

DELEGATED REPORT

Report by Helen Pressley	Date of report: 03/12/2025	Ref: 72450/OUT
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Site Visit: 06/11/2025	Site Notice: 06/11/2025	Press Date: 06/11/2025
Objections: 0	Con Area:	Adv Type: ARW
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: MIDW

Proposal: Outline application (all matters reserved except access) for the demolition of an existing farmstead and the erection of 9no. dwellings and associated works

Location: Brook Farm, Simister Lane, Prestwich, Manchester, M25 2SB

Description

The site is a an existing oil recycling business operating from former agricultural buildings on the south side of Simister Village. The site is accessed along footpath 29bPRE from Simister Lane to the north. The site is within the Green Belt and also has footpath 29bPRE running through it.

Planning permission has been previously granted for the construction of 4no. dwellings, and conversion of a farm building under application reference 58827.

Outline permission is sought, (all matters reserved except access) for the demolition of an existing farmstead and the erection of 9no. dwellings and associated works.

Relevant Planning History

55300 - Rebuilding of part of single storey building for equine/agricultural storage use in association with equine/livery business (retrospective) - 03/09/2013

55300 - Rebuilding of part of single storey building for equine/agricultural storage use in association with equine/livery business (retrospective) - Refuse 24/09/2012

55889 - Single storey equine/agricultural storage building (Part Retrospective) - Approve with Conditions 24/01/2013

57888 -Demolition of former farm buildings currently used for oil recycling business and erection of 2 no. dwelling houses and conversion and extension of existing barn to form dwelling house - Withdrawn

58827 - Demolition of existing buildings currently used for oil recycling business and livery yard; Replacement with 4 no. dwellings and conversion and extension of traditional barn to form a single dwelling (resubmission) - Approved 01/10/2015

03055/E - Redevelopment of existing farmstead for up to 9 no. dwellings - Enquiry completed 26/03/2025

Publicity

Notice published in the Bury Times 6/11/2025
Site notice 6/11/2025

1 representation of support received in relation to:

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- The use of the old disused area of Brook Farm for dwellings is an ideal use of 'grey land'.
- Particularly enlightened to see houses with descent plot sizes making their gardens useable, and will help to foster better biodiversity and allow rainwater to permeate into the ground rather than what is becoming the norm of packing as many as possible onto a site, creating overcrowding.

Statutory/Non-Statutory Consultations

Traffic Section - No recommendation received.

Drainage Section - SuDs condition requested.

Environmental Health - Contaminated Land - Conditions requested in relation to submission of a site characterisation and risk assessment, remediation strategy and verification, unexpected contamination and imported soil.

Electric Vehicle Charge points condition requested.

Waste Management - No response

United Utilities (Water and waste) Following our review of the submitted FRA, we can confirm the proposals are acceptable in principle to United Utilities. Condition requested that the drainage is carried out in accordance with the principles set out in the submitted Foul and Surface Water Drainage Strategy Drawing.

Greater Manchester Ecology Unit Potential ecological issues include bats, nesting birds, amphibians, Himalayan balsam and biodiversity net gain. Recommend conditions in relation to the need for a Natural England bat licence, restrictions to works to trees and shrubs in nesting season, a management strategy for Himalayan Balsam.

Recommend that prior to determination an assessment of the ponds potential for great crested newts is provided.

Public Rights of Way Officer - highlighted that the PROW is not shown in the correct location.

GMCA - Minerals and Waste consultations - the planning statement states that the site has been previously granted permission in 2015, and a material start has commenced. If that is the case, there is no new requirement to provide evidence that it adheres to the relevant policies in the Greater Manchester Joint Minerals Plan. In addition, it is unlikely that mineral extraction would be appropriate in this location, due to its close proximity to existing housing in Simister.

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
OL1/2	New Buildings in the Green Belt
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
JP-H1	Scale of New Housing Development

JP-H3	Type, Size and Design of New Housing
JP-H4	Density of New Housing
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-G9	The Green Belt
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-P1	Sustainable Places
NPPF	National Planning Policy Framework
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt

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 undelivery 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 is an assessment of potential sites for residential development and is used to assess the housing land supply. It includes sites that have an extant planning permission, sites allocated through the joint Places for Everyone Plan 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 Council has carried out an assessment of the housing land supply to determine whether sites meet the deliverability tests in the NPPF and can contribute to the five year supply of housing land. Based on the 2025 5-year supply statement, the Council has demonstrated a 4.3 year supply of housing land. This includes a 20% buffer (as currently required in Bury due to past under delivery) and accounts for past oversupply when assessed against the adopted PfE housing requirement. The Council is therefore currently unable to demonstrate a deliverable five-year supply of housing land against the adopted 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%.

The five year supply position and the housing delivery test result need to be treated as material factors when determining applications for residential development.

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.

This means that as a result of the lack of five year supply and the latest published HDT result the 'tilted balance' set out in NPPF paragraph 11(d) applies and planning permission should be granted unless the above points Para 11(d) i or ii apply.

In this instance, the site is located within the Green Belt. As such the tilted balance, as set out within paragraph 11(d)i would not apply.

Principle (Green Belt)

The site is designated as Green Belt under PfE JP-G9.

Paragraph 152 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 153 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 154 of the NPPF makes it clear that development in the Green Belt is inappropriate unless one of eight exceptions apply:

- a. buildings for agriculture and forestry;
- b. the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c. the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d. the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e. limited infilling in villages;
- f. limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g. limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
- h. Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:
 - i. mineral extraction;
 - ii. engineering operations;
 - iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;
 - iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;

- v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

UDP Policy OL1/2 states that the construction of new buildings in the Green Belt is inappropriate development, unless it is for one of more of the following purposes: agriculture and forestry essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land within it; limited extension, alteration or replacement of existing dwellings, provided that this would not result in a disproportionate additions over and above the size of the original dwelling, or, in the case of replacement existing dwellings, the new dwelling is not materially larger than the one it replaces; limited infilling in existing villages.

Given the sites former use as oil recycling business, the site is considered to be previously developed brownfield land and the proposal is considered to meet exception g) provided that it would not cause substantial harm to the openness of the Green Belt. This deviates from the previous version of the NPPF removing the requirement for a proposed development not to have a greater impact on the openness of the Green Belt than the existing development.

Impact on the Green Belt

The recently updated PPG gives some guidance on assessing the impact of a proposal on the openness of the Green Belt, and this requires a judgment based on the circumstances of the case. Assessment in terms of openness can include, but is not limited to:

- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume
- the degree of activity likely to be generated, such as traffic generation

It is also acknowledged that the definition of PDL has been amended, to include large areas of hardstanding which have been lawfully developed. This amendment to the definition therefore would allow more of the site to be developed than previously approved and is reflected in an indicative site layout that includes 3no. additional dwellings within the southern portion of the site which was previously approved to be restored to agricultural use under application 58827.

In this instance however, the application is for an outline consent with all matters reserved apart from access. Whilst an indicative layout has been submitted, and the Planning Statement confirms two storey, detached dwellings no formalised details of the proposed appearance, landscaping, layout and scale have been submitted to allow for a full assessment of whether the proposal would, or would not cause substantial harm to the openness of the Green Belt.

The 'lack of built development is one commonly cited meaning when referencing openness. Dove J observed however in *Lea Valley Regional Park Authority v Epping Forest DC* however 'that if openness is taken simply to mean the absence of development, then all development will "in truth" have an impact on openness.

In *Turner v SoS for Communities and Local Government* (2016) it was ruled that 'The word "openness" is open textured and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. Prominent among these will be factors relevant to how built up the Green Belt is how built up it would be if redevelopment occurs (in the context of which, volumetric matters may be a material concern, but are by no means the only one) and factors relevant to the visual impact on the aspect of openness which the Green Belt presents'. This point is further argued in *Samuel Smith Old Brewery (Tadcaster) v North Yorkshire County Council* (2018) where it is

concluded that a number of different factors are capable of being relevant to the case and continues by stating that 'The first part of the question posed by the preamble in paragraph 90 – whether the development would “preserve” the openness of the Green Belt – cannot mean that a proposal can only be regarded as “not inappropriate in the Green Belt” if the openness of the Green Belt would be left entirely unchanged. It can only sensibly mean that the effects on openness must not be harmful – understanding the verb “preserve” in the sense of “keep...safe from harm” – rather than “maintain a state of things.’

The case of *Euro Garages v SoS* (May 2018) states 'that it is the openness of the Green Belt that must be considered, not the site as such'. It goes on to state that 'for there to be a greater impact on the openness of the Green Belt there must be something more than just change to the environment'.

It is acknowledged that the proposed site would maintain the boundaries of the existing site as set out within paragraph 6.9 of the Planning Statement. However, the Planning Statement makes no further assessment in terms of the impact a residential development may have in terms of the openness of the Green Belt apart from reviewing the requirements of PpE Policy JP-H4 that sets a density requirement to provide 15no. properties at this site. The site's Green Belt location would not automatically justify a lower density, and the applicant's planning statement does not provide a clear justification for a lower density which will be expanded on below.

The site access would remain as existing, and leads to a site that projects out into the surrounding open countryside outside of the defined edge of Simister Village and visible from public right of way footpath 29bPRE (that also runs through the site) and footpath 30PRE (to the south). SPD 8 states that careful consideration should be given to the impact of a proposal when viewed from several locations within the immediate vicinity and wider countryside. The view of the proposal from main roads, public footpaths and settlements in particular will be given significant weight when assessing planning applications.

Whilst two storey dwellings are likely to be appropriate in terms of scale, this has not been applied for and as set out above scale and volume are not the only consideration when reviewing potential harm. Proposed boundary treatments, designs of openings, areas of hard and soft landscaping, domestic paraphernalia etc all have a cumulative impact when assessing harm to the openness of the Green Belt that would need to be duly assessed. Given the sensitive location of the site it is considered that these elements are fundamental to the consideration and assessment of harm to the openness of the Green Belt.

Whilst acknowledged that the proposal would constitute development of PDL, in this instance, it is considered that the applicant has failed to demonstrate that the development would not have substantial harm on the openness of the Green Belt contrary to paragraph 154g of the NPPF. As such, the proposal is inappropriate development, which by its definition, is harmful to the Green Belt and should not be approved, except in very special circumstances.

Layout and Design

PpE 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 density statement confirms that the site is 0.49ha, and that the developable area (excluding the access track) would be 0.42ha. The proposal would therefore provide 21 dwellings per hectare. The development would therefore fail to make efficient use of land contrary to PpE Policy JP-H4.

Lower densities may be acceptable where they can be clearly justified by:

1. Local housing market issues, such as a demonstrable need for a particular type of

housing that cannot be delivered at a higher density; or

2. Site-specific issues, such as the design context and any potential impact on the wider landscape or townscape including heritage assets and green infrastructure.

Whilst the applicant has stated within paragraph 6.11 of their planning statement and within paragraph 2.1 of their density statement that they consider that the density of the site should be tailored to this site's specific location and surroundings as set out above the site's Green Belt location would not automatically justify a lower density. The applicant considers that the site is semi-rural and lower densities would reflect the site specific context. The residential development to the north and west of the site however is a mixture of residential development with terraces, semi detached and detached properties and as such a higher density would not necessarily have a detrimental impact on the character of the locality. Indeed, without prejudice to the other policy and material considerations that need to be weighted, it is considered entirely possible to create higher density housing within the existing boundary of the site through the provision of smaller units and no evidence has been provided that the site could not accommodate this. The indicative site layout for instance shows detached properties, it would be entirely feasible to create semi-detached properties with similar footprints, gaps etc utilising this indicative layout.

PfE Policy JP-H3 also seeks to provide an appropriate mix of dwelling types and sizes. Whilst the application is outline only, the indicative plans show 9no. 4-bed detached dwellings - this does not provide a mix of dwelling types and sizes. The Council's Housing Need and Demand Assessment demonstrates that the greatest need is for two and three bedroom properties.

It is also acknowledged that the site benefits from an extant permission, for a total of 5no. dwellings and the applicant has provided evidence of a material start on site. This development however was assessed under previous NPPF and Development Plan Policies. The NPPF and Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. This development would utilise a larger portion of the site for residential development, and no longer involves conversion. As such it is considered that whilst this extant permission does hold weight in relation to the principle of development of this site for residential use this would not override the other material planning considerations that need to be balanced and as such would not lead to a dismissal of the required density at this site.

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. 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.

In addition to the Green Belt Policies set out above PfE Policy JP-G1: Landscape Character designates the site as within LCA27: Simister, Slattocks and Healds Green, which falls within the Urban Fringe Farmland character type. Development in this area is required to reflect and respond to the special qualities and sensitivities of the key landscape characteristics of its location, including having regard to:

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

The layout and appearance is not subject to consideration at this outline stage but would be a matter for the reserved matters application. The interface of any new development on this site with the surrounding countryside/landscape is of particular importance. These transitional areas will require well-considered and sensitive treatment. In particular, opportunities to improve the intactness and condition of the landscape should be taken, especially in conjunction with seeking a net enhancement of biodiversity/geodiversity resources under Policy JP-G8 'A Net Enhancement of Biodiversity and Geodiversity'

As the site has a clear and direct interface with the surrounding countryside and Landscape Character Area, well-considered design and sensitive treatments will be of paramount importance at reserved matters stage.

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.

These details can be secured by condition for reserved matters stage.

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.

The layout is not under consideration at present and would be a concern for the reserved matters application however the indicative layout submitted shows that separation distances can be accommodated.

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. Policy RT3/3 - Access to the Countryside is also applicable as it requires the Council to seek to improve and extend the existing network of Public Rights of Way.

The site is currently accessed via public right of way footpath 29bPRE. The current situation with HGV's visiting the site is not particularly acceptable in terms of highway safety. The proposal would lead to a more appropriate use of the access road and junction with Simister Lane. The proposal also includes visibility splays shown at the junction of the access road with Simister Lane, with the access road widened to 5.5metres for a passing place. The proposal therefore complies with policies and guidance in terms of traffic and highway safety.

The continuation of footpath 29bPRE through Mellowdew Farm is however incorrectly drawn on the proposed, indicative site plan and location plan. The Definitive Map shows the footpath as a straight line and the development could potentially change this. The Council would seek to avoid the need for a diversion if possible, and would require a width of 2 metres to be retained between any properties.

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.

Ecology

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.

Bats

A valid bat report has been provided. As for the previous application a small bat roost was found in the brick barn, this time a single common pipistrelle. As the surveys occurred at an optimal time of year and were in alignment with the 2014 survey (two common pipistrelle), Greater Manchester Ecology Unit (GMEU) are satisfied that adequate survey has occurred and that the mitigation can be provided. GMEU recommend a condition in relation to the need for a Natural England licence.

All other buildings were assessed as no to negligible risk.

Nesting Birds

No evidence of nesting birds was recorded in any of the buildings, though previously in 2014 evidence of swallow was recorded. The development will also result in the loss of scrub potential bird nesting habitat. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. GMEU requested a condition restricting works to trees and shrubs in nesting season.

Amphibians

There is a pond located within 50m of the development site. Whilst GMEU are aware that previous surveys have failed to find any evidence of great crested newts in this pond, they are unaware of any recent surveys.

Himalayan Balsam

This species listed under schedule 9 part 2 of the Wildlife & Countryside Act 1981 (as amended) was recorded on the site. It is an offence to cause this species to grow in the wild. I therefore recommend a condition along the following lines is applied to any permission.

Contributing to and Enhancing the Natural Environment & Biodiversity Net Gain (BNG)

The development would result in the loss of the existing buildings, hardstanding and scrub, to dwellings and gardens. Wildlife issues include bats and nesting birds.

The development is not exempt from biodiversity net gain. A metric and BNG assessment have been provided, based on the indicative layout. This results in a shortfall of 0.14 area based units to achieve 10% net gain. These would need to be purchased off-site. GMEU have raised have a number of minor technical points. These include:

- The metric does not include the access road. The hedge may also need to be included;

- The proposed layout indicates all trees will be retained, whilst the metric shows only one as retained;
- There is probably scope to do more on site, particularly along the access road, where urban tree and hedge planting could occur.

As this is an outline application, the above could theoretically be resolved after outline permission was granted but prior to reserved matters as whilst the statutory biodiversity gain condition is applied to the outline permission, GMEU are satisfied that the already small deficit could be reduced. However, as it stands we do not know whether or not a habitat management and monitoring plan is required as currently no on-site mitigation is proposed. Should the applicant amend the plans at reserved matters to include significant habitat creation on-site such as urban trees, scrub or a species rich native hedge one would be required and would need be secured as a condition at outline stage. GMEU request that prior to determination, the developer is asked to clarify whether they would prefer to pay for off-site contributions or do intend to provide significant on-site measures at reserved matters. This information has not been requested at this stage due to the Green Belt principle issues set out above.

GMEU recommend provision of one bat brick and one swift brick on each new dwelling. The details can be provided via condition at reserved matters or prior to development.

Drainage

PfE Policy JP-S4 and UDP Policies EN7/3 and EN7/5 seek to protect the water courses and other water features within the Borough, and limit surface water pollution.

Contaminated Land

Paragraphs 187 and 196 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.

It is reported that there are currently two business uses at the site: a DIY livery yard and an oil recycling business (cooking oils). The Environment Agency's Public Register indicates that there is a permit on site for a non-hazardous waste physical treatment facility; presumably the waste cooking oil recycling. Historical aerial imagery (Google Maps) indicates that there have been a lot of vehicles and storage onsite (IBUs etc).

The Environment Section have previously considered a similar application at the site under 58827 (2015-17). A contaminated land assessment on the site was carried out up to site investigation and a remedial approach was agreed. It would appear that the site was not developed at the time and that no remedial works were carried out. Furthermore the active uses on the site have continued. As such, given the sensitivity of the proposed land use it is recommended that all historical assessment undertaken to date is collated to support an up to date Preliminary Risk Assessment. It is likely that further site investigation works will be warranted. This is proportional given the time that has elapsed since the previous assessments and the advances in contaminated land assessment and guidance.

In line with the National Planning Policy Framework, the site is proposed for a sensitive end use the Environment Section recommend contaminated land conditions are placed on any grant of permission that require the submission of a site characterisation and risk assessment and remediation strategy and verification.

Air Quality

PfE Policy JP-P1 aims to create a livable city region, and requires developments to provide comfortable and inviting indoor and outdoor environments offering a high level of amenity that minimises exposure to pollution. This is further supported by PfE Policy JP-S5 that seeks to implement a comprehensive range of measures to support improvements in air quality, focusing particularly on locations where people live, where children learn and play, where there are impact on the green infrastructure network and where air quality targets

are not being met.

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

The proposed development would have off-street 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. As such, Electric Vehicle Charge Points would be required to be secured by condition.

Carbon And Energy

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

A carbon and energy statement has been submitted with the outline proposal that confirms that at reserved matters stage energy efficiency measures, renewable and low-carbon energy technologies will be incorporated into the development as an integral part of the developments design. This detail could be dealt with by means of condition for submission at reserved matters stage.

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 has confirmed that the proposed dwellings would provide affordable and of a high standard in digital infrastructure via connections to available networks following reserved matters approval.

Other Matters

The Local Planning Authority (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. The LPA confirmed that total demolition of the existing buildings would be acceptable, and that a case for PDL could be made however the LPA also set out that when considering the impact on the openness of the Green Belt that they would also be reviewing other matters outside of the volume of the existing buildings on site including view points, materials, design, layout, boundary treatments etc. The response also confirmed that the proposal would not achieve minimum densities and the policy considerations set out by PfE Policy JP-H4 that would allow lower densities.

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 applicant has failed to demonstrate that the development would not have substantial harm on the openness of the Green Belt contrary to paragraph 154g of the National Planning Policy Framework. As such, the proposal is inappropriate development, which by its definition, is harmful to the Green Belt and should not be approved, except in very special circumstances. The applicant has failed to demonstrate very special circumstances that would outweigh the in principle harm caused to the openness of the Green Belt. The proposed development would therefore be contrary to Development Plan Policies:
JP-G9: The Green Belt
JP-G1: Landscape Character
OL1/2: New Buildings in the Green Belt
National Planning Policy Framework
- 2 The proposed development for 9no. dwellings on the site of circa 0.42 hectares would not make optimal use of the potential of the site. Therefore, the proposed development would not make efficient use of land conflicting with Policy JP-H4 - Density of New Housing of the Places for Everyone Joint Development Plan.
- 3 There is a pond located within 50m of the development site. No recent surveys have been provided with the application to provide an assessment of the pond's potential for Great Crested Newts. The applicant has therefore failed to demonstrate the proposal would not have a detrimental impact on a protected species contrary to Policies JP-G8: A Net Enhancement of Biodiversity and Geodiversity and EN6/3 - Features of Ecological Value of the Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 4 The application and submitted plans contain insufficient information to enable them to be properly assessed in relation to Biodiversity Net Gain and the potential for on-site habitat creation. 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.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP	3/12/2025		