees, traffic and drainage and flooding would be considered subsequently. The same pertains to the consideration of impacts on the historic environment and the technical requirements of PpE policies relating to space standards, energy efficiency and carbon and full fibre connectivity.

CONCLUSION

The Council cannot demonstrate a five-year supply of deliverable housing land and as such, in accordance with Paragraph 11 of the NPPF, there is a presumption in favour of sustainable development unless the adverse impacts of approving the development would be significant and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

Given the housing land position, paragraph 11d) of the National Planning Policy Framework pertains. However, as set out above, the proposal would be contrary to policies, namely those at Section 13 relating to new buildings in the Green Belt, of the Framework that protect areas of particular importance. Therefore, a clear reason for refusing the proposed development prevails.

Given such circumstances and in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and the Framework, planning permission should be refused.

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 is located within the Greater Manchester Green Belt. It would represent inappropriate development in the Green Belt and none of the exceptions set out at paragraph 154 of the National Planning Policy Framework are applicable.
No very special circumstances have been progressed that would outweigh the harm that would be caused to the Green Belt by reason of inappropriateness, and to the character and openness of the Green Belt as a result of the development. As such, the proposal would be contrary to the requirements of Policy OL1/2 of the Bury Unitary Development Plan and the National Planning Policy Framework.
- 2 The application, submitted plans and supporting documents contain insufficient information to enable the local planning authority to assess whether adequate levels of visibility at any junction to be utilised, can be achieved on land within the applicant's control. The proposal therefore fails to demonstrate that the development would not have unacceptable impacts on road safety, as required by Bury Unitary Development Plan Policy H2/2 and Places for Everyone Joint Development Plan Document Policy JP-C8.

DELEGATED REPORT

<u>Case Officer</u> DSC	<u>Date</u> 11/04/2024	<u>Sign off Officer</u> DM 11/04/24	<u>Date</u>
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