

## **DELEGATED REPORT**

|                                 |                                   |                                |
|---------------------------------|-----------------------------------|--------------------------------|
| <b>Report by</b> Helen Pressley | <b>Date of report:</b> 18/09/2025 | <b>Ref:</b> 72054/FUL          |
| <b>Registration:</b> 25/07/2025 | <b>LDfC:</b> 28/08/2025           | <b>Expiry Date:</b> 19/09/2025 |
| <b>Site Visit:</b> 06/08/2025   | <b>Site Notice:</b> 06/08/2025    | <b>Press Date:</b> 07/08/2025  |
| <b>Objections:</b> 0            | <b>Con Area:</b> N/A              | <b>Adv Type:</b> ARW           |
| <b>Reason for Delay:</b><br>N/A |                                   | <b>EIA:</b> NA                 |
|                                 |                                   | <b>Dec Level:</b> DEL          |
|                                 |                                   | <b>Stat Class:</b> MIDW        |

**Proposal:** Demolition of 2 no. Stable Blocks; Erection of 5 no. Dwellings and a Stable Building

**Location:** Land off Brookbottom Road, Radcliffe, Manchester, M26 4HX

### **Description**

The application relates to an existing stable yard located to the north of Brookbottom Road/Hardman Street. The site is currently accessed via Public Right of Way Bridleway 46SA which commences at the junction with Hardman Street and Hardman Close. The site currently comprises of 2no. single storey stable buildings areas for general storage. Public Right of Way Footpath 28SA in an easterly direction between the two existing stables. An electricity pylon is located to the north of the site. Detached residential properties are located to the south and west of the site.

The site is located within the Places for Everyone Joint Development Framework JPA7 - Elton Reservoir allocation.

Planning permission is sought for the demolition of the existing stables, and for the construction of 5no. dwellings comprising of a pair of semi-detached properties, and a row of 3no. dwellings. A stable block is also proposed along the north-western boundary of the site. The proposal also includes the diversion of Public Right of Way Footpath 28SA.

### **Relevant Planning History**

02943/E - Residential development creating three dormer bungalows and removing existing stables - Enquiry complete 28/02/2024

### **Publicity**

Neighbour letters sent 31/07/2025

Site notice posted 06/08/2025

Press notice printed in the Bury Times 07/08/2025

2 comments received in relation to:

- Note the nearby access to a currently disconnected cycleway/greenway, from Hardman St. I would ask that any new development consider the users who would use the path to access the cycleway.
- Please do not allow developer to put up tall fencing along their boundary as it makes access less attractive and reduces light.
- Please also consider the width of the cycleway access path.
- Any boundary treatment needs to consider visibility to those using the new driveway.
- Plans do not show the location of houses, or stables.
- No elevations of the stables provided.
- No information provided to show how the applicant will meet BNG requirements.
- Ecological plan area and red edge different.
- What contribution will the development give to the prep recreation route non the access track and adjacent path?
- How will the public right of way through the stable be protected and kept clear of

- vegetation? ERBCWS has campaigned to keep this path through the fields open.
- What impact will the stable loss have on the grassland used by its horses on the infilled railway, which is not without botany interest or bird or hare interest etc?

## **Statutory/Non-Statutory Consultations**

**Traffic Section and Public Rights of Way Officer** - Recommendation for refusal

**Environmental Health - Contaminated Land** - due to the sensitivity of the proposed land use, as a minimum, a Desk Study and Preliminary Risk Assessment will be required and can be provided by condition.

Electric Vehicle charging condition requested.

**Environmental Health - Pollution Control** - No comment

**Waste Management** - No response

**Borough Engineer - Drainage Section** - No response

**The Coal Authority** - No objection to the proposed development subject to conditions requested in relation to intrusive site investigations, and remediation works and verification of these works.

**Greater Manchester Ecology Unit** - Informatives requested in relation to bats. Conditions requested in relation to demolition during nesting season and the submission of a eradication/avoidance measures for Himalayan balsam and Japanese Knotweed.

Soft landscaping plan requested prior to determination that shows that the application will cause a net gain to biodiversity.

**United Utilities (Water and waste)** - SuDs condition requested

**Planning & Building Regs consultation Fire Protection Dept Bury Fire Station (Part B)**  
- No response

**Electricity North West Ltd** - No response

**Pre-start Conditions** - Not relevant

## **Development Plan and Policies**

|       |                                           |
|-------|-------------------------------------------|
| EN1/2 | Townscape and Built Design                |
| EN6/3 | Features of Ecological Value              |
| EN8/2 | Woodland and Tree Planting                |
| OL4/7 | Development Involving Horses              |
| H1/2  | Further Housing Development               |
| H2/1  | The Form of New Residential Development   |
| H2/2  | The Layout of New Residential Development |
| HT2/4 | Car Parking and New Development           |
| RT3/4 | Recreational Routes                       |
| RT3/3 | Access to the Countryside                 |
| JPA7  | Elton Reservoir                           |
| JP-H1 | Scale of New Housing Development          |
| JP-H3 | Type, Size and Design of New Housing      |
| JP-H4 | Density of New Housing                    |
| JP-C1 | Our Integrated Network                    |
| JP-C2 | Digital Connectivity                      |
| JP-C5 | Streets For All                           |

|       |                                                             |
|-------|-------------------------------------------------------------|
| JP-C6 | Walking and Cycling                                         |
| JP-C8 | Transport Requirements of New Development                   |
| JP-G1 | Landscape Character                                         |
| JP-G8 | A Net Enhancement of Biodiversity and Geodiversity          |
| JP-G7 | Trees and Woodland                                          |
| JP-S2 | Carbon and Energy                                           |
| JP-S4 | Flood Risk and the Water Environment                        |
| JP-S5 | Clean Air                                                   |
| JP-P1 | Sustainable Places                                          |
| NPPF  | National Planning Policy Framework                          |
| SPD6  | Supplementary Planning Document 6: Alterations & Extensions |
| SPD11 | Parking Standards in Bury                                   |
| SPD10 | Planning for Equestrian Development                         |

## 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) 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 under delivery 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 located adjacent to an urban area, and there are residential properties adjoining that site. The site however is located within a strategic allocation and as such the application needs to be considered in relation to paragraph 11(d)i and ii in terms of the tilted balance.

The site is located within the Elton Reservoir strategic allocation as set out within Places for Everyone Joint Development Framework. PfE confirms that the area around Elton Reservoir is of strategic significance, not only for Bury, but also in the Greater Manchester context given that it will bring forward one of the joint plan's largest contributions to future housing supply and provide a diverse mix of house types and affordable housing provision for the Bury and Radcliffe areas.

The allocation, and the site is almost entirely surrounded by the existing urban area and is well-connected to existing infrastructure. PfE acknowledges that any new development in this area will need to be fully integrated into the existing urban fabric and with surrounding neighbourhoods and communities and Policy JPA 7 is clear that any proposals for this allocation must be in accordance with a comprehensive masterplan that has been approved by the LPA.

No masterplan has currently been approved by the LPA, and there is currently no emerging or draft masterplan to reference.

The applicant has set out a case that the site can be developed, and would not prejudice the future development of the wider PfE allocation that it is within.

The applicant has stated that the application site has its own access and is not reliant on the wider allocation land to allow for its development and, vice versa, the wider allocation land is not reliant on this application site for its future development. The applicant has also stated within their case that *"the scheme has been carefully designed with the adjoining allocated land in mind, with a good buffer provided by the rear gardens of the dwellings to the south of the site and the block of two dwellings has been configured in a manner which means a gable is facing the allocated land with two windows at first floor level which will be obscurely glazed – the applicant will accept a reasonably worded planning condition to control this"*

Whilst it is acknowledged that the site is in private ownership, and currently developed for stables this does not negate the need to comply with the PfE Policy requirement for a wider masterplan. No evidence has been presented by the applicant that would suggest that the site does not need to be included within the wider masterplan to ensure that an integrated approach to the delivery of infrastructure to support the scale of the *whole* allocation can be achieved.

The site is accessed by a Public Right of Way, and has a Public Right of Way that runs through it. Policy JPA 7 requires the design and layout of the allocation to allow for effective integration with surrounding communities, including active travel links and connections.

Given this point, it would appear that the inclusion of this site needs to be carefully considered in relation to the retention of existing active travel links and connections and how they would be integrated within any new pedestrian and cycle links through the development and surrounding areas.

The LPA confirmed at pre-application enquiry, prior to the adoption of PfE, that should PfE be adopted it is unlikely that the proposed dwellings would be supported unless they are part of the comprehensive masterplan or that it can be demonstrated that they would not be contrary to the intentions of this policy.

Whilst the applicant has made assertions that the proposal would not be contrary to this policy, this has not been evidenced or demonstrated through the submission documentation and as such the proposal would not be acceptable in principle contrary to PfE Policy JPA 7.

#### Stables

UDP Policy OL4/7 The keeping of horses for recreational purposes or as part of commercially based equestrian activities will be considered acceptable where it would not have an adverse effect on the appearance of the rural areas. In particular, high standards of design, construction and maintenance will be expected as part of any development proposals. This would be assessed within the main body of the report. Whilst largely focused on the impact of stables and equestrian development on Green Belt sites SPD 10 however confirms that small stables are acceptable in principle however the wider development of the site outside of the masterplan set out above would not be accepted.

#### **Layout and Design**

PfE 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. Therefore in accordance with Policy JP-H4 regard should be had to a minimum net residential density of 35 dwellings per hectare at this site. The application form states that the site is 0.19 hectares, which based on a total of 5 dwellings would result in a density of 26 dwellings per hectare. This is contrary to the supporting density statement that states that the site is 0.138 hectares which based on a total of 5 dwellings would lead to a density of 36.2 dwellings per hectare. The site plan, indicates that the developable site area is closer to the site area set out within the density statement and the proposal would therefore make effective use of land in terms of the number of dwellings.

UDP 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. UDP 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. PfE Policy JP-P1 seeks to create a city region that consists of a series of beautiful, healthy and varied places. High quality design is fundamental to achieving this. PfE 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.

The proposed site layout is very car dominant with large expanses of parking located to the fronts of dwellings with soft landscaping sacrificed to the fronts of properties to accommodate the proposed parking spaces. Soft landscaping is largely confined to private gardens to the rear of the properties, with a small area of soft landscaping also included to the north of the row of 3no. dwellings. The NPPF is clear that proposals should ensure that developments are visually attractive with appropriate and effective landscaping. The proposed landscaping however appears to be a secondary focus of the proposed layout, designed around the space left over from the proposed parking and housing layout rather than integrated and designed into the wider development. The dominance of off- street parking areas would also restrict the availability of on street parking for any visitors to the

site which has implications on the public right of way which will be discussed further below.

The proposal also lacks details of the proposed boundary treatments. The proposed site plan has some indicative, possible fencing posts shown along the east, north and south boundaries of the site and between the gardens of the dwellings. The elevation drawings for the proposed dwellings also indicate close board fencing for the proposed. No boundary treatments appear to have been indicated along the western boundary of the site on the site plan, or on the Site Section B-B which includes this boundary. The western boundary is also adjacent to the bridleway and the most publicly visible. If this frontage is left open then the expanse of hard landscaping and the lack of public realm soft landscaping would be even more strident. If it is to be enclosed then details are required not only in terms of visual amenity but also to ensure that safety of the users of the PROW can be maintained. The requirement for a landscaping plan and boundary treatment details was raised at pre-application stage.

No provision is shown on the proposed site plan for bin storage within the curtilage of the individual plots however this could be provided within the rear gardens for plots 1, 3, 4 and 5, with bins moved to a collection point on required days. It is unclear however how plot 2 would be able to store bins within the rear garden. It is also unclear where bins would be located to allow refuse collection on the required days which may need to be delivered in a collection point due to the access to the site via a bridleway. The requirement for bin storage, and bin wagon tracking was raised at pre-application stage.

The proposed dwellings would be two storey in design, with a mixture of brick work and black composite cladding which would be an appropriate material palette given the current context of the site which is a stable yard. Each dwelling would have an area of private amenity space to the rear.

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

1. Comply with the nationally described space standards (NDSS); 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 storage area for the row of 3 no. dwellings referenced by the applicant as "Mews dwellings show the inbuilt storage area within a circulation area that is required to access the ground floor WC. It would therefore appear that the proposed inbuilt storage area could not be fully utilised for storage and as such would fail to comply with NDSS.

Bedroom 3 in the semi-detached property is 6.1m<sup>2</sup> which is below NDSS standards for a single occupancy room. The storage in semi-detached properties is not adequate and does not meet the 2.5 square metre minimum requirement.

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

### Stables

The proposed stables would have a pitched roof with overhang at the front. The proposed stables would be constructed from horizontal timber cladding, and a corrugated roof which would be considered to be traditional materials that would blend with the landscape and would allow easy removals of the stables should the use cease. The design of the proposed stables is therefore considered to be acceptable.

The proposed stables would have good access to riding routes as the site is adjacent to a bridleway. The site plan also includes a route labelled "access to equestrian land." It is not clear from this site plan where the equestrian land is and possibly relates to the blue edge land adjacent to the electricity pylon to the north.

The stables include a yard area to the north that includes indicated storage for horse boxes, and allocated parking to the south. No provision appears to be made for storage of manure

within the site. The access to the yard, and parking arrangements will be assessed in more detail below.

### **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. UDP Policy EN1/2 requires the Council to assess the relationship of the proposal to the surrounding area. 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.

Only 6.3 metres can be provided between the rear first floor bedroom window of plot 1 and the directly facing boundary and as such would not comply with the aspect standards set out above. This window would also be a juliet balcony style window which by its nature invites people to stand and look through the window. It is noted that this window presently faces towards open land rather than gardens however a recent appeal APP/T4210/D/24/3337341 confirmed the LPAs aspect standards and that there should not be an over reliance on views over land outside of the applicant's control. In addition, without an adopted masterplan it is unclear what this window would be facing.

Adequate distances can be provided between the first floor rear habitable room windows and directly facing boundaries for plots 2 - 5.

The front of plot 4 directly faces the gable of plot 3 with ground floor habitable room windows (lounge) located approximately 12.6 metres from this blank gable which would also fail to comply with the aspect standards above. These windows however would be separated by a highway, and parking and any future occupants of this dwelling would be aware of this relationship and the proximity of the gable of the neighbouring property. As such it is considered that this deficit in aspect standards would not be so sufficient as to warrant refusal of the scheme.

### **Stables**

In addition to the policies set out above PfE Policy JP-S5 confirms that comprehensive range of measures will be taken to support improvements in air quality, focusing particularly on locations where people live. PfE Policy JP-P1 further reinforces this by stating that developments should offer comfortable and inviting indoor and outdoor environments offering a high level of amenity that minimises exposure to pollution.

SPD 10 states there should be a 30 metre buffer between stables and residential properties due to the impact of potential smells, noise and nuisance.

SPD 10 also confirms that where stables are proposed, they must be essential and genuinely required by the applicant. No information has been submitted with the application to suggest who would use the proposed stables (eg future residents, existing site owners, commercial), how any manure would be removed from the site and where it would be stored, and no assessment has been made in relation to any potential odour pollution from the stables. It is therefore considered that the siting of the proposed stables would be

seriously detrimental to the residential amenities of future occupiers of the proposed residential dwellings, by reason of the smell, disturbance and general activity associated with the proposed use.

### **Highways and Access**

UDP Policy EN1/2 requires the consideration of the design and appearance of access, parking and service provision. This is further supported by UDP 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. PfE 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.

PfE 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. This is further supported by PfE Policy JP-C8 which 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.

The site is accessed by a bridleway, and has a footpath running through it. As such UDP Policies RT3/3 and RT3/4 are also applicable as it requires the Council to seek to improve, maintain and extend the existing network of Public Rights of Way. These policies also supports the aspirations of the PfE policies listed above.

The proposed diversion changes the route from a footpath through a stable yard to a footpath along an access/estate road with moving and parking cars. It is unclear how this number of cars will be encouraged to use the spaces provided rather than park on the line of the proposed diverted public footpath and the footpath would become a much busier area with cars maneuvering within the proposed diverted route of the public right of way. The applicant has not sought the advice of the Public Rights of Way Officer in relation to the suitability of this proposed diversion prior to submission of the application. No information has been provided in relation to permission or rights or maintenance of this PROW.

Whilst private rights of access would be a non-material planning consideration, the proposal would also intensify the use of the bridleway to the west of the site, and the proposed diverted footpath through the introduction of more traffic. The Public Right's of Way Officer has also highlighted that the use of the public rights of way within and adjacent to the site are likely to increase when the final section of the Bolton to Bury "cycle Route" along the adjacent bridleway is completed. The proposed site plan is limited in detail, and has not been based on a topographical survey of the site or the adjacent bridleway. The Traffic Section and Public Rights of Way Officer consider that the applicant has provided insufficient information to properly assess proposals for vehicles to gain access to the site from the adopted section of Hardman Street, or measures to improve the section of Public Right of Way (Bridleway) No. 46, St. Andrew's, Radcliffe, required to facilitate the intensification of use proposed.

The application and submitted plans also contain insufficient topographical survey-based information to properly assess the proposed physical impact on the Public Rights of Way that cross/about the site. No tracking or turning facilities have been set out within the site for cars or for any bin wagons that may need to access the site and as set out above no information has been provided in relation to bin storage for the proposed dwellings or manure storage for the proposed stables. There appears to be a pinch point between parking for plot 4 and the proposed parking for stables. Horse boxes have been indicated within the yard area for the stables but no tracking has been provided to indicate that this access, or the space within the yard area is adequate for horse boxes.

As such the application contains insufficient information to assess the proposed access,

parking and turning facilities proposed or the proposed access and arrangements for the storage of adequate refuse collection arrangements for the development.

#### Proposed Parking

In terms of parking standards UDP 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.

No cycle storage shown which is required under the newly adopted SPD 11. A total of 12 covered spaces would be required to comply with SPD 11.

The site is located within Zone 4 in relation to car parking standards. As such each dwelling is expected to provide 2 in curtilage spaces. 10 space would therefore be expected for the dwellings proposed. Only 8 parking spaces are indicated for the proposed dwellings, with an assumption that 2 cars can be parked on the 10 metre drive to the south of plot 1 rather than the 1 car shown. As set out above there is a concern that this could lead to people parking on the estate road which would then block the diverted public right of way. As such the proposed parking is considered to be inadequate.

2no. parking spaces are also proposed for the stables. 3 Stables are proposed, but the end user is unknown (commercial v private) and therefore it is also unknown if this parking provision is adequate.

SPD 11 also requires adequate provision of EV Charging points for any proposed parking. 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. These details however could be conditioned.

#### **Ecology and Biodiversity Net Gain**

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 187 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.

A Preliminary Roost Assessment (CCNW - Ref: JE8372-24 Oct 2024) has been submitted. A full internal and external inspection of the buildings concluded that they had negligible potential to support roosting bats. The Ecology Unit have no reason to question the finding of the report and an informative in relation to Habitat Regulation is proposed.

The buildings to be demolished support nesting swallows. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. Should the demolition be delayed until after the 1st of March the Ecology Unit have requested a condition in relation to the nesting season.

Himalayan balsam was recorded in the Preliminary Ecological Appraisal (CCNW - Ref: JE8372-24 Oct 2024) with Japanese knotweed very close to the site boundary. These species are included within schedule 9 part 2 of the Wildlife & Countryside Act 1981, as amended. It is an offence to introduce or cause to grow wild any plant listed under this schedule. A precautionary condition has therefore been suggested by the Ecology Unit for a method statement to be submitted prior to earthworks, clearance and demolition.

To inform Biodiversity Net Gain implications, a condition assessment of mapped habitats was also undertaken in line with Natural England Biodiversity Metric Statutory Guidance. With less than 0.25m<sup>2</sup> of habitat and less than 0.5 habitat units, this proposal would be

exempt from BNG, satisfying the de minimis criteria.

While the application is not subject to statutory Biodiversity Net Gain requirements, the Ecology Unit would still expect any such scheme to include measures to enhance biodiversity at the site and to provide a net gain for biodiversity, in line with the requirements of the National Planning Policy Framework. There has been no landscaping plan that outlines what vegetation will be retained, protected or lost as part of the application. A landscaping scheme was requested at pre-application stage.

The Ecology Unit recommended that a soft landscape plan is provided that details how the development will provide a net gain for biodiversity to include:

- Bat bricks within the new residential development
- House sparrow terrace on the new residential development
- Swallow cups within the replacement stables

These details however could be provided as a pre-commencement condition.

### **Mining Remediation**

Paragraphs 187, 196 and 197 of the NPPF seek to ensure that sites are suitable for its proposed use taking into account ground conditions, any risks arising from land instability and contamination. The application site falls within the Coal Authority's defined Development High Risk Area.

The Coal Authority records indicate that the application site (Drawing No. 4313-23-05B – Location Plan) lies within an area of both recorded and probable historic, unrecorded shallow coal mining. Voids and broken/disturbed ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases.

In addition, the site lies within influencing distance of an off-site mine entry (CA shaft ref: 377408-005 – currently recorded within the neighbouring property) which extends into the south western part of the site (existing access road). The Coal Authority hold no treatment details for this mine entry and due to the historic source plans used to record its current position, this could vary by several metres. Accordingly, this mine entry could be present within the application site (existing access road). The Coal Authority is of the opinion that building over the top of, or in close proximity to, mine entries should be avoided wherever possible, even after they have been capped, in line with our adopted policy.

The Coal Authority have reviewed the submitted Coal Mining risk Assessment (CMRA/1017/00 July 20205). The report authors identify that there are multiple lines of evidence to suggest that historic coal mining activity is present beneath the site, which could have implications for ground stability and development risk. Therefore in order to mitigate the risk, recommendations have been made that further intrusive site investigations are required to confirm the exact ground conditions (depth / condition of any shallow coal seams; depth to rockhead) to ensure that the finding inform the extent of any remedial works and / or mitigation measures that may be required to address the risks to the site from former coal mining activity, as required by the NPPF paras. 187, 196 & 197.

The Coal Authority has no objection to the proposed development subject to the imposition of the conditions to secure the above.

### **Carbon And Energy**

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

The proposals aim to meet or exceed the requirements of Approved Document Part L (2021) of the Building Regulations. The applicant has confirmed that a full SAP assessment and as-built compliance report will be submitted at the Building Control stage. As such it is considered that the proposal would comply with the above policy.

## **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 policy supports the provision of free, secure, high-speed public wi-fi connections, particularly in the most frequented areas.

The applicant has confirmed that they would seek to pre-fit the internal connection points and fibre read infrastructure within the proposed dwellings and is engaging with digital infrastructure providers to ensure the sites are included in the existing and future network roll out plans. It is therefore considered that the proposal complies with the above policy consideration.

## **Other Matters**

The applicant's agent was made aware of the LPA's fundamental concerns with the application prior to determination of the scheme. The LPA however did not invite amended plans to be submitted as it was considered that the scope of the changes required to the scheme would alter it beyond what had originally been submitted for consideration.

Whilst the applicant's agent was made aware of the LPAs decision not to invite additional information, additional plans were submitted. These included a reduction in the number of units from 5no. dwellings to 4no. dwellings, amendments to the internal layouts of the dwellings to meet NDSS standards, the removal of the proposed stables and the inclusion of cycle storage.

Government guidance is clear that it is at the discretion of the LPA whether to accept changes or additional information to submitted applications. The LPA also has discretion to determine if the changes need to be re-consulted on, or if the proposed changes are so significant as to materially alter the proposal such that a new application should be submitted.

The applicant's agent has asked that any decision on this site is based on the amended plans rather than the plans submitted with the original application. Whilst acknowledged that this would reduce the number of reasons for refusal the LPA has confirmed that they would not be accepting the amended plans as they would amend the description of development and the amended plans have not been consulted upon. The LPA would not seek to negotiate small amendments that will not affect the overall in principle decision, which the amended plans do not. Indeed the number, and varying reasons for refusal that accompany the recommendation suggest that any changes required to make the development of this site acceptable would be material and therefore require a new application.

The LPA seeks to determine applications within the statutory timescales, unless an extension of time is genuinely required. In this instance given the number of issues, the extent of the changes required, and the subsequent consultation necessary once these amendments have been made the LPA has decided to proceed to determination within the required timescales.

It is acknowledged that the applicant did seek to front load the application process through submission of a pre-application enquiry. Whilst the scheme that was commented on at pre-application was different to the one submitted (3no. dwellings, no stables, no PROW diversion), and no additional advice was sought prior to the submission of this application, the pre-application enquiry did set out a number of issues and information that would be required at application stage including:

- The LPA's stance in relation to the PfE allocation and highlighted a case would need to be made if a masterplan had not been adopted (which was also raised at validation);
- Confirmation of what the aspect standards were;
- The need for compliance with NDSS;

- A request for a proposed site plan based on a topographical survey showing proposed access and highways/PROW details;
- Request for bin wagon tracking and refuse storage details; and
- Request for a landscaping scheme and boundary treatment details

The application has therefore been assessed on what has been submitted.

### **Response to representations**

The Public Rights of Way Officer has been consulted as part of the application and recommended refusal of the scheme due to lack of information in relation to the impact on the existing rights of way in and around the site.

The stables plans were not submitted with the original application but have since been received and published.

A site plan was published on validation of the application that shows the location of the dwellings and stables.

The ecological information was reviewed by GMEU and no objections were raised in relation to it's contents. Conditions were requested and have been reported in the above report.

### **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 site is located within the Places for Everyone Joint Development Framework JPA7 - Elton Reservoir allocation which requires any proposals within the allocation to be in accordance with a comprehensive masterplan that has been approved by the Local Planning Authority. No masterplan has currently been adopted and the applicant has failed to demonstrate that the proposal site does not need to be included within the wider masterplan to ensure that an integrated approach to the delivery of infrastructure to support the scale of the whole development can be achieved. The proposal would therefore be contrary to Places for Everyone Joint Development Framework JPA7 - Elton Reservoir.
- 2 The proposed development would, by reason of its layout and extent of public realm hard landscaping 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.
- 3 The proposed dwellings would fail to meet Nationally Described Space Standards (NDSS) for in built storage for all proposed dwellings, and bedroom areas for bedroom 3 for plots 4 and 5. The proposal would therefore fail to comply with Places

for Everyone Joint Development Plan Policy JP-H3: Type, Size and Design of New Housing.

- 4 The location of plot 1 would result in unacceptable overlooking of land outside of the applicant's ownership by reason of the sub-standard distances between first floor habitable windows (bedroom 1) and the directly facing boundary and the lack of screening under the control of the applicant. The proposed development therefore conflicts with Unitary Development Plan Policies H1/2 - Further Housing Development, H2/1 - The Form of New Residential Development and Supplementary Planning Document 6: Alterations and Extensions to Residential Properties.
- 5 The siting of the proposed stables would be seriously detrimental to the residential amenities of future occupiers of the proposed residential dwellings, by reason of the smell, disturbance and general activity associated with the proposed use. The proposed development therefore conflicts with the following policies of the Development Plan EN1/2 - Townscape and Built Design, JP-S5: Clean Air, JP-P1: Sustainable Places and Supplementary Planning Document 10 - Planning for Equestrian Development.
- 6 The application and submitted plans contain insufficient information in relation to proposed boundary treatments, location of bin storage, and location of covered cycle storage to enable them to be adequately assessed in relation to visual amenity, highway and pedestrian safety. 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, JP-P1 - Sustainable Places, JP-C5 - Streets for all, JP-C6 - Walking and Cycling, RT3/3 - Access to the Countryside and RT3/4 - Recreational Routes.
- 7 The proposal results in an unacceptable impact on Public Right of Way (Footpath) No. 28, St. Andrew's, Radcliffe, diverting the route from a path through a stables area to a path along an access road with moving and parked vehicles, with a high likelihood of vehicles parking on the line of the diverted public footpath, obstructing free passage, which would have an adverse impact on users of the right of way, to the detriment of pedestrian safety. 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, EN1/2 - Townscape and Built Design, JP-P1 - Sustainable Places, JP-C5 - Streets for all, JP-C6 - Walking and Cycling, RT3/3 - Access to the Countryside and RT3/4 - Recreational Routes.
- 8 The application and submitted plans contain insufficient information to properly assess proposals for vehicles to gain access to the site from the adopted section of Hardman Street, or measures to improve the section of Public Right of Way (Bridleway) No. 46, St. Andrew's, Radcliffe, required to facilitate the intensification of use proposed. 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, JP-P1 - Sustainable Places, JP-C5 - Streets for all, JP-C6 - Walking and Cycling, RT3/3 - Access to the Countryside and RT3/4 - Recreational Routes.
- 9 The application and submitted plans contain insufficient topographical survey-based information to properly assess the proposed physical impact on the Public Rights of Way that cross/about the site, the proposed access, parking and turning facilities proposed or the proposed access and arrangements for the storage of adequate refuse collection arrangements for the proposed stables and dwellings. 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, JP-P1 - Sustainable Places, JP-C5 - Streets for all, JP-C6 - Walking and Cycling, RT3/3 - Access to the Countryside and RT3/4 - Recreational Routes.

- 10 The proposed servicing arrangements and car and cycle parking/storage provision is inadequate for the stables and dwellings proposed, and is likely to lead to vehicles parking and carrying out manoeuvres on the highway and adjacent Public Rights of Way 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 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, JP-P1 - Sustainable Places, JP-C5 - Streets for all, JP-C6 - Walking and Cycling, RT3/3 - Access to the Countryside, RT3/4 - Recreational Routes, HT2/4 - Car Parking and New Development and Supplementary Document 11 - Parking Standard in Bury (2025).

| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
|---------------------|-------------|-------------------------|-------------|
| HP                  | 18/09/2025  | DM                      | 19/09/2025  |