

DELEGATED REPORT

Report by Helen Pressley	Date of report: 09/09/2024	Ref: 70561/FUL
Registration: 17/07/2024	LDFC: 13/08/2024	Expiry Date: 11/09/2024
Site Visit: 04/09/2024	Site Notice: N/A	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIDW

Proposal: Erection of building comprising of 7 no. apartments with associated parking and landscaping

Location: Land between 205-211 Bury Old Road, Prestwich, Manchester, M25 1JF

Description

The application relates to a vacant area of land between 205-211 Bury Old Road, Prestwich and backs onto the grounds of a three storey block of flats at Infant Street. The area is level and grassed with 1 no. trees located centrally within the site. The site is fronted by the adopted highway and footway and immediately fronted by a bus shelter and separate public bench. There is no dropped kerb crossing serving the site.

The site is flanked by traditional two storey terraces to the south, with commercial units at the ground floor and some residential units at first floor. A single storey commercial unit is located to the north. To the west of the site there are blocks of residential apartments, with Heaton Park located to the east. The site is located in an area allocated as a Local Shopping Centre under Unitary Development Plan Policy S1/4.

Planning permission is sought for the construction of a 3 storey building comprising of 7 no. apartments, with accommodation provided within the roofspace. The apartments would consist of 4no. two bedroom and 3no. one bedroom apartments.

Relevant Planning History

69710 - Erection of four storey building comprising of 8 no. apartments with associated parking and landscaping - Withdrawn by Applicant 10/10/2023

02911/ E - Proposed 8 new build apartments - Enquiry Complete 23/11/2023

70689 - Replacement of billboard advertising display to D-Poster illuminated advertising display - Approve with Conditions 13/06/2024

Publicity

Neighbour letters sent 22/07/2023

1 objection received in relation to:

- where will the entrance to the apartments be?
- where will the car park and landscaping be?
- where will the materials be delivered to? Bury Old road, Park Street or Infant Street?
- There is not enough room on Infant Street and Rooden Court
- Bury Old Road is too busy for this amount of work, deliveries
- Will affect local businesses
- Young children living in Rooden Court
- Very little parking in the area for locals let alone workmen, builders and delivery of

materials.

Statutory/Non-Statutory Consultations

Prestwich Village Neighbourhood Forum - objects on the grounds of over-development, insufficient parking, restriction of view of the billboard advertisement, applicant does not own all the land.

Traffic Section - Lack of information submitted in relation to the existing street furniture on Bury New Road, access arrangements from Infant Street, and bin storage. Parking inadequate.

Environmental Health - Contaminated Land - Conditions requested in relation to the submission of a contaminated land preliminary risk assessment, site investigation, detailed risk assessment, remediation strategy and site verification report. Condition also requested in relation to the installation of EV charge points.

Waste Management - No response

Borough Engineer - Drainage Section - No response

Greater Manchester Ecology Unit - Metric has not been completed correctly as the areas pre and post development do not match.

United Utilities (Water and waste) - Request for a SuDs conditions.

Property & Technical Services - Estates Consultancy - No response

The Coal Authority - We have reviewed the site location plan provided and can confirm that the site falls within the Coal Authority's defined Development Low Risk Area. On this basis we have no specific comments to make.

Environmental Health - Pollution Control - No response

Transport for Greater Manchester - no objections raised.

Pre-start Conditions - Not relevant

Development Plan and Policies

EN1/2	Townscape and Built Design
EN6/3	Features of Ecological Value
EN7/2	Noise Pollution
EN7/5	Waste Water Management
EN8/2	Woodland and Tree Planting
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H2/3	Extensions and Alterations
HT2/4	Car Parking and New Development
S1/4	Local Shopping Centres
JP-H1	Scale of New Housing Development
JP-H3	Type, Size and Design of New Housing
JP-H4	Density of New Housing
JP-G7	Trees and Woodland
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
JP-P1	Sustainable Places
JP-C2	Digital Connectivity
JP-C5	Streets For All

JP-C6	Walking and Cycling
JP-C8	Transport Requirements of New Development
JP-S2	Carbon and Energy
JP-S4	Flood Risk and the Water Environment
JP-S1	Sustainable Development
JP-S5	Clean Air
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
NPPF	National Planning Policy Framework

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within the adopted Bury Unitary Development Plan (UDP), together with other relevant material planning considerations.

The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP and PfE Policies will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions

under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Principle (Residential)

The National Planning Policy Framework (NPPF) should be treated as a material planning consideration and it emphasises the need for local planning authorities to boost the supply of housing to meet local housing targets in both the short and long term. The Framework states that unless they have an adopted plan that is less than five years old that identified a five year supply of specific deliverable sites at the time of conclusion of the examination, then local planning authorities should identify and update annually a supply of specific developable sites to provide either a minimum of five years' worth of housing, or a minimum of four years' worth of housing in certain circumstances set out in NPPF paragraph 226.

The joint Places for Everyone Plan was adopted with effect from 21 March 2024 and sets the up-to-date housing requirement for Bury against which the deliverable supply of housing land must be assessed. PfE Policy JP-H1 sets the following stepped targets for Bury:

- 246 homes per year from 2022-2025;
- 452 homes per year from 2025-2030; then
- 520 homes per year from 2030-2039.

Bury's Strategic Housing Land Availability Assessment sets out the latest housing supply position, which is made up of sites that have an extant planning permission and sites that have potential to obtain planning permission in the future. This shows that there are a number of sites within the Borough with the potential to deliver a significant amount of housing. However, not all of these sites will contribute to the deliverable land supply calculations as many sites will take longer than five years to come forward and be fully developed (e.g. some large sites could take up to ten years to be completed). In addition to the housing land supply in the SHLAA, the joint Places for Everyone Plan allocates significant strategic sites for housing within Bury and will accelerate housing delivery within the Borough to meet housing needs.

Following the adoption of Places for Everyone, the Council is now able to demonstrate a deliverable 5 year supply of housing land when assessed against the adopted PfE housing requirement.

The National Planning Policy Framework also sets out the Housing Delivery Test, which is an assessment of net additional dwellings provided over the previous three years against the homes required. Where the test indicates that the delivery of housing was substantially below (less than 75%) the housing requirement over the previous years, this needs to be taken into account in the decision-taking process. The latest results published by the Government show that Bury has a housing delivery test result of less than 75%, and therefore, this needs to be treated as a material factor when determining applications for residential development.

Therefore, paragraph 11d) of the National Planning Policy Framework states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless:

- i. The application of policies in the Framework that protect areas, or assets of particular importance, provides a clear reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole.

In terms of housing delivery the Borough has underdelivered against the local housing need, and as a result the 'tilted balance' applies and planning permission should be granted unless the above points Para 11(d) i or ii apply.

There are other residential uses within the vicinity of the site including flats at first floor within the row of terraced properties to the south, and blocks of residential apartments to the west of the site. As such it is considered that the proposed development would not conflict with the surrounding land uses and would be located in a sustainable location with regard to public transport and services. Policy S1/4 should however be reviewed and assessed within the context of the site and any future development.

Given the above, the principle of the proposed development at the site would be acceptable. Therefore, the proposed development would be acceptable in principle and would be in accordance with Policy H1/2 of the Bury Unitary Development Plan.

Layout and Design

Policy JP-H4 requires new housing development to be delivered at a density appropriate to the location, reflecting the relative accessibility of the site by walking, cycling and public transport and the need to achieve efficient use of land and high quality design. Policy JP-H4 sets out minimum densities that should be considered.

The minimum density for the site would be 70 dwellings per hectare. The application form states that the site area is 0.076 hectares. The proposal would therefore lead to a density of 92 dwellings per hectare. The proposal would therefore significantly exceed the minimum density required.

In terms of layout, the constrained nature of the site with either existing buildings and a main road to all boundaries means that any scheme on this site needs to be carefully designed in order to provide appropriate levels of amenity space, bin storage, parking, amenity etc whilst also providing an appropriate level of residential accommodation. A small communal area of garden is proposed to the rear of the site however there would be no private areas of amenity space provided. Bin storage for 14 bins is shown on the submitted site plan, however due to the poor level of detail it is unclear if this area is large enough for 14 bins, although at approximately 5 square metres it is unlikely. It is also unclear why 14 bins have been shown, when Bury operate a 4 bin per dwelling collection service - or larger commercial bins for shared bins.

The LPA has completed a pre-application enquiry in relation to this site prior to submission and following the previously withdrawn scheme. This included a written response on 2 separate designs, a meeting and additional emails in relation to designs submitted following the formal pre-application response. The LPA has suggested various alterations to the scheme including creating an L shaped building, terraces and recessed balconies to provide amenity space, undercroft parking etc and has been consistent in their advice that the applicant is trying to fit too much onto the site. Whilst some of the comments have been included in the redesigned scheme the applicant has resisted the advice to reduce the amount of units on site. Given that the site can not accommodate adequate bin storage and amenity space within the boundary for the proposed 7 units and would exceed the minimum density standards unacceptably by 22 properties p/ha it is considered that the proposal would lead to over-development of the site that would lead to a poor level of accommodation for future occupiers and therefore fail to deliver high quality housing.

Policies H2/1 and H2/2 provide the assessment criteria for detailed matters relating to height, appearance, density and character, aspects and finishing materials for new residential developments. Policy JP-H3 - Seeks to provide an appropriate mix of dwelling types and sizes reflecting local plan policies and having regard to relevant local evidence. Development across the plan area should seek to incorporate a range of dwelling types and sizes, including for self-build. Policy EN1/2 seeks to ensure that development proposals would not have a detrimental effect on the visual amenity and character of a particular area. Policy JP-P1 Sustainable Places aims to promote a series of beautiful, healthy and varied places.

The design of any new building within the context of this street scene needs to be carefully

considered, especially when reviewing the most recent updates to the NPPF with its focus on design and the National Design Guide. The NPPF makes it clear that creating high quality buildings and places is fundamental with Paragraph 126 stating "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

This is further supported by the National Design Guide. The National Design Guide, published by the Ministry of Housing, Communities and Local Government in 2019 states that well designed new development is influenced by "an appreciation and understanding of vernacular.....including existing built form, landscape and local architectural precedents." In terms of layout the Design Guide states that a well designed place is unlikely to be achieved by focusing just on appearance, materials and detailing of buildings and that layout, including the grain pattern of development, blocks and lots needs to be considered and relate to one another to create spaces, open spaces and buildings.

The immediate street scene is depicted by two storey terraces, and detached single and two storey properties. The footprints of properties, and their associated plots have led to a regular pattern of development and established building grain. To the rear of the site there are three storey blocks of apartments however these are set back from Bury Old Road and due to the gap provided by the site do not appear overly dominant in relation to the properties that directly front this stretch of highway. The site itself is an important gap in this built environment that equally adds to the visual amenity and character of the area. The proposal site would be viewed in relation to an established row of built development along Bury Old Road and it is considered that it is these properties that should be used to inform the scale, massing and design features of the proposal.

The proposal has been amended following pre-application advice to now provide an active frontage with Bury Old Road, and the height and proportions of the proposed building have been improved. As noted within the pre-application advice response the terrace to the south of the site in particular has an established rhythm of openings and scales within the elevation that fronts Bury Old Road that need to be replicated. Whilst the ground floor and first floor windows would reflect this, the use of large gables at roof level fail to acknowledge the simplicity of the existing roofscape leading to a proposal that appears out of scale and overly dominating on the proposed front elevation. Indeed the scale of the proposed gables would give the impression of a three storey property, rather than a two storey property with accommodation with the loft. It was confirmed prior to submission that this design would not be supported.

Overall, it is considered that the proposed development would, by reason of its size, position and design would be a prominent and intrusive feature in the street scene and would therefore, be seriously detrimental to the visual amenities of the area.

Policy JP-H3: states that all new dwelling must:

1. Comply with the nationally described space standards; and
2. Be built to the 'accessible and adaptable' standard in Part M4(2) of the Building Regulations unless specific site conditions make this impracticable.

The overall GIAs set out within the submitted nationally described space standard table for the proposal would comply with NDSS, as would the room sizes however the contents of this table appear to be conflicting when the proposed floor plans are reviewed.

NDSS confirms that any area with a headroom of less than 1.5m is not counted within the Gross Internal Area unless used solely for storage. Bedroom 1 for flats 4, 5, 6 and 7 at second floor show the area of floor space that can be provided at a 1m height, rather than a 1.5 metre height. NDSS also confirms that the minimum floor to ceiling height is 2.3m for at least 75% of the Gross Internal Area.

Sections have been provided, and the floor plans indicate where the proposal has a headroom of 2 metres. An area of approximately 6.7metres can be provided for bedroom 1 within these flats (4-7) with a headroom of 2 metres, but it is not clear from the drawings submitted exactly how much floor space for each of these bedrooms would be provided with headroom that exceeds 1.5metres and how much exceeds 2.3 metres. Similarly it appears that a floor space of approximately 15.7 square metres can be provided for bedroom 2 of each of these flats with a headroom of 2 metres but it is not clear how much space can be provided at 1.5 square metres or 2.3 square metres.

It may be that an extra 0.8 square metres may be available in bedroom 1 to allow this to be considered to be a single occupancy room however bedroom 1 is considered to be the principle double bedroom within the units as set out within the submitted nationally described space standards table. Indeed bedroom 2 in these flats appears to only have natural light through a velux window rather than a window with an outlook. The overall floor to ceiling height for this second floor also appears to be below 2.3 metres for the majority of the accommodation proposed.

The aims of Policy JP-H3 and NDSS are to provide homes that are comfortable, safe and adaptable to allow people to carry out everyday activities at ease. It is considered that insufficient information has been provided to ensure that suitable bedroom space can be delivered within the proposal that complies with these standards and as such the proposal can not be supported.

A condition can be used to secure compliance with Part M4(2).

Amenity

UDP Policy H1/2 states that the council will have regard to various factors when assessing a proposal for residential development, including whether the proposal is within the urban area, the availability of infrastructure and the suitability of the site, with regard to amenity, the nature of the local environment and the surrounding land uses. There are no adopted aspect standards for new build residential properties however, Supplementary Planning Document 6 provides guidance on aspect standards between residential properties and as such, would be a reasonable guide in this case.

For clarity the following aspect standards would be applicable:

- 20 metres between directly facing habitable room windows;
- 13 metres between an existing habitable room window and a proposed two storey blank wall
- 6.5 metres between an existing habitable room window and a proposed single storey blank wall
- 7 metres between a proposed first floor habitable room window and a directly facing boundary with a neighbouring property.

Any assessment will take into account significant change in levels or new accommodation to be provided at a higher storey. In this regard, there should be an extra 3 metres of separation for each 2.5m or one storey of height or level difference in each of the above cases.

No side windows are proposed. Due to the nature of rooflights no undue overlooking is foreseen.

The proposed kitchen/living/dining room windows for flats 6 and 7 would be located approximately 9.4 metres from the directly facing boundary exceeding the 7 metres required by SPD 6. The proposed bedroom windows for flats 6 and 7 would be located approximately 9.8 metres from the directly facing boundary. Whilst this is below the 10 metres required by SPD 6 it is considered this is not significant enough to warrant refusal of the scheme. The proposed rear habitable room windows would be located approximately 17

metres from the side elevation of the flats at Rooden Court. There are windows located within the side elevation of this property that face the site and it is unclear what the use of these windows is, however SPD 6 clarifies that side windows are usually not protected and as such this distance is considered to be acceptable.

In addition to the above policies JP-P1 states that developments should offer comfortable and inviting indoor and outdoor environments "offering a high level of amenity that minimises exposure to pollution" This is further reinforced by Policy EN7/2 - Noise Pollution which does not permit development which would lead to an unacceptable noise and environmental nuisance to nearby occupiers and/or amenity users.

The only outdoor communal space for the proposed development would be adjacent to the kitchen/dining/living and bedroom of flat 3. It is considered that the close proximity of the only communal outdoor space has the potential to cause nuisance in relation to noise to these habitable room windows contrary to the policies set out above.

Access

Policy EN1/2 requires the consideration of the design and appearance of access, parking and service provision. This is further supported by Policy H2/2 that requires proposals to demonstrate adequate car parking provision, access for both vehicles and pedestrians, and provision for public transport and the existence of any public rights of way. Policies JP-C5 and JP-C6 require streets to be well designed and managed to make a significant positive contribution to the quality of place and support high levels of walking, cycling and public transport.

The submitted access plan is poor in detail and fails to show the abutting highways and street furniture in detail on a proper, topographical survey based site plans, including the bus stop/shelter, bench and bollard positions, as well as what is intended to happen to them.

In order for Highways to assess the access arrangements clear of the adjacent parking spaces, the applicant also needs to detail the works required to form the access to the site from Infant Street. The generic East Lothian Council standard detail showing a single width dropped crossing is not sufficient for the access required. Works to remove the gate as well as detail the retention of the existing parking spaces at Rooden Court also need to be provided.

As set out above detailed bin storage arrangements should also be shown on the clearer, more accurate site plan along with details as to how waste management would access this storage.

Given the lack of information in relation to the points above, it is considered that the proposal would fail to provide sufficient information to ensure that the proposal would not have a detrimental impact on highway and pedestrian safety contrary to the policy considerations set out above.

Parking

Policy JP-C8 requires new development to be located and designed to enable and encourage walking, cycling and public transport use and to reduce the negative effects of car dependency. Policy JP-C1 requires developments to be located and designed to deliver a significant increase in the proportion of trips that can be made by walking, cycling and public transport. Developments should prioritise pedestrians, cyclists and public transport users.

In terms of parking standards, in addition to Policy JP-C8 and Policy HT2/4 requires all applications for development to make adequate provision for their car parking and servicing requirements. Supplementary Planning Document 11 provides parking standards for developments.

In a high access area SPD 11 would require a maximum of 9no. spaces for the amount of dwellings/bedrooms proposed. The proposal seeks to provide 5no. parking spaces for the 7 dwellings.

The site is located within a highly sustainable location with a bus stop to the front of the site, and a metrolink within walking distance. Local amenities such as shops are also located within walking distance however it is not clear how the proposed parking numbers have been established, other than utilising the remaining space available following the provision of the 7no. units. Whilst the Design and Access Statement acknowledges these transport options, no assessment has been provided to suggest that 5no. spaces is adequate.

As noted on site visits on street parking within the vicinity of the site is already at capacity, and whilst the location of the site is acknowledged due to the lack of information submitted with the application in terms of how the proposed parking numbers have been reached it is considered that the proposed parking provision is inadequate.

The proposal would appear to comply with the required cycle parking standards, providing 4no. spaces as set out within SPD 11.

It is therefore considered that the proposed car parking provision is inadequate for the uses proposed and is likely to lead to vehicles parking and carrying out manoeuvres on the adjacent classified and unclassified highways to the detriment of the free flow of traffic and road safety. The proposal would therefore fail to comply with the policy HT2/4 and SPD 11.

Ecology, BNG and Trees

Policy JP-G8 states that through local planning and associated activities a net enhancement of biodiversity resources will be sought. This is supported by Policy EN6/3 that seeks to retain, protect and enhance the natural environment and seeks to retain features of ecological or wildlife value. Paragraph 180 of the NPPF states that the planning policies and decisions should contribute to and enhance the natural and local environment. Policy EN8/2 supports and encourages new woodland and tree planting within the borough. This is further supported by Policy JP-G7 that aims to significantly increase tree cover and requires 2no. replacement trees for each tree lost or other measures that would also result in a net enhancement in the character and quality of the treescape and biodiversity value in the local area.

The site is subject to mandatory net gain. The submitted metric is incorrect, as the areas of pre and post development do not match. Evidence has also not been provided as to how the applicant would plan to achieve a net gain.

As such, it is considered that insufficient information has been provided to allow the LPA to accurately assess biodiversity net gain.

The proposal would see the loss of 2 trees and one group of trees. The proposal would appear to seek to replace these with Laurel bushes rather than trees. This would not result in a net enhancement of the treescape, and it is unclear if the laurels would result in a net enhancement to biodiversity value compared to the existing trees.

Digital Connectivity

JP-C2 - Digital Connectivity - this policy requires development to have full fibre to premises connections unless infeasible or unviable, with multiple-ducting.

The applicant was asked to provide a digital connectivity statement in relation to this proposal when their application was being validated. It was requested that this information be supplied within 2 weeks of the application being validated. This information was not submitted.

Carbon and Energy

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

The applicant was asked to provide a carbon and energy statement in relation to this proposal when their application was validated. It was requested that this information be supplied within 2 weeks of the application being validated. This information was not submitted.

Other considerations

As referenced within the main body of the report the applicant did engage in pre-application advice prior to submission of this application however it is considered that the applicant has failed to adequately address the issues raised as part of this advice.

The submitted documentation is lacking in detail, and information across a number of areas. The applicant for instance was asked during pre-application discussions to utilise the Planning Statement to justify the lack of parking for the proposal. The planning statement however is largely a copy and paste of the LPA's pre-application response (including reference to conflicting plans submitted at pre-application) and has focused on copying the UDP policies, rather than addressing how the proposal would meet these policy considerations. Indeed the sections in reference to amenity and access and parking provide no assessment at all. PfE was also referenced within the pre-application response and the applicant was told that these policies would be relevant in the subsequent consideration of any planning application. PfE policies have not been referenced within the Planning Statement.

The applicant was contacted during the application process to let them know that there were issues with the proposal in terms of design, highways and BNG. The applicant has tried to submit amended plans however these were not accepted as they did not address all the issues set out above, and would not have allowed sufficient time for consultation within the required 8 weeks. The LPA considers that through the ongoing assessment of the proposal the amendments required to make the scheme acceptable would go beyond the scope of the original application and as such the LPA has proceeded to a decision without accepting amendments and an extension of time.

Response to representations

It is considered that the material planning considerations have been addressed within the main body of the report.

Plans were available on the website that showed the proposed layout.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Refuse

Conditions and Reasons:

- 1 The proposed development would, by reason of its size, position and design, be a

prominent and intrusive feature in the street scene and would therefore, be seriously detrimental to the visual amenities of the area. The proposed development therefore conflicts with the following policies of the Development Plan H2/1 - The Form of New Residential Development, H2/2 - The Layout of New Residential Development, JP-H3 - Type, Size and Design of New Housing, EN1/2 - Townscape and Built Design and JP-P1 - Sustainable Places.

- 2 The size of the site is inadequate to accommodate the development proposed whilst satisfying reasonable requirements for space about and within the dwellings proposed. As such, the proposal would have a detrimental impact on residential amenity of the future occupiers and would fail to provide a good quality residential environment. The proposed development therefore conflicts with the following policies of the Development Plan H2/1 - The Form of New Residential Development, H2/2 - The Layout of New Residential Development, JP-H3 - Type, Size and Design of New Housing, EN1/2 - Townscape and Built Design and JP-P1 - Sustainable Places.
- 3 The development would be seriously detrimental to the residential amenities of future occupants of flat 3, by reason of the noise, disturbance and general activity associated with the proposed communal outdoor space. The proposed development therefore conflicts with the following policies of the Development Plan H1/2 - Further Housing Development, JP-P1 - Sustainable Places and EN7/2 - Noise Pollution.
- 4 The proposed car parking provision is inadequate for the uses proposed and is likely to lead to vehicles parking and carrying out manoeuvres on the adjacent classified and unclassified highways to the detriment of the free flow of traffic and road safety. The proposed development therefore conflicts with the following policies of the Development Plan EN1/2 - Townscape and Built Design, H2/2 The Layout of New Residential Development, JP-C5 - Streets for All, JP-C6 - Walking and Cycling, HT2/4 - Car Parking and New Development and Supplementary Planning Document 11 - Parking Standards in Bury.
- 5 The application and submitted plans contain insufficient, topographical survey based information in order for the following to be properly assessed:
 1. Physical impact of the development, its foundations and surface water drainage arrangements on the adjacent adopted highway;
 2. Provision of porous/permeable hardstanding materials and/or measures to prevent the discharge of surface water onto the adjacent adopted highway;
 3. Provision of level vehicular and pedestrian access to the development from Infant Street;
 4. Physical impact of the proposed access arrangements clear of the adjacent parking spaces within Rooden Court and works to remove the gate;
 5. Provision of adequate in-curtilage bin storage facilities in accordance with Waste Management's 'Guide to Refuse Collection Requirements & Storage Methods for New Developments';
 6. Physical impact of the development on the adjacent bus stop/shelter and bollard provisions on Bury Old Road.

The proposed development therefore conflicts with the following policies of the Development Plan The proposed development therefore conflicts with the following policies of the Development Plan EN1/2 - Townscape and Built Design, H2/2 The Layout of New Residential Development, JP-C5 - Streets for All and JP-C6 - Walking and Cycling.

- 6 The application and submitted plans contain insufficient information to enable them to be properly assessed in relation to Biodiversity Net Gain and the loss of existing habitats on site. The proposal would therefore fail to comply with Schedule 7A of the

Town and Country Planning Act 1990 and Policies JP-G8 A Net Enhancement of Biodiversity and Geodiversity, EN8/2 - Woodland and Tree Planting and JP-G7 Trees and Woodland of the adopted Development Plan.

- 7 The application and submitted plans and supporting statements contain insufficient information to enable the local planning authority to assess whether the proposal would maximise reductions in carbon emissions, as required by Policy JP-S2 - Carbon and Energy of the Places for Everyone Joint Development Plan.
- 8 The application and submitted plans and supporting statements contain insufficient information to demonstrate that the proposal would comprise high quality digital infrastructure, as required by Policy JP-C2 - Digital Connectivity of the Places for Everyone Joint Development Plan.

<u>Case Officer</u> HP 09/09/24	<u>Date</u>	<u>Sign off Officer</u> DM - 09/09/2024	<u>Date</u>
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