

DELEGATED REPORT

Report by Tom Beirne	Date of report: 03/03/2025	Ref: 71444/FUL
Registration: 04/02/2025	LDfC: 28/02/2025	Expiry Date: 01/04/2025
Site Visit: 25/02/2025	Site Notice: N/A	Press Date: N/A
Objections: 19	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIDW

Proposal: Erection of 2 no. dwellings

Location: Land at Harper Fold Road & Canute Street, Radcliffe, M26 3BX

Description

The application relates to an area of grassed land (0.03ha) between Canute Street/Higher Dean Street and Harper Fold Road, on the south side of Bolton Road. The immediate area has a mix of uses with residential terraced housing to the west and north, semi-detached bungalows to the south. Hollybank nursing home is situated to the east and Cams Lane Primary School to the south-east. The grassed area directly to north of the site, contains an underground United Utilities tank, which is controlled by an above ground kiosk.

The proposal is for the erection of two semi-detached dormer bungalows. They would have a combined footprint measuring 12.6m by 8.7m, not including the front porches, and be orientated with the principal elevation facing towards Bolton Road, approximately 20m to the north with the United Utilities underground installation in between. Each dwelling would have a bedroom and en suite in the roofspace. Elevations and the roof would be finished in render and tile with black upvc windows/doors.

The front elevation would be accessed by a pedestrian footpath running the width of the site and a paved 5m wide access drive with parking for four cars, two per dwelling, would be immediately to the rear with private garden area beyond and enclosed by 1.8m high timber panel fence. No details of the access are provided or how this area would be treated/surfaced.

Relevant Planning History

70477: Erection of 2 dwellings - Refused - 17/05/2024

69590: Erection of building comprising of 3 no. commercial units (Class E) at ground floor with 2 no. flats at first floor (Class C3) with associated car parking and external works. Refused 19/12/2023.

68092: Outline application for 3 no. dwellings with associated car parking. Approved 11/10/2022.

58225: Outline application for 3 no. dwellings with associated car parking - Refused for the following three reasons 27/02/2015-

1. The proposed housing development would, by reason of its size, position and design, be a prominent and intrusive feature in the street scene and would therefore, be seriously detrimental to the visual amenities of the area.
2. Insufficient information with regard to a number of highway issues.
3. Lack of information with regard to coal workings and drainage and other underground installations.

Publicity

Immediate neighbours notified by letter dated 07/02/2025. 19 objections received and summarised below.

- The proposal would have a negative impact on road safety, close to a busy road and junction with a school and community centre nearby.
- Increased traffic and pressure on parking with reduce visibility.
- Loss of green space
- Development out of character with the area.
- Impact on UU underground tank.
- No need for houses in this area.
- Disruption during construction works.

Statutory/Non-Statutory Consultations

Traffic Section - Recommends refusal - see traffic section below.

Drainage Section - No comment received.

Waste Management - No comment received.

Environmental Health - No objection subject to conditions.

The Coal Authority - No objection subject to conditions requiring site investigations.

United Utilities (Water and waste) - No comment received.

Planning Policy Manager - No objection

Pre-start Conditions -

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
EN1/2	Townscape and Built Design
EN1/5	Crime Prevention
EN1/7	Throughroutes and Gateways
OL3/1	Protection of Urban Open Space
HT2/4	Car Parking and New Development
SPD11	Parking Standards in Bury
SPD16	Design and Layout of New Development in Bury
JP-H3	Type, Size and Design of New Housing
JP-H4	Density of New Housing
JP-P1	Sustainable Places
JP-S1	Sustainable Development
JP-S2	Carbon and Energy
JP-C2	Digital Connectivity
JP-C5	Streets For All
JP-C6	Walking and Cycling
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.

Policy Background

Policy H1/2: Further Housing Development - requires the council to have regard for the suitability of proposals for housing development on sites not identified on the Proposals Map.

Policy H2/1: The Form of New Residential Development - requires all new residential development to make a positive contribution to the form and quality of the surrounding area. This is further supported by SPD 16 - Design and Layout of New Development in Bury.

Policy H2/2: The Layout of New Residential Development - seeks to ensure that new residential development will be acceptable in terms of layout in order to provide a good quality residential environment.

Policy EN1/2: Townscape and Built Design - seeks to ensure that any proposals would not have an adverse impact on the particular character and townscape of an area.

Policy HT2/4 - Car Parking and New Development requires all applications for development to make adequate provision for their car parking and servicing requirements. This is further supported by SPD 11 - Parking Standards in Bury.

Policy HT6/1: Pedestrian and Cyclist Movement seeks to ensure that pedestrians and cyclists are able to move safely and conveniently by ensuring that developments recognise the needs of pedestrians and cyclists.

Policy JP-H3: Type, Size and Design of New Housing seeks to provide an appropriate mix of dwelling types and sizes reflecting local plan policies and having regard to relevant local evidence. Development across the plan area should seek to incorporate a range of dwelling types and sizes, including for self-build.

Policy JP-H4: Density of New Housing requires new housing development to be delivered at a density appropriate to the location, reflecting the relative accessibility of the site by walking, cycling and public transport and the need to achieve efficient use of land and high quality design.

Policy JP-S2: Carbon and Energy sets out the steps required to achieve net zero carbon emissions.

Policy JP-S5: Clean Air requires developments to be located and designed to reduce reliance on forms of transport that generate air pollution.

Policy JP-P1: Sustainable Places requires all development to be distinctive and visually stimulating through the use of quality design.

Policy JP-C2: Digital Connectivity requires development to have full fibre to premises connections unless infeasible or unviable.

Policies JP-C5 and JP-C6 require streets to be well designed and managed to make a significant positive contribution to the quality of place and support high levels of walking, cycling and public transport.

Principle (Residential)

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.

The joint Places for Everyone Plan was adopted with effect from 21 March 2024 and 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).

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 Places for Everyone Joint Development Plan Document (PfE) allocates significant strategic sites for housing within Bury and will accelerate housing delivery within the Borough to meet housing needs.

Following the adoption of Places for Everyone, the Council is now able to demonstrate a

deliverable 5 year supply of housing land when assessed against the adopted PfE housing requirement

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.

Due to the housing delivery test result, the 'tilted balance' applies and planning permission should be granted unless the above points Para 11(d) i or ii apply.

Policy H1/2 states that the Council will have regard to various factors when assessing a proposal for residential development, including whether the proposal is within the urban area, the availability of infrastructure and the suitability of the site, have regard to amenity, the nature of the local environment and the surrounding land uses.

The site is located in a sustainable location for housing within the urban area and close to public transport links and Radcliffe town centre. The principle of residential development is therefore acceptable. The loss of the small area of grassed open space within this locality would not be so significant to warrant refusal of planning permission. It is also noted that approval in principle was granted for residential development under reference 68092 in 2022.

Layout, design and visual amenity

Minimum net density standards would not necessarily be appropriate given the limited size of the site and the constrained bounding development. However, at this location, the applicable minimum net residential density is 35 dwellings per hectare. The total area of the site is 0.0440 hectares, and the development would therefore equate to a density of around 45 dwellings per hectare.

Paragraph 41 of the National Design Guide states that ". Well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary. It enhances positive qualities and improves negative ones. Some features are physical, including; 'the existing built development, including layout, form, scale, appearance, details, and materials'.

Paragraph 131 of the NPPF considers that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 139 considers that development that is not well designed should be refused.

Whilst the footprint and position are akin to the scheme which was refused planning permission previously, the scale has been significantly reduced by bringing the height down a full storey. As with the previous scheme, the principal elevation would have large

projecting conjoined porches, front and rear flat roofed box dormers and horizontally proportioned front windows set within rendered walls.

Although the reduction in height improves the scale, the framing residential context remains the same, one of simple traditional red brick terraced dwellings with vertically proportioned windows within taller/narrower proportioned buildings.

The proposed building, set-back from the frontage to Bolton Road to which its principal elevation would oppose, and set in only around 1m from the footway edge to Harper Fold Road and Canute Street, would appear remote and cramped in the street scene. Furthermore, the significant conjoined porches and box dormers, inappropriately proportioned fenestration, basic architectural detailing and anomalous elevational materials would result in a prominent and incongruous feature that would be harmful to visual amenity and the street scene.

The proposal would therefore be contrary to UDP Policies H2/1, H2/2 and E1/2 and PfE policies JP-H4 and JP-P1.

Residential Amenity

Neighbouring residents

There are no adopted aspect standards for new build residential properties however, SPD 6 provides guidance on aspect standards between residential properties in relation to householder extensions and as such, would be a reasonable guide in this case.

Given the position of the building within the plot and the relationship to surrounding residential buildings, there would be no unacceptable impacts upon neighbouring residential amenity.

Future occupants

It appears that the proposed dwellings would exceed the overall floor space standards. It is unclear that the proposed development would be constructed to the the 'accessible and adaptable' standard in Part M4(2) of the Building Regulations but this would be a separate issue, dealt with under building regulations and a condition of any approval.

The dwellings would have a private amenity space for the storage of refuse bins/clothes drying etc.

In terms of residential amenity, the proposal is acceptable and complies with UDP and PfE Policies listed.

Access, parking and highway safety

The Traffic Section have serious concerns and have recommended refusal on grounds that the proposed layout, access and car parking provision would be inadequate and likely to lead to vehicles parking and carrying out manoeuvres on the highway to the detriment of the free flow of traffic and pedestrian and road safety.

A further concern is that there is insufficient topographical based information to enable a full and robust assessment of the likely impacts of the proposal in relation to access arrangements, physical impacts on un/adopted highways, potential pedestrian and vehicle conflict and that there would be adequate vehicular visibility.

The proposal would therefore be contrary to Bury UDP policies H2/2, H2/4 and HT6/2 and PfE policies JP-C5 & C6.

Other matters

Ground conditions - The Coal Authority and the Environmental Protection Officer do not object to the proposal, subject to intrusive investigation and contaminated land conditions.

Drainage - No comments have been received from United Utilities on this application. It is noted that UU have objected to previous schemes on grounds that the development on the site could impact existing critical sewer infrastructure within the red line boundary.

Carbon and Energy and Digital Connectivity - The requirements of PfE policies JP-S2 and JP-C2 have been highlighted with the agent for the application, but have not been addressed in the submission.

Response to Representations

The planning issues raised by the objectors have largely been addressed in the above report and where appropriate, are reflected in reasons for refusal.

With regard to the impact of construction work, any construction site would be subject to health and safety and environmental health legislation. A construction traffic management plan could be applied to any development to mitigate traffic issues during construction.

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 design and appearance of the proposed development is not suitable and would not be in keeping with the existing streetscene and as such would be seriously detrimental to the visual amenity of the area. The proposed development therefore conflicts with the following policies of the Bury Unitary Development Plan: H2/1, H2/2 and EN1/2 relating to design and visual amenity and Section 12 of the National Planning Policy Framework - Achieving Well Designed and Beautiful Places.
- 2 The proposed access and resultant car parking arrangements indicated on submitted plan reference HF001 001 Revision D do not take into consideration the presence of the existing street lighting column or parked vehicles on Canute Street are sub-standard and are likely to lead to vehicles parking, reversing onto and carrying out manoeuvres on the highway to the detriment of the free flow of traffic and road safety. The proposal is therefore contrary to UDP Policy H2/2 The Layout of New Residential Development, HT2/4 Car Parking and New Development and HT6/2 Pedestrian/Vehicular Conflict and Development Control Policy Guidance Note 16 - Design and Layout of New Development in Bury and Places for Everyone Joint Development Plan Document policies JP-C5 and JP-C6.
- 3 Due to the conflicting details submitted, the proposals indicated on plann reference GW-HFR-R-10-01 Revision A do not provide suitable accommodation for vehicles to enter and leave the site in a forward gear, which would therefore be detrimental to road safety and maintaining the free flow of traffic on the adjacent adopted highway. The proposal is therefore contrary to UDP Policy H2/2 The Layout of New Residential Development, HT2/4 Car Parking and New Development and HT6/2 Pedestrian/Vehicular Conflict and Development Control Policy Guidance Note 16 - Design and Layout of New Development in Bury and Places for Everyone Joint

Development Plan Document policies JP-C5 and JP-C6.

- 4 The application and submitted plans contain insufficient, topographical survey-based information in order to properly assess the following:
- proposed access arrangements from Canute Street taking into consideration the presence of the existing street lighting column;
 - physical impact of the development and proposed extents of the proposed waney lap fencing on the adjacent adopted and unadopted highways that abut three sides of the site;
 - measures to ensure that the proposed parking spaces located adjacent and parallel to the back of the abutting footways do not lead to vehicles coming into conflict with passing pedestrians or straddling the unadopted and adopted highways;
 - measures to ensure that adequate visibility splays and visibility at the back edge of the footway can be provided at the junction of the site access with Canute Street, taking into consideration parked vehicles on the adopted highway;
 - measures to ensure that adequate refuse collection facilities for the two dwellings can be provided within the curtilage of the site clear of and without detrimental impact on the adjacent adopted and unadopted highways or proposed parking facilities.

The proposal is therefore contrary to UDP Policy H2/2 The Layout of New Residential Development, HT2/4 Car Parking and New Development and HT6/2 Pedestrian/Vehicular Conflict and Development Control Policy Guidance Note 16 - Design and Layout of New Development in Bury and Places for Everyone Joint Development Plan Document policies JP-C5 and JP-C6.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	03/03/2025		