

DELEGATED REPORT

Report by Helen Pressley	Date of report: 20/12/2024	Ref: 71077/FUL
Registration: 20/11/2024	LDfC: 16/12/2024	Expiry Date: 25/12/2024
Site Visit: 25/11/2024	Site Notice: 25/11/2024	Press Date: N/A
Objections: 9	Con Area:	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIDW

Proposal: Application for permission in principle for the demolition of existing garages and the erection of 3 dwellings

Location: Land at rear of 100-102 Castle Hill Road & between 98-114 Woodgate Hill Road, Bury, BL9 7RS

Description

The application relates to a site to the rear of properties that face Castle Hill Road and Woodgate Hill Road. The site is currently occupied by a number of single storey garage. Access is currently gained to the site from Woodgate Hill Road. The site is located at a higher level than the residential properties to the west and south.

The site is bound by residential uses to the south, east and west with green belt located to the north

The application seeks a Permission in Principle (PiP) for the redevelopment of the site for up to 3no. dwellings. The submission of a valid application for permission in principle requires a completed application form, plan which identifies the land to which the application relates and the correct fee. There are no other details or reports required in the submission.

A decision must be made in accordance with relevant policies in the development plan unless there are material considerations in the NPPF to consider.

To assess PiP applications a LPA consideration is limited to location, land use and amount of development, with other matters considered at technical details stage.

Local Planning Authorities must consult any body they would be required to consult in relation to an application for planning permission.

Conditions cannot be attached to a PiP.

Relevant Planning History

02949/E - Demolition of garages and erection of 3 no. dwellings - Enquiry completed 03/05/2024

Publicity

Letters sent to 25 neighbouring properties on the 25th November 2024.
Site notice posted on the 25th November 2024.

8 objections received in relation to:

- Loss of privacy.
- Loss of light.
- Risk of flooding.

- Land to rear is at a higher level.
- Access - unadopted road with limited parking made worse by the hospital staff.
- Existing road is already in poor condition.
- Increased traffic.
- Impact on wildlife.
- Noise, dust, air pollution and disruption.
- Size and design will be out of scale or character for the area.
- The general site plan and the indicative site plan includes land not owned by applicant.

Statutory/Non-Statutory Consultations

Environmental Health - Contaminated Land - It is noted that this is a Stage 1 Permission in Principle application to establish the principle of development. As such conditions cannot be recommended, but we raise comments regarding the information required for submission at the subsequent Stage 2, Technical Details Consent stage in relation to Contaminated Land and Air Quality.

Traffic Section - Details in relation to access, carriageway improvements, improvements from Woodgate Hill Road, visibility, turning facilities, parking provision and bin storage are required at technical details stage.

Borough Engineer - Drainage Section - No response

United Utilities - 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 the surface water hierarchy. United Utilities will request evidence that the drainage hierarchy has been fully investigated and why more sustainable options are not achievable before a surface water connection to the public sewer is considered acceptable.

Greater Manchester Ecology Unit There are no known ecological constraints with granting permission in principle for the proposals. Any ecological issues including biodiversity net gain will be dealt at the technical details stage.

Waste Management - No response

These details will be included as informatives.

Pre-start Conditions - Not relevant

Development Plan and Policies

EN1/2	Townscape and Built Design
EN6/3	Features of Ecological Value
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
JP-H1	Scale of New Housing Development
JP-H3	Type, Size and Design of New Housing
JP-H4	Density of New Housing
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-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

The Permission in Principle (PiP) application seeks to establish whether in principle, the site is suitable for a residential development for 3no. properties. Consideration of PiP applications are limited to location, land use and amount of development. Other matters are considered at technical details stage.

Consultations of the planning application can be carried out but conditions cannot be attached to a PiP approval.

The issues to establish acceptance of the proposed PiP development are analysed below.

Land Use and Location

The National Planning Policy Framework (NPPF) is a material planning consideration in planning decisions, and emphasises the Government's objective of significantly boosting the supply of homes. The Framework states that local planning authorities should identify and update annually a supply of specific deliverable sites to provide a minimum of five years' worth of housing, with either a 5% buffer to ensure choice and competition in the market for land, or a 20% buffer where there has been significant underdelivery of housing over the previous three years. As set out in NPPF paragraph 78, the supply of housing must be assessed against the housing requirement set out in adopted strategic policies where these are less than five years old.

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. 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 able to demonstrate a deliverable 5 year supply of housing land with a 20% buffer (as currently required in Bury due to past under delivery) when assessed against the adopted PfE housing requirement.

The National Planning Policy Framework also sets out the Housing Delivery Test (HDT), 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 (the 2023 measurement published on 12 December 2024) show that Bury has a HDT result of less than 75%, and therefore, this needs to be treated as a material factor when determining applications for residential development.

Therefore, paragraph 11(d) 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, provide a strong 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

As a result of the latest published HDT result the 'tilted balance' applies and planning permission should be granted unless the above points Para 11(d) i or ii apply.

NPPF paragraph 80 requires the latest published HDT results to be used. However, the Government is currently operating to a delayed publication timetable for the HDT, and although the latest published results for 2023 are below 75%, based on the current HDT rulebook Bury's result for 2024 will be above 75% and the tilted balance will no longer be triggered by the housing delivery test result.

The site is currently used as a garage colony. Residential dwellings are located to the front and side of the site. The land to the north/ north east of the site is allocated as Green Belt. In terms of location, the development for 3no. residential dwellings would not conflict with the built form or surrounding land uses. The site is located within the urban area with access to local services and infrastructure.

Amount of development

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 as set by Policy JP-H4 would be 35 dwellings per hectare. The application form confirms that the site is 0.10 hectares. The proposal would therefore lead to a density of 30 dwellings per hectare. The proposal would therefore fail to meet the minimum density required. In this instance however, it is considered that the additional dwelling required to exceed the minimum density would have potential to lead to overdevelopment. As such the proposed density is considered to be acceptable.

The indicative site plan indicates that 3no. dwellings can be accommodated on the site. The locations of these dwellings in terms of relationships to existing residential properties, and adopted aspect standards would be assessed at the technical details stage.

Response to representations

The permission in principle consent route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of the development. The scope of permission in principle is limited to location, land use and amount of development. The matters raised within the representations would be dealt with at the technical detail stage.

In terms of landownership Local planning authorities must publicise their intention to grant sites permission in principle with a site notice and an online notice. A site notice was posted adjacent to the site on the 25th November 2024 and the application has been published online. In addition to this the LPA have also written to neighbouring properties. Where an application is made for technical details consent, following a grant of permission in principle, the applicant must complete an ownership certificate which confirms that an appropriate notice has been served on landowners.

Recommendation: Approve

Conditions and Reasons:

- 1 The Principle of Permission hereby granted is for a period of 3 years from the date of this decision. This is the prescribed period as set out in the Town & Country Planning Act 199, Town and Country Planning (Permission in Principle) Order 2017 as amended. The "Notes to Applicant" below provides guidance on what the detailed proposals should include at the Technical Details Stage.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP - 20/12/2024		HL - 20/12/2024	