

DELEGATED REPORT

Report by Helen Pressley	Date of report: 06/02/2024	Ref: 70364/PIP
Registration: 04/01/2024	LDfC: 05/02/2024	Expiry Date: 08/02/2024
Site Visit: 15/01/2024	Site Notice: 15/01/2024	Press Date: N/A
Objections: 1	Con Area: N/A	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIDW

Proposal: Application for permission in principle for residential development of up to 7 no. dwellings

Location: Ainsworth Road Garage, 4 Ainsworth Road, Radcliffe, Manchester, M26 4DJ

Description

The application relates to a two storey garage building and associated yard area located off Ainsworth Road.

Residential properties are located to the north and east of the site that primarily comprise of terraced two storey dwellings. To the south there is a further terrace of buildings that are primarily in commercial use with some residential at first floor. To the west of the site there are further commercial properties that comprise of a mixture of E use classes and first floor residential flats.

The application seeks a Permission in Principle (PiP) for the redevelopment of the site for up to 7no. 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

None

Publicity

Neighbour letters 04/01/2024

Site notice 15/01/2024

1 objection received in relation to:

Whilst I 100% support the building in brownfield sites, I do not support such a development in this particular location. It is situated near to one of the most congested roads in Radcliffe, in the area of recent traffic collisions and on land where there is limited access to the site itself. The town is already over subscribed to various developments, without the

infrastructure, without sufficient doctors, dentists, schools etc

1 comment received in relation to:

I would like the development to consider provision for building dependent species, including Swifts, House Sparrows, Starlings and Bats. It is likely the existing garage buildings are used by some of these species and I would urge the inclusion of universal Swift bricks BS 42021:2022 which can be used by several species. All those species are red listed endangered and need help. Swifts will not nest in trees, they nest high up on houses and every year nest sites are lost as home owners carry out home improvements. We need new developments to provide a lifeline for them. Universal Swift bricks are easy for builders to install, they require no maintenance and have good insulation properties. They provide a biodiversity net gain, swift bricks are specifically highlighted in national planning guidance as providing important benefits to wildlife. I submit this comment as a concerned local resident and member of Bolton & Bury Swifts, a community based group working to increase awareness.

Statutory/Non-Statutory Consultations

Property & Technical Services - Estates Consultancy - No response

Traffic Section - No objection

Environmental Health - Contaminated Land - No response

Waste Management - No response

Drainage Section - No response

United Utilities (Water and waste) - No robust evidence to show that the drainage hierarchy has been thoroughly investigated and the proposals are not in line with the Non-Statutory Technical Standards for Sustainable Drainage Systems.

Canal & River Trust - No comment to make on the proposals as these would not have any impact on our waterways or infrastructure.

The Coal Authority - Coal mining Risk Assessment Required. wish to be consulted on any future technical details consent submitted, should Planning in Principle be granted.

Planning Policy Manager - No response

Environmental Health - Pollution Control - A suitable noise investigation shall be conducted to the satisfaction of the Local Planning Authority (LPA) to determine the suitability of the site for the proposed development

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN5/1	New Development and Flood Risk
EN6	Conservation of the Natural Environment
EN7	Pollution Control
EN7/1	Atmospheric Pollution
EN7/2	Noise Pollution
EN7/5	Waste Water Management

HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
HT6/2	Pedestrian/Vehicular Conflict
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) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations, including relevant policies in the emerging Places for Everyone Joint Development Plan.

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 Policy 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 up to 7no. 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 site is located within the S1/4 - Local Shopping Centres. This policy confirms that the Council will seek to maintain and enhance local shopping centres and will encourage the provision of a range of shopping facilities required to serve purely local needs.

Owing to a high level of poor housing conditions and a poor housing environment, inner Radcliffe has been identified as a Renewal Area. The site is located within the Inner Radcliffe Area Improvement allocation as set out within UDP policy H5/1/2 - Area Improvement - Inner Radcliffe. This policy states that the Council will be especially concerned with improving house conditions and the housing environment in Inner Radcliffe.

NPPF paragraph 90 f confirms that planning policies should recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites. The NPPF also confirms that there is a need for a variety of tenures within the housing sector and indicates that small and medium sized sites can make an important contribution to meeting the housing requirement of an area.

Decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration and it requires local authorities to meet housing needs and significantly boost the supply of housing and includes a presumption in favour of sustainable development. The Framework maintains the emphasis on identifying a rolling five year supply of deliverable housing land.

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 five year 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). As such, latest monitoring indicates that the Council is unable to demonstrate a five year supply of deliverable housing land and this needs to be treated as a material factor when determining applications for residential developments.

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%) of 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, in relation to the proposed dwelling, 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 this case the 'titled balance' applies and planning permission should be granted unless the above points Para 11(d) i or ii apply.

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.

The site is currently in use as a garage and associated yard/parking area. Given that the site is not currently in a traditional shopping centre use it is considered that a residential use would not have a significant impact on the viability and vitality of the Local Shopping Centre. The site is surrounded by a mixture of two storey terraced properties. The uses associated with these buildings are mixed with residential properties located to the east, and north and a mix of commercial and residential uses to the other boundaries.

In terms of location, the development for up to 7no. residential dwellings would not conflict with the built form or surrounding land uses. The site is located within a sustainable location within the urban area with access to local services and infrastructure.

Amount of development

No indicative layout has been submitted with the application however historic mapping indicates that 6 terraced properties were on the site in 1961 as well as the existing two storey garage building. Historic plans also show this garage building split into individual units (although it is unclear if these were in residential use). This area was referenced as Hampson Square.

In terms amount of development, the historic layout demonstrates that up to 7no. dwellings and associated elements could be accommodated on site.

Other consultee responses:

Traffic Section Advice to submit details in relation to access, parking and turning facilities, and bin storage as part of the subsequent technical details stage.

Coal Authority Any application for approval of technical details consent should be supported by a Coal Mining Risk Assessment. Consideration in relation to SuDs and Mine Gas also need to be made.

United Utilities Following our review of the submitted drainage documents; Drainage Strategy, the plans are not acceptable to United Utilities. This is because we have not seen robust evidence that the drainage hierarchy has been thoroughly investigated and the proposals are not in line with the Non-Statutory Technical Standards for Sustainable Drainage Systems.

Should planning permission be granted United Utilities have requested a condition in relation details of a sustainable surface water drainage scheme and a foul water drainage scheme.

Environmental Health - Pollution Control A suitable noise investigation shall be conducted to the satisfaction of the Local Planning Authority (LPA) to determine the suitability of the site for the proposed development. Conditions requested in relation to

traffic notice and insulation between dwellings/buildings.

Planning conditions cannot be attached to a PiP approval. However, when granting permission in principle to a site, local planning authorities can provide information on the relevant entry on the brownfield land register, or on the decision notice where permission in principle is granted following an application, about what they expect the detailed proposals to include at the technical details stage. This information may include where further impact assessment is needed by the applicant or where a particular scheme of mitigation may be required. Applicants are encouraged to take account of this information when preparing a technical details consent application.

Informative notes advising the applicant of requirements at a technical details stage which have been raised in the consultee responses discussed above would therefore be included on the decision notice.

In terms of the duration of a permission, a decision notice would include a statement that a Principle of Permission is granted is for a period of 3 years from the date of the decision which is the prescribed period as set out in the Town & Country Planning Act 199, Town and Country Planning (Permission in Principle)(Amendment) Order 2017. Applications for the Technical Detail Consent must be determined within the duration of the permission granted.

Response to representations

As set out within the main body of the report, 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.

It is considered that these matters have been covered within the main body of the report.

Recommendation: Approve

Conditions and Reasons:

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> HP 06/02/2024	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
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