

NOTICE OF REFUSAL OF PLANNING PERMISSION

Town and Country Planning Act 1990 Town and Country Planning (Development Management Procedure) (England) Order 2015

To:

Mr Matthew Symons
Maybern Planning & Development
52a Bolton Street
Ramsbottom
Bury
BL0 9HX

On Behalf Of:

Mr Stephen Hodson
Hodson Homes Ltd
Lake View
Millstone Close
Whittle-Le-Woods
Chorley
PR6 7FP

PART 1 - Particulars of Application

Application Number: 73467

Date of Registration: 24/07/2026

Proposal:

Application for Permission in Principle for the construction of up to 9 no. zero carbon dwellings

Location:

Land on the west side of Bury New Road/Peel Brow, Ramsbottom, BL0 0AZ

PART 2 - Particulars of Decision

The Bury Metropolitan Borough Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that permission has been **REFUSED** for the carrying out of the development referred to in Part 1 hereof for the following reasons:-

- 1 The proposed development for up to 9 dwellings on a 0.4ha site would not make optimal use of the potential of the site. Therefore, the proposed development would conflict with Policy JP-H4 of the Places for Everyone Joint Development Plan and Policy L3 - Achieving Appropriate Densities of Chapter 12 of the National Planning Policy Framework.
- 2 The application and submitted plans contain insufficient information in relation to land stability and contamination to assess whether the proposed development would be acceptable in principle. Therefore, the proposed development would conflict with Policy P2 - Ground Conditions of Chapter 17 of the National Planning Policy Framework.
- 3 The proposed development is likely to require significant tree removal on a site, which has significant tree cover and are protected by a Tree Preservation Order. The removal of trees would have a harmful impact upon the visual character of the town centre and Ramsbottom Conservation Area. Therefore, the location of the proposed development would be unacceptable in principle and would conflict with Policies DP3 - Key Principles for Well-Designed Places and Policy HE9 - Conservation Areas of the National Planning Policy Framework and the following Policies of the Bury Unitary Development Plan:
Policy EN2/1 - Townscape and Built Design

Policy EN2/1 - Character of Conservation Areas

- 4 The application and submitted plans contain insufficient information in relation to the impact upon protected species and high ecological value habitats to assess whether the proposed development would be acceptable in principle. Therefore, the proposed development would conflict with Policy N2 - Improving the Natural Environment of the National Planning Policy Framework and the following policies of the Bury Unitary Development Plan:
- Policy EN6/3 - Features of Ecological Value
 - Policy EN6/4 - Wildlife Links and Corridors

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.

The following policies of the Bury Unitary Development Plan, National and Regional Government were considered relevant:

- H2/1 H2/1 - The Form of New Residential Development
- H2/2 H2/2 - The Layout of New Residential Development
- H1/2 H1/2 - Further Housing Development
- EN1/2 EN1/2 - Townscape and Built Design
- EN1/7 EN1/7 - Throughroutes and Gateways
- EN2/1 EN2/1 - Character of Conservation Areas
- EN2/2 EN2/2 - Conservation Area Control
- EN6/3 EN6/3 - Features of Ecological Value
- EN7/5 EN7/5 - Waste Water Management
- EN7/2 EN7/2 - Noise Pollution
- EN8/1 EN8/1 - Tree Preservation Orders
- EN8/2 EN8/2 - Woodland and Tree Planting
- OL5/2 OL5/2 - Development in River Valleys
- RT3/2 RT3/2 - Additional Provision for Recreation in the Countryside
- HT2/4 HT2/4 - Car Parking and New Development
- SPD1 Supplementary Planning Document 1 - Open Space, Sport and Recreation Provision in New Housing Development
- SPD6 Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.
- SPD11 Development Control Policy Guidance Note 11 - Parking Standards in Bury
- JP-S2 Carbon and Energy
- JP-S4 Flood Risk and the Water Environment
- JP-S5 Clean Air
- JP-H3 Type, Size and Design of New Housing
- JP-H1 Scale of New Housing Development
- JP-G3 River Valleys and Waterways
- JP-G7 Trees and Woodland
- JP-G8 A Net Enhancement of Biodiversity and Geodiversity
- JP-P1 Sustainable Places
- JP-P2 Heritage
- JP-C2 Digital Connectivity
- JP-C5 Streets For All

This decision relates only to the Town and Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

Applicant Plan Numbers:

Location plan
Indicative planning layout

NOTES TO APPLICANT

1. Strategic Planning & Infrastructure

Type, size and design of new housing

PfE Policy JP-H3 - Seeks to provide an appropriate mix of dwelling types and sizes. All new dwellings must 1. comply with the nationally described space standards and 2. be built to the 'accessible and adaptable standard in Part M4(2) of Building Regulations unless specific site conditions make this impracticable. This will need to be addressed at Technical Details stage.

Landscape character area

The site is within the River Irwell (north Bury) and Kirklees (LCA23), an area of Incised Urban Fringe Valleys as assessed by the GM Landscape Character and Sensitivity Assessment.

Policy JP-G1: Landscape Character states that development within a Landscape Character Type should reflect and respond to the special qualities and sensitivities of the key landscape characteristics of its location, including having regard to:

- Topography, geology and drainage;
- Land use and field patterns;
- Semi-natural habitats and woodland cover;
- Archaeology and cultural heritage;
- Settlement, road pattern and rights of way; and
- Views and perceptual qualities.

The interface of new development with the surrounding countryside/landscape is of particular importance. These transitional areas require well-considered and sensitive treatment. In particular, opportunities to improve the intactness and condition of the landscape should be taken.

Recreation

The site is identified in the UDP under Policy RT3/2 (specifically part of RT3/2/1 - Nuttall, Ramsbottom) as additional provision for recreation in the countryside. However, this has not been implemented.

Wildlife links

Policy EN6/4 states that wildlife corridors should be consolidated and where appropriate, strengthened. Furthermore, the policy states that development which would adversely affect wildlife corridors will not be permitted. Any new development within or adjacent to wildlife corridors should contribute to their effectiveness by way of design, landscaping and siting of the proposals, along with mitigation works.

Whilst detailed ecological information is not expected at the Permission in Principle

stage, the absence of supporting surveys and assessment means there is insufficient evidence to demonstrate that the development could be delivered without harm to the wildlife corridor. In particular, the submission does not address potential impacts on habitat, connectivity, or lighting, nor does it indicate how the corridor could be maintained or enhanced through design or mitigation.

As such, there remains uncertainty as to whether the principle of development complies with Policy EN6/4. Based on the information currently available, the proposal is therefore considered to be in potential conflict with the policy. This information will be required at the technical details stage.

Biodiversity net gain

PfE policy JP-G8 requires development to follow the mitigation hierarchy of avoiding significant harm to biodiversity through consideration of alternative sites, then adequately mitigating and compensating for any remaining harm. It also requires development to avoid fragmenting or severing connectivity between habitats and to achieve a net gain in biodiversity of no less than 10%. This reflects national statutory requirements.

This policy requires planning applications to be accompanied by a completed metric and written statement or draft Biodiversity Gain Plan. The policy also requires proposals to make appropriate provision for long-term management of habitats and geological features connected to the development. This information will be required at the technical details stage.

2. Traffic Section

The proposal would result in the creation of sub-standard access arrangements onto the Bury New Road with poor visibility at a hazardous location on the highway network in close proximity to other vehicular accesses, which would be detrimental to the free flow of traffic and road safety.

3. Drainage Section

No objections, subject to the condition and informatives below:

CONDITION: Development shall not commence until details of surface water drainage proposals have been submitted to and approved by the Local Planning Authority. The scheme must be based on the hierarchy of drainage options in the National Planning Practice Guidance and be designed in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or subsequent revisions of it. This must include assessment of potential SuDS options for surface water drainage with appropriate calculations and test results to support the chosen solution. Design details should comply with guidance contained in the Greater Manchester's Sustainable Drainage Design Guide, March 25. Details of proposed maintenance arrangements should also be provided.

REASON: To promote sustainable development. The current application contains insufficient information regarding the proposed drainage scheme to fully assess the impact.

The site is to be drained on a separate system of drainage with surface water and foul sewage being combined at the last manhole before connection to public sewer

Surface water discharge to be limited to existing flow from site less a minimum 40% reduction in run-off to allow for climate change to prevent surcharge of public sewerage system downstream of the proposed development Chapter 10 of the National Planning Policy Framework - Meeting the Challenge of Climate Change, Flooding and Coastal Change and Unitary Development Plan Policy EN5/1 - New Development and Flood Risk and its associated SPD 16 Design and Layout of New

Development in Bury. Climate change allowance should be increased to 70% for sites which fall within Flood Zone 3

Application forms for permission to connect to the public sewer should be obtained by telephoning United Utilities PLC on 08456 020406 or online at www.unitedutilities.com

Applications for sewer requisitions should be obtained by telephoning United Utilities PLC at either Dawson House (01925 235871) or Hathersage Road (0161 609 7513)

The applicant should ensure that any proposed driveways/paved areas (in excess of 5m²) situated at the front of properties are constructed of permeable or porous materials. The applicant should refer to Dept. of Communities & Local Government publication "Guidance on the Permeable Surfacing of Front Gardens" for design & construction details.

4. Environmental Health - Contaminated Land

Should this application be approved, to avoid pre-commencement conditions sufficient information must be submitted at Stage 2, Technical Details Consent stage, to demonstrate that no remedial measures are required or to agree such measures. Further information regarding Land Contamination and the planning process can be found in Bury Council's Developers Guide and on the Planning Portal. Given the site history, substantial site investigation works and assessment would be expected as a minimum.

5. Environmental Health - Air Quality

For this type of development, it would be expected that parking would be included. The site is not located within an Air Quality Management Area. Due to the scale of the proposed development, it is considered very unlikely that the proposed development could create an increase of more than 500 AADT (annual average daily traffic). Therefore, in line with the EPUK Guidance, an air quality assessment will not be required.

Bury Council has been identified by DEFRA as an area requiring to significantly improve air quality. To support the principles of the Greater Manchester Clean Air Plan in reducing levels of nitrogen dioxide and in order to manage current and future levels of air pollution Bury Council is encouraging the use of cleaner vehicles. As such and in line the requirements of the Building Regulations (The Building Regulations 2010, Approved Document S, Infrastructure for the charging of electric vehicles), as part of the Stage 2, Technical Details Consent stage, the developer should provide information regarding Electric Vehicle Infrastructure to the following specification:

1 no. electric vehicle (EV) charging point (minimum 7kW*) per dwelling/parking space.

*Mode 3, 7kW (32A) single phase, or 22kW (32A) three phase, and for 50kW Mode 4 rapid charging may be required. British Standard BS EN 61851-1:2019 to be used.

Further information regarding minimum standards can be found at <https://www.gov.uk/transport/low-emission-and-electric-vehicles>.

Certification and photographic evidence of the installation of the agreed electric vehicle charge points will be required to be submitted to Local Planning Authority for approval prior to the development being brought into use. The infrastructure shall be maintained and operational in perpetuity.

6. Conservation Officer

There is no objection to the proposed development in principle with regard to heritage impact and conservation.

The technical details application will need to address a number of issues affecting the setting of the conservation area regarding layout, mass, size, scale, design and materials in order to at least preserve its character and appearance

It is strongly recommended that, to at least preserve the character and appearance of the conservation area, the proposed development should be a row of low rise two storey terraced dwellinghouses with parking and access to the rear and constructed from vernacular materials of local natural stone and natural slate roof covering with uniform fenestration.

7. GM Ecology Unit

We do not regard that permission in principle should be granted as there are potential ecological reasons to object and or could prevent the development being viable.

This is because the development falls with the Irwell Valley currently protected under UDP policy EN6/4 and falling within the Greater Manchester Nature Network. The GMEU will therefore likely object on these grounds unless strong evidence is provided to justify that mitigation can be provided.

Second the site is wooded and will have potential to provide habitat for protected species such as badger and there may be mature trees on the site capable of providing bat roosting habitat and the development is in close proximity to the River Irwell, where otter are known to be present. The risks are therefore high enough that accepting permission in principle could theoretically result in an illegal permission if protected species were subsequently found on the site as part of technical details that could not resolved via a license.

"Current guidance states it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development is established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision (UK Government Guidance within the ODPM Government Circular 06/2005)"

Finally, the development is woodland likely of moderate ecological value but potentially of high ecological value, which will be replaced primarily with negligible and low value habitats. There is the potential for a significant net loss at the site level that would require the purchase of a significant off-site contribution that could make the development unviable.

We do not regard permission in principle being the correct type of application for this site, owing to the potential ecological constraints that could result in an objection from the GMEU. We therefore recommend the applicant withdraw and resubmit as either an outline or full application with as a minimum a preliminary ecological appraisal.

8. United Utilities

Should this proposal be approved, and an application submitted for Technical Detail Consent, it is important to note that our response to a subsequent application will be based upon the information that is available at the time of response, and therefore, our position and advice may vary.

We strongly recommend that the applicant or any subsequent developer contacts

United Utilities, using our pre-development enquiry service to discuss their proposals directly with our Developer Services team. They can find further advice, along with a **pre-development enquiry form**, on our website: Building & Developing - United Utilities

Any queries that might result from the information contained within this letter should be addressed as follows:

- **From the Local Planning Authority.** Please email Planning.Liaison@uuplc.co.uk
- **From the Applicant.** Specific email contacts related to each category of work are located beneath each section header. Alternative ways to contact the team(s) are available in the Appendix, Section 6.0 'Contacts'.

DRAINAGE

Email: SewerAdoptions@uuplc.co.uk

Directed by the principles set out in the National Planning Practice Guidance and the new National Standards for Sustainable Drainage Systems (2025) we require developers and Local Planning Authorities, to do all that they can to avoid surface water entering the public sewer, unless absolutely necessary. This applies to all proposed development. See Appendix 1.1 'Surface Water Hierarchy'.

All options for the sustainable management of surface water must be thoroughly investigated before we will accept any surface water connections from new development to the public sewer. Where a new surface water connection to the public sewer is proposed, we will require robust evidence to demonstrate the drainage hierarchy has been fully investigated and there are no more sustainable options available for the management of surface water.

Should the applicant receive Planning in Principle permission for this proposal, United Utilities will review the drainage element of any application for Technical Detail Consent in line with comments made above.

In the event of us reviewing an application for Technical Detail Consent, it is likely we may request the following condition:

CONDITION

Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

- i. An investigation of the hierarchy of drainage options in the National Standards for Sustainable Drainage Systems (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
- ii. A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- iii. Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- iv. Incorporate mitigation measures to manage the risk of sewer surcharge where applicable;
- v. Details of points of discharge for foul and surface water; and
- vi. Foul and surface water shall drain on separate systems.

The approved schemes shall be in accordance with the National Standards for

Sustainable Drainage Systems (2025) or any subsequent replacement national standards. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

Please note, United Utilities is not responsible for advising on rates of discharge to the local watercourse system. This is a matter for discussion with the Lead Local Flood Authority and / or the Environment Agency (if the watercourse is classified as a main river).

Management and maintenance of Sustainable Drainage Systems (SuDS)

Without effective management and maintenance SuDS can fail or become ineffective which may have a detrimental impact on the surrounding area, including the performance of the public sewer network (where the two systems interact).

Therefore, where SuDS is included in a proposed development, we recommend the Local Authority include a condition relating to SuDS management and maintenance in any subsequent Decision Notice. An example condition is included with the Appendix, Section 2.2.

When considering their drainage proposal, it is the applicant's responsibility to investigate the existence of any infrastructure that might impact their detailed design. This includes water, wastewater, operational and/or abandoned pipelines.

United Utilities will not routinely review proximity or positioning of drainage proposals in relation to existing pipelines when assessing the suitability of a specific drainage design. Where infrastructure exists, the drainage design must comply with the relevant United Utilities guidelines and/or Building Regulations. Further information is available on our website: Working near our pipes - United Utilities. Failure to consider existing infrastructure when designing a drainage proposal may result in the applicant having to redesign proposals at a later date.

UNITED UTILITIES' PROPERTY, ASSETS AND INFRASTRUCTURE

It is the applicant's responsibility to investigate the existence of any pipelines that might cross or impact their proposed site and also to demonstrate the exact relationship between United Utilities' assets and the proposed development. The applicant should not rely solely on the detail contained within asset maps when considering a proposed layout.

It is important that the supporting information contained in the Appendix, Section 3.0 'United Utilities' Property, Assets and Infrastructure', is read in conjunction with this letter. This provides information that might impact a proposed layout and additional guidance that an applicant or developer must consider when United Utilities assets are located in, or in the locality of, the proposed site. Additional information is available on our website: Working near our pipes - United Utilities

The applicant should also review United Utilities' 'Standard Conditions for Works Adjacent to Pipelines' document which can be found on our website:

standard-conditions-for-works-adjacent-to-pipelines-issued-july-2015.pdf.

They, or any subsequent developer working on the proposed site must adhere to the details contained within this document.

WATER EFFICIENCY IN NEW DEVELOPMENT

All new homes are required to meet the mandatory national standard of 125 litres of water used per person per day (l/p/d) as set out in Building Regulations Approved Document G. If your adopted development plan includes a policy that implements the

tighter water efficiency standard of 110 l/p/d for new-build dwellings in Part 3 of Building Regulations, you should ensure that this is a condition of any planning permission you may grant. You should also consider whether there is any adopted development plan policy relating to water efficiency in the construction of non-residential development. As this is a matter for the local planning authority / building control body, United Utilities would not be involved in the discharge of conditions relating to water efficiency.

Signed:

A handwritten signature in black ink, appearing to read 'P. H. H.', is written over a dotted line.

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On behalf of the Council

Date of Decision: 28/08/2026