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Former Mondi Mill Paper Works Appeal Statement of Case

Eccleston Homes Limited

July 2022

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1.0 Introduction

Purpose of the Statement

- 1.1 This Appeal Statement of Case has been prepared by Lichfields on behalf of our client, Eccleston Homes Limited [the Appellant]. Its purpose is to accompany an appeal against the refusal of full planning permission by Bury Metropolitan Borough Council [the Council] for the following development on land at the former Mondi Paper Mill, Ramsbottom, Bury:

“Erection of 73 no. dwellings including the retention and conversion of 2 existing buildings to residential use (5 no. units), the retention of a chimney and the demolition of a derelict building, together with engineering operations to create a development platform and associated parking, landscaping, drainage, the layout of internal estate roads and footways and other associated works”

- 1.2 A planning application for the above development was validated by the Council on 17 September 2020 (planning reference: 65844) and was subsequently refused at the Council’s Planning Committee contrary to the recommendation of Officers by decision notice dated 7 June 2022.

- 1.3 The Appellant is therefore appealing the Council’s decision to refuse planning permission in accordance with Section 78 of the Town and Country Planning Act 1990. This Statement sets out the case for the Appellant, whilst the accompanying Statement of Common Ground [SoCG] establishes the full range of matters upon which the Appellant and the Council agree.

Structure of the Statement

- 1.4 The remainder of this Statement is structured as follows:

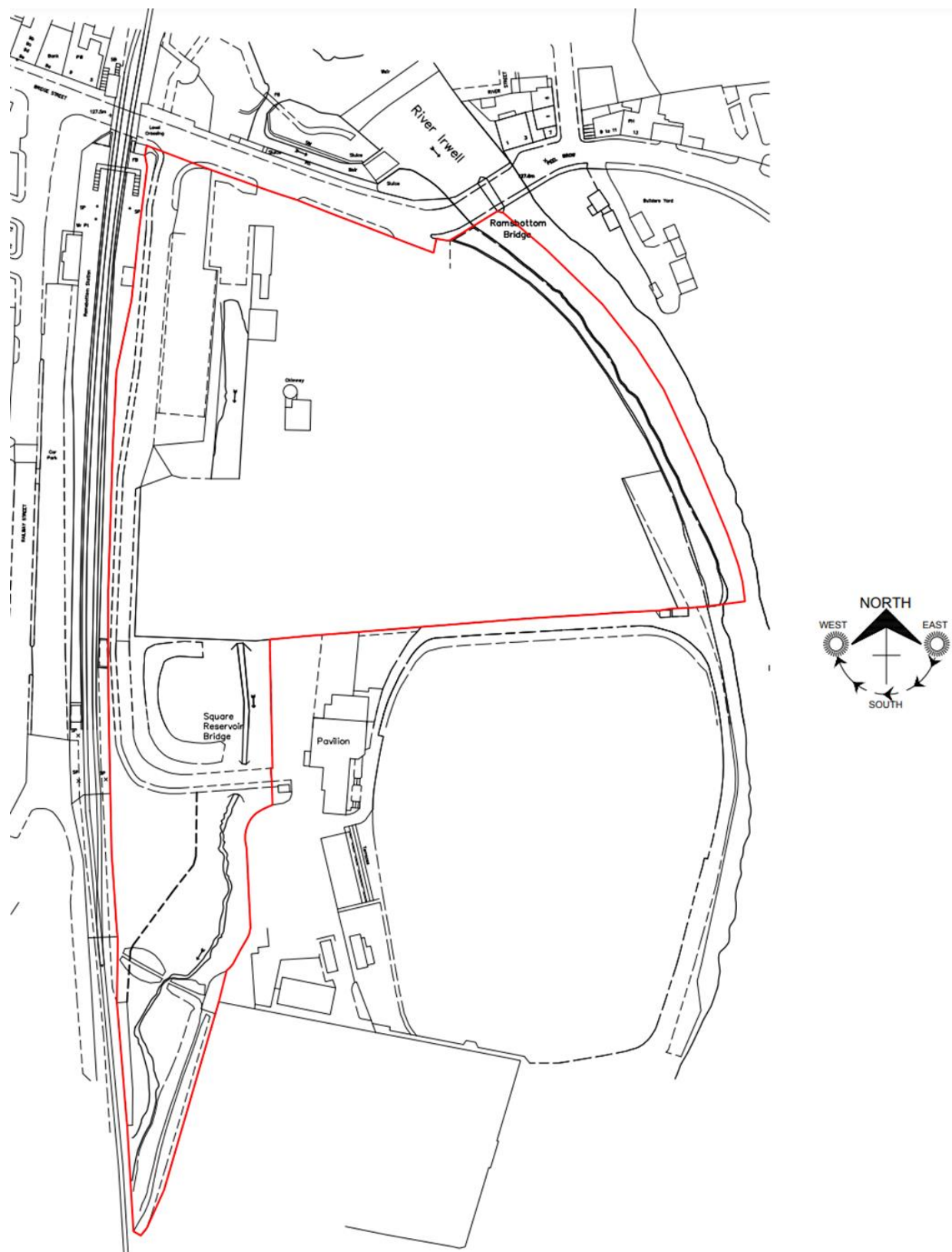
- Section 2: The Appeal Site;
- Section 3: The Appeal Development;
- Section 4: The Council’s Decision;
- Section 5: The Case for the Appellant;
- Section 6: Other Planning Considerations; and,
- Section 7: Conclusions.

2.0 The Appeal Site

Site Context

- 2.1 The appeal site comprises approximately 2.9 ha of previously developed land located on the eastern edge of Ramsbottom, Bury. The site was previously occupied by the former Mondi Paper Mill up until its closure in 2008 and subsequent demolition in 2012, with the site now comprising a large area of concrete hardstanding with grassed areas to the south. Retained buildings and structures on site include two 2-storey stone buildings, a brick building and the former mill chimney stack.
- 2.2 The appeal site is bound as follows:
- To the north by Bridge Street, beyond which lies industrial development including a waste and recycling centre;
 - To the east by the River Irwell, beyond which lies an area of woodland and residential development;
 - To the south by the Ramsbottom Cricket Club and the Harry Williams Riverside Stadium, beyond which lies Nuttall Park; and,
 - To the west by the East Lancashire Railway and associated heritage railway line, beyond which lies the wider settlement and town centre of Ramsbottom.
- 2.3 Existing vehicular access to the site is taken from the west via an unnamed road which adjoins Bridge Street to the north. This vehicular route continues south providing access to the Ramsbottom Cricket Club and Harry Williams Riverside Stadium.
- 2.4 The appeal site is partly located within Flood Zone 3, with the remainder of the site lying within Zones 1 and 2. The north-western extent of the site including two of the retained non-listed structures and chimney stack are located within the Ramsbottom Conservation Area, however there are no listed buildings or trees subject to a Tree Preservation Order [TPO] situated within the appeal site boundary.
- 2.5 The appeal site is sustainably located with good access to public transport services and within walking distance to a range of local amenities located within Ramsbottom Town Centre to the west. Bus stops line Bridge Street to the north of the appeal site, providing regular services to Bury, Manchester City Centre and Peel Brow.
- 2.6 The red line boundary of the appeal site is set out overleaf in Figure 2.1.

Figure 2.1: Appeal Site Boundary



Source: Eccleston Homes Limited

Planning History

- 2.7 The appeal site has been the subject of several planning applications relating to its former employment use, none of which are considered to be of direct relevance to the appeal proposals for residential development.
- 2.8 Planning permission was granted for the demolition of buildings on the site in 2012 (planning reference: 54265), which was followed by the granting of planning permission for the demolition of the top 15 metres of the former mill chimney in 2015 (planning reference: 58287). It is understood that these two planning permissions have now been implemented.
- 2.9 Of most relevance to the appeal proposals is a previous application for the development of 83 no. dwellings on the appeal site (hereinafter referred to as the 'previous scheme'). This application was prepared by the Appellant and submitted to the Council on 13 February 2020 (planning reference: 65217), however was subsequently withdrawn.

3.0 The Appeal Development

Description of Development

- 3.1 The subject planning application sought full planning permission for the following development (hereinafter referred to as ‘the appeal development’):

“Erection of 73 no. dwellings including the retention and conversion of 2 existing buildings to residential use (5 no. units), the retention of a chimney and the demolition of a derelict building, together with engineering operations to create a development platform and associated parking, landscaping, drainage, the layout of internal estate roads and footways and other associated works”

- 3.2 The appeal development comprises several different house types with consistent materiality and design, providing a mix of apartments, semi-detached and detached dwellings. The proposed dwellings offer variation in the housing offer, provoking interest and providing enhanced legibility within the site. The proposed housing mix is as follows:

- 5 x 1-bed apartment;
- 14 x 2-bed apartment;
- 2 x 2-bed house;
- 26 x 3-bed house; and,
- 26 x 4-bed house.

- 3.3 Access is proposed off the western boundary via the existing unnamed road which will be widened to 5.5m with a 2m footpath. This road has been designed to maintain vehicular access to the Ramsbottom Cricket Club to the south. Additional highway improvements include the reinstatement of footpaths and incorporation of a 3.5m wide emergency access route along the northern boundary on Bridge Street. An improved junction will be formed with the existing road to the west to connect to new internal estate roads within the site. These roads will provide a series of cul-de-sac roads leading to shared accessways. The proposed dwellings are then accessed directly from the existing unnamed road and the internal estate roads. No access is taken directly off Bridge Street to serve individual dwellings.

- 3.4 Dwellings are set back from roads with a front garden and driveway area to the front or side of the properties. Dwellings are proposed to address street corners and enhance natural surveillance throughout the development. The dwellings have also been orientated to ensure that there is no unacceptable means of overlooking in relation to privacy to both existing and proposed dwellings. Each dwelling is proposed with a front and rear garden and 2 no. car parking spaces either to the front or side of the respective unit. All properties are provided with designated areas for storage of waste and recycling bins.

- 3.5 The proposed dwellings would be constructed from natural stone which has been carefully selected to respond positively to the Ramsbottom Conservation Area. The scheme has also been designed to include an area of Public Open Space [POS] (approximately 0.6 ha), as well as incorporating an attractive landscaping scheme.

- 3.6 The proposals include two apartment blocks located at the south of the site comprising 16 no. apartments. The proposals also include the retention of two buildings on site which are proposed to be refurbished for use as residential dwellings. Building A will be converted into apartments each with their own entrance way, whilst Building B will be converted into two semi-detached dwellings. The proposals also include the retention of the existing brick chimney stack. A further building (Building C) will be demolished as part of the proposals, due to its state of disrepair which makes its retention unachievable.

Pre-application Engagement

- 3.7 The Appellant has actively engaged with the Council throughout the preparation of the subject planning application. This involved an extensive programme of discussions with Council Officers and other statutory consultees prior to the submission of the application and during its consideration. During this engagement activity, the Appellant addressed all concerns raised, ensuring the development proposals were consistent with relevant national and local planning policy.

4.0 The Council's Decision

- 4.1 In accordance with article 35(b) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, where planning permission is refused by the Local Planning Authority [LPA], the decision notice must state clearly and precisely the full reasons for refusal, specifying all policies and proposals in the development plan which are relevant to the decision. From this, it can be properly inferred that any relevant policies not referenced by the Council in the decision notice are not breached and the development is therefore agreed to be compliant with such policies.
- 4.2 The appeal scheme was refused contrary to the recommendation of Officers by the Council's Planning Committee by decision notice dated 7 June 2022. The reasons for refusal are set out below:
- 1 *The proposal would be an intensification of the use of a site, which would be detrimental to road safety and maintaining the free flow of traffic. The proposed development therefore conflicts with the following policy(ies) of the Bury Unitary Development Plan:*

Policy HT4 - New Development

Policy H2/2 - The Layout of New Residential Development
 - 2 *Notwithstanding the provisions of the development and associated mitigation, the proposed development is located in flood zone 3, which has flooded in 2015 and would lead to increased flooding in the vicinity of the site from surface water and the combined sewer network. The proposed development would conflict with Policy EN5/1 - New Development and Flood Risk of the Bury Unitary Development Plan and Section 14 of the National Planning Policy Framework.*
- 4.3 The Appellant has therefore exercised their right to appeal in accordance with Section 78 of the Town and Country Planning Act 1990. Section 5 of this Statement responds to the above reasons for refusal, setting out the case for the Appellant.

5.0 The Case for the Appellant

- 5.1 This section of the Statement sets out the case for the Appellant, responding to the Council's two reasons for refusal having due regard to both local and national planning policy.

Local Planning Policy Context

- 5.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan relevant to this planning appeal comprises the Bury Unitary Development Plan [UDP], which was adopted by the Council in August 1997.
- 5.3 The UDP identifies part of the appeal site along the western extent as an 'Employment Generating Area' under Policy EC2/1 (Employment Generating Areas). Whilst the UDP currently constitutes the framework for future development and protection of land in the Bury Borough, it is important to note that the plan is considerably aged having been adopted by the Council some 25-years ago. Furthermore, planning policies contained within the UDP only address housing and employment needs up to 2001, with such policies now considered significantly dated. Limited meaningful progress has since been made by the Council in the production of a new local plan for the Borough. Accordingly, given such circumstances, the weight attributed to UDP Policies must be determined having due regard to national planning policy.
- 5.4 In the time following the appeal site's UDP designation and the subsequent demolition of the majority of structures, the site has been marketed extensively for employment and other commercial uses. There has however been no interest in developing the site for the purposes of employment use since the current landowner purchased the site in 2010. Further details of the marketing undertaken, and the interests of expression received, are set out within the Summary Marketing Report (CD Reference DOC/11) which was submitted as part of the subject planning application.
- 5.5 As of April 2020, the Council was unable to demonstrate a five-year housing supply based on the Local Housing Need [LHN] as demonstrated in the '*Bury Five Year Supply of Deliverable Housing Land Statement*' (Appendix 1). It is therefore evident that Bury suffers from a shortfall of housing sites and is currently under-delivering on its own housing requirement. Accordingly, developing the site for residential use would help address an unmet need for housing development in the Borough, whilst making effective use of redundant, brownfield land. In this context, the principle of the appeal development is considered wholly appropriate.
- 5.6 Notwithstanding the fact that the UDP is no longer considered a robust policy framework for the purposes of assessing planning applications for housing development, the following UDP policies are considered particularly relevant to the subject planning appeal given the cited reasons for refusal:
- **UDP Policy HT4 (New Development):** *The Council will encourage proposals which support the principles of sustainable development; assist the implementation of a balanced transportation strategy; and minimise the environmental impact of*

traffic. In particular, new development will be encouraged where use can be made of public transport or spare capacity in the existing highway network, provided that this is also in accordance with other policies of the plan.

- **UDP Policy H2/2 (The Layout of New Residential Development):** *New residential development will be required to demonstrate acceptable standards of layout.*
- **UDP Policy EN5/1 (New Development and Flood Risk):** *The Council will not permit new development, including the raising of land and the intensification of development, where such development would be at risk from flooding, would be likely to increase the risk of flooding elsewhere, or would adversely affect river flood defences.*

5.7 A comprehensive overview and summary of all local planning policies relevant to the appeal development is included at Appendix 2. The appeal development's conformity with the above planning policies is considered further in the following sections of this Statement.

National Planning Policy Context

5.8 The National Planning Policy Framework 2021 [NPPF] sets out the Government's planning policies for England and how they are expected to be applied by Local Planning Authorities. The policies contained within the NPPF are a material consideration in the determination of this planning appeal.

5.9 Paragraph 7 of the NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, broadly summarised as "*meeting the needs of the present without compromising the ability of future generations to meet their own needs*". Paragraph 8 sets out the following three interdependent dimensions of sustainable development which are to be pursued in a mutually supportive manner:

- **An economic objective** - to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- **A social objective** - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and,
- **An environmental objective** - to protect and enhance our natural, built and historic environment, including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

5.10 Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development. For decision takers, such as Local Planning Authorities, this involves:

“approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

- 5.11 Footnote 8 of paragraph 11 states that applying the presumption in favour of sustainable development also includes situations where, for applications involving the provision of housing, the LPA cannot demonstrate a five-year supply of deliverable housing sites.
- 5.12 Section 5 of the NPPF specifically relates to delivering a sufficient supply of homes. Of particular note, paragraph 60 stipulates that in order to support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed. Paragraph 119 further states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring healthy living conditions.
- 5.13 Paragraph 120 (c) states that:
- “Planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.”*
- 5.14 Paragraph 122 further stipulates that planning decisions need to reflect changes in the demand for land. Where the LPA considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan, in the interim and 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.
- 5.15 With regards to promoting sustainable transport, paragraph 111 stipulates that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.16 In terms of planning and flood risk, paragraph 163 of the NPPF states that if it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed. Paragraph 164 further states that the application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. To pass the exception test, it should be demonstrated that:
- a The development would provide wider sustainability benefits to the community that outweigh the flood risk; and,
 - b 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.

Conformity with Local and National Planning Policy

- 5.17 The appeal development would facilitate the regeneration of the redundant, former employment site and deliver sustainable development in accordance with the requirement to take a '*brownfield first*' approach to meeting housing needs. Paragraph 120 c) of the NPPF states that planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land. The appeal development fully responds to this principle and substantial weight should be attributed to this matter.
- 5.18 Having regard to local planning policy, the UDP is now considerably dated and cannot be relied upon as a current or robust policy framework. This is particularly relevant for matters relating to housing and employment need which have not been reviewed by the Council since 2001. The appeal site's designation as an 'Employment Generating Area' is therefore clearly outdated and not reflective of current demand given that the site has not generated employment for some 14-years.
- 5.19 Notwithstanding the robustness of the UDP, the appeal development accords with local planning policy concerning further housing development. The appeal site, which responds positively to surrounding development and is well supported by accessible amenities and services, is sustainably located within walking distance to Ramsbottom Town Centre. In this context, the appeal development conforms to the requirements of UDP Policy H1/2, which seeks to direct residential development towards urban areas and gives due regard to the availability of infrastructure and the nature of surrounding land uses.
- 5.20 In any case, fundamentally, the Council is unable to demonstrate a five-year housing land supply which triggers a presumption in favour of sustainable development that exists in the NPPF. It is therefore concluded that the principle of a residential development on the appeal site is clearly acceptable, due to both the lack of any policy conflict with an up-to-date plan and the substantial weight that should be attributed to using brownfield land within settlements for homes. The appeal development will contribute significantly to addressing Bury's shortfall in housing delivery and provide much needed family homes in a sustainable and urban location.

Addressing the Council's Reasons for Refusal

Refusal Reason 1: Road Safety and Highway Capacity

- 5.21 The Council's first reason for refusal relates to the intensification of the use of the site, which would allegedly be detrimental to road safety and maintaining the free flow of traffic. The Council determined that the appeal development conflicts with Policies HT4 and H2/2 of the UDP, both of which are considered in turn below.
- 5.22 Notwithstanding the Council's first reason for refusal, the subject planning application was accompanied by a Transport Assessment [TA] (CD Reference: DOC/15) which was prepared by SCP. The TA was accepted as a comprehensive document by both the Council as Local Highway Authority [LHA] and Transport for Greater Manchester [TfGM] and regarded as an appropriate basis upon which to form a view on the impact of the appeal development. Indeed, TfGM as a statutory consultee offered no objection to the appeal development

subject to the provision of a Section 106 contribution of £110,000 towards improvement works at the Bury New Road / Manchester Road traffic signal junction, the sum of which was agreed with the Appellant.

- 5.23 Contrary to the Council's reason for refusal concerning road safety, the Appellant contends that the internal site layout has been carefully designed to ensure that suitable access and movement can be achieved by all users including vehicles, pedestrians, refuse vehicles and fire services. The Appellant has incorporated several road safety measures as part of the appeal development, including the implementation of an appropriate 20mph traffic calming scheme to moderate traffic speeds; the provision of raised speed tables at the site access point to the west and centrally within the site; and the inclusion of 'Keep Clear' and 'Give Way' markings to prevent queuing vehicles from blocking access points. Dropped kerbs and tactile paving are also provided at access points to prevent non-motorised users from slipping and falling, whilst retractable bollards at the emergency access point seek to enhance pedestrian permeability through the site.
- 5.24 Fundamentally, the TA determined that the proposed site access has sufficient spare capacity to accommodate the appeal development with no material impact on the operation of the local highway network. The assessment demonstrates that the proposed site access will operate well within practical capacity in the future assessment year of 2025, without significant queuing. Furthermore, the contribution of £110,000 (to be secured by way of a Section 106 agreement) towards improvement works at the Bury New Road / Manchester Road traffic signal junction will assist with the implementation of MOVA¹, increasing capacity and efficiency at this particular junction.
- 5.25 Accordingly, having regard to paragraph 111 of the NPPF, the TA concluded that the appeal development would have no severe impact on the road network and identified no highway or transport related reasons to withhold the granting of planning permission.
- 5.26 SCP have also prepared an 'Appeal Statement Dealing with Highway Matters' document to accompany this planning appeal. This Statement is included at Appendix 3 and should be read in conjunction with this Statement of Case.

UDP Policy HT4: New Development

- 5.27 With respect to the cited UDP Policies in the Council's first reason for refusal, Policy HT4 stipulates that in considering the location of new or intensified development, the Council will encourage proposals which:
- Support the principles of sustainable development;
 - Assist the implementation of a balanced transportation strategy; and,
 - Minimise the environmental impact of traffic.
- 5.28 In particular, under the provisions of Policy HT4, new development will be encouraged where use can be made of public transport or spare capacity in the existing highway network, provided that the development is also in accordance with other policies of the plan.

¹ <https://trlsoftware.com/products/traffic-control/mova/>

- 5.29 In account of Policy HT4, it is firmly contested that the appeal development embodies the principles of sustainable development as set out in the NPPF and represents a form of development which ought to be approved in the public interest. As set out in the TA, the appeal site is sustainably located within walking distance of Ramsbottom Town Centre, offering an array of easily accessible local amenities and services including several supermarkets, local convenience stores, restaurants, pubs, schools, healthcare surgeries and a post office.
- 5.30 The appeal site is also well located with respect to the availability of public transport links which serve both the local area and other destinations further afield. Several bus stops are located along Bridge Street/Peel Brow which forms the northern boundary of the appeal site, with additional stops located approximately 400m to the west on the A676. Rail services are also available immediately adjacent to the appeal site at the Ramsbottom East Lancashire Railway [ELR] Station, providing an hourly steam train service between Rawtenstall and Bury. With such accessibility and availability of public transport services, the TA demonstrates that key areas of Manchester, Prestwich, Bury, Rochdale and Bury, amongst others, are all within a 60-minute commute time.
- 5.31 The appeal site is also within close proximity to National Cycle Route 6 and Regional Cycle Route 91. National Cycle Route 6 runs almost adjacent to the appeal site to the west and locally links Accrington to the north with Bury to the south. There is also cycle-friendly infrastructure available within the vicinity of the appeal site, including several 20mph roads, on road signed routes and traffic free routes.
- 5.32 It is therefore firmly contested that the appeal site is sustainably located with respect to its accessibility by all non-car modes of transport, reducing the need for individuals to travel by private car. The appeal site is well located to encourage trips to Ramsbottom Town Centre by foot and is well supported with respect to cycle friendly infrastructure and nearby public transport services. In turn, the accessibility of the appeal development will help reduce the environmental impact of traffic and effectively support the principles of sustainable development.
- 5.33 Indeed, Council Officers recognised the sustainability of the site in their assessment of the appeal development, with page 33 of the Committee Report (Appendix 4) affirming:
“The proposed development would not conflict with the surrounding land uses and would be in a sustainable location with regard to services and public transport.”
- 5.34 Page 38 further states:
“The proposed development is located within walking distance of the town centre and as such, is located in a sustainable location.”
- 5.35 As such, the Council’s policy justification behind the first reason for refusal is clearly unsubstantiated. It is the Appellant’s firm stance that the appeal development conforms to the provisions of Policy HT4 with respect to supporting the principles of sustainable development, assisting the implementation of a balanced transport strategy and minimising the environmental impact of traffic.

UDP Policy H2/2: The Layout of New Residential Development

- 5.36 Policy H2/2 requires new residential development to demonstrate acceptable standards of layout having regard to a set criteria of design factors. The policy is a broader policy addressing a range of design matters.
- 5.37 Accordingly, the subject planning application was accompanied by a Design and Access Statement [DAS] (CD Reference: DOC/4) which was prepared by the Appellant in compliance with local and national planning policy. The DAS provided a detailed justification of the proposed layout, demonstrating how the appeal development accords with relevant planning policy and guidance. The reason for refusal relates to highway matters, and there is no suggestion that the design of the development per se is unacceptable (i.e. the design of the proposed dwellings or their arrangement on the site). Indeed, the Officer's report indicates that such matters are entirely acceptable. The Members of Planning Committee in their debate did not raise wider design considerations. They were only concerned about highway safety and capacity. Thus, in relation to any alleged conflict with Policy H2/2, it is only those criterion relating to highway related matters that are relevant to the reason for refusal.
- 5.38 In terms of the wider layout proposals, the appeal development will be accessed via the existing unnamed road to the west which leads onto Bridge Street to the north. This will provide access into the site via a series of cul-de-sac roads leading to shared accessways. An emergency access will be provided through the site onto Bridge Street. Use of this by future residents will be prevented by bollards or an appropriate form of access control, however it will be available to emergency services if the main site access were to be blocked.
- 5.39 Overall, the DAS demonstrates that the appeal development is appropriate in its context. The proposed dwellings are set back from the road with a front garden and driveway area, reflecting the character of the residential area to the east and providing a transition from the dense urban grain of the centre to the west. It also reflects the appeal site's river corridor location which means the need for the creation of green and open space in the development to enable the management of flood risk. Dwellings are proposed to address street corners, providing dual aspect where appropriate and natural surveillance to public spaces throughout the development.
- 5.40 As set out above, Policy H2/2 sets out several design factors which are to be considered in the assessment of proposals for residential development. The following factors are directly linked to road safety:
- 1 Car parking provision;
 - 2 Access for both vehicles and pedestrians, and provision for public transport;
 - 3 The possible need for traffic calming measures; and
 - 4 The existence of any public rights of way.
- 5.41 The Council has offered no indication or reasoning in their respective reason for refusal as to how the appeal development conflicts with any of the factors listed above. Each of these factors are considered in turn below.

Car Parking Provision

- 5.42 The Council's 'Development Control Policy Guidance Note 11: Parking Standards in Bury' (Appendix 5) sets out the maximum parking standards for C3 residential development. The Guidance Note does not stipulate any minimum parking standards to which proposals for residential development must comply with.
- 5.43 For dwellings, the maximum provision of parking is dependent upon whether a site is located within a defined area of high accessibility within Bury as set out in Appendix 1 of the Guidance Note. From a review of this map, it can be seen that the appeal site lies within the boundary of high accessibility. Accordingly, the Guidance Note sets out the following maximum parking standards for development within the high access area:
- 1 space per 1-bed dwelling;
 - 1.5 spaces per 2-bed dwelling;
 - 2 spaces per 3-bed dwelling; and,
 - 3 spaces per 4-bed dwelling.
- 5.44 In accordance with the Council's high accessibility maximum parking standards, the appeal development makes provision for 138 no. car parking spaces and 26 no. garages, equating to a total of 164 no. parking spaces. Given that the appeal development is sustainably located within walking distance of Ramsbottom Town Centre, this provision of parking has been deemed acceptable by Council Officers with page 38 of the Committee Report stating:
- "The proposed development would provide 138 spaces and 26 garages. The proposed development is located within walking distance of the town centre and as such, is located in a sustainable location. As such, the level of parking provided would be acceptable. Therefore, the proposed development would be in accordance with Policy HT2/4 of the Bury Unitary Development Plan."*
- 5.45 It is therefore clear that the proposed provision of parking is considered acceptable and that the appeal development result in no conflict with Policy H2/2 on such grounds.

Access for Both Vehicles and Pedestrians, and Provision for Public Transport

- 5.46 Vehicular access is proposed off the existing unnamed road which forms the western extent of the appeal site and currently provides access to the Cricket Club to the south. Existing access along the northern boundary is to be closed off with the pedestrian footway reinstated as requested by the Council's Highway Officer and TfGM.
- 5.47 Junction visibility from the site access has been calculated based on the visibility requirements set out in the Department for Transport's 'Manual for Streets' [MfS] (Appendix 6) for a 30mph road, providing visibility splays that have an 'x' (minor arm setback distance) of 2.4m and a minimum 'y' (major road visibility) distance of 43m in both directions. The TA demonstrates that these visibility splays are achievable in both directions.
- 5.48 The internal estate roads are proposed to remain in private ownership. Therefore, the proposed 5.5m wide access road, which is typical of residential roads, is considered more than acceptable to serve the appeal development. A secondary 3.5m wide emergency access

will be provided off Bridge Street with dropped kerbs and retractable bollards to positively address the Highways Officer's comments and also improve pedestrian permeability. The internal site layout has also been designed to accommodate the movements of a refuse vehicle, with the TA demonstrating at Appendix F the swept path analysis which confirms access, turning and egress can all be achieved in a forward gear. Swept path analysis of a fire appliance vehicle has also been tested at Appendix G of the TA, concluding that such vehicles can suitably enter the site via the secondary emergency site access.

5.49 As part of the TA submitted as part of the previous scheme (planning reference: 65217), an independent Stage One Road Safety Audit [RSA] of the access arrangement was undertaken. A copy of this RSA is included at Appendix E of the TA submitted as part of the subject planning application. The RSA is considered suitable for the proposed access arrangement given that there have been no material alterations, when compared to access arrangement assessed in the RSA, that would compromise road safety.

5.50 No significant issues were raised in the RSA which would preclude the proposed access from coming forward. The recommendation of the audit to introduce 'keep clear' and give way markings at the access to stop queuing vehicle from blocking the access and to inform drivers to give way have been implemented. Furthermore, the recommendation of the audit to provide dropped kerbs and tactile paving at the access to prevent non-motorised users slipping/falling, as requested by TfGM, has also been implemented.

5.51 With respect to public transport, the nearest bus stops are located along the northern boundary of the appeal site on Bridge Street and Peel Brow. These stops provide services to Bury, Accrington and Manchester City Centre at regular intervals. Additional bus stops are located on the A676, approximately a 400m walk distance west of the site. As previously noted, the TA demonstrates that key areas of Manchester, Prestwich, Bury, Rochdale and Bury, amongst others, are all within a 60-minute commute time.

5.52 In consideration of the above, it is clear that the appeal development makes provision for safe and suitable access for all users, with public transport services available within the vicinity of the appeal site. As set out in paragraph 5.17 of the TA:

"The above assessments demonstrate that the site is in an accessible location with potential for use of sustainable transport modes, and has a large range of local amenities within close proximity."

5.53 In this context, it is considered that the appeal development result in no conflict to Policy H2/2 with respect to access for both vehicles and pedestrians, and provision for public transport.

The Possible Need for Traffic Calming Measures

5.54 The Appellant has carefully considered comments raised by the Council's Highways Officer and has implemented several traffic calming measures in response. An appropriate 20mph traffic calming scheme is proposed internally within the site to moderate and manage traffic speeds, whilst 2.4 x 25m visibility splays have been demonstrated to be achievable from all internal junctions in accordance with guidance set out in the MfS for a 20mph road. Raised speed tables are also proposed at the site access point to the west and centrally within the site as demonstrated at Appendix H of the TA.

- 5.55 As such, it is contested that the appeal development complies with Policy H2/2 with respect to considering the need for and implementing suitable traffic calming measures.

The Existence of any Public Rights of Way

- 5.56 There are no existing public rights of way either through or within the immediate surroundings of the appeal site. The appeal development therefore results in no conflict to Policy H2/2 on such grounds.

Reason for Refusal 1 Conclusions

- 5.57 In account of the above, it is strongly contested that the appeal development bears no conflict with Policy HT4, and that the Appellant has sufficiently addressed all highways factors set out in UDP Policy H2/2 with respect to assessing the layout of new residential development.
- 5.58 The appeal site is sustainably located within walking distance of Ramsbottom Town Centre and is well supported by easily accessible public transport services, reducing the need to travel by private car. In turn, the location of the appeal site will help to minimise the environmental impact of traffic due to the lack of dependency of car travel.
- 5.59 The appeal development demonstrates that an acceptable standard of layout can be achieved, complying with the Council's relevant design guidance on parking. Suitable access can be achieved by all users including vehicles, pedestrians, refuse vehicles and fire services, whilst traffic calming measures have been incorporated internally to ensure traffic speeds are effectively moderated and managed.
- 5.60 In account of the above, it is firmly contested that there are no highway or transport related reasons to refuse planning permission for the appeal development and that the Council's first reason for refusal is unsubstantiated.

Refusal Reason 2: Flood Risk

- 5.61 The Council's second reason for refusal references the appeal site's part location in Flood Zone 3, with the Council alleging that the development would lead to increased flooding in the vicinity of the site from surface water and the combined sewer network. The Council determined that the appeal development would conflict with Policy EN5/1 (New Development and Flood Risk) of the UDP and Section 14 of the NPPF.
- 5.62 According to the Government's Flood Map for Planning, the appeal site benefits from the presence of flood defences and is partly located in part Flood Zone 3 (high probability of flooding in any one year), with the remainder of the site located in Flood Zone 2 (medium probability) and Flood Zone 1 (low probability). A Flood Risk Assessment [FRA] (CD Reference: DOC/9) and Drainage Assessment [DA] (CD Reference: DOC/10) was therefore prepared by Weetwood to accompany the subject planning application in compliance with local and national planning policy.
- 5.63 The Council's Drainage Section, United Utilities and the Environment Agency [EA] were all consulted on the subject planning application as statutory consultees. The Council's Drainage Section offered no objection to the appeal proposals subject to the development being implemented in accordance with the submitted DA. In parallel, the EA offered no

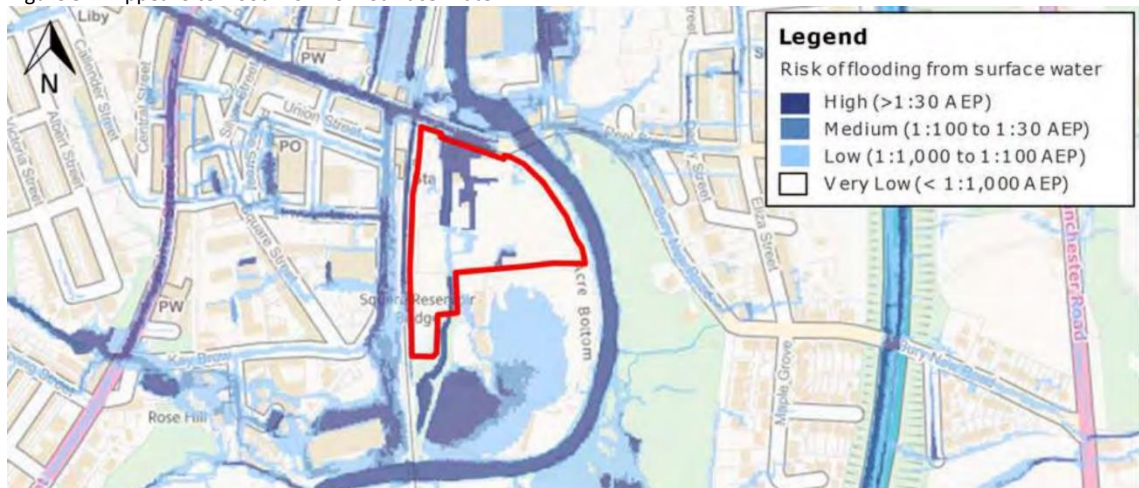
objection to the appeal development subject to the inclusion of conditions relating to finished floor levels and the development being implemented in accordance with the approved FRA, whilst United Utilities offered no objections subject to the inclusion of conditions relating to foul and surface water drainage.

- 5.64 Weetwood have prepared a 'Statement of Case – Flood Risk and Drainage' document to further address the Council's second reason for refusal. This Statement is included at Appendix 7 and should be read in conjunction with this Statement of Case.

Flood Risk from Surface Water

- 5.65 The FRA concluded that the appeal site is generally considered to be at 'Very Low' risk of flooding from surface water, groundwater and reservoirs, and assessed not to be at risk of flooding from canals or other artificial bodies. Correspondingly, the Government's Flood Risk from Surface Water Map indicates that the majority of the appeal site is at a 'Very Low' risk of flooding as demonstrated in Figure 5.1 below.

Figure 5.1: Appeal Site Flood Risk from Surface Water



Source: Gov.UK

- 5.66 A Topographical Survey (CD Reference: PLAN/24 and PLAN/25) prepared as part of the subject planning application further indicates that the propensity for surface water to pond at the site is limited to the mill race, with flood depths not expected to exceed 0.1m across the ground surface. In addition, gullies are present along the existing access road, indicating that approximately 0.2 ha of the existing site is served by a formal surface water drainage system. The drainage system is expected to outfall to the River Irwell located to the south-east of the appeal site and would be expected to further reduce the risk of water flooding at the site.
- 5.67 An additional 2 ha of the appeal site is shown to comprise areas of hardstanding and is believed to have been served by a formal surface water drainage system prior to the demolition of the Mill in 2012. Surface water runoff generated across the areas of hardstanding is now expected to flow overland to the River Irwell. The remaining 0.6 ha of the site comprises areas of short grass and woodland.
- 5.68 It is proposed that surface water will be discharged to the existing mill race at the site, with the discharge rate restricted to a maximum of 70% of the existing 1:1 annual probability impermeable runoff rate. Attenuation storage will be provided within the proposed pipe

network, with water quality treatment provided by the disused mill race, acting as a swale. Foul water will be discharged to the existing public combined sewer located at the site, with United Utilities confirming that foul flows can be discharged at an unrestricted rate.

- 5.69 It is expected that the proposed drainage system will be offered for adoption by the sewerage undertaker. Based upon the above, surface water from the developed site can be sustainably managed, providing significant betterment when compared to the existing situation. The Appellant has also agreed to increase the size of the pipes within the site, allowing for greater retention of water. As a larger volume of water would be retained within the site, the appeal development would not increase the risk of flooding from surface water drainage.
- 5.70 The area of impermeable surfaces at the appeal site once fully developed is estimated to be 1.3 ha based upon the layout of the appeal development. This represents a 0.97 ha reduction in impermeable surfaces compared to the existing site and would result in a significant reduction in the volume of surface water being discharged from the developed site.
- 5.71 Based upon the above, surface water runoff from the appeal site once developed can be sustainably managed in accordance with planning policy and the proposals provide significant betterment when compared to the existing situation.

Flood Alleviation Scheme

- 5.72 Whilst the Government's Flood Risk Map for Planning indicates that the appeal site lies partly within Flood Zone 3, it should be noted that the Flood Map does not take account of the site re-profiling proposed as part of the appeal development, and in particular the fact that all residential development will take place upon a newly created development 'platform' which will have been raised above the level of the modelled peak flood level for the 1 in 1000 annual probability flood event.
- 5.73 A range of additional mitigation measures are also proposed to ensure that the appeal development will not be at risk from flooding, as well as ensuring that flood risk will not be increased elsewhere. Such measures include:
- Construction of a 30m wide flood relief channel to be provided along the eastern boundary of the site adjacent to the River Irwell;
 - Removal of existing boundary walls along the northern boundary;
 - Lowering of ground levels directly east of the site access to direct floodwater towards the mill race;
 - Upgrading of the existing 600mm diameter culvert crossing the site with a 2000 x 1200mm culvert;
 - Raising of the proposed development platform above the peak 1:1000 Annual Exceedance Probability ('AEP') flood levels, preventing flooding of the development platform in all but the extreme 1 in 100 (+70%) AEP event where limited flooding of the site access roads will be permitted;

- Raising of the proposed development plots above the peak 1:100 (+70%) AEP flood levels to ensure they remain flood free, whilst routing floodwater along the site access roads;
- Raising of finished floor levels of the newly constructed residential dwellings a minimum of 0.15m above finished development platform levels;
- Raising of finished floor levels of the refurbished residential dwellings above the peak 1:100 (+35%) AEP flood levels; and
- Preparation of a Flood Plan in consultation with the Council's emergency planning team.

5.74 Most notably, the extensive engineering operations to raise the ground levels will provide substantial benefits to the area in terms of flood protection to surrounding properties. Raising the development plots above the peak 1 in 100 (+70%) AEP flood levels would be expected to mitigate the residual risk of flooding associated with a blockage of the Bridge Street bridge as floodwaters overtopping Bridge Street are heavily influenced by the weir located directly upstream. Flood levels upstream of the weir are approximately 0.91m higher than those directly upstream of the bridge.

Impact of Flood Alleviation Scheme

5.75 The extensive engineering operations to raise the ground levels will provide substantial benefits to the area in terms of flood protection to surrounding properties. The proposed flood risk mitigation measures detailed above have been incorporated into the hydraulic model and run for the full range of annual probability events. Model output plots indicate that flooding of the development platform would only be expected to occur in the 1:100 (+70%) AEP event, with flooding limited to the site access roads at depths of less than 0.5m.

5.76 Flooding of the refurbished residential dwellings would also be expected to occur in the 1:1,000 and 1:100 (+70%) AEP events, to maximum depths of 0.32m and 1.02m respectively. However, first floor levels would be significantly above the peak 1:100 (+70%) AEP flood level, providing safe refuge in the unlikely event that flooding occurs.

5.77 The proposed development is generally shown to have a negligible impact on flood risk elsewhere, with isolated areas of increased flood depths observed adjacent to the south-east corner of the site. However, flood risk to the south of the site is more generally shown to reduce significantly in the 1:100 AEP climate change events.

The Sequential Test

5.78 Given that the majority of the appeal site is located within Flood Zone 3, the Appellant was required to address both the flood risk sequential test and exception test. Accordingly, a Flood Risk Sequential & Exception Test Assessment (CD Reference: DOC/7) was prepared by Lichfields to accompany the subject planning application. A Flood Risk Sequential Assessment Addendum (CD Reference: DOC/8) was subsequently prepared to consider additional sites across a larger geographical area following discussions with the Council in December 2020.

- 5.79 The original sequential and exception test assessment established an area of search which covered the settlement of Ramsbottom and wider suburbs of Hazelhurst and Shuttleworth and Holcombe Village, all of which are encompassed within the Ramsbottom ward area. Following the aforementioned discussions with the Council, this initial area of search was expanded to include the wider geographical areas of Greenmount and Summerseat. The final area of search is considered to encompass the entire urban area of the northern part of the Borough, representing an appropriate and proportional catchment area for the purposes of undertaking a sequential assessment.
- 5.80 For a site to be considered reasonably available, the sequential assessment undertaken by the Appellant was structured upon the following parameters:
- Able to accommodate a minimum of 58 no. and a maximum of 86 no. dwellings;
 - Located outwith of Flood Zones 2 and 3;
 - Available in the short-term to allow the development to proceed;
 - Not have planning permission;
 - Not be occupied and in use for an alternative purpose;
 - Not conflict with local planning policy; and,
 - Be free from site specific constraints which would inhibit the ability to be developed in the short term.
- 5.81 Fundamentally, the original sequential test undertaken identified no appropriate sites within the Ramsbottom ward from either the UDP or the Council's '*Strategic Housing Land Availability Assessment (2018) Summary Report*' [SHLAA], other than the appeal site which was considered by the Council to have 'unconstrained potential' for a residential development. No other site within the Ramsbottom ward was considered sequentially preferable and appropriate or reasonably available.
- 5.82 Following a review of the expanded area of search to encompass the urban areas of Greenmount and Summerseat, no additional sites which could potentially accommodate the appeal development were identified. As such, the sequential test undertaken by the Appellant identified no reasonably available sites appropriate for the purposes of the appeal development outside of Flood Zones 2 or 3.

The Exception Test

- 5.83 Paragraph 163 of the NPPF stipulates that, if it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The Planning Practice Guidance ('PPG')² further states that where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 be considered, taking into account the flood risk vulnerability of land uses and applying the exception test if required.
- 5.84 Paragraph 164 of the NPPF provides two criteria which should be met for the exception test to be passed. These are:

² Paragraph: 019 Reference ID: 7-019-20140306

- a The development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b 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.

Sustainability Benefits to the Community

5.85 The appeal development has several community benefits which are considered to outweigh the flood risk associated with the scheme. The development will expand the provision of new market housing in the Borough, addressing an identified need and regenerating a derelict brownfield site back into a sustainable use. The appeal development will also contribute towards the longstanding investment priorities of the Council by creating spin-off jobs and associated benefits that are normally attributable to new housing.

5.86 Paragraph 8 of the NPPF sets out the economic, social and environmental dimensions of sustainable development, all of which are to be pursued in a mutually supportive manner. Accordingly, the appeal development will provide community benefits which respond to all three of the interdependent dimensions of sustainability, namely:

- Sustaining on-site construction employment and supporting off-site employment in construction related industries over the build period;
- Generating resident expenditure in the local area, boosting the local economy and sustaining jobs;
- Creating a strong, vibrant and healthy community with sustainable housing located within walking distance of a wide variety of existing shops and services located at Ramsbottom Town Centre; and,
- Securing the development of a redundant brownfield site, whilst retaining historic buildings in-keeping with the locality and surrounding Conservation Area.

5.87 Further factors of sustainable development which demonstrate that the provisions of the exception test have been met is set out in Section 7 of the Planning Statement (CD Reference: DOC/1).

Lifetime Safety of the Proposed Development

5.88 The FRA submitted as part of the planning application responds to the requirements of the NPPF and PPG, demonstrating that the development will be safe for its lifetime, thus passing the second element of the exception test. It is important to note that through the creation of a development platform, all of the proposed residential units will be raised to a level which effectively places all dwellings within Flood Zone 1.

Reason for Refusal 2 Conclusions

5.89 In account of the above, the Appellant firmly contends that the appeal development would not lead to increased flooding in the vicinity of the site from surface water and the combined sewer network as cited in the Council's second reason for refusal. The Council's Drainage Section, United Utilities and the EA have all been consulted on the subject

planning application, all of whom have offered no objection to the proposals subject to suitably worded planning conditions.

- 5.90 The Appellant has carefully considered the flood risk associated with the appeal site and has proposed an extensive range of mitigation measures to ensure that the appeal development will not be at risk from flooding, as well as ensuring that flood risk will not be increased elsewhere. Most notably, this includes extensive engineering operations to raise ground levels through the creation of a development platform, whereby all proposed residential units will be raised to such a level which effectively places them within Flood Zone 1, meaning that they will be at little or no risk from flooding.
- 5.91 The Appellant has also undertaken a considerable sequential assessment which identified no sequentially preferable locations reasonably available and/or suitable to accommodate the appeal development within the Ramsbottom ward. The sequential test has considered residential allocations and 'Employment Generating Areas' as identified within the UDP, along with sites included within the current SHLAA. The assessment has been undertaken in accordance with national policy and guidance, and in liaison with the Council.
- 5.92 The conclusions of the sequential assessment are consistent with the Council's own findings set out in the SHLAA, which identifies the appeal site as having 'unconstrained potential' to accommodate a residential development. There are no other such sites of a suitable scale located outside of Flood Zone 2 or 3 within the Ramsbottom ward. As such, the appeal site is clearly required to meet the significant need for additional housing land in Bury who cannot currently demonstrate a five-year supply of deliverable housing sites.
- 5.93 In accordance with the provisions of the exception test, the appeal development has several community benefits which are considered to outweigh the potential flood risk associated with the scheme. The development will expand the provision of new market housing in the Borough, addressing an identified need and regenerating a derelict brownfield site back into a sustainable use. The appeal development will also contribute towards the longstanding investment priorities of the Council by creating spin-off jobs and associated benefits that are normally attributable to new housing.
- 5.94 Therefore, it is contested that the appeal development bears no conflict with Policy EN5/1 and Section 14 of the NPPF. The Appellant has proposed appropriate measures to ensure that the appeal development would not lead to increased flooding in the vicinity of the site from surface water and the combined sewer network. In this context, the Council's second reason for refusal is unsubstantiated.

6.0 Other Planning Considerations

- 6.1 As set out in the accompanying SoCG, the only matters of disagreement between the parties relate to matters concerning highways and flood risk.
- 6.2 The Council agree that all other planning considerations associated with the development are acceptable. This Section of the Statement sets out the relevant considerations that were assessed as part of the planning application and demonstrates how the development is policy compliant to each discipline.

Principle of Development

- 6.3 As set out earlier in this Statement, part of the appeal site along the western extent is specifically allocated for employment use under UDP Policy EC1/1, with the majority of the appeal site designated as an Employment Generating Area [EGA] under UDP Policy EC2/1. As set out in the Committee Report, this allocation and designation was largely reflective of the fact that the former Mill site was fully operational and an established use at that time.
- 6.4 Given that the appeal site has generated no economic activity for some 14-years, the Appellant submitted a Report on Employment Potential and Economic Viability (CD Reference: DOC/30) as part of the subject planning application, concluding that the appeal site is unlikely to attract employment-related uses due to various planning constraints associated with the site. The Council have accepted that there is a reasonable conclusion to draw from the assessment of the site and that there is no reasonable prospect of the site being reused for employment purposes. As such, it is agreed with the Council that the loss of the employment use of the appeal site is considered acceptable in principle.
- 6.5 Having regard to the proposed residential development of the appeal site, latest monitoring indicates that the Council is unable to demonstrate a five-year supply of deliverable housing land which is to be treated as a material factor when determining applications for residential development. With respect to suitability, the appeal site is located within an urban area comprising a mix of uses including residential and commercial in the locality. The appeal development therefore conforms to surrounding land uses and would be sustainably located in proximity to local services and public transport.
- 6.6 In this context, the appeal development complies with the requirements of UDP Policy H1/2 with respect to directing development towards the urban area and therefore, the principle of the appeal development is considered acceptable.

Design and Layout

- 6.7 The appeal development would deliver a mix of apartments, terraced and semi-detached dwellings. The proposed dwellings would be predominantly two storeys in height and 8 no. of the proposed dwellings would be two storeys with living accommodation in the roof space. The proposed apartment blocks would be four storeys in height. There is a mix of two storey, two storeys with converted roof space and the storey properties in the locality and as such, the proposed development would not be a prominent feature in terms of height.
- 6.8 The appeal development would respect the character of the conservation area by delivering a high-density development, with the use of headers, cills, pike details, porches and

canopies adding visual interest to the elevations. As concluded on page 35 of the Committee Report under Design and Layout:

*“All of the proposed dwellings would have a side or rear garden, which would provide a suitable level of amenity space. There would be space within the gardens for bin storage and the proposed boundary treatments of timber fencing, railings and brick walls would be acceptable. As such, the proposed development would preserve the character of the conservation area and would not be a prominent feature in the streetscene. **Therefore, the proposed development would be in accordance with Policies EN1/2, H2/1, H2/2, EN2/1 and EN2/2 of the Bury Unitary Development Plan**”*

Residential Amenity

Space About and Between Dwellings

- 6.9 The Appellant prepared a Privacy Distances Plan (CD Reference: PLAN/4) to accompany the subject planning application. This plan details the interface distances across the development, demonstrating that the appeal development conforms to the requirements of Policy H2/2 with respect to space about and between dwellings.
- 6.10 All of the relationships between the proposed dwellings within the appeal site would comply with the Council’s aspect standards set out in ‘*Supplementary Planning Document 6: Alterations and Extensions to Residential Properties*’ (Appendix 8). This document stipulates that proposals for residential development should allow for a minimum of 20m between directly facing habitable windows and 13m between a habitable room window and two storey blank wall.
- 6.11 The appropriate boundary treatments will be implemented in order to ensure mitigation for ensuring good residential amenity by reducing overlooking and maintaining privacy between the dwellings. Defensible private space has also been created to ensure that future residents have an appropriate level of amenity space associated with each dwelling. The dwellings have also been orientated to ensure that there is no unacceptable means of overlooking in relation to privacy to both to existing and proposed dwellings.
- 6.12 The proposed dwellings would also be set at least 10m from site boundaries and would have no impact upon neighbouring properties. The appeal development would therefore have no adverse impact upon residential amenity in accordance with UDP Policies EN1/2; H2/1 and H2/2.

Ecology

- 6.13 The Appellant prepared an Ecological Impact Assessment (CD Reference: DOC/17) as part of the subject planning application to consider the appeal development’s impact on bats, otter, other protected species, nesting birds and invasive species. The assessment also considered the protection of the River Irwell and the contribution towards enhancing the natural environment.
- 6.14 With the recommended conditions in place, it is agreed with the Council that the appeal development would not cause harm to protected species or the River Irwell. The appeal development therefore conforms to UDP Policies EN6 and EN6/3.

Noise

- 6.15 The Appellant prepared a Noise and Vibration Impact Assessment (CD Reference: DOC/24) which was submitted as part of the planning application to assess the impact of road traffic noise, noise from nearby sports facilities and noise associated with the operation of the ELR. The Assessment considered the noise generated from the nearby sports clubs and found that the impact upon future occupiers of the appeal development would be negligible.
- 6.16 The appeal development would provide standard thermal double glazing which would be sufficient to meet the required noise levels for future occupiers of the appeal development. Forced ventilation schemes and timber acoustic fences are proposed where necessary to suitably mitigate noise impact from traffic and the ELR.
- 6.17 Subject to the inclusion of conditions and the incorporation of recommended mitigation measures, the appeal development would not have a significant adverse impact upon the amenity of future occupiers of the proposed dwellings. The appeal development therefore complies with the requirements of UDP Policy EN7/2.

Heritage

- 6.18 A Heritage Impact Assessment [HIA] (CD Reference: DOC/6) accompanied the subject planning application to fully assess the significance of the Ramsbottom Conservation Area and the impact of the appeal development on that significance. The HIA establishes that the appeal development will preserve and enhance the character of the Ramsbottom Conservation Area, representing an improvement to both this part of the Conservation Area as well as its setting.
- 6.19 The HIA also considers the impacts on the currently derelict and non-designated heritage assets on site comprising the retained buildings and chimney stack. The assessment concludes that the proposed refurbishment of buildings and structures associated with the appeal site will improve their aesthetic value and have a neutral effect on their illustrative value. Their significance will therefore be preserved and enhanced as a result of the appeal development. In addition, important views of the surviving chimney structure will be preserved.
- 6.20 The HIA is considered to clearly demonstrate how the appeal development respects the surrounding landscape and is appropriate to its setting. There is no detrimental impact arising from the development on the setting of the Ramsbottom Conservation Area or the existing non-designated heritage assets that will be retained and enhanced as part of the appeal development. As such, in this context, the appeal development is considered to fully accord with UDP Policy EN2.

Landscaping

Landscaping and Screening

- 6.21 The high-quality design and landscape scheme provides an attractive development. Private amenity space is provided within the proposed area of POS which extends to approximately 0.6 ha, and throughout the development in the form of street tree planting and rear gardens to dwellings.

Protection / Provision of Trees and Hedgerows

- 6.22 An Arboricultural Impact Assessment [AIA] (CD Reference: DOC/19) was prepared by Ascerta to accompany the subject planning application. The AIA sets out that in order to facilitate the development, 4 no. trees and part of 2 no. trees will need to be removed. Compensation for the loss of trees and the impact on canopy cover can however be provided by way of new tree planting.
- 6.23 Temporary protective fencing will also be installed in accordance with the 'Tree Constraints and Draft Protection Drawing' which is included at Appendix 2 of the AIA for mitigation purposes during the construction phase of development. It is also proposed to provide tree lined streets, alongside a mix of native hedgerow planting and ornamental shrub planting. There will also be an area of wildflower grassland to the south of the site.

Open Space/Children's Play Areas

- 6.24 As set out on the accompanying planting plans, the scheme involves high quality landscaping that will contribute towards mitigating the loss of the trees set out above. Indeed, extensive areas of POS including native planting are located to the north west and east of the site. The area is designed to flood in extreme events and is also fitting with the riverside location. Each dwelling will also be afforded with front and back gardens.
- 6.25 In account of the above, the appeal development conforms to the requirements of UDP Policy EN1/3.

Crime Prevention

Design for Safety and Security

- 6.26 A Crime Impact Statement [CIS] (CD Reference: DOC/26) was prepared by an independent crime prevention design consultant to accompany the subject planning application. The CIS sets out how the proposals have reduced its impact on and susceptibility to crime and disorder. The CIS also sets out recommendations for security such as: perimeter security / boundary treatments, carefully designed layout and landscaping, good lighting and security systems (i.e. intruder alarms).
- 6.27 Overall, in accordance with Policy H2/2, the proposals represent a high-quality design which creates a sense of place and maximises natural surveillance opportunities. The statement concludes that all reasonable efforts to mitigate and discourage crime have been embedded within the schemes design and that the application proposals are consistent with the current principles of the Framework and has adopted the principles of Secured by Design.

7.0 Conclusion

- 7.1 This Appeal Statement of Case has been prepared by Lichfields to accompany an appeal submitted by Eccleston Homes Limited following Bury Metropolitan Borough Council's decision to refuse planning permission for a proposed residential development at the former Mondi Paper Mill, Ramsbottom, Bury.
- 7.2 The appeal development would deliver 73 no. new homes on a redundant, brownfield site within close proximity to Ramsbottom Town Centre. The scheme is deliverable and will secure the successful regeneration of a site which has lain vacant for a considerable period of time. The development will deliver much needed housing within the Bury Borough, with the Council currently unable to demonstrate a five-year supply of housing land.
- 7.3 The local planning policy context comprising the UDP does not represent a current or robust policy framework. Therefore, any conflict with UDP Policies should be afforded limited weight and the scheme should be considered in the context of the NPPF with respect to the presumption in favour of sustainable development. Indeed, substantial weight should be given to the value of using suitable brownfield land within settlements for the purposes of delivering new homes to meet an identified need.
- 7.4 In summary, this Statement has demonstrated that the Council's stated reasons for refusal relating to road safety, highway safety, and flood risk are clearly unsubstantiated. The appeal development has been examined and assessed by relevant Council Officers and other statutory consultees, all of whom have offered no objection to the proposals. The appeal development is sustainably located toward the urban area of Ramsbottom and is well supported by public transport services. The TA which accompanied the subject planning application concluded that the appeal development would have no severe impact on the road network and identified no highway or transport related reasons to withhold the granting of planning permission. With respect to flood risk, all proposed residential units will be raised to such a level which effectively places them within Flood Zone 1, providing substantial benefits to the area in terms of flood protection to surrounding properties.
- 7.5 On the basis of the above, and in accordance with the balance of considerations in the NPPF, the appeal development clearly amounts to sustainable development and there are no significant or demonstrable adverse impacts arising from the appeal development which would outweigh the considerable benefits of the scheme. In this context, the subject appeal should be allowed.

Appendix 1 Bury Five Year Supply of Deliverable Housing Land Statement

Appendix 2 Local Planning Policy Context

Appendix 3 Appeal Statement Dealing with Highway Matters

Appendix 4 Planning Reference 65844 Committee Report

Appendix 5 Development Control Policy Guidance Note 11: Parking Standards in Bury

Appendix 6 Department for Transport: Manual for Streets

Appendix 7 Statement of Case – Flood Risk and Drainage

Appendix 8 Supplementary Planning Document 6: Alterations and Extensions to Residential Properties

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