

Planning Policy Comments

Application No: 70222

Location: Erection of 57 no. dwellings, the retention of a chimney and the demolition of 3 existing buildings, together with engineering operations to create a development platform, public car park, substation, public open space, landscaping, drainage, the layout of internal estate roads and footways and other associated works.

Proposal: Former Mondri/Holcombe Mill, Bridge Street, Ramsbottom, Bury, BL0 0BS

The proposal is for the development of 57 dwellings, demolition of 3 buildings, retention of chimney and the associated enabling works. The site lies to the south and west of the River Irwell.

The site is partially designated under the following policies:

- Employment Land: Business, General Industry & Warehouse (Trinity Paper Mills, Bridge Street, Ramsbottom) UDP policy EC1/1/1
- Employment Generating Areas UDP policy EC2/1/1
- Ramsbottom Conservation Area UDP policy EN2/2
- Town Centre Policy Areas : Area RM5 Railway Street / Bridge Street / Peel Brow

Employment

Part of the application site is designated as land suitable for Business (B1), General Industrial (B2) and Warehousing uses (B8) under UDP Policy EC1/1 of the adopted Bury Unitary Development Plan (UDP).

The EC1/1 allocation is identified as being most suited to the expansion of Holcombe Mill. The policy states development for other business and industrial uses will only be permitted in exceptional circumstances and in accordance with other policies and proposals of the plan.

The application site is also located within the Ramsbottom Employment Generating Area (EGA) as designated under Policy EC2/1 of the UDP.

UDP Policy EC2/1 states that within the Ramsbottom EGA, the Council will only allow development for B1, B2 and B8 and Leisure and Tourism uses. Other uses will only be permitted where they constitute limited development or do not substantially detract from an area's value as an Employment Generating Area.

In coming to a view on this proposal, it is necessary to consider the change in circumstances in Ramsbottom since the EC1/1 and EGA designations were originally made. In particular, the closure of Holcombe Mill, which was located on the application site, in 2008. Since the closure, the site has remained vacant and has undergone a programme of demolition.

The EC1/1 allocation cannot therefore come forward as intended, given the demolition of Holcombe Mill and the applicant has submitted a report on the Employment Potential and Viability of the application site which identified that the site was unlikely to be reoccupied for employment purposes due to numerous factors including, access for HGVs from the M66, access via residential roads, proximity to the River Irwell and viability issues. The report concluded that the site is now unfit for employment use, except for open storage, developing new employment accommodation in Ramsbottom is not viable and the site should be considered for alternative uses.

The next key consideration is to determine whether the proposal would substantially detract from the area's value as an EGA and, in particular, to consider the relationship of the site with the remaining employment uses within this EGA. In this respect, the site sits on the outer edge of the EGA and the remaining employment uses within the EGA are now separated from the site by Bridge Street.

Paragraph 122 of the NPPF states that planning policies and decisions need to reflect changes in the demand for land. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:

- a) they 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.

On balance, given the closure of Holcombe Mill in 2008, the site constraints which have prevented the site being used for employment use since 2008 and the location of the site on the edge of Ramsbottom EGA, it is considered that EC1/1 allocation will not come forward as intended and the proposal would not substantially detract from the EGA. New employment uses on the site would not be viable due to the site constraints and therefore there are exceptional circumstances for alternative uses to come forward on the site. As such, the proposal is not considered to be in conflict with the NPPF, UDP Policy EC1/1 and Policy EC2/1.

Town Centres

A relatively small part of the application site is located within UDP Area RM5 – Railway Street/Bridge Street/Peel Brow. Policy RM5 states that the Council will consider favourable proposals for leisure and tourism, business, office and industrial and car parking uses. Measures to improve the area's environmental and physical appearance will also be encouraged.

Whilst residential use is not mentioned within the policy, the proposal will regenerate a large vacant site immediately adjoining Ramsbottom Town Centre which will contribute to improving the area's environmental and physical appearance. The proposal includes a new public car park and public open space. On balance, it is considered the proposal is in conformity with UDP Policy Area RM5.

Flood Risk

The application site is a former mill site which has partially been cleared and is largely situated within flood zone 3.

There is historical evidence that the site has flooded, namely in the recent Storm Eva and Storm Ciara flood events experienced in 2015 and 2020.

A previous application (65844) was dismissed at appeal due to insufficient evidence provided to clearly assess the flood risks associated with groundwater, foul drainage, fluvial and surface water sources. It was not possible for the Inspector to be certain that the proposed development would not cause an elevated risk of flooding elsewhere or that the

development could be made safe for the intended 'more vulnerable' occupants of the site over its lifetime.

As part of this application (70222) the Flood Risk Sequential and Exception Test Assessment (August 2020) and the Flood Risk Sequential Assessment Addendum (February 2021) produced in support of 65844 have been resubmitted.

These Assessment's conclude that there are no sequentially preferable sites which could accommodate the application proposals having drawn on evidence from the Council's 2018 Strategic Housing Land Availability Assessment (SHLAA). At the time the applicant was undertaking the Assessment, the 2018 SHLAA was the most up-to-date information available. The 2018 SHLAA identified the site as having 'unconstrained potential' for residential development.

The 2018 SHLAA has since been updated and the most recent 2022 SHLAA categorises the application site as a Category 5 (constrained potential) site to reflect uncertainty over whether the flood risk issues could be overcome.

Nevertheless, the Council does accept the criteria by which the alternative sites have been considered within the Flood Risk Sequential and Exception Test and agrees that there are no sequentially preferable sites that are appropriate or reasonably available within the search area and therefore the Sequential Test has been met.

The NPPF states that if, following the application of the sequential test, it is not possible for the development to be located in zones with a lower probability of flooding, the Exception Test should be applied.

The NPPF provides two criteria which should be met for the Exception Test to be passed. These are:

- the development would provide wider sustainability benefits to the community that outweigh the flood risk; and,
- the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall

The Flood Risk Sequential and Exception Test Assessment and Addendum (2020 & 2021) and the Flood Risk Assessment and Drainage Assessment (October 2023) submitted seek to respond to the requirements of the Exception Test.

The proposal seeks to increase the provision of new housing into the Borough meeting an identified need and seeks to regenerate a derelict brownfield site, both of which contribute to meeting the first criteria of the Exception Test.

In relation to the lifetime safety of the proposed development, the FRA states that the proposed development has been designed to ensure that it will be safe for its lifetime, thus passing the second element of the exception test, noting that the creation of a development platform will ensure that all of the proposed residential units will be raised to a level which effectively places all dwellings within Flood Zone 1.

The Environment Agency and Lead Local Flood Authority will need to provide guidance on this before a decision on whether the second part of the exception test is met.

It is important to note that a Level 2 Strategic Flood Risk Assessment (SFRA) was carried out to support work on the Greater Manchester Spatial Framework. Part of this work considered all sites included in Bury's housing land supply (constrained and unconstrained) and located in Flood Zone 3 to determine whether they could pass the Exception Test. The Former Mondi Paper Mill site was included in the assessment.

Considering flood risk from all sources, the SFRA concluded that it is highly unlikely this site could pass the Exception Test and suggested that expensive design solutions would likely to be required i.e. development on stilts to enable development to be considered and this may not be economically viable.

When undertaking the SFRA assessments there were no specific proposals identified for the application site and therefore the conclusions should be considered as guiding principles for the site.

In summary, it is considered that the sequential test in relation to flood risk has been met. The first criteria of the Exception Test has also been met, however further guidance is required before a recommendation can be made on the second criteria of the Exception Test.

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.

SPD1 Open Space, Sport and Recreation Provision in New Housing states that on-site recreation provision will only be considered in exceptional circumstances, assessing each scheme on a site-by-site basis. In the case of this application, if the flood risk to the site, discussed above, can be mitigated through the creation of on-site recreation provision which fulfils a dual purpose for recreation provision and flood risk mitigation, the Council would be prepared to accept on-site recreation provision in these exceptional circumstances.

Appropriate long-term management of the on-site open space will be required and this should include rectifying damage which has occurred due to flooding.

River Valley & Wildlife Links and Corridors

The site is also partially designated as River Valley under UDP policy OL5/2, and Wildlife Links & Corridors under UDP policy EN6/4.

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. Exceptions to this are whether the development would not lead to the division of open parts of the valleys into sections and it falls into exceptional criteria as follows:

1. where the area is designated as Green Belt the established Green Belt policies will apply; or
2. where the area does not form part of the Green Belt, at least one of the following circumstances is met:

- i. that the development represents limited infilling to an established valley settlement or industrial area;
- ii. that it is an extension to, or renewal of an existing industry, where the economic and employment factors are of overriding importance;
- iii. that the development is required in association with an outdoor recreation or appropriate tourist facility;
- iv. 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;
- v. any other development that would be appropriate in a Green Belt.

The development would not lead to the division of open parts of the valley into sections, and it would meet exception criteria b) v) as it comprises the complete redevelopment of previously developed land, that is redundant. Therefore, the proposal is considered to be in accordance with policy OL5/2.

Within and adjacent to wildlife links and corridors, new development should contribute to their effectiveness through design, landscaping and siting of development proposals. The proposal sites development away from the wildlife corridor, and the submitted Landscape and Ecology Management Plan demonstrates that the area covered by the policy is designed to be public open space, with native tree planting and wildflower seeding. Therefore, the proposal is considered to be in accordance with policy EN6/4.

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). However, the principle of this proposal does not give rise to any conflict with PfE policies.

Officer: SB, FS,
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